PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Wednesday 22 September 2021

REVISED EDITION

Contents

Wednesday 22 September 2021

The President, **Mr Farrell,** took the Chair at 11.00 a.m., acknowledged the Traditional People and read Prayers.

LEAVE OF ABSENCE

Member for Pembroke

Ms PALMER (Deputy Leader of Government in the Legislative Council) (by leave) - Mr President, I move that the member for Pembroke, Ms Siejka, be granted leave of absence from the service of the Council for this day's sitting.

Motion agreed to.

APPROPRIATION BILL (No. 1) 2021(No. 36)
APPROPRIATION BILL (No. 2) 2021 (No. 37)

Third Reading

Bills read the third time.

CHILDREN, YOUNG PERSONS AND THEIR FAMILIES AMENDMENT BILL 2021 (No. 28)

Second Reading

Ms PALMER (Deputy Leader of Government in the Legislative Council) - Mr President, I move -

That the bill be read a second time.

The Children, Young Persons and Their Families Amendment Bill 2021 introduces an amendment to the Children, Young Persons and Their Families Act 1997, to strengthen the legal authority for Tasmania to participate in the national child safety data linkage initiative, known as Connect for Safety, by extending provisions for information sharing between child welfare officers to information sharing between state and territory child protection agencies through direct system access under defined arrangements.

I will address the background to the proposed amendment. Vulnerable children and their carers often cross state and territory borders and one jurisdiction may not hold all the information which could be used to support decisions around child safety matters. Safety and wellbeing information about children and young people is often held by multiple jurisdictions. Not having access to all relevant information can result in assessments and actions based on part information leading to increased safety risks, or inappropriate interventions.

Current processes to support sharing of child safety information are slow, resource intensive and not always effective as they are done on a person-to-person basis and reliant on the manual processes. There is a strong desire across all jurisdictions to respond to the challenge of inadequate sharing of child protection information.

In August 2019, the Children and Families Secretaries (CFAS) agreed to purchase and implement a national child safety data linkage solution developed by an Australian company, following a request for tender process, proof of concept and three years of development in consultation with multiple jurisdictions.

In testing, the new system has demonstrated an ability not only to match clients many times faster than manual searching by the relevant jurisdictions, but also to find matches that could not be found by manual searching. The proof of concept testing process has also demonstrated that the level of overlap between jurisdictions' systems was far greater even than anticipated, with a significant proportion of clients or family members appearing in systems held by multiple jurisdictions.

This means that cross-jurisdictional data linkage has potential to provide a much more accurate picture of client and family circumstances than was possible without the system and lead to better outcomes for vulnerable children and families. A national Privacy Impact Assessment prepared by Salinger Consulting Proprietary Limited for the Children and Families Secretaries considered the legislative enablers and barriers to the participation of jurisdictions in the national project.

Key recommendations from the Privacy Impact Assessment were that:

- The privacy impacts were justified by the benefits in terms of child safety;
- All jurisdictions would require minor legislative change to enable them to participate; and
- a range of governance and other processes were proposed to ensure the proper management of the system and information and the minimisation of privacy or other negative impacts.

The Commonwealth has provided funding of $3.867 million which will support the establishment of the system and the first two years of implementation. The Children and Families Secretaries has also agreed that implementation and use of the system will be guided by a framework, including policies and procedures, a scheduled program of reviews, and performance and audit reports, based on the recommendations in the Privacy Impact Assessment.

A new inter-jurisdictional governance group, initially chaired by the Commonwealth Department of Social Services (DSS) and comprising senior executives from all jurisdictions, has been established to govern the initiative. The use for which the Connect for Safety solution was designed is to dramatically streamline the process of inter-jurisdictional data sharing on client children who may be known to more than one jurisdiction.

The information to be recorded and stored in the national database through Connect for Safety relates to identity only. That is, information such as name, date of birth, residential

address, phone numbers, for example. It does not include the more sensitive health-related information which is subject to additional legislative protections in relation to privacy and data breaches. Once a match is identified by the system, person-to-person contact between jurisdictions will follow to obtain the more detailed information as is currently the case.

This is no different from the information that is shared now. However, the current delays in collating information or waiting for confirmation as to whether another state even holds relevant information can affect the adherence to key time frames and vital information may not be located due to different spellings or aliases, all of which impacts on the safety and wellbeing of children and young people.

In conclusion, the Children, Young Persons and Their Families Amendment Bill 2021 will improve the sharing of information between state and territory child protection agencies and other bodies dealing with child safety and family violence matters. The act needs to be amended to allow Tasmania to participate in this important child safety information sharing initiative.

Several other states have already loaded data and are participating in the initiative. Failure to make the legislative amendment that allows Tasmania to participate in the sharing of important child safety information could result in criticism that Tasmanian children are not able to benefit from the safety initiatives that other jurisdictions are implementing and which have already been funded by the Commonwealth.

I commend the bill to the House.

Recognition of Visitors

Mr PRESIDENT - Before I call the member for Murchison I would like to welcome students from grade 6 at Eastside Lutheran College who are joining us here today. At the moment we are debating a bill, Children, Young Persons and Their Families Amendment Bill. We have just had the second reading from the Government. When the Government makes a second reading, all members in the Chamber get their opportunity to speak to that bill. I am sure all members will join me in welcoming you to the Legislative Council today.

Members - Hear, hear.

[11.15 a.m.]

Ms FORREST (Murchison**) -** Mr President, I say from the outset that there is probably nothing more important than the protection of our children and the safety of our children. Sadly, it has taken a long time to really put a proper focus on that. The royal commission into the abuse of children has highlighted many, many failings in our systems.

When we deal with a piece of legislation like this, whose purpose is to increase the safety and wellbeing of children, it is really important that there are not any intended consequences and potential negative impacts that could occur, particularly when it comes to the sharing of data related to children and their families, which it actually will do. It will enable the sharing of data about their families, not just about the child.

I want to talk about a number of matters that were raised in the second reading speech and in the briefing that we had - and I appreciated that opportunity. I ask the Deputy Leader to address her mind to some of these in her response, including some questions I will have later. As the Deputy Leader has described, this is about participating in a national database, where information can be uploaded predominantly by graphical data about a child who has come to the attention of the child safety services in a state or territory. In the briefing, the current process and what we already do was described to us. We already share information on children and families. It is done in a very manual and time-consuming manner, where a child comes to the attention of child safety services. The officer involved in that assessment of the child's needs telephones all other jurisdictions around the country and has a person-to-person conversation.

There is a merit in having person-to-person conversations. I said in the briefing sometimes when you fully automate things, like Robodebt, for example, you have some really poor and terrible outcomes. Having humans in these interactions is very important. This process does not remove the humans, it just puts them in a different part of the process. The current process is prone to human error. A phone call is where you are stating the child's name and their address. You are talking to another jurisdiction who may misspell the name of the address or the name of the child. As a midwife I can assure you there are some very unusual spellings of names, even names that are completely made up. That is a parent's prerogative to do that. The Registrar of Births, Deaths and Marriages does have some power to refuse names, which occasionally occurs when it is really very bad.

Most of them are not changed, even though some of them you think, my gosh, as they grow up this poor child is going to be stuck with this name that is really not very becoming when you know other things about the name that person has been called and other meanings that word can have, for example. As midwives we have always tried to provide a little bit of gentle advice about that, not always to avail. Anyway, these children have the right to change their own name later if they wish to, under a process. They can do that. But it does create the potential for spelling errors, for misinterpretation of information received. Anyone who has dealt with a call centre not based in Tasmania when you are trying to get someone to go somewhere will know that sometimes they send them to completely the wrong suburb because street names are similar. Almost everyone has a Main Street.

This new technology-driven solution creates front-end change where the biographical data that has informed the name, address, date of birth, phone number will be uploaded to the database for a child who comes to the attention of child safety services. Information related to their family can also be uploaded, their parents' details, their siblings. In fact there is a whole range of people who could be listed as relevant people, including: siblings; carers; persons who live in the same household; a relative of the child - regardless of whether that relative is a biological relative, and that is very broad; member of the family of a child; significant person in respect of the child. What is a significant person in respect of the child in that context? A person who is alleged, assessed or convicted of causing harm to the child - that is likely the most relevant. This is the sort of information that can be included. It is quite broad. The protection of this data is very important and should be a priority.

When I first read this bill and the second reading speech, that was the first thing that jumped out.

According to the second reading speech, a national Privacy Impact Assessment was prepared by Salinger Consulting Pty Ltd for the Children and Families Secretaries, and they recommended that:

> The privacy impacts were justified by the benefits regarding child safety. All jurisdictions will require minor legislative change to enable them to participate and a range of governance and other processes were proposed to ensure the proper management of the system and information and the minimisation of privacy or other negative impacts.

There clearly is a framework around this, and during the briefing I asked about some detail around the governance structures that will see this protected.

The Deputy Leader stated the information to be recorded and stored in the national database through Connect for Safety relates to identity only; that is, information such as name, date of birth, residential address, phone numbers for example. However, as I said, it also includes others who are significant or relevant to that child.

It goes on to say, once a match is identified by the system, person-to-person contact between jurisdictions will follow, at that point.

My question during the briefing was because of this unusually spelt name, the times and even just uploading information, the name might have been spelt one way in one jurisdiction and spelt another way in another jurisdiction. Does it require a complete match to raise the flag? It does not; I understand that - a bit like a dating site - you will get a 60 percent match or a 90 percent match, or something like that. It gives some guidance to child protection officers as to whether they should follow that up.

I suggest it does not mean that there is no information in any other jurisdiction, it just means that it has not actually been flagged. There could always be circumstances where a child may have had interactions with child safety services in another jurisdiction and there has been a lot of change, and that means that a match is simply not there when a search is done. I accept that happens now. It could potentially still occur under this new arrangement, but I think it should be much less likely to occur. As was mentioned in the briefing and in the Deputy Leader's second reading speech, '…the new system has demonstrated an ability not only to match clients many times faster than manual searching by the relevant jurisdictions, but also to find matches that could not be found by manual searching'.

She also made the point, as was made in the briefing, that the movement of some of these families really is quite astounding. We are talking about vulnerable families, vulnerable children. They are often running from a variety of challenging circumstances. Often it relates to family violence or other forms of abuse that a child has suffered. These families are highly mobile, and it is not unexpected that sometimes it is very difficult for child safety services to keep up with where these children are and to ensure their safety is paramount.

As the second reading speech noted: 'The proof of concept testing process has also demonstrated that the level of overlap between jurisdictions' systems was far greater even than anticipated, with a significant proportion of clients or family members appearing in systems held by multiple jurisdictions'. Is that not a worrying statistical trend? These children are terribly vulnerable, at risk and they are constantly mobile, probably running a lot of the time with other adults to avoid either the system - which I think occurs sometimes - or perpetrators

of abuse and violence against them. It is a very difficult situation, and we need to do what we can to provide services and support to these children in a timely manner and in a way that is most appropriate.

Coming back to the governance arrangements regarding storage of and access to data, I would like the Deputy Leader to clarify in her reply, particularly, who can access the data and for what purpose. It is implicit in that second reading, but a lot more information was provided during the briefing.

The other point raised by the member for Huon and other members was that the Commonwealth is listed as a player in this, when the Commonwealth does not have jurisdiction over child safety matters in the states and territories. States and territories are responsible for child safety and they will be uploading and accessing the information stored in the national database. I, and I think others in this Chamber, want a very clear understanding of why clause 5 includes the addition of 111C, the national database section, which says:

(1) In this section -

> ***national database*** means the database endorsed by the Secretary in accordance with subsection (2);
>
> ***participating jurisdiction*** means the Commonwealth, a State or Territory if that jurisdiction has -
>
> (a) provided information to be stored in the national database; or

That is, they have uploaded information from their child protection system, which is what we were told in the briefing. The information is uploaded from a child safety system, 'or', not 'and', 'or' -

> (b) accessed information that is stored in the national database;

This is the point of clarifying who can access it. The indication from the briefing was that only child safety officers who are working to identify and respond to the needs of a particular child, can access that information. I do not understand what the Commonwealth has to do with it. It is a national database, but that does not mean it is the Commonwealth. Yes, the Commonwealth paid for some of it, I think, but the Commonwealth pays for all sorts of things like hospitals and they have nothing to do with those, either.

Ms Rattray - Roads, they maintain those.

Ms FORREST - Yes, that is right. They fund a lot of things but they are not the responsible jurisdiction. Unless there is a very good reason they are there, and that does fail me at the moment, I would like to see the Commonwealth removed. States and territories have jurisdiction over this, and over that information. If you allow Commonwealth departments access to this information, when they have no relevant reason to so, that is fraught with the potential misuse of data because child safety officers are not working in the Commonwealth in the way this bill intends, as I understand it.

That is one question regarding the inclusion of the Commonwealth as a body that can access and upload information. I am interested to know what other jurisdictions have done in this area. I know this is nationally consistent legislation to put in place a national database. I am particularly interested in what the Western Australian legislation does, because we know they do not have a great fondness for the Commonwealth. Comments were made in the briefing that New South Wales would probably not have had to amend their current legislation because theirs is quite broad. I wondered whether they include the Commonwealth in theirs by virtue of the fact that it is so broad. The main question that needs answering is, why is the Commonwealth there in the first place?

Returning to the governance arrangements, and these are particularly important in the storage and access of data. I understand there are non-public governance documents or guidelines, and I would like some further clarity about the governance arrangements for that. Who is responsible? How is it secured? There was also comment in the second reading about a review being done - or will be done - of this process. The Children and Families Secretaries have also agreed that implementation and use of the system will be guided by a framework, including policies and procedures and a scheduled program of reviews. How often is the review being done and performance and audit reports based on the recommendations in the Privacy Impact Assessment? Will there be further Privacy Impact Assessments undertaken or are we just referring to the one that was done at the establishment of the national database and the recommendations outlined in the second reading?

Who will the reviews of the framework, the performance and audit reports be reported to? Will it be reported back to each jurisdiction, who has the power to upload and access this database, and will the actual assessment of the system be public? I am not suggesting we need to undermine security of the data in any of this and there may be reasons why it would not be made public. Some of those questions may not have answers yet, but I am interested in how often they will be done, how they will be reported and to whom, whether it is public or not, or just to the Children and Families Secretaries?

The other question I had in the briefing was regarding the length of time data will be stored on the national database. We were informed when information is uploaded from the child safety system, that information then forms part of the national database and it will remain there until it is removed from the state, in this case Tasmania's Child Safety Service. It could be there for a very long time, because we were also informed there is no routine removal of details of children who come to the attention of child safety services merely because they become adults.

Bearing in mind this potentially includes details about a whole heap of relevant people and it goes back to the risk of who else can access this. There may be siblings, carers, persons who lived in the same household and/or a relative of the child, whether biological or not; a member of the family of the child; significant persons in respect of the child. There could be a lot of people listed in this information that really has no relevance once the child no longer is a child and is outside the child safety service necessarily. It does raise the question of whether or not the data could be used more broadly in the future. I understand this will probably require legislative change to achieve, but it does bear thinking about.

There was one other matter I wanted to raise as it is important this process still requires a manual person-to-person process, and it does. It occurs after that initial electronic data matching has occurred. It is important that children who are at risk are provided with

appropriate care, support, attention and the sooner you can understand whether there are other matters that need to be taken into consideration the better. I did ask in the briefing how long the manual process normally takes. Whilst being unreliable anyway, because you are relying on people having time to go and search their own database when they may be very busy, it also does not appear there is any consistency around whether they respond, 'No, there is nothing on our database,' or, 'Yes, there is.' Even if you get no reply, you do not know whether that is a yes or a no and how long do you wait? It could be up to days, if not weeks while you are waiting. In the meantime, decisions need to be made about that particular child, and rightly so, to ensure the safety of the child.

It is very important that safety of children is paramount and we take all reasonable steps to ensure that, but in doing so we need to be sure any information collected about these children is secure and only used for the purpose for which it is collected and not for anything else. I do note, in the Deputy Leader's concluding comments, she said this bill will improve the sharing of information between state and territory child protection agencies - that is fine - and other bodies dealing with child safety and family violence matters.

Now I thought we were told in the briefing it was just the Child Safety Service that were going to be able to upload and access that information. But this says here, other bodies dealing with child safety and family violence matters. Now, I do not have an issue with children at risk of family violence having notification on those matters. That is clearly a very important safety risk for those children. But when it says, other bodies dealing with child safety and family violence, this means police, it potentially means the Family Court, this potentially means a whole range of other organisations involved in child safety and family violence matters.

What do we mean? What does this statement mean? We were told on one hand it was only - I am happy to be corrected on this, I'm only too happy to be corrected if I am wrong on this - it was only the Child Safety Service that could actually access and upload information to this system. But here it is saying it would allow other bodies dealing with child safety and family violence matters, health, police, the justice system, Family Court, all of those. Is that appropriate? Is that what is intended? I do not think that is what is intended, but I really need some clarity on this. I hope the Deputy Leader can provide those answers in her reply.

Recognition of Visitors

Mr PRESIDENT - I would like to welcome the second group from the Eastside Lutheran College grade 6 class, who are joining us today. Currently, we are debating a bill on children, young persons and their families. As you have seen, the Government introduces a bill, then all members in the Legislative Council have the opportunity to ask questions and scrutinise the bill as it goes through its various stages. This stage we are in is called the second reading speech. I am sure all members will join me in welcoming you to the Legislative Council Chamber today.

Members - Hear, hear.

[11.37 a.m.]

Ms ARMITAGE (Launceston) - Mr President, I rise briefly to comment in support of this bill and the objectives which it seeks to achieve. The bill, as we know, seeks to strengthen

the legal authority for Tasmania to participate in the national child safety data linkage initiative, known as Connect for Safety. The Connect for Safety system improves access within and between jurisdictions to material required for the purposes of child safety orders, actions and arrangements.

In cases where decisions are being made about the health, wellbeing and safety of a child, having access to all the relevant information is of utmost importance. Under existing arrangements the quality and quantity of information may not always be available. It costs valuable time and resources to obtain, if it is obtained at all. Put simply, the safety and wellbeing of children is clearly at the heart of this bill. Its purpose is to ensure that decision-making authorities at the state level can do so with the best available information at the time. The Connect for Safety system will facilitate this.

Of course, the practical operation of the system must be considered. The first thing that comes to mind is that of privacy, not just for the child or children who might be concerned, but for any of their vulnerable family members or associated other persons. I understand from the Deputy Leader's second reading speech that Salinger Consulting undertook a Privacy Impact Assessment and found the privacy impacts were justified by the benefits the system provided in terms of child safety. In other words, the benefits outweigh the risks. I am curious, however, of what specific privacy impacts were found by this report.

Projects like these are not entirely without risks. I would like to have a better understanding of what these risks might entail and how they will be handled and mitigated. I also understand the Deputy Leader has discussed the issue of Commonwealth funding for the project to be implemented in Tasmania, and $3.867 million has been allocated to support the establishment of the system and the first two years of implementation. I am curious as to how this might be handled on an ongoing basis. Who will be responsible for the ongoing costs for upgrades, privacy, operation and troubleshooting and how much will be set aside for this?

It was also further indicated that a new, inter-jurisdictional governance group has been established to govern the initiative. Can the Deputy Leader please provide any advice as to who will be appointed to this group and whether the jurisdiction subscribed to the Connect for Safety system will have any say on who is appointed to the group? Who will represent Tasmanian children and their interest in this group?

None of these questions override my support for the establishment of this system in Tasmania. As far as I am concerned, as long as the safety and the protection of the children is held as the central concern, if we can streamline, save money and make existing systems more efficient that is simply a win-win. It will be good to have some of the answers to these questions but for the purpose of ensuring that the Connect for Safety system is swiftly implemented in Tasmania, I emphasise my support for the bill.

Mr VALENTINE (Hobart) - Mr President, I endorse the basic intent of this bill and the improvement of the information flow between jurisdictions, I really do. I was involved with the original child protection system way back in the late-1980s and I understand the need to have good information when dealing with children who are at risk. It is important that that information is available.

However, I also understand that there can be unintended consequences and I too am concerned about the possibility of certain jurisdictions having access to information that may

not be entirely for the reasons the information was first collected. I think it is an important principle that we always have to be aware of, and that is that whatever information we are putting into a database, only those people who are accessing it, indeed, are only accessing it for the purposes for which it was originally collected.

The involvement of the Commonwealth, within this bill, does cause me to ask the question and to ask that it be absolutely clarified as to why the Commonwealth needs to have that information that is contained in this database. I know the member for Huon is considering an amendment there. Whether it goes forward or not remains to be seen.

I think most in this Chamber would like to know why the Commonwealth is inserted in the definition, in the front of the bill, where a 'participating jurisdiction', on page 4, 'means, the Commonwealth, a State or Territory'. It goes on to explain the only reason that this information can be accessed, but let us hear clearly as to why the Commonwealth should be incorporated into that definition. It is a concern for me because if you look further back on page 6 of the bill, it says:

> The Secretary may only endorse a database under subsection (2), if the Secretary is satisfied on reasonable grounds that, as far as is practicable, the information recorded and stored in the national database is only accessed for one of the following purposes:
>
> (a) for a purpose authorised or required by, or under, this Act, or another Act;

Well there are many acts that I suppose are Commonwealth acts, for instance, that may claim that they have a right to access the information. It might be the Family Law Act. It might be any act that is governing the department of families and children, or the Department of Social Services. I know that by not having the Commonwealth in there that might cause an issue as to how it can be guaranteed that Tasmanian information - the information on Tasmanian children - is not shared with the Commonwealth, but it is not impossible. It can be done. It is a matter of checking the originating state. I want some comfort when the Deputy Leader provides her response or, indeed, through the Committee stage, as to why the Commonwealth is in there. That is my main concern.

I expect there is a national minimum dataset associated with this database and that is being employed in this system, so that there is consistency of definitions and all those sorts of things. My main concern is where this information could go and what it could be used for. We want it to be used for the protection of children, nothing more, nothing less. I support the intent of the bill but I have that one major concern. I am happy to support it but I want that clarified, thank you.

Dr SEIDEL (Huon) - I also support the intent of the bill and I thank the Deputy Leader for facilitating the briefing earlier in the morning and for the opportunity to ask questions of departmental officers. I support the contributions by the member for Murchison, the member for Launceston and the member for Hobart. This really is about child safety and ensuring we have access to current data available, in particular when it is out of place and out of time.

I agree with the member for Murchison, it does not replace the phone call from one officer to another officer. However, if you need access in the middle of the night, on weekends, having access to an appropriate and current database is quite essential, whether for child protection or

health reasons. It is the same principle. As outlined in the second reading speech by the Deputy Leader, the current process is really quite cumbersome, quite tricky to navigate and does not allow the timely exchange of relevant information from jurisdiction to jurisdiction.

In the briefing earlier this morning, I raised some concerns about the national Privacy Impact Assessment that was conducted by a consultancy firm. We would like to see that assessment being made public. I understand there are some recommendations coming from that review, but what we heard in the second reading speech is an interpretation of those findings. Why not make those findings publicly available? The impact assessment made reference to changes in other jurisdictions. It would have been good to see what these changes are so a table for members to compare the changes relevant for each and every jurisdiction would have been beneficial.

As mentioned by other members, I am also concerned about the involvement of the Commonwealth as a participating jurisdiction. I appreciate the initial startup funding of more than $3.8 million but I understand the database is held and hosted in New South Wales. I would imagine ongoing contributions from all states and territories would ensure the financial support and ensure that the database can be held up to date and used indefinitely.

I cannot see any reason why the Commonwealth has to be a participating jurisdiction. Which department would it be - Health, Social Services, the Prime Minister? It is not at all clear to me who would have an interest in accessing that data. For that reason alone, I have indicated a couple of amendments, unless there is a very good reason for the Commonwealth to be involved as a participating jurisdiction. I look forward to the Government's reply.

Ms RATTRAY (McIntyre) - I have a brief offering on this legislation. Thank you very much for the briefing, that did explain a lot and it was appreciated from my perspective to have those questions raised regarding the Commonwealth. I had not actually really thought about that and I am interested for some feedback from the Deputy Leader during the Committee stage on this. I acknowledge the member for Huon has distributed an amendment to remove the Commonwealth.

It is not unusual the Commonwealth is named and, I note, it does pay and has paid a considerable amount of money for this database. And we were also informed in the briefing the New South Wales Government holds the contract for the database. Will they manage the maintenance? How does that actually work? In these nationally consistent approaches, you always have a lead state. Mr President, as you and others in this place well know Tasmania is rarely the lead state. It is often Queensland and you wonder how much scrutiny there is as they do not have a House of review. At least we get an opportunity to run our own show here, we have our own amendment, but still we are part of the national approach. It is not always something I have agreed with, but I see the importance of a national database when we are looking at the protection of our children, young persons and their families. I certainly support the principle of this. It is just knowing we have the mechanics of it right and to suit Tasmania.

Tasmania has a representative on the working group. I asked in the briefing if Tasmania has an issue and decides to pull back from a particular part of providing information, is that okay or does it have to be all in, everyone in? At the moment we are not participating as a state in providing data, but I am always interested in what Western Australia might be doing because they often run their own show and are very proud of it. The sky has not fallen in even though it is often suggested if they do not come on board it will be a problem. How will the mechanics

work for Tasmania if they decide not to be part of a particular approach - not necessarily the database - but if they say we are not providing this, does that have any consequences for Tasmania as they are signed up for the national approach? Just those couple of questions I would like clear in my mind, but I certainly will be supporting the bill into the Committee stage because it is appropriate for the protection of children, young persons and their families.

[11.54 a.m.]

Mr GAFFNEY (Mersey) - Mr President, I have not much to contribute other than acknowledging what has already been spoken by other members.

I was intrigued by why they have used the word 'Commonwealth' and I take on board the member for Huon's proposed amendment. I looked into it a little bit just to provide some information for here and I am not going to repeat this when we get into Committee stage, which we will. We might be taking this word Commonwealth a little bit too literally. The reason being, the Commonwealth is a nation, state or other political unit such as:

> (a) One founded on law and united by compact or tacit agreement of the people for the common good.
>
> (b) One in which the supreme authority is vested in the people.
>
> (c) a republic. It then goes on to say a Commonwealth is a traditional English term for a political community founded by the common good.

And in 1901 when it was introduced into the Constitution it says:

> A Commonwealth is a state consisting of a certain number of men united by compact or tacit agreement under one form of government and one system of laws.

Ms Forrest - No women?

Mr GAFFNEY - This is 1901, nice call, but whatever:

> It is applied more appropriately to governments which are considered free or popular but rarely or improperly to absolute governments. Strictly it means a government in which the general welfare is regarded rather than the welfare of any particular class.

This is a term they used, not for so much the transference of information from state to state but for the Commonwealth, the good of the country or for the common good and I think it has been used in this situation as the laws are reflective of what is occurring in each state. I put that on the board because I found it interesting and sometimes if we go back to where the origins of the word come from in some of our laws, it might give us a better understanding of why they may have continued on with that term. I am not saying this is correct but just putting it on the table for people's benefit and an interesting example of why they may have included the word Commonwealth in the act, which I will be supporting. Thank you.

[11.56 a.m.]

Ms PALMER (Deputy Leader of Government in the Legislative Council) - I will do my best to answer some of the questions put forward in the second reading speeches, for the member for Murchison on aliases and change of names. The database increases the success of matching data across jurisdictions. In testing it has demonstrated to be far more effective in matching and this includes matching in circumstances where there may be aliases.

Regarding your question for governance structure, the jurisdictional data extracts are maintained in a highly secure national database in Australia with a full audit trail and other privacy and cybersecurity safeguards. There are robust governance arrangements and an operating framework that will include policies and procedures, a scheduled program of reviews and performance and audit reports. An inter-jurisdictional governance group initially chaired by the Commonwealth Department of Social Services and comprising senior executives from all jurisdictions has been established to govern the initiative.

Ms Forrest - All jurisdictions are included in that? Which goes a bit to your question, member for McIntyre.

Ms PALMER - Yes. Yes, that is correct. The member's question of who can access the data and for what purpose - the legislative amendment makes clear in proposed new section 111C(3) the information can only be uploaded if the secretary is satisfied it will be used for one of the following purposes:

> (a) for a purpose authorised or required by, or under, this Act or another Act;
>
> (b) for the purposes of providing a national exchange of information to inform assessments and interventions relating to the safety and wellbeing of children;
>
> (c) for the purpose of administration of an Act of this State, another State or Territory or the Commonwealth.

This might also answer the member for Hobart and Huon's question on the Commonwealth. The Commonwealth participates for the purposes of providing the establishment funding and governance arrangements and the first two years of operation of the database only. The Commonwealth does not have access to the database for the purposes of retrieving biographical information uploaded by states and territories from their child protection information systems. Only Australian state or territory child protection agencies provide data to the Connect for Safety system and are authorised as permitted users to use Connect for Safety for the purpose of child protection, through their statutory child protection officers. All authorised statutory child protection officers who are given access to Connect for Safety must meet the prerequisites for access, including national criminal record check clearance, working with children check verification or equivalent and completion of user training.

You also had a question around legislation in other jurisdictions. Other jurisdictions have a range of legislative provisions that enable sharing of information on the database. There was another question -

Ms Forrest - The question around that was, do they mention the Commonwealth in their legislation? I am interested in the frameworks under theirs. We will come to this in the Committee stage further, but that is the question.

Ms PALMER - That is the answer that I have at the moment.

Ms Forrest - It does not answer the question.

Ms PALMER - Will there be further privacy assessments done? The governance arrangements will be reviewed by the inter-jurisdictional governance group 12 months from the initial agreement, and subsequently every two years only when significant amendments are made or if new information, legislative or organisational change warrants amendment. Review will be shared with the governance group.

I have another question here regarding the length of time the information is stored on the database. Only biographical data is stored. States can request to have their data removed, either permanently or temporarily. The biographical data on the database mirrors the more substantial data retained on the child protection information systems of states and territories.

The member for Launceston had a question around ongoing costs and arrangements. The inter-jurisdictional governance group will continue to oversee the arrangements. A senior executive from the Department of Communities Tasmania represents Tasmania on the governance group. Once the initial funding is expended, ongoing costs will be covered by states and territories. The ongoing funding for Tasmania is expected to be approximately $20 000. This will be covered by the Department of Communities.

Finally, I have questions from the member for McIntyre around New South Wales holding the contract and how that works. New South Wales did the pilot or proof-of-concept testing. The inter-jurisdictional governance group oversees the arrangements for the system. If Tasmania decides to withdraw, how does that happen? An inter-jurisdictional governance group initially chaired by the Commonwealth Department of Social Services, and comprising senior executives from all jurisdictions, has been established to govern the initiative. Tasmania is represented by a senior executive of the Department of Communities Tasmania. Under the governance arrangements detailed in the governance manual, a jurisdiction may request its data be removed from the database. It will be returned or securely destroyed. A jurisdiction must give four months written notice for a permanent removal or seven days for a temporary stop on the use of their data.

Ms Armitage - Mr President, before the Deputy Leader steps down, I thank the Government for the answer. However, I was curious about the specific privacy impacts found by Salinger Consulting and to understand the risks that might entail and how they will be handled and mitigated. I am still happy to support the bill, but perhaps you could provide me with answer later, if you cannot do it now.

Ms PALMER - In answer to your question, a national Privacy Impact Assessment (PIA) was prepared by an independent body for the Children and Families Secretaries (CAFS), and it considered the legislative enablers and barriers to the participation or jurisdictions in this national information sharing initiative.

The key recommendations from the PIA were that - 'The privacy impacts were justified by the benefits in terms of child safety; all jurisdictions would require minor legislative change to enable them to participate; and a range of governance and other processes were proposed to ensure the proper management of the system and information and the minimisation of privacy and other negative impacts. There will be robust governance arrangements in place to support the Connect for Safety system. These measures include all jurisdictions working to a governance manual and appropriate protocols, including the Connect for Safety User Protocol. Database access will only occur through authorised officers and those officers will have undertaken relevant training.

Bill read the second time.

CHILDREN, YOUNG PERSONS AND THEIR FAMILIES AMENDMENT BILL 2021 (No. 28)

In Committee

Clauses 1, 2, 3 and 4 agreed to.

Clause 5 -
Sections 111C and 111D inserted

Dr SEIDEL - Madam Deputy Chair, I move -

First amendment

That clause 5, proposed new section 111C, subsection (1), definition of *participating jurisdiction.*

Leave out 'the Commonwealth,'.

Second amendment

That clause 5, proposed new section 111C, subsection (3), paragraph (c).

Leave out ', or the Commonwealth,'.

I thank the Deputy Leader for the explanation given in your response. However, I am not quite clear that reasons you have given satisfy involvement of the Commonwealth. I do not share the benevolent views of the member for Mersey with regard to the role of the Commonwealth, because the legislation clearly talks about the Commonwealth as a jurisdiction. That is what we are dealing with here.

If I may direct the attention of members to page 6, 111C(3) of the bill, when it talks about information recorded and stored in the national database and it can only be accessed for one or more of the following purposes. Under paragraph (c) it says it can be accessed for the purposes of the administration of an act of another state or territory or the Commonwealth as well.

Not for this particular act, for 'an Act' of the Commonwealth. It could be any act of the Commonwealth. Now the Deputy Leader also said what information is actually being stored in that database, and the Deputy Leader stated, that only biographical data is being stored in the database. What possible reason could the Commonwealth have to access biographical data stored in the database? What possible reason could the Commonwealth have? I am concerned about this because we had very similar discussions when we talked about the so-called My Health record where the Commonwealth also got access to personal health information uploaded from private medical databases to a national database. That information there is being held for over 130 years after you have died and the data can be used for secondary, tertiary purposes. Indeed, the data can be passed on to any other entity the Commonwealth sees fit and this may, or may not, include private health insurance companies.

This bill is really just about improving the safety of children. This is the purpose of this legislation; not to enable the Commonwealth, via the back door, to have access to biographical data of children. If that is the case I would like to see different legislation, but this is the back door, wide open and it is completely unnecessary.

When I looked at the legislation from other states, for example Western Australia, or New South Wales, the Commonwealth is not mentioned. It does not have to be mentioned. So, again, I am not satisfied with the response from the Government and that is why I am moving those two amendments.

Ms FORREST (Murchison) - I am yet to be convinced that this amendment is not necessary. That sounds like a double negative. I think it is necessary and it is up to the Deputy Leader to convince me otherwise. Deputy Leader, in your response to the debate you talked about the Commonwealth involvement being with regard to funding and governance. That is what you said and that is fair enough. They are the ones that stumped up the funding - good on them - until a certain point in time when the states need to take over.

With due respect to the member for Mersey, when he gave us a description of all the blokes in the Commonwealth, but the Commonwealth in that sense - if you were going to use the Commonwealth as an inclusive term here, which I think is what the member for Mersey was seeking to do, then you would say something like, 'participating jurisdiction means all jurisdictions within the Commonwealth'. 'The Commonwealth' used in the sense it is here is a separate entity. It is the Commonwealth government. It is the Australian Government. It is the federal parliament.

Mr Gaffney - Sorry, I did not see the word, 'government' there I just saw -

Ms FORREST - No, I am giving my description as to why I think it is a separate thing that you are talking about. You are talking about the Commonwealth as a collection of jurisdictions and this is saying a participating jurisdiction means the Commonwealth, or a state or territory, if that jurisdiction has provided information, or can access the information. So, if you wanted to say, like use the Commonwealth in that sense, it would be a jurisdiction within the Commonwealth, which would be any of the states and territories. But the way I read it, 'the Commonwealth' used in this sense refers to be the Commonwealth, the federal parliament, okay, sometimes called the Commonwealth parliament or the Commonwealth government in Australia and then it separately lists the states and territories. The states and territories are the ones that have jurisdiction over the child safety arrangements in each state and territory. The Commonwealth does not.

They should provide funding and governance arrangements, that is fine. However, the intention, as I understand it from the second reading speech, from the briefing and from your comments in reply, the sole responsibility of the Commonwealth government - the Australian Government - is to provide funding and governance in the establishment, setting up and oversight to a degree of the database but not to upload or access information from it. It makes no sense to me that the Commonwealth would even be listed here. As the Member for Huon goes on - and I have further questions related to this that were not answered in the summing up. When you go on to read - I will read a bit more than the Member for Huon did in relation to subclause (3) and I will read it in full but before I read it in full I just want to clarify that the secretary here, as referred to, is the Secretary of Communities Tasmania?

Ms PALMER - Yes, I can confirm that.

Ms FORREST - To be clear, because when you read through the rest of it, this is the Tasmanian Secretary of Communities Tasmania. So, the Tasmanian Secretary of Communities Tasmania may only endorse a database under subsection (2) and subsection (2) says:

> Subject to subsection (3), the Secretary may endorse a database to facilitate the information, specified in subsection (4), to be shared, for the purposes of this Act, between each participating jurisdiction.

So, you go to subsection (4) later, but to continue in subsection (3):

> The Secretary [of Communities Tasmania] may only endorse a database under subsection (2) if the Secretary is satisfied on reasonable grounds that, as far as is practicable, the information recorded and stored in the national database is only accessed for one or more of the following purposes:
>
> (a) for a purpose authorised or required by, or under, this Act or another Act;

Separate question to come back to later. I think there are some other questions there and there was a question that was not answered that I put to you during the second reading -

> (b) for the purposes of providing a national exchange of information to inform assessments and interventions related to the safety and wellbeing of children;

A state and territory responsibility -

> (c) for the purposes of the administration of an Act of this State, another State or a Territory, or the Commonwealth.

I go back to that point about the Commonwealth using this situation is clearly not the Commonwealth as a collective of the states and territories. Otherwise it would not be named that way, it would be a jurisdiction within the Commonwealth.

I cannot see how it is necessary for the Commonwealth acts to be called into play here when all child safety legislation and responsibility rests with the states and the territories. I will be supporting the amendment, unless the Deputy Leader can provide a very clear reason

as to why I am wrong. I am happy to be proved wrong if that is the case but to me it is opening a door that does not need to be opened. This is for the protection of children through the uploading and accessing of information on a national database to be used by state and territory jurisdictions that are responsible for child safety. That is my first speak on the amendment.

Ms PALMER - Thank you very much, Madam Chair. I will seek some advice. The Commonwealth participates for the purposes of providing the establishment funding and governance arrangements and the first two years of operation of the database only. The Commonwealth does not have access to the database for the purposes of retrieving biographical information uploaded by states and territories from their child protection information systems.

Only Australian state or territory child protection agencies provide data to the Connect for Safety system and are authorised as permitted users to use Connect for Safety for the purpose of child protection through their statutory child protection officers.

All authorised statutory child protection officers who are given access to Connect for Safety must meet the prerequisites for accessing, including national criminal record check clearance, working with children check verification or equivalent and completion of user training.

The specific wording of the bill was included on the advice of the Office of Parliamentary Counsel.

Ms WEBB - I rise to support this amendment. I remain unconvinced with the purposes that have been stated that there is a positive requirement or need for the Commonwealth to be included at this point in the bill, for the initial funding and the governance set-up arrangements.

Can you give us an explicit reason why you would require that the Commonwealth is included at this point in the bill? If there is not an explicit reason that requires Commonwealth inclusion at this point in the bill for it to undertake its functions around funding and governance, then this amendment makes sense and is a good safeguard.

I agree with the member for Huon and the member for Murchison, that we should always be very mindful of where things develop in the future. When you create datasets and those can be potentially accessed and linked to other datasets, that is something to be considered and guarded against.

The member for Huon, for example, spoke about the Commonwealth's responsibility around health datasets. The Commonwealth also has responsibility around datasets in the taxation space through the ATO, and also in the social services space through the whole Centrelink database. We know there have already been linkages made between, for example, those two datasets that have led to a whole range of mixed outcomes and issues. I consider it is appropriate that we are careful about setting up situations in which access to databases and datasets can potentially, down the track, be operationalised in a way that was perhaps not conceived of, at this point, but becomes enabled because we have included them in the bill. I seek a very clear, positive reason for the inclusion that links the inclusion of the Commonwealth to the actual fulfilling of the Commonwealth functions of governance and funding at this time.

Ms PALMER - We will address those questions for the member for Nelson shortly.

Dr SEIDEL - Madam Deputy Chair, I move -

That my amendments be withdrawn for procedural reasons.

I assure members I will move the amendments after our briefing, thank you.

Mr DEPUTY CHAIR - The member seeks leave to withdraw his amendment with his stated intention to move his amendments when we reconvene.

Leave granted.

Ms PALMER - Madam Deputy Chair -

I seek leave to report progress.

Leave granted.

Progress reported.

Motion agreed to.

SUSPENSION OF SITTING

[12.28 p.m.]

Ms PALMER (Montgomery - Deputy Leader of the Government in the Legislative Council) - Mr President, I move -

That the sitting be suspended until the ringing of the division bells.

This is for the purpose of a briefing from the Pharmaceutical Society of Australia.

Motion agreed to.

Sitting suspended from 12.28 p.m. to 2.30 p.m.

QUESTIONS

Ashley Youth Detention Centre Closure

Ms RATTRAY question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[2.32 p.m.]

Regarding the Ashley Youth Detention Centre (AYDC), where $7.025 million has been expended to make the facility fit for purpose to continue to improve the model of care as a part of a modern, integrated statewide therapeutic youth justice model, my questions are as follows:

(1) How does the Government justify this sudden announcement to close the AYDC within three years?

(2) What consultation or discussions have taken place to make the decision to shut the centre aside of the reported meeting with a clinical practice consultant?

(3) The current AYDC facility has had significant upgrades including a school run by the Department of Education, including up to six teachers and aides; a TAFE coordinator who organises onsite woodwork/metalwork shops; a full-time psychologist; health care; sporting and gym facilities; catering classes, including a café for barista training where some community members attend and give freely of their time. Given this level of support for approximately 10 detainees at any one time, what different outcomes for the cohort of youth does the Government expect by closing the existing fit-for-purpose site and establishing two new secure sites, north and south, at great cost?

(4) How many of the current employees will need to be redeployed as part of the transition away from AYDC?

ANSWER

I thank the member for her questions.

(1) Significant improvements have been made to the Ashley Youth Detention Centre in recent years to enhance both the facilities and the model of care. However, the allegations of historical abuse and the ongoing speculation about the safety and wellbeing of the young people and the staff at Ashley is not conducive to achieving the best practice outcomes that we have strived for. Despite the best intentions of management and staff, the centre will continue to be stigmatised and constrained in terms of the outcomes it can achieve for the young people it provides care for through the youth justice system. This decision is not just about custodial youth justice, however. This is about setting our whole approach to the youth justice system and young people at risk on a new footing.

(2) The decision to close the site at Ashley follows ongoing public discussion about historical allegations of abuse at Ashley and many years of speculation about the safety of the young people placed there.

The Commissioner for Children and Young People was engaged in relation to the decision and is supportive of our transition to a new approach. We will consult with staff and stakeholders as we establish and invest in a contemporary, nation-leading, therapeutic approach across the whole youth justice system, to ensure our young people have the wraparound support they need to rehabilitate and live better lives.

(3) Significant improvements have been made to the Ashley Youth Detention Centre in recent years to enhance both the facilities and the model of care. During the transition phase, young people placed at Ashley will continue to benefit from these facilities and services. This decision is not just about custodial youth justice, however. It is about setting our whole approach to the youth justice system and young people at risk on a new footing.

We will build a contemporary, nation-leading, therapeutic approach across the whole youth justice system to ensure our young people have the wraparound support they need to rehabilitate and to live better lives.

(4) The transition will occur over a number of years and there will be no immediate impact on anyone employed at the centre or on any of the contractors that provide services to the centre. The Department of Communities will ensure that our staff and their unions are communicated with and kept informed during the transition.

Local Government Reform

Ms FORREST question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[2.36 p.m.]

With regard to the Cross-Party Working Group for Local Government Reform -

(1) Does the minister acknowledge that the Legislative Council is part of the Parliament referred to in the PESRAC recommendation that stated - Parliament should own the local government reform process?

(2) Please provide copies of the minutes of the three meetings of the working group to date.

(3) What mechanism will be utilised to engage with members of the Legislative Council?

(4) What date will members of the Legislative Council be invited/engaged in the process thus ensuring the recommendations of PESRAC are met?

(5) At what stage of the development are the draft terms for reference for:

(a) The working group?

(b) The expert panel?

ANSWER

I thank the member for her questions.

(1) Yes, it is acknowledged that the Legislative Council is part of the Parliament. So far discussions have focused on whether or not the political parties and the Independent member for Clark can agree to work together as per PESRAC's recommendation as a basis for working with the whole of Parliament.

(2) Given the informal nature of discussions so far, formal minutes have not been taken.

(3) We plan to liaise with the Legislative Council when we have an agreement to proceed.

(4) As the working group has not made a decision regarding an engagement mechanism, a date has not been discussed.

(5) The working group has identified the need for it to have a terms of reference with various approaches proposed by members. At this time, no agreement has been reached on the final form.

A terms of reference for the expert panel has been discussed, but not finalised.

Road Safety - Wire Rope Barriers

Ms ARMITAGE question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[2.38 p.m.]

Deputy Leader, noting that wire rope barriers on roads have high ongoing maintenance costs, can the Deputy Leader please advise:

(1) The annual maintenance budget for inspection, maintenance and replacement of posts, checking and/or replacing cables, post caps or any other system componentry?

(2) Is the maintenance budget sufficient to ensure all wire rope barriers are in good and safe working order?

(3) How often are wire rope barriers checked and replaced and/or repaired?

(4) How much did the Government spend on maintenance and repairs for each of the past five financial years?

(5) What would the total cost be to ensure that all wire rope barriers were checked and maintained according to best practice standards?

ANSWER

I thank the member for Launceston for her questions.

(1) Maintenance budgets, including budgets for inspections, are allocated on a lump sum basis across the entire maintenance program, with work activities prioritised on a needs basis. Accordingly, wire rope budget allocations are not specified.

(2) The overall maintenance budget is sufficient to ensure that all wire rope barriers are in good and safe working order.

(3) Wire rope barriers are visually inspected on a regular basis, re-tensioned in accordance with manufacturers' recommended frequency and repaired as required

when damaged. Depending on the level of damage to a wire rope barrier as a result of vehicle impact, they may also need to be re-tensioned as part of the repair.

(4) Annual maintenance expenditure over the past five financial years is as follows: 2016-17, $98 000; 2017-18, $102 000; 2018-19, $282 000; 2019-20, $330 000 and 2020-21, $462 000. Expenditure records for wire rope safety barriers prior to the 2018-19 financial year are considered less reliable.

(5) Wire rope barriers are given high priority within the overall maintenance budget to ensure that barriers are checked and maintained in good and safe working order.

Planned New Ambulance Station at Burnie

Ms FORREST question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[2.41 p.m.]

With regard to the welcome and planned new ambulance station at Burnie:

(1) For the last two years, what are the annual average number of daily ambulance call-outs, from the Burnie ambulance station, listed by day of the week?

(2) How does the Government propose to make it safe for exiting and entering ambulances accessing the proposed Brickport Road entry/exit point during peak traffic times?

(3) Has consideration been given to returning ambulances from Accident & Emergency utilising a route back to the rear of the proposed new ambulance garage without requiring re-entry into Brickport Road using existing hospital car park corridors and a gravelled access road on hospital land, which was only recently used during the construction of the cancer centre?

(3.1) If not considered to date, will this be considered prior to the development of the development application?

(4) Why has the style of the roof for the new Burnie ambulance centre been changed from a flat roof (as shown to Brickport Road residents on 5 and 6 July 5 2021) to a high angled skillion roof, thus significantly raising the elevation of the roof on the eastern side of the building and the side closest to the neighbours that was shown to them on 25 and 26 August?

(5) Has a gabled roof with hips been considered, particularly as this would be more in keeping with the style of nearby residences?

(6) Will the minister provide me with a copy of the design and proposed plans, supporting the DA to be lodged with the Burnie City Council prior to their lodgement with the Burnie City Council?

ANSWER

Thank you and I thank the member for her questions.

(1) In 2021 the Burnie ambulance station responded to 5617 incidents, which equates to 15.4 incidents per day.

Ms Forrest - Mr President, the question was for the last two years, listed by day of the week. This goes nowhere near that. I will let you continue but it is clearly not reading the question.

Ms PALMER -

(2) A detailed traffic impact assessment has been undertaken to determine the impact a new ambulance station would have on Brickport Road. The assessment identifies that the proposed design provides sight distance along Brickport Road for ambulances exiting the new station and to the access point for vehicles travelling along Brickport Road. It also exceeds the requirements of the relevant Australian Standard.

The assessment also recommends that a channelised right turn be provided to facilitate safe and efficient access for ambulances from Brickport Road to the new station. This recommendation has been incorporated into station design.

(3) The suggested access from the existing hospital car park would traverse an area identified as a potential landslip zone. The presence of this slip zone has influenced the location of the new station. Building an access road across this potential landslip area places the access at risk in the event of a slip occurring. Construction of an access across this area may also cause the slip zone to become active.

The introduction of operational traffic movements through the public car park introduces interaction with ambulances and pedestrians and ambulances and private vehicles. This results in potential points of conflict, increasing the risk of incidents, as other car park users are likely to have a high level of distraction associated with their visit to the hospital.

(4) There has been no change to the roof profile from the initial stakeholder consultation. As a result of stakeholder feedback, the project architects have lowered the ambulance garage roof by half a metre and have also reduced the overhang of the administration roof by approximately two metres to further help reduce the impact on the local residents' amenity.

(5) All roofing configurations were considered during the design phase of the station. However, the large span of the ambulance garage was best served by the skillion design. A gabled roof is likely to be higher than a skillion roof, imposing a greater impact on the amenity of adjacent residents.

(6) A copy of the design drawings can be provided to the member and a briefing from the department can also be arranged if the member wishes.

We will resubmit question (1) for further clarity for you.

Ms Forrest - Thank you. I will take it to the briefing and a copy of the plans.

South Hobart Primary School - Master Plan

Mr VALENTINE question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[2.46 p.m.]

When is the Government going to complete the master plan and scheduled works for the over-capacity South Hobart Primary School, with its high population growth, to relieve the current circumstance where:

(1) The school library is currently being used as two classrooms, preventing its use as a library in the ordinary course of daily activities at the school, resulting in pop-up libraries having to be employed by the teachers;

(2) there are no buffer rooms, leaving special needs teachers dealing with children needing sensory environments, purportedly resorting to using a torch and crouching under a desk to achieve that right environment;

(3) there are apparently no spaces available for impromptu in-confidence staff meetings;

(4) the early learning facilities were not purpose-built and lack safe outdoor space;

(5) the toilet facilities are believed to be inadequate; and

(6) the school is apparently in the bottom three in our state for open space?

ANSWER

I thank the member for Hobart for his questions. Firstly, we acknowledge the member for Hobart's genuine interest in the South Hobart Primary School. The Government recognises the need for South Hobart Primary School and has invested heavily in new facilities for the school in recent years. I recall that some details of these upgrades were provided as follow-up to budget Estimate hearings.

As a result of the strong growth in enrolments, the school is again at capacity. A master planning process was undertaken in consultation with the school community earlier this year. Following the release of this year's Budget, the Minister for Education wrote to the principal and chair of the school association to provide assurances that the needs of learners at South Hobart Primary School will continue to be met and that funding submissions for the school will be considered in future budget processes. Further to that, the department will continue to work closely with the school and its principal and provide additional temporary space on the site should it be required.

In relation to the specific points raised, I can advise the following:

(1) A mobile library service has been successfully implemented as an interim arrangement, ensuring students retain important access to books and library materials.

(2) Specially designated sensory rooms are not commonly provided across schools. In response to the specific needs of their cohorts, schools can and do make their own arrangements to assist students with additional needs. The support teacher room at South Hobart Primary School is used to provide this assistance. The support teacher darkens parts of the room to assist students as needed.

(3) There are numerous spaces available at the school for use by staff that are not specifically designated for this purpose.

(4) There is nothing unsafe about the outdoor space for the Early Years area. While the early learning facilities have been adapted for this purpose, they are in good overall condition and provide safe and adequate facilities for the school's youngest learners.

(5) The need for additional amenities has grown as the school has grown and additional facilities have been included in the master plan developed for South Hobart Primary School.

(6) South Hobart Primary School occupies a relatively small parcel of land surrounded by residential and business developments and has become constrained as the school has continued to grow. Through the consultation process undertaken earlier this year students, staff and community members said they wished to see the school's open spaces preserved as part of any future redevelopment and the best way to increase capacity was to 'build up'. The master plan that has been developed specifically addresses this through the redevelopment of existing buildings as multi storey facilities in order to preserve open spaces.

Mr Valentine - While the member is on her feet, those concerns did not come from the teachers or principal of the school. I wanted to mention that.

Tasmanian School Bus Drivers - Responsibilities to Students

Ms RATTRAY question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[2.51 p.m.]

Could you please advise what is the Department of Education's policy regarding school bus driver responsibility when leaving young children (6 to 7 years old) at bus stops where there is no adult supervision and/or collection?

ANSWER

I thank the member for her question. The Department of State Growth is responsible for contracting school bus services across Tasmania. There are no State Growth policies regarding bus drivers leaving children at bus stops where there is no adult supervision or person waiting

to collect the child. This is because the circumstances under which a driver delivers a school bus service will vary widely, making any universal policy inappropriate.

School bus services include those in residential areas with a large number of students travelling to multiple schools where students disembark in large numbers at interchanges or in residential streets. Drivers often work rotating shifts, not regularly performing the same route. However, other school bus services operate in very rural settings for much smaller numbers of students where bus stops may be on major roads or at locations where there are few houses. In these cases, often students will be known to regular bus drivers and whether they are routinely supervised or met at the bus stop.

Bus operators and bus drivers owe a duty of care to students while they remain on the bus. However, a bus driver has no authority to hold a student on the bus if they wish to disembark. It is the responsibility of parents or caregivers to assess their children's ability to get safely to and from a bus stop. If they believe this is not possible, the parent or caregiver needs to arrange transport for their child or children to and from the bus stop and ensure the provision of such supervision at the bus stop as they have determined their child or children require.

yingina/Great Lake Track Proposal

Ms FORREST question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[2.53 p.m.]

With regard to the proposed walking and mountain bike track around the Great Lake, during the assessment process and subsequently if approved:

(1) How will community concerns related to the increased risk of theft, vandalism and bushfire be addressed through the assessment process;

(2) Has or will the potential impact of increased costs to shack owners, that is rates and insurance increases, been considered;

(3) What impact will this proposal have on current recreational activities, for example, fishing and hunting, and the ability of local residents to continue to access the lake;

(4) Will the Highland Lakes and Poatina roads be improved to cope with an extra expected 20 000 to 40 000 visitors per year;

(5) Who will be responsible for the maintenance and upkeep of the track; and

(6) What additional measures will be put in place to assist first responders in the event of an accident?

ANSWER

I thank the member for her question. I am advised that this private proposal for a walking/bike trail for yingina/Great Lake, is preliminary in nature. Therefore, no formal assessment of the proposal or its anticipated impact has commenced at this stage. Hence, I am

unable to respond specifically to these questions. As approximately 80 per cent of the proposal is on land managed by Hydro Tasmania, with 20 per cent on Parks and Wildlife Service tenure, if the proposal were to progress Hydro Tasmania would liaise with the proponent in consultation with Parks and Wildlife Service to determine the appropriate assessment pathways and requirements.

The proponent would be required to identify likely impacts and benefits to cultural, social and environmental values along with an economic feasibility study. Community consultation would also be undertaken.

Concerns raised by the community, such as impacts to roads, access to the lake, maintenance and emergency response would all have to be addressed by the proponent through the public consultation and assessment process.

Healthy Tasmania Strategic Plans

Ms ARMITAGE question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[2.55 p.m.]

Regarding the Healthy Tasmania Five Year Strategic Plan which is due to expire this year can the Deputy Leader please advise:

(1) When the next strategic plan is due to be released?

(2) Whether, per the existing plan's targets, the Tasmanian smoking rate was reduced to 10 per cent in 2020?

(3) Whether, per the existing plan's targets for people under 25, the gap between the Tasmanian and national youth smoking rates were halved?

(4) If targets to reduce youth smoking rates are not met within the time frames designated by the Healthy Tasmania strategic plan, what courses of action the Government might pursue to reduce them? Can the Government rule out a similar policy to the T21 bill?

(5) In a media release from 27 August 2021, the Health minister indicated that the new strategic plan would focus on initiatives that included 'limiting harmful alcohol use'. Can the Leader please advise what type of initiatives are under consideration?

ANSWER

Thank you very much for your question, member.

(1) The Government will launch the next Healthy Tasmania Five Year Strategic Plan by November this year.

(2) The first Healthy Tasmania Five Year Strategic Plan released in 2016 stated 18.9 per cent of Tasmanians smoke (smoking prevalence). The 2017-18 NHS

shows smoking prevalence declined to 17.6 per cent of Tasmanians identifying as current smokers. The results of the 2020-21 NHS are yet to be released.

(3) When the Healthy Tasmania Five Year Strategic Plan was launched, the Australian Secondary Students' Alcohol and Drug survey showed 6 per cent of 12- to 17-year-old Tasmanian school students smoked, compared to 5 per cent Australia wide. The NHS showed that 24.5 per cent of Tasmanians aged 18 to 24 years of age identified as current smokers, compared to 16.7 per cent Australia wide. More recent data from these surveys have shown a decline in smoking prevalence among Tasmanians. That is, 5 per cent of 12- to 17-year-old school students smoked, compared to 5 per cent Australia wide (2017 ASSAD). And 22.6 per cent of 18- to 24-year-olds smoked, compared to 16.3 per cent Australia wide (NHS 2017-18). The 2020 ASSAD survey has been delayed and the 2020-21 NHS is also yet to be released.

(4) The Government has committed to a Youth Smoking Prevention Package to reduce uptake of smoking among young Tasmanians and support those that do smoke to quit. A total of $1 million over four years has been committed to this initiative. Other actions will be considered as part of the development of the next Tasmanian Tobacco Control Plan. This plan will be informed by the knowledge gained from the Healthy Tasmania Five Year Strategic Plan, current Tobacco Control Plan 2017 to 2021 and the Smoke Free Young People Strategy 2019 to 2021. Recent focus groups with young Tasmanians, current stakeholder consultation and current literature reviews are ensuring the right strategies will be prioritised to support young people to be smoke-free. We are also continuing our strong partnership with the University of Tasmania to address gaps in local evidence.

(5) The Minister for Mental Health and Wellbeing issued a media release on 27 August 2021 on our next plan, Healthy Tasmania, the Next Five Years. In regard to the member's question on limiting harmful alcohol use, the Government is committed to working together to create a Tasmania where people can make healthy choices around alcohol use, through incentives that include but are not limited to: providing funding to the Alcohol and Drug Foundation (ADF) Good Sports program; developing and implementing a Tasmanian Fetal Alcohol Spectrum Disorder (FASD) action plan in response to and aligned with the national FASD strategic action plan; providing ongoing funding to the Drug Education Network (DEN) in Tasmania. The DEN provide information, resources, education and training to service providers and the wider community on alcohol and other drugs; implementing the 10-year Reform Agenda for the Alcohol and Other Drugs Sector in Tasmania, which aims to ensure Tasmanians affected by alcohol and other drug use can access appropriate, timely, effective and quality alcohol, tobacco and other drug services, supports and treatments. While not directly linked to Healthy Tasmania, the reform agenda contains actions related to promotion, prevention and early intervention initiatives for alcohol and other drugs; promotion of the NHMRC guidelines to reduce health risks from drinking alcohol, to support informed decisions about alcohol consumption and promote better public understanding of alcohol-related harms; and build the capacity of local community stakeholders to identify and respond to prevent harm from alcohol.

Ms Armitage - While you are still on your feet, through you, Mr President, could you just go back to number 4? Just the question, can the Government rule out a similar policy to the T21 bill?

Ms PALMER - The answer to that specifically is not included in this answer. Would you like me to have that resubmitted?

Ms Armitage - Thank you, I would.

Suspension of Standing Orders

Extension of Question Time

[3.01 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) (by leave)- Mr President, I move -

> That so much of standing order number 49 be further suspended for today's sitting to allow for a further period of - say - 20 minutes for questions without notice.

Motion agreed to.

Pharamacists and National Immunisation Program (NIP)

Ms FORREST question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[3.03 p.m.]

(1) Prior to the election, the then health minister, Sarah Courtney, released a statement to enable pharmacist immunisers access to NIP vaccines and to undertake a scope of practice review for pharmacists.

   (a) What is the proposed time line for this review?

   (b) What stage is the review at?

(2) Regarding access to NIP vaccines, I note that this is important for the timing of vaccine orders and access, as evidenced by the role of pharmacists and pharmacies that they have played in delivering COVID-19 vaccinations. The question related to that is, when will access to NIP vaccines to pharmacies be progressed?

ANSWER

I thank the honourable member for the question. The Department of Health is preparing a response in relation to this question, noting that the question was only received yesterday at lunchtime. Initial advice is that the Government is honouring the election commitment in relation to NIP. We will get some information to you as soon as possible in relation to the review that was referenced in your question.

Amputee Services in Tasmania

Ms LOVELL question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[3.04 p.m.]

My question is on behalf of the honourable member for Pembroke.

(1) Can the Leader advise what is the status of the Tasmanian Government's review into amputee services?
(2) When will the content of the report and the outcomes be released?

ANSWER

I thank the honourable member for the question.

(1) The review has been completed by the Department of Health. It is important to note that the report includes information provided by other jurisdictions that is not publicly available.

(2) The executive summary and recommendations will be made available and shared with stakeholders. The Department of Health's Chief Allied Health Advisor and the Tasmanian Health Service Executive Director of Allied Health will engage directly with key stakeholders to brief them on and discuss the outcomes and recommendations of the report.

Truck Wash Down Stations

Ms RATTRAY question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[3.05 p.m.]

Following questions that I asked in 2019 in regard to the Government's commitment to establish a network of truck and machinery wash down stations to improve biosecurity for the road network and farm hygiene, what progress has been made in identifying the priority locations?

ANSWER

I thank the member for her question. The Government has worked with industry and stakeholders to identify key locations for truck wash down stations in the state with Powranna and Smithton prioritised as a result of this work. The Powranna truck wash down site is currently operational, and the Government is working with the Cradle Coast Authority and TasWater to progress a facility at Smithton. A comprehensive demand survey has been conducted into the need for such facility in the central and southern parts of Tasmania. It found that demand in these regions is limited to one effluent dump point only, with Oatlands nominated as the preferred location.

In the north-east continuing efforts are being made to interest a prospective proponent before undertaking a demand study business case.

Estimates Committees - Questions not Answered

Ms FORREST question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[3.07 p.m.]

The Leader stated yesterday during the debate on the Committee stage of the Appropriation Bills that she would have before the end of the week answers to a range of questions she took on notice to enable us to progress those bills.

(1) Will we get those answers this week?

(2) Are we sitting tomorrow to achieve that?

ANSWER

We are not sitting tomorrow to achieve that. I have pressured the Chiefs of Staff and I will deliver everything I have before we rise tonight. The undertaking I made was to try and get them here by today, by this afternoon; it was not a guarantee. I have a couple of people working hard on it and I am expecting quite a few of them in before we rise tonight.

Ms FORREST: A supplementary before we finish. I have two questions that I have not been provided answers for. They were without notice. One of them has had notice of at least a week, if not more, and I assume I can expect an answer before we rise tonight if we don't get an answer now?

Mrs HISCUTT - I cannot assume anything, but I am pushing hard and I am hoping they will be here before we rise. They will be given to all members as soon as I get them. Whether it is in one or two hours time or tomorrow, it will be put out and then it will be put on *Hansard* when we sit again.

e-Cigarettes

Ms RATTRAY question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[3.08 p.m.]

Noting the considerable evidence that has emerged over recent years suggesting that e-cigarettes may have some role in harm reduction and as a smoking cessation aid:

(1) What is the Government's current position on e-cigarettes?

(2) Given the Therapeutic Goods Administration has reclassified these products as a prescription-only medication from 1 October to help people quit smoking, I have a series of questions:

    (a) In regard to required changes to the Poisons Standard, when will these changes be made?

(b) Will Tasmanian pharmacies require a tobacco licence to stock nicotine vaping products?

(c) Will pharmacies be allowed to keep nicotine vaping products onsite or will they be required to order them on presentation of a prescription?

(d) Will pharmacies be required to keep nicotine vaping products out of sight?

(e) If so, how will consumers know whether a pharmacy stocks the product in order to fill their prescription?

(f) Considering the advertising of nicotine vaping products is prohibited under Tasmanian law, how will people know they can access these products and where?

(g) Will non-pharmacy retailers (such as tobacconists) be able to legally sell the non-nicotine component of a nicotine e-cigarette, i.e. the reusable part?

ANSWER

I thank the member for the questions.

(1) The Tasmanian Government continues to support a precautionary approach to e-cigarettes and agrees that their use should not be encouraged particularly in relation to young people.

Vaping and e-cigarette vaping products have been associated with immediate harms, including vaping-associated lung injury, burn injuries from e-cigarette device failures and the health effects of longer term use are unclear.

Nicotine e-cigarettes are addictive. They have the potential to reverse recent gains made to reduce smoking rates and re-normalise smoking within the community.

There is growing evidence e-cigarettes are being used as a pathway to nicotine addiction and smoking, particularly for young people, and many smokers are using e-cigarettes alongside traditional tobacco products.

United States studies have shown that e-cigarettes use has surged from 11.7 per cent high school students in 2017 to 27.5 per cent in 2019. It should be noted there is insufficient evidence to support e-cigarettes as an effective cessation aide.

Our Government's long-term position has been based on advice from global health experts which is that the evidence is not settled to the extent that a personal vaporiser product may damage a person's health or whether using personal vaporiser products is more effective than other measures already available to aide smoking cessation.

More time is need for comprehensive research regarding the safety, quality and efficacy of e-cigarettes.

(2) There are three approved drug therapies in Australia that are evidence-based and proven for treating smoking addiction including varenicline, bupropion and nicotine replacement therapy.

The Therapeutic Goods Administration has not reclassified nicotine for use in vaping devices for smoking cessation. Nicotine for human therapeutic use has been classified as a prescription only substance for many decades. The TGA has recently clarified the existing entry in the Poisons Standard to close a regulatory gap between Commonwealth and state and territory laws.

(a) The TGA made amendments such that from 1 October, consumers will need a valid prescription to access nicotine vaping products including via importation. The Tasmanian Poisons Act 1971 automatically adopts the Poisons Standard by reference and accordingly these amendments will be in force from 1 October 2021.

(b) Under current legislation from 1 October 2021, Tasmanian pharmacies that intend to dispense nicotine vaping products will become smoking product (tobacco) retailers. This means they will be required to apply for a licence under the Public Health Act 1997 and to comply with its tobacco control provisions.

(c) Schedule 4 nicotine products may be kept by pharmacies prior to being presented with a prescription.

(d) The Poisons Regulations 2018 requires a prescription only substance which includes Schedule 4 nicotine to be kept in either a storeroom or a dispensary in a manner so that the public does not have access to the substance. A smoking product licence mandates compliance with point of sale laws, including that smoking products must not be displayed in a public place.

(e) In consultation with states and territories, the TGA have produced advice confirming how pharmacies may advise the public they are able to dispense prescriptions for these products.

(f) As above.

(g) The decision by the TGA does not have any impact on current laws for non-pharmacy retailers. Devices, exclusive of nicotine, can be sold.

Youth Mental Health

Ms LOVELL question behalf of the member for Pembroke to the DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[3.15 p.m.]

Mission Australia recently released their five-year Youth Mental Health Report and it shows a disturbing level of psychological distress in young Tasmanians. The report makes a number of recommendations. What is the Government doing to ensure this worrying upwards trend does not continue?

ANSWER

Thank you very much and I thank the member for her question. While the Tasmanian Government is taking a range of actions that will support or address recommendations in the report, we should note a number of these recommendations are outside the scope of services delivered or provided by state Government or will need to be undertaken in partnership with other levels of government or other sectors.

A number of community sector services commissioned by the Department of Health pivoted successfully to provide support to clients through digital platforms during the pandemic. For many services, staff subsequently found that digital service provision, such as text, video call, phone call or a mix of digital and face-to-face, worked better for some of their clients. They have continued to employ models of service delivery as best meets the need of their individual client, a key factor for effective, person-centred care.

The Government has demonstrated a commitment to increase the capacity of the broader mental health workforce to respond to increased prevalence of psychological distress in young people and to ensure they will be able to access mental health services where needed. The broader Tasmanian Mental Health Reform Program is geared to building the capacity of individual staff members and also increasing the capacity of the system by growing the workforce.

The Government has committed $41.2 million to the Child and Adolescent Mental Health Services reform program. This will reshape the entire service structure for children and adolescents, bringing in a consistent, statewide model, increasing both the capacity and capability of the service and working closely with intersecting services to ensure Tasmanian children and adolescents get the care they need, in the right place, at the right time. This includes two youth early intervention services, focusing on early recognition and treatment for young people and a statewide youth forensic mental health service.

The development and implementation of the Tasmanian Eating Disorder Service will also provide support and treatment across a lifetime for people with eating disorders. This will include day and evening programs for adolescents, and training and education to 'supportive others', which may include parents and family members, health professionals, teachers and professional support staff in schools, sports coaches and other adults in the community referred to as, 'early identifiers' and 'first responders.'

The Government and the Department of Health are partnering with Primary Health Tasmania and the Mental Health Council of Tasmania to ensure an integrated approach to the reforms, planning and future service delivery. This includes funding the Mental Health Council of Tasmania to develop and deliver the youth peer worker model as part of the Tasmanian Peer Workforce Development Strategy. The Mental Health Council of Tasmania will also continue to build links between local government and community organisations and develop and implement strategies to increase mental health literacy and reduce stigma at the local level.

Rethink 2020, the strategic plan for mental health in Tasmania, also outlines a range of our recent and future activities to address or support actions that would meet many of the recommendations. ReThink 2020 Reform Direction 7 is responding to the needs of specific population groups. This will support culturally safe services for Aboriginal and Torres Strait

Islander young people and services for non-binary young people and the broader LGBTQIA+ youth community.

The Rethink 2020 implementation plan outlines a range of activities, including collaboration with communities and organisations to understand needs specific to these groups and to co-design strategies and implement actions to meet the identified needs. This includes, Tasmanian Aboriginal people, LGBTQIA+ Tasmanians and people from culturally and linguistically diverse communities.

We are committed to engaging directly with these communities as we know their voices and experiences are crucial in ensuring solutions are fit for purpose. This will range from mental health promotion, illness prevention and early intervention activities to acute services delivered by the public system.

COVID-19 Testing and Quarantine

Ms FORREST question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[3.20 p.m.]

With regard to access to COVID-19 tests for Tasmanians quarantining on return to Tasmania after essential medical treatment in Melbourne, I understand one requirement of home quarantine is a COVID test before the third day and as close as possible to the twelfth day of quarantine. My constituents based in Circular Head were informed the nearest centre to get that test is in Burnie, equating to a round trip of between 180 and 280-plus kilometres.

(1) Is there a closer COVID testing option for Circular Head residents - bit late now - who are in home quarantine? If so where is it and why are people not informed of this? If not, why are there no toilet facilities provided at testing sites for people who may need these facilities when they are required to remain in their vehicle for up to three hours and may have required medical treatment making ready access to such facilities necessary in a timely manner?

(2) Why do people complying with the requirement - that is the home quarantine requirement - need to wear masks for the entire journey when they are the only ones in their vehicle?

(3) Can the coronavirus website be updated and call centre staff updated to make sure it is clear the Burnie testing facility is open seven days a week?

ANSWER

(1) The Ochre Medical Centre in Smithton undertakes the COVID-19 testing. The Tasmanian Government coronavirus website outlines options for COVID-19 testing, including that testing may also be available from your GP.

(2) When travelling to get tested it is important to wear a face mask to protect others, including those also travelling in the car or who might subsequently do so. With

regard to the other question, the coronavirus website has been updated to include all the other information that you have requested.

[3.22 p.m.]

Ms FORREST - A supplementary question to that answer, you gave a very high-level broad answer there in terms of - allegedly there are other options for testing. These people particularly were not informed of those and thus had to travel to Burnie. That is the only option they were given and they were the only two people in the car and they were both quarantining together because they had both travelled to Melbourne for essential treatment and had come back again.

That does not really answer that question either but maybe I can resubmit this whole question again and get another - except for the last one where the coronavirus website has been updated.

Ms HISCUTT - Maybe that might be a good starting place for the member. Check the website first because I reckon it is all there. Thank you.

CHILDREN, YOUNG PERSONS AND THEIR FAMILIES AMENDMENT BILL 2021 (No. 28)

In Committee

Resumed from above.

Clause 5
Section 111C and 111D inserted

[3.23 p.m.]

Dr SEIDEL - Madam Deputy Chair, thank you for allowing me to move my motion again. I move my amendment again as the amendment to clause 5. I move in my own name amendment to clause 5 and again, with your permission I would like to move both amendments together:

First amendment

That clause 5, proposed new section 111C, subsection (1), definition of *participating jurisdiction.*

Leave out 'the Commonwealth,'.

Second amendment

That clause 5, proposed new section 111C, subsection (3), paragraph (c).

Leave out ', or the Commonwealth,'.

Again, as I mentioned before the Government reported progress, nothing has really changed. The argument has not changed either. I am not satisfied with the Government's

response that there is a role for the Commonwealth to be involved in this piece of legislation. This is about the integrity of the bill. It is not about creating a back door for the Commonwealth to be allowed to have access to child protection information. It is a separate bill altogether.

There is no rationale for the Commonwealth to be involved here. There is a role for the Commonwealth to support the funding and they do with $2.8 million for the first two years only. After year two the funding for the database and meta-database is going to be supported by the state and territories, not the Commonwealth.

There is a role for the Commonwealth to facilitate the meetings and the working groups and the governance groups. That is fair enough but there is not a role for the Commonwealth government at all to be involved in having access to child protection data in way or form. I recommend to the Government to support my motion in order to enhance the integrity of the bill. It is not about a game to allow a wide back door to be opened for the Commonwealth to have access to child protection data.

Ms PALMER - I thank the member for Huon for resubmitting that amendment.

In answer now to the member for Nelson's questions that we had before the break. The Commonwealth was included as a participating jurisdiction in drafting to allow for a possible future scenario where the Commonwealth may take hosting responsibility for the database. The contractual arrangements for the database are currently hosted by New South Wales.

The Commonwealth does not have access to the database for the purposes of retrieving biographical information uploaded by states and territories from their child protection information systems. Only state or territory child protection agencies provide data to the Connect for Safety system and are authorised as permitted users to use Connect for Safety for the purpose of child protection through their statutory child protection officers.

The Tasmanian Government has worked closely with all jurisdictions, including the Commonwealth, in the development of this important initiative. This is about the safety of children and passing this bill today will allow Tasmanian children to have access to safety initiatives the children in other jurisdictions are already benefiting from.

Ms WEBB - To clarify that further, and for the record, no-one is disputing the value of what this bill is covering and the service it will provide and the opportunity it provides for better protection of children. That has never been in dispute and certainly is not in dispute in relation to this proposed amendment.

The question I had put to you was about providing me with a positive reason for why the Commonwealth needed to be there in the definition of a participating jurisdiction. What I have heard you say in answer to that is it is there just in case there is a future eventuality that the Commonwealth becomes the host of this database. Currently it is with the New South Wales Government.

Why then is it required that the Commonwealth, at this stage in this legislation in our state, is named as a participating jurisdiction for that potential maybe, just-in-case eventuality down the track? It does not seem like a sufficient positive reason to justify the inclusion now.

I am sure we could come up with all sorts of things that might happen down the track to this database and within this space that we could have to accommodate in this legislation now in an anticipatory sense. Why would we need to have this here as an anticipatory just-in-case measure? Why would we not change it at the time if relevant?

Ms PALMER - I will seek some advice.

In answer to your question, member for Nelson, the decision was made during the drafting process to include the Commonwealth and this version of the bill is recommended by the Government for acceptance.

[3.31 p.m.]

Mr VALENTINE - I have given some thought to what possible involvement the Commonwealth could have. I could only think it is because this is about the protection of children, that the Family Court might have need for some of the information in relation to what is on the database.

However, the Family Court ceased to operate, I think, on 2 September, so I cannot even think that the Family Court would need this information. I still have the same question in my mind as to what possible Commonwealth department, through their various acts, could have, or need, access to this database for the purposes of protecting children. I really cannot see it. My question is whether the Government is aware that the Family Court ever did access information from Tasmania's databases for the purposes of the placement of children?

Ms PALMER - In answer to the member for Hobart's question, separate to these provisions the Child Safety Service already liaises with and shares information with the Family Court for the purposes of child safety and wellbeing.

[3.34 p.m.]

Ms LOVELL - I have two questions about this amendment. I have been listening with interest to the debate, because I came into this with a very open mind and wanted to get to the bottom of whether this was necessary. My questions to the Deputy Leader are in relation to some comments that were made earlier in this debate. I understand that the Commonwealth involvement in this reform at the moment is to do with funding and governance. I accept that. I do not think there is any argument about that.

My first question is, does the Commonwealth need to be included in these provisions of the bill in order to facilitate that role in governance and funding?

I also have a question relating to a comment made by the Deputy Leader in answer to an earlier question, that the wording of this bill was on the advice of OPC. We all know that OPC does not advise on policy; they advise on drafting.

Therefore, my second question is, if the advice by OPC was to include the Commonwealth in these clauses in the bill, what was the policy instruction given to OPC? What instruction were they fulfilling, to provide that advice around drafting?

Ms PALMER - In answer to your second question, the instruction to OPC was the Commonwealth was included as a participating jurisdiction in drafting to allow for a possible

future scenario where the Commonwealth may take hosting responsibility for the database. The contractual arrangements for the database are currently hosted by New South Wales.

I will seek some further advice on the first question, Madam Chair.

In answer to your question, does the Commonwealth need to be included for the purpose of funding and governance? The answer is no in regard to funding and governance. However, it is anticipated that in a future scenario there may be need - sorry, my apologies. It is anticipated that in a future scenario they may need access for the purpose of administration as a potential host of the database.

Dr SEIDEL - The Government had two hours to report progress and the responses we get are really hypotheticals: 'Just in case, in a future scenario' and so on. Again, this is about child protection. The legislation needs to be specific. It has to have meaning. It has to have purpose. It is not about hypotheticals. If that is the case, introduce amendments to existing legislation. That is the way it works.

Now we are talking about hypothetically the database can be held by the Commonwealth on Commonwealth computers. That is great. If that is the intention, the Commonwealth should offer ongoing funding for the project, not only for two years. Where is the ongoing funding commitment in this bill? It is hypothetical. It is made up. And I get increasingly concerned that this Government is trying to make excuses for legislation that has been not fit for purpose. There is just no need for it. Just no need for it at all. There is no need for the Commonwealth to be involved in this legislation. There is no need for the Commonwealth to be mentioned in this bill.

Ms Forrest - As a participating jurisdiction. They are involved as a participating jurisdiction according to the definition. There is a distinction there.

Dr SEIDEL - Absolutely right, member for Murchison. It can support the funding, it can support the facilitation of the governance working group and so on. And this is it, and I am worried the Government wants to push it through because the lower House is not sitting for another month and, therefore, there is going to be a hold-up.

May I say on the record 'not our problem'. Not our problem at all. Integrity of the bill, purposeful legislation, being specific, not about having a general bill in case of future eventualities and so forth. That is how far we have come? Over two hours to report progress. I have not received any level of satisfactory answer to my concern, so I again recommend to the Government and to members of this House to support my amendments.

Ms PALMER - Simply to add that the Government has nothing further to add.

Ms FORREST - Madam Deputy Chair, reiterating a couple of points. This bill - and make no mistake about my position on this - is clearly about the protection of children and the safety of children. Importantly, it is also about the protection of data and the security of that data and the potential future use of that data. Comments were made in the second reading speech that give me great cause for concern about future potential use.

Here the Government has come back with a response saying future potential access for the Commonwealth as a participating jurisdiction to manage the database. That does not make

any sense because you do not need to necessarily access - in terms of a participating jurisdiction, because what a participating jurisdiction does is very clear: it either provides information to the database, uploads it or it accesses information from it, downloads it. Okay. That is where the security of the data is paramount and that is the point here.

The people who rely on, need and should have access to this data are the people providing care for these children who have come to the attention of child safety for whatever reason, in whatever jurisdiction we are talking about. They are the responsibility of the state or territory. The Government has not provided any reason for the inclusion of the Commonwealth, in addition to the states and the territories, as a participating jurisdiction for those purposes and those purposes alone.

The Deputy Leader has reiterated many times here before the break and after the break that the Commonwealth will not be able to access that data, nor to add to it. So, they simply will not be able to be a participating jurisdiction so they should not be named up in the first place. If at some future time there is a legitimate reason why they should be, then you can come back here and amend the legislation to give effect to that and we will have a debate about it at that time.

We have seen what happens with people's data in Commonwealth's hands sometimes. I know we are only talking about biographical data, but we are also talking about relatives, other people who live with the child, people who may be a risk to the child, people who may be safety people for the child. These people's names will also potentially appear in this dataset. It is not just the child's name we need to protect; it is the other people's names we need to protect. It is a sensitive area.

Mr Valentine - It is there for good.

Ms FORREST - That is right and it does not appear to be taken down rarely, if ever, so it is there for a long time. It should only be able to be accessed and added to by the appropriate people and they are the people who are engaged through the states and territories for the purpose of a child's safety.

To consider putting in a provision that enables the potential future hosting of a database without any clear evidence to me - and it has not been provided yet - that it would even require the accessing and provision of information to the database is ill-informed. There has been no case made that it is necessary or will even be necessary should that eventuality occur. I would say this amendment is necessary to ensure the protection of the children. That is the purpose of the bill we are debating, the protection and security of the data and all those people whose names will appear in it and other details, their date of birth, address, phone numbers and other details related to relevant people.

It is important. This is sensitive information, even if it is only their names. These are children and we have an obligation to protect them.

Ms LOVELL - Thank you to the Deputy Leader for the answer to those questions. I have been listening to this with interest. At this point I am inclined to support the amendment for many of the reasons just articulated by the member for Murchison.

This is an important reform. This bill is important. It is part of an important national reform that we support as a parliament but we need to be careful that we do not go too far. This is sensitive data. We are talking about vulnerable children and if there is requirement for the Commonwealth to have a greater role at some point in the future then let us come back and debate that at another time. We could properly scrutinise that and understand what it is going to entail. Just by inserting the Commonwealth into this bill I am concerned it leaves us open to not having that opportunity to scrutinise that properly.

I am inclined to support the amendment at this stage.

Ms PALMER - I am going to seek some advice.

Mr GAFFNEY - It is a very interesting debate. I will only speak once to this, because members have made this point about the protection of children and protection of data, we understand that. Jurisdiction in this sense is the legal term for an authority granted to a legal entity to exact and protect justice.

I understand the member said that Western Australia and New South Wales do not have the word 'Commonwealth'. South Australia does have the word 'Commonwealth'. The Children and Young People (Safety) Act, section 5(b) says: 'the provisions of this Act, and compliance with its provisions, form only a small part of the way in which the State, the agencies of the State, the Commonwealth and every citizen of the State discharge that duty'.

We already have an example in South Australia where the word 'Commonwealth' appears. There are safeguards that only states would have access to that information. We have heard that time and again.

What is the difference between New South Wales holding the data or the Commonwealth holding the data? It still has to be accessed. It can still be accessed by other people. All they are doing in this act is saying, in two to three years time the Commonwealth may take over that position. They may take over looking after that data. Here we have an act that will allow for that to happen. What are we going to do in two years time? Will we come back and say it is back on the table because they have the word 'Commonwealth' there; and it is a good thing we brought it back so we can have another debate over something that is fundamental about people holding data. We do it all the time in other aspects and areas. Why is this any different?

I have more faith in local government. I have more faith in state government. I have more faith in the Australian Government or the Commonwealth doing the right thing. Why would they have something in place that would put our young people at risk? I do not understand that.

I am not convinced from the arguments that are being put forward, because it makes no difference if New South Wales or the Commonwealth hold this data. It makes no difference to us. Why would it make any difference to us? No difference at all, because all they are doing is safeguarding the data. We are putting it in this legislation so we do not have to be back here in two years time when they come back and say, 'by the way, we have a different funding model now; the Commonwealth is going to take over more of the funding'.

Ms Forrest - It is not about safeguarding the data in that regard. You are right, it does not matter who hosts it. It is about who accesses it. Who is participating in that jurisdiction.

Mr GAFFNEY - We have been assured of this on three or four occasions whilst we go down that slippery slope, that only the people from our state will be able to access that information, as they do now. That has been affirmed two or three times by the Government. But we start to see shadows over here, we see shadows over there. I take on face value that only the appropriate authorities from our state can access our data. And it does not matter where it is carried or held. But, there could be some advantages of it being a national or Commonwealth body and I support the Government on this piece of legislation and what they are trying to do.

Mrs HISCUTT - I have a point of clarification, Madam Chair. The member for Huon was saying that the lower House was not going to return for months. For clarification, they will be sitting again on 12 October. This bill is not being rammed through. I will not go for the third reading tonight.

Madam DEPUTY CHAIR - My question is that the amendments be agreed to. The member for Hobart.

Mr VALENTINE - I hear what the member for Mersey is saying. The problem is, the bill states in proposed new section 111C(3)(a) 'for a purpose authorised or required by, or under, this Act or another Act'; and in (3)(c) 'for the purposes of the administration of an Act of this State, another State or a Territory, or the Commonwealth'.

I suppose the point is that we have seen how licence information collected was shared with the Commonwealth, and that was an issue. If there is an issue in leaving Commonwealth out, it can be corrected when it needs to be corrected, as opposed to leaving it open for the possibility of misuse. I understand that is the problem. I will still support the amendment.

Ms PALMER - Thank you for your question, member for Hobart. With regard to information accessed for the purposes of other acts, only Australian state or territory child protection agencies are authorised, as permitted users, to access information in the database. The provision under proposed new section 111C(3)(a) is a limiting provision that requires another act to specifically authorise access to the database. This, therefore, limits access to the database for purposes under broader information sharing provisions in other legislation.

The provision under proposed new section 111C(3)(c) permits access to the database for the purpose of the administration of an act. This allows for technical access to the database and other functions that facilitate the administration of an act.

Amendments agreed to.

Ms FORREST - A couple of other questions related to this clause, now the clause as amended. The Deputy Leader might have addressed this in the response she just gave to the member for Hobart's question, but for clarity. We have had some discussion about this already. Subclause (3)(a) and (c) particularly, where it says - this goes to the secretary, which is the Secretary of Communities Tasmania - 'may only endorse a database under subsection (2) if the Secretary is satisfied on reasonable grounds that, as far as is practicable, the information recorded and stored in the national database is only accessed for one or more of the following purposes:

(a) for a purpose authorised or required by, or under, this Act or another Act'.

I think that is what you just addressed your mind to. However, then:

(c) 'for the purposes of the administration of an Act of this State, another State or Territory'.

Can you to make it clear when the secretary would be deemed satisfied, if you like, that there are reasonable grounds to operate under another state's legislation, or provide information? That is how I read it. I may be wrong in this. Under another state's legislation. What you addressed, as far as I heard, was in relation to other acts in Tasmania. I am not sure about part (c) 'for the purposes of the administration of an Act… of another State or Territory'.

Mr Valentine - That is what I was pointing out.

Ms FORREST - Yes.

Ms PALMER - In relation to the member's question, the provision under proposed new section 111 C (3)(c) permits access to the database for the purpose of the administration of the act. That is allowing for technical access to the database and other functions that facilitate the administration of the act.

Child safety officers are not able to maintain the technical and the administrative functions of the database, so we need to allow for other persons to fulfil those functions in Tasmania and other jurisdictions and this provision allows for that to occur.

Ms FORREST - To clarify, you are saying we need other people in Tasmania to access the database on behalf of other states? I am not quite sure how the other states issue comes into this. If you could explain that.

Ms PALMER - Within Communities Tasmania you have to have IT people who can upload the data. It is the same, for example, in New South Wales where they will have their IT people who can do the same thing.

Ms Forrest - Why do we need to reference those people? As I understand it, we are not uploading data on behalf of New South Wales. Why do we need to reference the other states in our legislation? Surely they would do their own?

Ms PALMER - It is because it is one shared database across all those jurisdictions and we are all sharing that database.

Ms Forrest - I still do not understand fully why we need to include other states.

Mr VALENTINE - I think I understand what the member for Murchison is getting at. It says, 'the Secretary may only endorse a database'. In other words, make decisions in relation to Tasmania's participation in that database, it may as well read. Endorse the actions that might happen on that database, and some of those actions are for the purpose of the administration of an act of this state, another state or a territory. The secretary in relation to the department here in Tasmania, has to be in a position where they can agree with certain actions taking place on

that database. That is the way I see it. Correct me if I am wrong. Is it that the secretary may only endorse a database? It is not controlling the database, it is just agreeing to Tasmania's participation and operations within that database and data being taken from that database in relation to the purposes listed. Is that correct?

Ms PALMER - The secretary will only endorse what they believe to be appropriate in line with the provision of the legislation. The arrangements will be put to the secretary via a minute for their approval prior to Tasmania beginning participation.

Clause 5 as amended agreed to.

Clause 6 agreed to.

Bill reported with amendments.

Ms PALMER (Rosevears - Deputy Leader of the Government in the Legislative Council**) -** Madam Chair, I move -

> That the bill as amended in Committee, be taken into consideration tomorrow.

Motion agreed to.

DEFAMATION AMENDMENT BILL 2021 (No. 34)

Second Reading

[4.10 p.m.]

Ms PALMER (Rosevears - Deputy Leader of Government in the Legislative Council) - Madam Deputy President, I move -

> That the bill be read the second time.

Together with all other states and territories, Tasmania has committed to introducing reforms to the model defamation provisions to ensure ongoing national uniformity. The Defamation Amendment Bill 2021 will amend Tasmania's Defamation Act 2005 to fulfil this commitment.

The bill before parliament today is the result of a statutory review of the uniform defamation laws and the development of model defamation amendment provisions. At the outset I acknowledge the significant work by all jurisdictions, in particular, New South Wales, who led the national Defamation Working Party in delivering these important reforms.

The media landscape has changed rapidly since the model defamation provisions were first enacted in 2005 and the review identified a range of reforms to modernise and improve uniform laws.

The product of the review was the drafting of the Model Defamation Amendment Provisions 2020. The model amendments seek to ensure that defamation law continues to

strike an appropriate balance between providing fair remedies for a person whose reputation is harmed by a publication and avoiding unreasonable limits on freedom of expression, particularly about matters of public interest. The model amendments also seek to promote prompt and non-litigious dispute resolution.

The bill introduces new provisions in the Defamation Act 2005 by clarifying and refining existing provisions to ensure that the act operates to meet its original objectives in an environment that has seen the rise of digital platforms and online publications. Updating the model defamation laws will provide greater clarity to the courts, the community and the media.

Achieving and maintaining uniformity of defamation law is important for many reasons. Uniformity is particularly beneficial given that it is common for the same matter to be published in more than one Australian jurisdiction. Other benefits include ensuring that individual and corporate publishers do not need to consider the potential impact of different state and territory defamation laws before deciding whether to publish material, as well as limiting circumstances or potential for forum shopping to favour a party's claim or a defence.

The amendments in the bill have been proposed after considerable consultation with the public, legal and academic experts and stakeholders. This includes an extensive review process undertaken by the Defamation Working Party, a multi-jurisdictional working group of officials overseen by the now Meeting of Attorneys-General or MAG, previously Council of Attorneys-General or CAG.

Led by New South Wales, the Defamation Working Party carried out a two-year review involving two rounds of public consultation, four stakeholder roundtables, and the engagement of an expert panel comprised of judges, academics, defamation practitioners, and the New South Wales Solicitor-General. Public and targeted stakeholder consultation was also undertaken on a draft version of this bill by the Department of Justice in Tasmania.

Differing views were expressed by stakeholders and carefully considered by the Defamation Working Party during the review process. The model amendments reflect the former Council of Attorneys-General (CAG) settled position which takes into consideration all submissions received and aims to reflect a fairer balance between freedom of expression and the protection of reputation against harm.

The bill closely mirrors the model defamation amendment provisions as agreed. Some of the more significant model amendments in the bill include: the introduction of a serious harm element; a single publication rule; changes to the pre-litigation processes; new defences relating to public interest journalism and peer-reviewed material published in academic or scientific journals; and clarification of an award of damages for non-economic loss and an award of aggravated damages.

I now turn to the key provisions of the bill before the Council.

Clause 6 of the bill inserts section 10 from the original 2005 model defamation provisions. Section 10 provides that there is no cause of action for defamation for or against deceased persons, whether or not the defamation occurred before or after the person's death.

Section 10 was previously agreed to by all Australian jurisdictions but does not currently form part of the Tasmanian Defamation Act 2005 as it was not passed by the parliament in 2005 due to an amendment in the Legislative Council. The House of Assembly subsequently

approved the amendment on an understanding the amendment had little relevance as the common law position applies in any event.

However, a review of this issue identified that it is time to clarify Tasmania's position consistent with other jurisdictions. The common law does not allow the dead to sue or be sued in defamation as a person's reputation is regarded as so personal an attribute an action for defamation does not survive a death of a party for the benefit of the plaintiff's estate. However, section 27 of the Administration and Probate Act 1935 Tas has the effect of varying the common law position.

Section 27(1) of the act provides that causes of actions generally subsist against or vest in the deceased's estate. Section 27 applies where the deceased person was defamed by another person or had defamed another person before the death of the deceased person and acts to continue any cause of action for defamation in respect of the deceased person.

Tasmania is the only jurisdiction where a deceased person's defamation action may survive their death. Inserting section 10 into the Defamation Act 2005 will override the general operation of section 27 of the Administration and Probate Act with respect to defamation causes of action, codify the general law of defamation with respect to deceased persons and bring Tasmania's Defamation Act 2005 in line with other jurisdictions.

A significant new provision in the bill is the introduction of a serious harm threshold as an additional element of the cause of action for defamation. The insertion of section 10A in the Defamation Act 2005 will place the onus on the plaintiff to establish that the publication of allegedly defamatory matter has caused, or is likely to cause, serious harm to their reputation.

If the plaintiff is a corporation it must prove that serious financial loss has been caused or is likely to be caused by the publication. This important reform will operate to prevent trivial, minor or insignificant defamation claims at the outset, reducing the cost and stress of unwarranted defamation litigation on businesses, individuals and the courts. It may also encourage early resolution of claims as it allows a party or a judicial officer to determine this threshold issue early in proceedings. As a result of the introduction of the serious harm element, the defence of triviality, which provides a defence if a defendant proves that the circumstances of the publication of defamatory material was such that the plaintiff was unlikely to sustain any harm will be repealed.

The bill also proposes to modify pre-litigation processes to encourage early resolution of defamation disputes. The bill will make it mandatory for an aggravated person to issue a written concerns notice, with adequate particulars of the complaint, to the publisher before commencing defamation proceedings. The enhanced concerns notice process provided by these new sections will encourage the aggrieved person to turn their mind to the serious harm threshold at the time of preparing the concerns notice, and will provide the publisher with sufficient information on which to make a reasonable offer of amends.

The offer to make amends procedure will be refined. The bill modifies the timing and content of offers to make amends, including that the offer must be made as soon as reasonably practicable after receipt of the concerns notice and that the offer must remain open for at least 28 days from the date it is made. These reforms will help and encourage parties to resolve disputes without resorting to litigation, easing the burden on courts and reducing the cost and time taken for individuals to resolve defamation disputes.

Another provision of the bill that modernises defamation law for the digital age is the introduction of a 'single publication rule'. The insertion of this rule in the new section 20AB will ensure that the limitation period for defamation proceedings is consistent in its application to digital and non-digital publications. The single publication rule will apply if a person publishes, uploads, or sends a statement to the public - 'the first publication' - and subsequently publishes, or uploads that statement or a statement which is substantially the same.

In practice, the one-year limitation period will commence from the date the first publication is uploaded for access, or sent to a recipient, instead of restarting each time the material is downloaded by a third party, as is currently the case. Under new section 20AC, the court will be empowered to extend the limitation period to three years from the alleged publication date if the plaintiff satisfies the court that it is just and reasonable to do so in all of the circumstances of the case.

Madam Deputy President, the bill also introduces new defences to provide protection for public interest journalism and academics. Currently, the defence of qualified privilege contained in section 30 of the Defamation Act 2005 protects situations where there is a legal, social or moral duty to make what otherwise might be defamatory statements - for example, employment references and reporting suspected crimes to police.

The conduct of the defendant in publishing must be reasonable in the circumstances and, in determining reasonableness, a court may consider various matters, including that the matter was in the public interest. During the consultation, the defence of qualified privilege was criticised by some stakeholders for not generally applying to publications by media organisations, because it is difficult to prove that a broad readership has an interest in knowing the subject information.

In order to guard against the potential chilling effect that defamation laws have on debates of matters of legitimate public interest and to protect reasonable public interest journalism, the bill introduces a new, public interest defence at section 29A. This defence applies where the defendant can prove that the statement complained of was, or formed part of, a statement on a matter of public interest and the defendant reasonably believed that publishing the statement was in the public interest. The insertion of a dedicated public interest defence protects the ability of journalists and media organisations to publish on matters of public concern without fear of defamation litigation.

This new defence recognises that reporting on and discussions of matters of public interest is critical to our democracy. Section 29A specifies a non-exhaustive list of factors that the court may take into account when considering the defence. These include the seriousness of the defamatory imputation, whether the matter published relates to the performance of the public functions or activities of the person, and the importance of freedom of expression in the discussion of issues of public interest.

The bill also inserts section 30A, introducing a new defence for peer-reviewed statements and assessments published in a scientific or academic journal.

This defence recognises the importance of academic and scientific dialogue in a free and open society. This defence applies to the publication of a defamatory statement which relates to a scientific or academic issue and where an independent review of the statement's merit has been undertaken by an editor or related expert.

The defence also extends to assessments in the same journal about the defamatory statements and fair reports of the statements. The defence can be defeated if the plaintiff proves that the statement or assessment was not published honestly for the information of the public or the advancement of education.

Section 35 of the Defamation Act 2005 currently provides for the maximum amount of damages that may be awarded for non-economic loss in defamation proceedings. Damages for non-economic loss are aimed at providing compensatory damages to cover intangible matters such as consolation for hurt feelings, damage to reputation and the vindication of a plaintiff's reputation.

A court may order a greater amount than the maximum where the court is satisfied that the circumstances of the publication warrant an award of aggravated damages.

Submissions to the statutory review indicated that this provision has been applied by the courts in conflicting ways. The original intent of section 35 was to specify a range or scale of damages, with the maximum amount to be awarded only in the most serious case.

However, some courts have interpreted section 35 as a cap that can be set aside if aggravated damages are warranted, leading to excessive awards of damages for non-economic loss.

Accordingly, the bill amends section 35 of the Defamation Act 2005 to confirm the original intent that the maximum amount sets a scale or range, with the maximum amount to be awarded only in the most serious case. The amendments also provide that awards for aggravated damages are to be made separately to damages for non-economic loss.

Madam Deputy President, the bill includes amendments to clarify and refine the operation of other existing provisions to ensure that they operate as intended.

At clause 19, amendments to the section 26 defence of contextual truth corrects a technical pleading issue, while the section 31 honest opinion defence is amended by clause 23 to clarify what constitutes 'proper material' on which to base an opinion in the age of digital publications.

Finally, the bill amends the definition of 'employee', at section 9 of the Defamation Act 2005, to include all individuals involved in the day-to-day operation of a corporation, including independent contractors, to preserve the policy intent that larger corporations should not have an action in defamation.

Enacting the model amendments will conclude stage 1 of the national review into defamation law. Stage 2 of the review has commenced with the release of a discussion paper during April and May this year.

Stage 2 focuses on the liabilities and responsibilities of digital platforms for defamatory content published online and will consider, amongst other issues, take-down procedures for defamatory content published online and the extension of privilege to statements made to employers about allegations of unlawful conduct.

The Attorney-General looks forward to continuing to work with our state and territory counterparts to progress these ongoing reforms, and improve the effective operation and uniformity of defamation laws throughout Australia.

Madam Deputy President, this is an important bill. The bill implements the nationally agreed model defamation amendments by MAG in July 2020 and fulfils Tasmania's commitment to the other states and territories. This bill modernises Tasmania's Defamation Act 2005 and ensures continued uniformity with defamation legislation around Australia - 16 years after implementation of the original model laws.

I commend the bill to the House.

[4.29 p.m.]

Mr GAFFNEY (Mersey) - I rise to voice my support for the proposed Defamation Amendment Bill 2021 (No. 34) and whilst some people have struggled with today's briefing, I found it easy. Thank you to the gentlemen for providing us with that information.

The proposed reforms to defamation law in Tasmania are necessary to bring our state into uniformity with the rest of Australia. Much of the commentary surrounding this bill has noted the need for consistent law across our jurisdictions. With the drafting of the Defamation Act in 2005 we never could have imagined how vast the reach of publications, both online and otherwise, would become. Defamation occurring through online publications now largely transcends jurisdictions. Uniformity will promote a consistency of law so that Tasmanians and indeed Australians may be well informed of the potential impacts and outcomes of defamatory publications. Also, it serves to provide greater certainty for publishers in determining whether they should publish particular material as the courts continue to interpret statutes.

This bill is the combination of combined efforts from many jurisdictions, and New South Wales, Victoria, Queensland, South Australia and the Australian Capital Territory have all already adopted the suggested stage 1 reforms of the Model Defamation Amendment Provisions 2020.

I congratulate all involved in leading the development of these provisions and for their efforts in producing robust recommendations for reform. I am satisfied the consultation on the proposed amendments has been significant and the proposed amendments have not been made lightly.

The Defamation Working Party of the then Council of Attorneys-General considered more than 70 submissions informing the recommendations. All ends of the community who encounter defamation law were consulted. Media companies, peak legal bodies, lawyers for both the defendants and plaintiffs and digital platforms, among others. In terms of consultation with Tasmania, the Department of Justice facilitated the public and targeted stakeholders in expressing their view and potential concerns.

I will now turn to briefly comment on some of the most notable amendments proposed. Firstly, the preclusion of defamation actions to be brought for or against deceased persons is a long overdue clarification of Tasmanian law. At this time, we are the only jurisdiction that allows a deceased person's defamation action to survive their death. As has been noted by the Attorney-General, it is the common law position that reputation is a significant personal attribute that cannot survive death.

Insertion of section 10 will finally confirm the principles set out in the common law and bring Tasmania in line with the rest of Australia. In further modernising our legislation, the proposed single publication rule will serve to limit claims from multiple posts that have substantially had the same content. The one-year limitation on these publications again aims to streamline the burden on our courts. I believe any concerns about impacts of this on access to justice are well managed by the introduction of section 20AC. This section allows the limitation period to be extended to three years, if the court finds it is just and reasonable to do so.

Most controversially, a further amendment will see the introduction of 'serious harm' threshold that must be established for a cause of action. I support the notion, but the introduction of this higher requirement will reduce the number of insignificant defamation claims going before our courts in Tasmania and ultimately save Tasmanians and their businesses from undue stress and financial costs.

This is effectively inversing the onus of proof on the defendant to prove triviality, to the plaintiff to prove serious harm. However, I do note the concerns raised by the Tasmania Law Reform Institute in their submission on 6 July this year, where they stated that defamation law:

> favours well-resourced litigants over poorly resourced ones, in fact, it appears likely to broaden the gap between those who can access justice and those who can't.

This is a point worth noting. The concern is that a plaintiff, by having the onus of proof placed on them to establish serious harm, may be dissuaded from pursuing defamation proceeding at all. It is no secret legal disputes are enormous financial burdens. It is important these amendments do not increase the financial and power disparity between larger organisations compared to the individual.

It is a timely reminder of the need for increased community legal service support and resourcing in Tasmania. Perhaps the Leader or Deputy Leader, could in the Government's response, make mention of this possible conundrum or need for extra resourcing. In viewing the bill as a whole, rather than focusing on a single provision, we see these concerns are mitigated through other mechanisms. I am pleased to see the bill proposing amendments that are hoped to increase the rate of early resolutions, before they add to the demand on our judicial officers and become a financial burden to parties involved.

The introduction of written concern notices before defamation proceedings begin will allow not only the opportunity to informally resolve the grievance, but also provide an opportunity for the plaintiff to succinctly detail their concerns and turn their mind to the serious harm threshold. In doing so, the number of defamation proceedings commencing without the necessary proof of serious harm may be reduced and thus save our justice system considerable time and money. This may serve to minimise power imbalances between parties as they will have the opportunity to resolve their concerns before it becomes financially draining.

Finally, I would like to note the introduction of a dedicated public interest defence in section 29A. The twofold test requires the defendant to establish both objectively that the statement was on a matter of public interest and further, subjectively, they reasonably believe the published statement was in the public interest. The protection of our journalists is paramount to freedom of speech and democracy within Tasmania. Public interest is both

defined in statute and through the common law and will offer an extra degree of certainty for journalists in publishing their work.

It is essential our laws do not unreasonably restrict freedom of expression on matters of public interest, but this must always be carefully balanced with our duty to provide fair and equitable remedies to those who have suffered harm to their reputation. We must ensure Tasmanians have equal access to pursue defamation proceedings if they choose, but the freedom of speech remains protected. I believe the Defamation Amendment Bill of 2021 will do so. I look forward to bringing Tasmania into uniformity with other Australian jurisdictions.

[4.37 p.m.]

Ms ARMITAGE (Launceston) - Thank you, Madam Deputy President. Firstly, I would also like to thank the Leader and the Deputy Leader for the briefings this morning. As usual they were very informative and I really appreciated the two page sheet. It really was good. It was actually very handy to have while we were listening to the briefing. This bill deals with some quite uncontroversial, but nonetheless important, amendments to the Tasmanian Defamation Act 2005. It brings Tasmania into line with other Australian jurisdictions, is informed by sound legal principles and codifies some important provisions that currently exist in common law.

The tort of defamation is a comparably new one in Australia and when originally introduced in Tasmania eliminated some of the existing causes of action, such as libel and slander and streamlined them into one. One of the original objects of the act passed in 2005 was to have a uniform law of defamation operating throughout Australia. It notably also relied on the common law to supplement it, to ensure that the new law retained flexibility and the capacity to develop in response to changing circumstances.

Some 16 years later, we see ourselves now using the common law as developed over that time to improve the act by the bill we have before us. This is exactly how law reform is supposed to evolve. One such example of this is found in clause 6 of this bill, which inserts section 10 from the original 2005 model defamation provision which was previously agreed to by all Australian jurisdictions but does not currently form part of the principal act.

This clause will codify the current common law position there is no cause of action for defamation of or against deceased persons. The bill also introduces a serious harm element which imposes on the plaintiff the onus to establish the publication of defamatory material has or is likely to cause serious harm to their reputation. The judicial officer presiding over the defamation proceedings is vested with the power to determine whether or not this element is established and it encourages early resolution of defamation proceedings by reducing the likelihood of frivolous or vexatious claims of meeting this threshold test.

I believe the Tasmania Law Reform Institute had some reservations with the absence of a definition for serious harm. I understand this provision has likely been drafted to contain a certain degree of flexibility, so I therefore wonder what tests will be used by judicial officers in determining whether the serious harm threshold has been met and what common law tests might already exist to help guide them.

Perhaps it has been suggested in the other place a non-exhaustive list of matters that can be considered will develop and become codified in time, but for now that will leave a lot of discretion and perhaps, creativity or reliance on common law from other jurisdictions in the hands of the lawyers who will argue these cases. I would appreciate any input the Deputy Leader might have in response to this.

The bill further makes it mandatory for certain pre-litigation processes to be carried out, which increases the likelihood of matters being settled before they actually reach the courtroom. This should save the courts and litigants time and money, which is an entirely good thing and perhaps should be considered as being made mandatory for a raft of other civil actions.

Striking a balance between protecting people's reputation from harm and unfair commentary and ensuring that people's rights to freedom of thought, speech and expression are maintained is very much a central concern of defamation law. This is made all the harder when it is easier and easier to publish defamatory material and harder to retract it, especially in a world that is more connected online than ever before.

The establishment of a dedicated public interest defence will promote legitimate discussion of topics that are essential for a robust democracy to effectively function.

Clause 20 provides a non-exhaustive list of factors to be considered in the circumstances in order to determine whether or not the matter was in the public interest. I believe this also promotes clarity and structure for the court to make its determinations, without imposing overly restrictive tests in making them.

I understand that this bill also seeks to refine the availability of defamation actions to corporations. It better defines which types of corporations might pursue defamation and seeks to prevent corporations tinkering with their structures to slip through and gain access to a cause of action which would not otherwise be available to them. Given the other legal remedies that are available to corporations that are not available to regular individuals, this seems fair. It upholds the principle that the purpose of defamation law is about protecting the reputations of individuals, not corporations.

Finally, I note that this bill does not seem to interfere with the attainment of injunctions for the purpose of preventing the publication of defamatory material. I assume that that power will remain wholly with the equitable jurisdiction of the court. Mr President, I support the bill.

Ms FORREST (Murchison) - I note the comments made by the other members and I will not traverse all the same territory, but as has been noted, this bill is to establish a nationally consistent model and provide a statutory legal framework, intended to balance the freedom of expression and the freedom to publish information in the public interest, as well as protect the reputations of those who may feel aggrieved by that.

The tort of defamation can consist of communication of a defamatory meaning of, or concerning, the plaintiff to a person other than the plaintiff. Often in cases of defamation there is a real power imbalance and we have seen this in action. We have seen this as the key tool of bullies and perpetrators of all sorts of violence and other unpleasant acts, to threaten defamation as a way of silencing people. Often the people they are seeking to silence are people who are less powerful than them, in a position of subservience to them, or less educated and less able to defend themselves. I appreciate the briefing that we had but I note that it was hard for the lawyer to take the lawyer-speak out of his presentation, because lawyers know the law.

Ms Rattray - He managed.

Ms FORREST - To a degree, but I would not agree that he did entirely, with all due respect. Then medical professionals do the same. It is a comment, not a criticism, but the fact

is that the law is complex and even terms like, 'plaintiff,' and 'defendant,' all those sorts of things and -

Ms Rattray - Adduce.

Ms FORREST - Yes, all those things - there was another word in here; anyway, it is irrelevant to what the word was, but there are all these legal terms that to people - particularly the people I represent in my electorate, a lot of them they would find the use of that language very disempowering and very difficult to even think about what can they do about this. As members have said, with the rise of social media and so many digital platforms for posting commentary, memes, any sort of information -

Mr Valentine - Avenues to cause harm.

Ms FORREST - With the intention to cause harm often, it is very easy and the risk of misuse, of what I see as a very useful tool in my work, is very real.

We cannot overestimate the need to try to simplify the language about this to help people to understand what defamation is and what serious harm is. The lack of a definition in the bill may make it more difficult for the average layperson to understand what is serious and what is not and also what their options are.

I have been exposed to this. I have been threatened with defamation as a way of trying to silence me, following abusive and appalling behaviour of a person with power over me in a position that put me in a vulnerable position. It did put me off my game. It made me feel very vulnerable. I felt like, where do I go now? Is this serious? Is it worth trying to continue? Most of it was reported through the media so you all know where that went.

It is a tool of bullies. It is a tool of coercive people who seek to dominate and demean others for their own gain. It is important that we have robust legislation that makes an even playing field so both parties can participate equally in it. I am pleased to see the introduction of a serious harm element and the mechanism there where it falls to the person who has made the claim of defamation or they have been defamed - and I am using common people speak now - that they have to demonstrate and prove that there is serious harm. They have to demonstrate that in a process before you get to the court which, in relation to a particular incident I referred to, would have nipped it in the bud. It was not there and it was not available. The person on the other side who feels vulnerable and unsure how to manage in this legalistic framework, feels completely disempowered.

I know the law and the act itself has to be legalistic in its nature because that is what the law is, but I also think there is an obligation here for the Government - and perhaps the Attorney-General - to have a role to assist people to understand what this means in practice. Stage 2 will come and that focuses more on the digital aspects of defamation and the platforms that provides. It is a rapidly changing area and we are always going to be chasing our tail to some degree to keep up with the changes, but those things that have emerged quickly and got ahead of law in many areas, not just this, have made it even more difficult for people to negotiate and navigate that.

The provisions have been well described in the second reading by the Deputy Leader. She clearly stepped through the changes that have been made. The Deputy Leader did address her mind to the serious harm and why that was not defined. I note the comments the member for Launceston made but I also think the Tasmania Law Reform Institute (TLRI) might have

made the comments about a definition that may be - even though there are provisions for the defence sections of the bill with examples that are not exhaustive, examples of what the court may take into consideration. I do wonder whether there would be any benefit in the future of that. As a victim of a defamation claim, or someone who wants to claim they have been defamed, knowing what the bar of serious harm is in a reputational and personal sense, is very personal.

It could be different for a person who is just starting out in the business world who does not have a massive reputation as a leader in their field yet, but a defamation claim at that point may seriously harm their future prospects. You compare that with someone who has had a long career, at the top of their game, that has a lot to lose for the future beyond that or future positions or opportunities that may present beyond that, and it would be easier to argue serious harm. Again, the serious harm element is quite personal. Anyone who feels they have been defamed feels it personally. Otherwise you would hope they would not be making the claim, except in cases perhaps if it is used as a mechanism to silence people.

The other matter was the limitation period. This particularly relates to and has been driven by the emergence of social media and perhaps the two second news cycle. It seems to be getting shorter by the minute, where the plaintiff has 12 months from the date of publication to commence proceedings and that publication is the first time the document, information, commentary is actually put out there. Whether it is in print copy, the first time it is printed or whether it is the first time it is uploaded to a website, to a social media post or whatever - I understand particularly, in the digital world, it is very important you do not have this everlasting limitation period.

I do think 12 months is a short period. Because some people who are really harmed, aggrieved or particularly vulnerable and feel very threatened by the action taken against them, may take some time to feel they are able to make that claim. To actually call out the defamation. They may feel they are in a too subservient and vulnerable position. It could create more harm for them than it is worth. They might lose their job as a result of making such a claim, particularly if it is a junior employee against a boss or something like that. They put it off because they are not confident enough to push through with it, even though it has been very damaging.

The court can provide a three-year extension, which is probably adequate, but again it falls to the person themselves to apply for that and to convince the court it is necessary. I made some comment in the briefing earlier to the Deputy Leader if something was published about a person on a website or a fairly closed social media group with a big membership, but that person did not see it and did not see it for some time, even though it had been out there and other people have been aware of it. It might mean 12 months time comes around very quickly from that first publication until the time that person is aware of it.

I would assume that would be a case where the court would show leniency and say, yes, they would give an extension of greater than 12 months to bring forward that case.

All legislation needs review from time to time and this is 16 or more years old. In an area that has had a lot of public exposure lately and is now much more difficult to navigate with the digital world, it is timely this bill was looked at, regardless of whether it is taking a national approach or not. I note the additional part 2 work or stage 2 work that's to continue. I am sure they would be important additions also. I note all the provisions described will be much more effective, clearer and reverse the onus onto the plaintiff rather than the defendeant in terms of justifying the need to proceed to court. This tries to introduce a mediation or a

resolution type process before that, which obviously is a preferred outcome, because court is very expensive. It is quite disempowering for many people who are not familiar with the process, it takes an enormous amount of time and ties up our courts.

I do support the bill, but I wanted to make those points, Mr President.

Recognition of Visitors

Mr PRESIDENT - I would like to welcome to the Chamber, Scott McKenzie, who was the Clerk of this fine place from 1989 to 2007. There are probably only two members here that served in Scott's time, but it is nice to see you in the Chamber again.

[5.54 p.m.]

Mr VALENTINE (Hobart) - Welcome Mr McKenzie, it is interesting he is coming back for more.

Mr President, in reading the bill and listening to the second reading speech, I cannot help think the burden placed on the person in the street or the little people is greater with the introduction, or with the passing if this bill gets passed. The circumstances of defamation are also becoming more complex with the advent of social media. Balance is important across the field of plaintiffs and defendants and a level playing field across the states is also important. It is important that for everybody across Australia there is uniformity and everybody knows where they stand. Social media is not a respecter of boundaries and there can be somebody in Darwin who is commenting on you in Hobart or Antarctica for that matter. It can be anywhere in the world and it is a complex circumstance but bringing these changes into play, one hopes will add a level of clarity as to what is and what is not serious harm. We are an increasingly litigious society, whether we like that or whether we do not. It is going to happen and there needs to be that balance and the bill hopes to achieve that balance.

I was concerned when I read it is the general case you cannot sue somebody who is dead. If you are in the process of suing somebody who has done what you believe is serious harm to you and there has been quite a significant case and then all of a sudden that person dies you cannot continue to sue them. I was concerned about that and if it is not the case, then perhaps the Deputy Leader might correct me. I do believe if there is serious economic harm it does not mean you cannot sue their estate. It is just you cannot sue them as an individual person for what they have said, but you might be able to continue to pursue a case in court that has serious economic harm. If I can have that clarified, I would really appreciate that.

Mrs Hiscutt - Yes, that is correct. Did you want more than that?

Mr VALENTINE - No, I wanted to make sure.

Mrs Hiscutt - No, you are okay with that? Yes, that is correct.

Mr VALENTINE - If somebody is seriously defamed and they have suffered significant economic loss, financial loss, then it would only seem fair they are able to continue to try and recover those losses.

Mrs Hiscutt - We will clarify that.

Mr VALENTINE - Even though they cannot have a charge laid against a person who is deceased.

Mrs Hiscutt - We will clarify that more.

Mr VALENTINE - That is basically it. As I say, it is what it is. It is creating balance whether I like some of it or not, for those that are probably less equipped to be able to deal with things through court. I also think given the increasingly litigious society, the social media and digital age we live in, it seems it provides greater clarity as to what can and cannot be considered. I will support the bill.

[4.59 p.m.]

Ms RATTRAY (McIntyre) - Mr President, it is very nice to see Mr McKenzie in the Chamber again. I certainly remember his warm welcome when I arrived in 2004 and three years of guidance, so very much appreciated.

A brief offering to particularly support the principle of this bill and I certainly took on board the member for Hobart's contribution about such a fast-moving pace when it comes to the world of technology and what we might do to try and keep up in regard to defamation and this amendment bill brought before us today. I was particularly encouraged this morning in the briefing and again, thank you Deputy Leader, and obviously, Leader and your department, for arranging that briefing, because we were told there were originally 44 submissions to this bill. We like to hear, in this place, that there has been extensive consultation with the right people around something like this. The second round of consultation - because this process first started in 2018, from memory - had another 36 submissions.

Again, there has been more input into what we have before us. That is what we like to hear, because normally we are quite cross in this place when we learn there has not been that inclusive consultation process. It is really important. I know the member for Mersey shared some of that with the TLRI and they have good input and always provide important information. The member for Mersey has a very good channel into that area. Again, I am comforted by that.

During the briefing there was a question asked, I believe, by the member for Hobart around the possible need for some extra funding of community legal services. The member for Murchison, in her contribution, talked about some of the people we represent and their need for that legal support. They do not have the capacity to fund a legal case. I am interested in whether the Deputy Leader has had a discussion around whether there may be a need for additional community legal services, because we are well aware, across the state, that there is a huge impost on those services we already have in place.

I know it is very difficult to make an appointment in the community house when you need some advice from a legal representative; they usually come to the community house on a monthly basis. We know that through the open legal system it can also be difficult to find somebody to speak to and have some representation, and it is at a significant cost to a lot of people. It is about $300 a phone call, I believe, in some areas and that is a lot of money for some of the people we represent across the state.

I was interested that the Meeting of Attorneys-General is now called MAG. Previously it was the Council of Attorneys-General, which was CAG. I can see why they wanted to change their name. MAG sounds a lot nicer than belonging to the CAG.

Also, New South Wales has been very active. I commented to my fairly recent seat colleague that at least it is not always Queensland. I was encouraged by New South Wales because they have the same sort of system when it comes to reviewing legislation, with two Houses of parliament. Well done, New South Wales, for doing a bit of extra heavy lifting.

I also support the comments made by the member for Murchison, around that 12-month time frame. I know, from personal experience, that sometimes it takes a while to get into the right place to deal with something you view as quite stressful. At another time, we may need to look at that 12-month period and why 12 months was chosen. Certainly, I would be open to that. Was there any other suggestion of having a longer time frame? As we know, as we get older, 12 months seems to go extremely quickly.

Mr Gaffney - There is an extension time of three years on request.

Ms RATTRAY - Yes, on request, but that is still a process. Getting into that request process may be a quite a challenge for somebody who has been through the process of trying to deal with a situation where they have felt they had been the target of defamation. I support the principle of the bill, and look forward to the Committee stage.

Ms PALMER (Rosevears - Deputy Leader of the Government in the Legislative Council**)** - Mr President, I will do my best to answer the questions that have been put forward. A number of members had questions around the provision of further funding for legal assistance as a result of these amendments. The Government considers these amendments will not have significant cost impact to parties. For example, in relation to the reversal of onus to prove serious harm, the plaintiff would, in the ordinary course of defamation litigation, bring forward evidence of his or her experience or harm from a defamatory publication. This is because defamation is concerned with personal reputation. It is also very common, given the technicality of defamation law, that plaintiffs either seek advice or are represented by a private solicitor, both under the current law and under this bill.

In terms of increasing legal assistance funding, the state and Commonwealth governments already provide significant funding for legal assistance. At the state election, the Government committed additional funding to the legal assistance sector of $2.2 million per year for four years. This commitment is on top of the funding already committed under the National Legal Assistance Partnership (NLAP), between our Government and the Commonwealth government, as well as our commitment of an additional $640 000 each year, indexed, provided to Tasmanian Legal Aid and Community Legal Centres. This includes additional funding for Community Legal Centres, Hobart Community Legal Service, Launceston Community Legal Centre, North West Community Legal Centre, Women's Legal Service and other specialised services. These services provide free or low-cost legal services to Tasmanians in need.

In addition, the Hobart Community Legal Service publishes a detailed online Tasmanian Law Handbook. It is a guide in plain English for the public to inform prospective or self-represented litigants. It is acknowledged current defamation law, like most legal matters, can

be complex. These amendments adjust the balance and encourage settlement without increasing burdens on people threatened with defamation.

The member for Mersey also had concerns around the TLRI submission. In addition to the national consultation, the draft bill was released for three weeks for general public consultation from 11 June to 2 July this year, as well as being sent directly to targeted stakeholders. One submission was received from the TLRI. The TLRI expressed general support for the bill and noted the importance for enacting the model amendments to maintain the uniform regulation of defamation law throughout Australia. The TLRI also supports the introduction of section 10 of the 2005 model defamation provisions to promote uniformity and fully codify the general law around death of parties to a defamation action. The TLRI noted the section 10 amendment lacked gender neutral language and I am pleased that this was rectified in the final bill.

The TLRI was concerned about the potential imbalance of the amendments favouring the rights of defendants to defamation actions and disregarding less powerful plaintiffs, for example, individuals, small businesses and/or startups who are subject of the defamatory imputations. That said, the TLRI concluded by saying it was supportive of measures to stop forum shopping and introducing some types of specific provisions in Tasmania would likely infringe the free trade provisions found in Section 92 of the Commonwealth Constitution. It said the ability of Tasmania to introduce specific provisions to protect a plaintiff's rights while also discouraging interstate litigants from forum shopping here are extremely limited.

The Government considers on balance of the national consultations that this state gets the balance right, particularly in the promotion of pre-litigation settlement by people who may not otherwise have access to successful outcomes. The Government agrees with the TLRI that further reforms should be informed by both national and local circumstances and we will continue to represent the interests of Tasmania in the development of further reforms. The national and local consultations seek to engage all relevant stakeholders in both this and future forums representing plaintiff and defendant interests. When New South Wales was doing all this consultation it was very much a national focus and not just New South Wales, for obvious reasons.

The member for Launceston and also the member for Murchison had questions about the serious harm provision at section 10A and why there was no definition. In determining the form section 10A was to take, the Defamation Working Party provided advice to the Council of Attorneys-General in consideration of feedback from all stakeholders as well as other similar provisions from other jurisdictions. The Defamation Working Party also considered the advice of the defamation expert panel. Some stakeholders, including the Law Council of Australia, submitted that express guidance on the matters relevant to serious harm ought to be included in section 10A, while others did not raise the issue.

The Defamation Working Party also considered section 1 of the UK's Defamation Act 2013 noting it did not include any express guidance on this matter. In the end it was considered that as this element is to be determined by the judge and not the jury, the inclusion of factors would make this assessment more complex rather than less complex for the courts and subsequently for parties to litigation. Also, it is considered that fettering judicial discretion may limit the ability for jurisprudence to continue to develop in response to trends in defamation law -

Ms Forrest - That is those lawyer's words. They have put them in again, you see.

Mr PRESIDENT - It is a good one though.

Ms Forrest - It is a good one. I do like that one.

Ms PALMER - to continue to develop in response to trends in defamation law, particularly considering the rapidly evolving landscape of digital media. The national process concluded that this is an appropriate matter for judicial discretion and given the serious harm element is based on the UK's Defamation Act it is anticipated that Tasmanian courts will look to the UK for jurisprudence as well as other Australian jurisdictions in relation to this serious harm element.

The member for Murchison asked about the Tasmania Law Reform Institute's submission also on the serious harm element in section 10A. The TLRI is concerned the introduction of the serious harm threshold for causes of action may potentially increase legal costs for those potential plaintiffs who are at the beginning of their career or business venture, as well as cause case management issues as the threshold is not defined. This was not considered a significant issue in the national consultations. A person emerging into the market can still suffer serious harm to their reputation. I note that the construction of the serious harm provision, together with all other model amendments, as with any substantive law reform, will be the subject of future judicial rulings.

In developing jurisprudence around serious harm, the courts and plaintiff's lawyers may look to other jurisdictions, such as the UK, to inform its interpretation. The UK has had a very similar serious harm provision since 2013. This proposed section has been inserted in the model amendments in response to stakeholder submissions that defamation law is increasingly used for trivial, spurious and vexatious claims. It will place the onus on the plaintiff to prove harm flowing from the defamatory publication, which received widespread support.

The member for Murchison also asked about the 12-month limitation period in the context of the single publication rule. The single publication rule has been proposed to provide certainty for publishers about the limitation period for defamation actions. Under the single publication rule in the new section 20AB the date of the first publication will be treated as the start date for the limitation period for all subsequent publications.

However, to ensure that the rule operates in a fair way, section 20AB(3) and (4) provide that a subsequent publication would not be treated as having accrued on the date of the first publication if the manner of the publication is materially different from the manner of the first publication. To assist the court in how to determine whether the manner of the subsequent publication is different, section 20AB(4) provides two considerations. The level of prominence that a matter is given and the extent of the subsequent publication.

Section 20AB(4) does not provide an exhaustive list of considerations. An example of where a subsequent publication may not be treated as having the same date of the first publication is where a person publishes an article in a community loop newsletter implying illegal dealings of a local property developer. Three years later the publisher republishes the article via Twitter in response to the property developer appearing in the news cycle on an unrelated matter. The tweet goes viral, receiving thousands of likes and re-tweets. In this example, the manner of the subsequent publication is arguably materially different as it has

resulted in a greater level of prominence than the first publication and as is the extent of the subsequent publication.

The one-year limitation period was introduced by the 2005 act and remains appropriate according to stakeholders, subject to the introduction of the single publication rule and the continued ability to apply to extend the limitation period to three years, if just and reasonable, according to section 20AC.

Member for Launceston had a question about the balance shift - does the balance shift go too far against less powerful parties? The TLRI, on the driver of these reforms, rebalance of remedies and freedom of speech. The reforms were driven with the continued input and approval of Attorneys-General via the DWP, the Defamation Working Party, throughout consultation and policy development. The model amendments were based on stakeholder feedback from two rounds of public consultation which saw submissions received from media companies, legal stakeholders, digital platforms, legal representatives for plaintiffs and defendants, academics and individuals with experience in bringing, or defending defamation claims. The Government considers this process has set the right balance.

The Government agrees with the TLRI that further reforms should be informed by both national and local circumstances. We will continue to represent the interests of Tasmania in the development of further reforms. The national and local consultations seek to engage all relevant stakeholders in both this and future forums.

The member for Hobart asked about defamation after death. The bill includes clause 6, section 10 from the original 2005 Model Defamation Provisions. Section 10 of the MDPs provided that there is no cause of action for defamation of, or against, deceased persons, whether or not the defamation occurred before or after the person's death. Section 10 was previously agreed to by Australian jurisdictions, but does not currently form part of the act. Inserting section 10 will bring the Tasmanian act into line with other jurisdictions and codify the common law position on dead persons and courses of action in defamation. The Tasmania Law Reform Institute supports the reintroduction of section 10 from the 2005 Model Defamation Provisions to promote uniformity and fully codify the general law around death of parties to a defamation action. This does not affect other areas of law or courses of action such as those in contract or tort law.

There was a question of what avenues are open to families or estates of prospective plaintiffs who have died after being defamed or where defendants have died and there is no longer an action in defamation. The operation of section 10A will override the general application of section 27 of the Administration and Probate Act 1935 to defamation actions in that defamation courses of action cannot be maintained against the estate of the plaintiff or defendant. However, section 27 is quite broad and may allow or require the estates of the plaintiff or defendant to pursue or to defend courses of actions in tort to remedy the damage in lieu of defamation action. There may be other options available. Potential actions available instead of defamation will turn on the facts of the case. However, an example of an alternative cause of action is the tort of injurious falsehood. This is where a malicious statement is something that ruined the image or commercial success of an individual through the act of malicious statements. It is a tort that the claimant can use to establish the injurious falsehood against the one responsible to harm his or her reputation.

Injurious falsehood is different from defamation, rather more professional than personal, although it shares certain characteristics with a defamation action and it comes under civil wrong for which compensation may be available.

Bill read the second time.

DEFAMATION AMENDMENT BILL 2021 (No. 34)

In Committee

Clauses 1, 2, 3, 4, 5, 6 and 7 agreed to.

Clause 8 -
Sections 12A and 12B inserted

Ms RATTRAY - Just a query in regard to Clause 8, 12 A, Concerns notices and for the purposes of this act, it is a concerns notice if the notice is in writing. Would that include an email, or just some clarification on what is in writing in this modern age?

Ms PALMER - Yes, that does include an email.

Clause 8 agreed to.

Clauses 9 and 10 agreed to.

Clause 11 -
Section 18 amended

Ms RATTRAY - In regard to Clause 11, Effect of failure to accept a reasonable offer to make amends. Is there any mediation on that? If someone fails to accept a reasonable offer, who determines whether it is a reasonable offer and whether there is any negotiation or a process where you might put the two parties together? Is there any compulsory way you can bring them together? You have to have willing parties to have a mediation session. And if you do not have willing parties, you cannot force somebody. How would the mechanics of that work and who determines reasonable offer?

Ms PALMER - Section 18 reflects the end of the concerns process. The prior amendments encourage negotiation. My understanding is when you come to the end of that negotiation, that is the process for mediation and once you come to the end, you are at the end.

Ms RATTRAY - Who determines a reasonable offer?

Ms PALMER - I will just seek some advice. Section 18(2) of the principal act:

In determining whether an offer to make amends is reasonable, a court -

(a) must have regard to any correction or apology published before any trial arising out of the matter in question, including the extent

to which the correction or apology is brought to the attention of the audience of the matter in question taking into account -

(i) the prominence given to the correction or apology as published in comparison to the prominence given to the matter in question as published; and

(ii) the period that elapses between publication of the matter in question and publication of the correction or apology; and

(b) may have regard to -

(i) whether the aggrieved person refused to accept an offer that was limited to any particular defamatory imputations because the aggrieved person did not agree with the publisher about the imputations that the matter in question carried; and

(ii) any other matter that the court considers relevant.

Ms RATTRAY - I thank the Deputy Leader for the response. That was lawyer-speak. I am going to take out of that, and correct me if I am wrong, that if somebody has made an offer to publish an apology, and they want to put it on page 15 but I want it on page 1; is that what we are saying here? That there can be some conjecture there, that what I think is reasonable for an apology is not necessarily accepted by the person or the company or whatever it might be, because the article was originally on page 1 - front page, headlines - and then the apology goes into page 15. That is sort of what happens now, when a newspaper or a media outlet tries to correct a mistake. They have the mistake on page 3, but the correction is way back into the paper and sometimes it gets completely overlooked. Am I on the right track there? I need a clarification in that simple, everyday speak.

Ms PALMER - You are on the right track, member. These are the kinds of factors that are considered by the judge. It is noted the prominence given to the correction or apology as published in comparison to the prominence that is given to the matter in question. So, you are correct.

Ms RATTRAY - Thank you very much.

Clause 11 and 12 agreed to.

Clause 13 -
Sections 20AB, 20AC and 20AD inserted

20AB Single publication rule

Mr GAFFNEY - I am not certain whether I am asking this in the right place, so I stand to be corrected. A person sends an article or some information to a distribution list and says, 'This is confidential, not to be forwarded.' They have sent it to a particular list and so, on one hand they could be public, but they have tried to confine it to that group. If someone from that list then sends it to all and sundry, who is at fault there? Is it the first publisher who sent it to a confined list, or is it the person who then sent it on to everybody else? This may not be the right section, but I seek an answer anyway.

Madam CHAIR - Which is the first publication is the question on this clause. Which is the first publication?

Ms PALMER - Member for Mersey, every case is based on individual facts and this bill does not change who the publisher is. This would be considered under the current act.

Mr GAFFNEY - Here is an example. If a person sent an article to a limited group and said 'not for publication, not for distribution', and then somebody from that group sent it everywhere, who is at fault? Who would the aggrieved person go at? This one, or the original writer?

Ms PALMER - In the scenario you presented, it could be both. Any such communication of latter spoken or written words, et cetera, is known as and amounts to publication and must itself contain, either directly or by implication, a defamatory meaning.

Mr Gaffney - Thank you for that; and I don't want an invoice!

Clause 13 agreed to.

Clauses 14 to 24 agreed to.

Clause 25 -
Section 35 amended (Damages for non-economic loss limited)

Ms RATTRAY - This section concerns the damages for non-economic loss limited. We heard in the briefing today, and it says in subclause (2) - 'The maximum damages amount is to be awarded only in a most serious case'. We were informed that maximum is $250 000. Is that just a known fact? If it is $250 000 today, and if this act isn't revisited for, say, another 16 years, the value of $250 000 will diminish quite considerably - although if anyone has some superannuation they would be hoping not. I am interested how that maximum of $250 000 is incremented to keep up with changes in the value of money.

Ms PALMER - Honourable member, that figure is indexed. The act imposes a limit on the amount of damages that may be awarded for non-economic loss and the cap is adjusted annually. It is currently $432 500 for 2021-22.

Ms Rattray - It started 16 years ago at $250 000.

Clauses 25 to 27 agreed to.

Clause 28 -
Repeal of Act

Ms RATTRAY - I congratulate the Deputy Leader on her two bills today. They were her first two significant bills in this parliament.

Madam CHAIR - She was provided with very straightforward bills.

Mr Valentine - They thought they were going to be.

Ms RATTRAY - The Council did its job, as it always does. I congratulate the Deputy Leader on taking them through and the support she has been provided by the Leader.

Clause 28 agreed to.

Bill reported without amendment.

Ms PALMER (Rosevears - Deputy Leader of the Government in the Legislative Council) - Mr President, I move -

That the third reading of the bill be made an order of the day for tomorrow.

Motion agreed to.

TABLED PAPERS

Answers to Questions

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) (by leave) - Mr President, I have some answers here. I will table most of them and list them now.

The member for Murchison asked about the Burnie ambulance numbers on a daily basis. I now have that answer here. The member also asked about the Burnie ambulance station plans. I will not ask for them to be incorporated into *Hansard* because they are publicly available. I will personally hand them to you in a moment.

I have an answer for the member for Launceston on the cessation of smoking question, can the Government rule out a similar policy to the T21 bill? I will table that but, basically, the answer was, yes, we can certainly rule it out at this time.

I have numerous answers to questions put during yesterday's debate on the budget bills. A number of members asked questions and I undertook to take best possible endeavours to respond prior to the adjournment today. I have received additional responses and I would like to table them.

They include: member for Murchison, details on the Macquarie Point Development Corporation FTEs; member for Murchison, consultation with the Legislative Council on local government reforms, pursuant to PESRAC's recommendations; the member for Mersey, funds received by the National Trust Board since 2006 on a yearly basis; the member for Elwick, the DoE figures relating to the level of bullying in each Tasmanian school for 2020, by region; member for Nelson asked for the criteria on which groups were involved in the targeted consultation process for Community Support Levy distribution, as to how they were selected.

As I said earlier, I am still chasing one or two for some members and I will provide those answers as soon as I have them.

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President -

I seek leave to table those answers and have them incorporated into *Hansard*, with the exclusion of the Burnie ambulance station plans which I have here and I will hand over personally.

Ms FORREST (Murchison) - I assume I can speak on a request for leave. Mr President, I would prefer the Leader to read the answer in relation to the Regulatory Reform Report, because I did submit a question without notice in addition to the comment, or the questions I asked during the debate. I did not receive an answer to that, so I want to know if this answer has been provided or not, and I do not know that without the Leader reading it out, in which case I will be standing on adjournment to follow up this question. If you read it out I will know if you have answered it or not.

Mrs HISCUTT - I have here the details of Macquarie Point. It is not that one?

Ms Forrest - No, the Regulatory Reform Report.

Mrs HISCUTT - I have consultation with the Legislative Council on local government reform -

Ms Forrest - Not that one, no.

Mrs HISCUTT - I do not have another one here. What I read out is all I have at the minute and I was pursuing others if I had them, and I have not got them as yet. I am pretty sure they would have been brought up to me if I had them. Do I need to step down?

Mr PRESIDENT - Well you have sought leave, so it is to table. We need the Leader's - the question is that she is seeking leave to table.

Ms Forrest - I had asked that the answer be read out, but I am not sure that the answer is in there.

Mr PRESIDENT - You have not got the answer.

Mrs HISCUTT - I do have it here. There are a couple I am still pursuing.

Ms Forrest - I will get up on adjournment, do not worry.

Mr Gaffney - Through you, Mr President, can I ask a question about the process here about the questions that are being tabled and being put through *Hansard.* Is it possible for us to get an electronic copy of those immediately sent round to all members, because even though the member for Murchison has asked the question, I am interested in the answer. Usually they just go back to the person who asked the question. So, in this circumstance because we are not sitting would it be possible for all answers to questions to be sent round to all members?

Ms Forrest - Particularly related to the Budget.

Mr Gaffney - Yes, related to the Budget, to be sent round to all members, so that we all have access to those answers?

Mr PRESIDENT - That will be at the Leader's -

Mrs HISCUTT - I am more than happy to do that because they will be put on *Hansard* anyway. I will send them and I will get my adviser to forward all answers to Legislative Council members.

Leave granted.

See Appendix 1 for incorporated document (page 71).

ADJOURNMENT

[5.48 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

> That at its rising the Council adjourns until 9.30 a.m. on Friday, 15 October 2021.

Mr President, I move -

> That the Council does now adjourn.

Estimates Committees - Answers to Questions

Ms FORREST (Murchison) - Mr President, I do commend the Leader on her diligence in following up answers to questions. I know those matters I asked were taken on good faith obviously, as well as by the Government, and the departmental staff went away and did most of the work.

However, we are not sitting tomorrow and part of that is because we have run out of work to do, which means we do not have another question time tomorrow. Now in good faith, I followed up my questions put to the Leader, during the consideration of the budget bills, in the Committee stage. I followed up with a question, without notice, within the time frame, seeking to get an answer to a question, further clarifying the questions that were put to the Leader during that debate. I have not got it. The time frame that was agreed was adhered to by me. The commitment was made by the Leader we would get all the answers today and why we would not sit tomorrow.

Mrs Hiscutt - Point of clarification. I said I would make every effort to get it.

Ms FORREST - I accept that, but the thing is we do not sit again for several weeks and I have dealt with this before when we have a break. Answers provided, for a variety of reasons, even those that were on the notice paper that have been sitting there for months, even if we do get those answers a week or two later, there is no guarantee you will.

The question I put to the Leader supplementary to the questions asked during the debate, was:

> With regard to the Tasmanian Regulatory Reform Report referred to in Committee A Budget Estimates hearings and the Committee stage of the Appropriation Bill No. 1 on Tuesday, 21 September 2021, please provide a copy of the letter and other communication provided to key stakeholders invited to provide comment and feedback that informed this report.

That is not going to be 'Cabinet-in-confidence', that is just the communication that was seeking input from stakeholders. I could probably go to a stakeholder and ask them for a copy and I could do that, but I am asking the Government to provide me with a copy of that communication and:

> (2) Please provide details of stakeholders whose feedback was sought for this report?

I would have expected to be able to get that. It is something that does not have to be pulled together from a big database. All you have to do is find the sample letter that was sent, provide that, and then the list of stakeholders would have been similarly just printing out a list of the stakeholders engaged in that process. I am very disappointed this has not been provided. I am not blaming the Leader for this. She does her best to get a whole range of questions answered, but to me this has been an embarrassment to the Government in the way they have dealt with this. The minister did not cover himself in glory across the table, claiming that a review of this particular report revealed deliberations of Cabinet. It would be next to impossible.

Through the Leader, he claims it was a review of commercially sensitive information - which is also a nonsense - particularly, using that as a reason not to provide a parliamentary committee with that information. This matter will not rest. It is a matter of ensuring our processes of privilege when rightly claimed are not abused. We all accept, and if you read the committee Production of Documents report you will know the committee found and agrees there are documents that do attract that sort of immunity we should not be seeking.

That being said, these two matters I have asked for here, and I would also argue the actual report itself, do not fit that category and if we keep seeing a Government continue to try and claim that, it undermines the very principle of responsible government.

Mrs HISCUTT - I think it is about five minutes away. It is poised to come but I do not have it at the minute. I am happy to keep talking about something or other until it is cleared or I could give it to you as soon as it comes in five- or 10-minutes times and then we can send it on to all members and put it into *Hansard* next time.

Ms Forrest - That is the answer to this question you are talking about, not the other question you took on notice across the table?

Mrs HISCUTT - I have my adviser listening in and have messages here to say he is trying to get cleared and apologised for missing it in the rush. It is there somewhere and I have sent a message back saying 'hurry'. At the moment they are getting it cleared. Does anyone have any questions for me?

Mr Gaffney - Yes, if they could get the overpass ones while they are on the way.

Mrs HISCUTT - I will check on that one too.

Ms Forrest - It is the bridge works at Deloraine holding things up.

Mrs HISCUTT - We did find it was a difficult one to answer, because when they do that they put their efforts into pricing what they are doing and they did not put their efforts into pricing the other ones. They may be able to come up with round figures, but to actually do what you are requesting they might have to spend thousands of dollars getting those figures on some hypothetical that may or may not happen.

Mr Willie - The minister for Sport might have an answer to a question I asked yesterday.

Mr PRESIDENT - The question before us is that the Council do now adjourn. If we need to wait then we do not move that motion. So, if the Leader sits down -

Ms Hiscutt - Do I need to withdraw the adjournment motion? Would that also then allow the member for Elwick to pursue his question?

Ms FORREST - A point of explanation as to what my expectation is. I have used my adjournment call to put on record my disappointment with what has occurred. Assuming an answer is cleared, there is no guarantee it is going to be an acceptable answer. It might not contain the information I have sought. Either way, I am also waiting on other answers that were taken on notice relating to this matter during the budget Committee stage. This is not over and there will be other opportunities. I am happy for the Leader to do what she can and we will deal with it at a later time.

Mr PRESIDENT - The question is that the Council do adjourn.

Mrs HISCUTT - I do have the answer to the question. How do you want to handle this? Shall I withdraw the motion to adjourn?

Ms Forrest - Are you responding to my adjournment debate?

Mrs HISCUTT - I can give the answer now in my reply, which I will continue to do. I try every avenue I can to get answers to questions. The Government is prepared to release the template letter sent to stakeholders and a copy is attached. Please note the mobile numbers have been redacted.

The second one was, please provide details of stakeholders whose feedback was sought for this report. In order to secure frank and candid responses, stakeholders were assured by the consultant their views and identity would be kept in confidence. Provisions of details requested would reasonably lead to a reduction in participation in similar processes in the future, either in terms of the forthrightness of the views offered or willingness to be involved at all. Accordingly, a list of stakeholders is not provided. So, we cannot provide that.

There is another attachment here I will have printed and seek leave to have it tabled. I will sign that in due course. Is that okay, Clerk? Mandy has gone to print it now.

Any other questions or answers that do come through I will be sure to forward them to all members, probably addressing it to the member who asked the question and cc'ing the others. Are you happy if I just do something -

Ms Forrest - Adjourn and table it next time. You will send a copy to us.

Mrs HISCUTT - Is the member happy to receive it after the adjournment?

Ms Forrest - Yes, I am and we can formally table it when we are back.

Mrs HISCUTT - Yes, okay. Thank you, Mr President, I think we can move on.

Mr PRESIDENT - The question is - That the Council do now adjourn. Member for Huon.

Dr SEIDEL - Thank you, Mr President. I have to say this is a very odd way of providing answers to questions. It has been a problem for quite some time. That is why in budget Estimates I asked the Premier and respective ministers who gave evidence in Committee A whether they were willing to provide answers to questions within 24 to 48 hours and if they were unable to provide answers to questions -

Mr PRESIDENT - Order, member for Huon. I am advised this is out of order because the Leader has already given a reply to the adjournment and debate has closed. We cannot enter debate on adjournment. If any member has anything they want to bring up on adjournment you can rise in your seat but if it is related to an issue we cannot open a debate on that.

Dr SEIDEL - In general terms I would like to make a point on the way answers are being provided to questions put to the Government -

Mr PRESIDENT - Order, there is only one adjournment debate. The motion has been moved and it has been closed. Unless it is another - that is the only one? No other members?

Ms Forrest - Should have got up before the Leader.

Mr PRESIDENT - Yes, I forgot the Leader was up. Sorry, it was such a long time.

The Council adjourned at 5.59 p.m.

Appendix 1

tabled and incorporated into Hansard

Answers to Questions raised in debate on Appropriation Bills (No.1 & No.2) 2021 and other matters

tabled by L. Hiscutt
Leader of Government

22 September 2021

Wickes
Deputy Clerk

Member for Murchison: - Burnie Ambulance Nos.

With regard to the welcome and planned new ambulance station in Burnie

1 ***For the last two years, what are the annual average number of daily ambulance call outs from the Burnie Ambulance Station listed by day of the week;***

For the Leader:

I am advised that in 2019-20 the Burnie Ambulance Station responded to 5 387 incidents. On average, this equalled:

16.1 incidents on Mondays
14.9 incidents on Tuesdays
14.7 incidents on Wednesdays
14.6 incidents on Thursdays
14.9 incidents on Fridays
14.7 incidents on Saturdays
13.7 incidents on Sundays

In 2020-21 the Burnie Ambulance Station responded to 5 617 incidents. On average, this equalled:

16.1 incidents on Mondays
14.7 incidents on Tuesdays
15.6 incidents on Wednesdays
14.8 incidents on Thursdays
15.6 incidents on Fridays
15.1 incidents on Saturdays
16.1 incidents on Sundays

+
Burnie Ambulance Station Plans not to be tabled.
- I believe they are publically available anyway

Member for Launceston – Smoking Cessation question

"If targets to reduce youth smoking rates are not met within the time frames designated by the Healthy Tasmania strategic plan, what courses of action the Government might pursue to reduce them? Can the Government rule out a similar policy to the T21 bill?"

JR (Minister Rockliff) said for clarity – The Answer to Ra's question 4 is:

Yes at this time. (We are ruling out another T21 Policy at this time).

Mr President

During yesterday's debate on the Budget Bills a number of Members asked questions that I undertook to use best endeavors to respond to prior to our adjournment this week.

I have received ~~some~~ additional responses I would like to now table.

Murchison – Details on Macquarie Point Corporation FTE's

Murchison – Consultation with the Legislative Council on local government reform pursuant to PESRAC 's recommendation.

Mersey – Funds received by National Trust Board since 2006 on a yearly basis.

Elwick – DoE figures relating to the level of bullying in each Tasmanian School for 2020 by region.

Nelson – Criteria on which groups involved in targeted consultation process for Community Support Levy Distribution were selected.

As stated earlier, I am chasing some answers down as quickly as I can and I will provide responses to other unanswered questions for Members as soon as practicable.

Ruth Forrest. – question regarding Maq Point Corporation FTE's

There are currently 14.62 FTEs positions on the establishment list for the Corporation Team.

These comprise, two SES positions (SES 3 (CEO) and SES 1(COO)), one Band 9, seven Band 7, two Band 5, three band 4, and one Band 1 employee. The Macquarie Point Development Corporation staff undertake a wide range of roles including project management, stakeholder engagement, media and communications, site operations, finance, planning and heritage, facilities management and administrative functions.

These positions are paid in line with the Tasmanian State Service Award with associated conditions as determined under Government negotiated industrial agreements.

Board/Panel Meetings

The Board can create or establish committees/panels such as the requirement for an Audit and Risk Committee.

A Panel can be established for one off strategic items such as Director Recruitment.

These committee/panel duties do not incur additional sitting fees for Directors.

RUTH FORREST – LOCAL GOVT REFORM CONSULTATION WITH LEGISLATIVE COUNCIL

1. Does the Minister acknowledge that the Legislative Council is part of the Parliament referred to in PESRAC recommendation that stated "*Parliament should own the local government reform process*" ...?

   Yes, it is acknowledged that the Legislative Council is part of the Parliament. So far, discussions have focussed on whether or not the political parties and the Independent Member for Clark can agree to work together as per PESRAC's recommendation, as a basis for working with the whole of Parliament.

2. Please provide copies of the Minutes of the three meetings of the Working Group to date;

   Given the informal nature of discussions so far, formal minutes have not been taken.

3. What mechanism will be utilised to engage with the Members of the Legislative Council;

   We plan to liaise with the Legislative Council when we have an agreement to proceed.

4. What date will Members of the Legislative Council be invited/engaged in the process thus ensuring the recommendations of PESRAC are met; and

   As the working group has not made a decision regarding an engagement mechanism, a date has not been discussed.

5. At what stage of development are the draft Terms of Reference for;
   a. the Working group; and
   b. the Expert Panel.

   The working group has identified the need for it to have a Terms of Reference, with various approaches proposed by members. At this time, no agreement has been reached on the final form.

A Terms of Reference for the expert panel has been discussed, but not finalised.

QUESTION ON NOTICE

ASKED BY: Hon Mike Gaffney MLC

ANSWERED BY: Hon Leonie Hiscott MLC

QUESTION: Could the Government provide a table of funds received by the National Trust board since 2006, on a yearly basis?

ANSWER:

Since 2006-07 the National Trust (Tasmania) has received $300 000 Ex GST per annum from Heritage Tasmania through Grant Deeds established to assist with the operation of the organisation. This was increased to $312 325 Ex GST per annum in 2018-19.

The National Trust (Tasmania) has also in the past received additional financial support and additional Capital funding Grants from Heritage Tasmania to undertake urgent conservation works on significant heritage properties. These payments are detailed below in the table.

In this year's budget the Government has provided an additional $300 000 to the National Trust (Tasmania) to assist in managing its portfolio of significant heritage properties and to facilitate strategic business transformation activities. Heritage Tasmania is currently working through the details of this additional funding with the National Trust.

Details of funds provided by Heritage Tasmania to the National Trust (Tasmania) by financial year since 2006-07 are detailed below:

Year	Purpose	Amount (Ex GST)
2006-07	National Trust recurrent Grant	$162,346
2006-07	National Tasmania Administrator/creditor payments	$80,000
2007-08	National Trust recurrent Grant	$300,000
2007-08	National Trust – additional grant funding	$31,383
2008-09	National Trust recurrent Grant	$235,000
2009-10	National Trust recurrent Grant	$300,000
2009-10	Urban Renewal and Heritage Fund Grant - Clarendon, Nile	$120,000
2009-10	Urban Renewal and Heritage Fund Grant - Runnymede, New Town	$148,000
2010-11	National Trust recurrent Grant	$300,000
2011-12	National Trust recurrent Grant	$300,000
2012-13	National Trust recurrent Grant	$300,000
2013-14	National Trust recurrent Grant	$300,000
2013-14	Additional Financial Support	$200,000
2014-15	National Trust recurrent Grant	$300,000
2015-16	National Trust recurrent Grant	$300,000
2016-17	National Trust recurrent Grant	$300,000
2017-18	National Trust recurrent Grant	$300,000
2018-19	National Trust recurrent Grant	$312,325
2018-19	Clarendon Urgent Works	$318.182
2019-20	National Trust recurrent Grant	$312,325
2020-21	National Trust recurrent Grant	$390,406*
2021-22 YTD	National Trust recurrent Grant	$78,081*

** Variations in National Trust recurrent Grant deed due to timing of payments through the year*

Josh Willie – BULLYING IN SCHOOLS

FURTHER INFORMATION IN RESPONSE TO BUDGET ESTIMATES QUESTIONS

- The Tasmanian Government believes that regardless of background or circumstance every young person deserves a quality education, and violence or harassment of any kind is not tolerated in Tasmanian schools.
- The 2020 annual Student Wellbeing Survey, undertaken by all students from Year 4 to Year 12, reported that 86 per cent of our students feel safe at school.
- But we know there is more work to be done to ensure that our schools are respectful and safe, and we know that challenging behaviours occur for complex reasons.
- We are investing in a number of strategies to address the underlying causes of challenging behaviours, and to support our students to ensure they can learn and grow.

Important Note to responses:

Data is sourced from the Observed Behaviour Incidents recorded by schools in the Student Support System (SSS). As a result, there may be differences across schools in the severity of behaviour incidents recorded.

It is a school decision whether Observed Behaviour incidents are recorded in the SSS. Some behaviour incidents may be relatively low in severity, but some schools may still choose to record them in the SSS.

Accordingly, caution must be taken when comparing between schools or regions.

In relation to answers on suspension incidents, some are related to Observed Behaviour Incidents.

Suspension incidents include multiple incidents by individual students and, therefore, should not be read as the number of students suspended (which will be lower than the number of incidents).

Please note: in the tables below the school number does not indicate the same school in each table. Rather, schools are uniquely de-identified by region in each table.

2. Provide the figures held by the DoE related to the level of bullying in each Tasmanian school for 2020.

RESPONSE:

The following table provides the number of Observed Behavior Incidents for the reason "Bullying/physical harassment of a student" by school in 2020.

Region	School	Behavioural Observations Incidents
South	School 1	29
	School 2	9
	School 3	1
	School 4	5
	School 5	3
	School 6	13
	School 7	4
	School 8	8
	School 9	77
	School 10	0
	School 11	14
	School 12	7
	School 13	2
	School 14	14
	School 15	2
	School 16	1
	School 17	0
	School 18	4
	School 19	12
	School 20	0
	School 21	0
	School 22	13
	School 23	44
	School 24	7
	School 25	2
	School 26	0
	School 27	6
	School 28	6
	School 29	0
	School 30	4
	School 31	0
	School 32	20
	School 33	9
	School 34	0
	School 35	0
	School 36	1
	School 37	0
	School 38	7
	School 39	1
	School 40	0
	School 41	27
	School 42	3
	School 43	1
	School 44	1
	School 45	8
	School 46	13

2

Region	School	Behavioural Observations Incidents
	School 47	4
	School 48	0
	School 49	10
	School 50	52
	School 51	0
	School 52	7
	School 53	1
	School 54	1
	School 55	32
	School 56	3
	School 57	8
	School 58	5
	School 59	2
	School 60	1
	School 61	0
	School 62	0
	School 63	11
	School 64	8
	School 65	17
	School 66	0
	School 67	4
	School 68	0
	School 69	41
	School 70	22
	School 71	81
	School 72	0
	School 73	6
	School 74	0
	School 75	0
	School 76	1
	School 77	0
	School 78	47
	School 79	24
	School 80	4
	School 81	0
	School 82	13
	School 83	10
	School 84	5
	School 85	38
	School 86	2
	School 87	1
	School 88	11
North	School 1	1
	School 2	11
	School 3	2

3

Region	School	Behavioural Observations Incidents
	School 4	2
	School 5	12
	School 6	6
	School 7	6
	School 8	3
	School 9	2
	School 10	0
	School 11	21
	School 12	5
	School 13	44
	School 14	13
	School 15	39
	School 16	0
	School 17	24
	School 18	18
	School 19	4
	School 20	2
	School 21	13
	School 22	0
	School 23	1
	School 24	9
	School 25	17
	School 26	0
	School 27	0
	School 28	14
	School 29	20
	School 30	1
	School 31	2
	School 32	32
	School 33	7
	School 34	0
	School 35	18
	School 36	3
	School 37	8
	School 38	3
	School 39	0
	School 40	6
	School 41	10
	School 42	9
	School 43	4
	School 44	89
	School 45	0
	School 46	3
	School 47	1
	School 48	21
	School 49	21

4

Region	School	Behavioural Observations Incidents
	School 50	8
	School 51	17
	School 52	0
North West	School 1	1
	School 2	7
	School 3	5
	School 4	19
	School 5	2
	School 6	0
	School 7	16
	School 8	4
	School 9	5
	School 10	29
	School 11	64
	School 12	9
	School 13	3
	School 14	3
	School 15	0
	School 16	18
	School 17	13
	School 18	2
	School 19	0
	School 20	11
	School 21	14
	School 22	4
	School 23	4
	School 24	0
	School 25	19
	School 26	121
	School 27	7
	School 28	1
	School 29	0
	School 30	0
	School 31	0
	School 32	18
	School 33	10
	School 34	10
	School 35	1
	School 36	47
	School 37	18
	School 38	3
	School 39	3
	School 40	21
	School 41	8
	School 42	15

5

Region	School	Behavioural Observations Incidents
	School 43	21
	School 44	0
	School 45	12
	School 46	46
	School 47	10
	School 48	85
	School 49	0
	School 50	2
	School 51	19

3. Provide the number of student-on-student assaults or other incidents of physical violence that occurred in each Tasmanian school in 2020.

RESPONSE:

The following table provides the number of Observed Behaviour Incidents for the reason "Physical abuse of another student" by school in 2020.

Region	School	Behavioural Observations Incidents
South	School 1	1
	School 2	6
	School 3	3
	School 4	0
	School 5	0
	School 6	0
	School 7	9
	School 8	4
	School 9	20
	School 10	0
	School 11	98
	School 12	0
	School 13	0
	School 14	7
	School 15	0
	School 16	11
	School 17	4
	School 18	0
	School 19	0
	School 20	17
	School 21	9
	School 22	20
	School 23	13
	School 24	35
	School 25	6
	School 26	66

6

Region	School	Behavioural Observations Incidents
	School 27	6
	School 28	2
	School 29	5
	School 30	12
	School 31	1
	School 32	1
	School 33	0
	School 34	10
	School 35	2
	School 36	30
	School 37	12
	School 38	4
	School 39	1
	School 40	0
	School 41	0
	School 42	21
	School 43	0
	School 44	3
	School 45	0
	School 46	22
	School 47	3
	School 48	3
	School 49	2
	School 50	0
	School 51	7
	School 52	0
	School 53	15
	School 54	9
	School 55	1
	School 56	83
	School 57	15
	School 58	0
	School 59	7
	School 60	49
	School 61	35
	School 62	14
	School 63	12
	School 64	8
	School 65	2
	School 66	1
	School 67	33
	School 68	14
	School 69	5
	School 70	50
	School 71	0
	School 72	1

7

Region	School	Behavioural Observations Incidents
	School 73	0
	School 74	3
	School 75	155
	School 76	40
	School 77	5
	School 78	3
	School 79	0
	School 80	16
	School 81	11
	School 82	13
	School 83	7
	School 84	18
	School 85	4
	School 86	101
	School 87	19
	School 88	1
North	School 1	5
	School 2	4
	School 3	148
	School 4	7
	School 5	0
	School 6	13
	School 7	0
	School 8	11
	School 9	3
	School 10	33
	School 11	5
	School 12	6
	School 13	12
	School 14	9
	School 15	26
	School 16	21
	School 17	8
	School 18	5
	School 19	3
	School 20	35
	School 21	9
	School 22	43
	School 23	7
	School 24	0
	School 25	5
	School 26	27
	School 27	4
	School 28	0
	School 29	0

8

Region	School	Behavioural Observations Incidents
	School 30	22
	School 31	14
	School 32	11
	School 33	5
	School 34	15
	School 35	13
	School 36	7
	School 37	17
	School 38	0
	School 39	34
	School 40	28
	School 41	2
	School 42	0
	School 43	1
	School 44	22
	School 45	9
	School 46	9
	School 47	0
	School 48	35
	School 49	2
	School 50	55
	School 51	37
	School 52	0
North West	School 1	14
	School 2	11
	School 3	5
	School 4	0
	School 5	0
	School 6	8
	School 7	3
	School 8	1
	School 9	0
	School 10	45
	School 11	16
	School 12	51
	School 13	26
	School 14	16
	School 15	6
	School 16	1
	School 17	39
	School 18	35
	School 19	13
	School 20	13
	School 21	22
	School 22	5

9

Region	School	Behavioural Observations Incidents
	School 23	46
	School 24	1
	School 25	26
	School 26	9
	School 27	0
	School 28	3
	School 29	14
	School 30	2
	School 31	1
	School 32	5
	School 33	1
	School 34	110
	School 35	20
	School 36	28
	School 37	12
	School 38	59
	School 39	31
	School 40	8
	School 41	6
	School 42	5
	School 43	26
	School 44	8
	School 45	9
	School 46	13
	School 47	17
	School 48	0
	School 49	58
	School 50	42
	School 51	19

4. Provide the number of student-on-teacher assaults or other incidents of physical violence that occurred in each Tasmanian school in 2020.

RESPONSE:

The following table provides the number of Observed Behaviour Incidents for the reasons "Physical abuse of a teacher or other staff member" or "Physical harassment of a teacher" by school in 2020.

Region	School	Behavioural Observations Incidents
South	School 1	1
	School 2	0
	School 3	0
	School 4	1

10

Region	School	Behavioural Observations Incidents
	School 5	0
	School 6	24
	School 7	10
	School 8	0
	School 9	3
	School 10	0
	School 11	1
	School 12	11
	School 13	11
	School 14	4
	School 15	0
	School 16	6
	School 17	4
	School 18	0
	School 19	0
	School 20	0
	School 21	1
	School 22	0
	School 23	7
	School 24	0
	School 25	4
	School 26	3
	School 27	0
	School 28	4
	School 29	1
	School 30	0
	School 31	34
	School 32	1
	School 33	0
	School 34	0
	School 35	0
	School 36	12
	School 37	4
	School 38	10
	School 39	0
	School 40	0
	School 41	0
	School 42	4
	School 43	11
	School 44	14
	School 45	0
	School 46	5
	School 47	2
	School 48	12
	School 49	8
	School 50	6

11

Region	School	Behavioural Observations Incidents
	School 51	3
	School 52	3
	School 53	20
	School 54	3
	School 55	0
	School 56	0
	School 57	7
	School 58	2
	School 59	1
	School 60	0
	School 61	0
	School 62	2
	School 63	2
	School 64	4
	School 65	1
	School 66	0
	School 67	5
	School 68	2
	School 69	1
	School 70	0
	School 71	6
	School 72	0
	School 73	2
	School 74	0
	School 75	0
	School 76	0
	School 77	0
	School 78	5
	School 79	19
	School 80	1
	School 81	6
	School 82	0
	School 83	0
	School 84	0
	School 85	0
	School 86	0
	School 87	0
	School 88	0
North	School 1	0
	School 2	0
	School 3	7
	School 4	1
	School 5	3
	School 6	0
	School 7	0

12

Region	School	Behavioural Observations Incidents
	School 8	5
	School 9	1
	School 10	11
	School 11	1
	School 12	0
	School 13	0
	School 14	0
	School 15	1
	School 16	0
	School 17	2
	School 18	0
	School 19	2
	School 20	3
	School 21	2
	School 22	2
	School 23	0
	School 24	0
	School 25	10
	School 26	4
	School 27	2
	School 28	0
	School 29	0
	School 30	3
	School 31	1
	School 32	0
	School 33	0
	School 34	3
	School 35	0
	School 36	3
	School 37	0
	School 38	4
	School 39	4
	School 40	0
	School 41	0
	School 42	10
	School 43	0
	School 44	1
	School 45	13
	School 46	12
	School 47	1
	School 48	0
	School 49	1
	School 50	7
	School 51	0
	School 52	3

13

Region	School	Behavioural Observations Incidents
North West	School 1	5
	School 2	0
	School 3	0
	School 4	0
	School 5	2
	School 6	9
	School 7	0
	School 8	15
	School 9	0
	School 10	1
	School 11	0
	School 12	29
	School 13	2
	School 14	0
	School 15	4
	School 16	3
	School 17	12
	School 18	2
	School 19	6
	School 20	2
	School 21	0
	School 22	20
	School 23	1
	School 24	1
	School 25	0
	School 26	2
	School 27	0
	School 28	3
	School 29	5
	School 30	0
	School 31	9
	School 32	0
	School 33	0
	School 34	1
	School 35	0
	School 36	13
	School 37	3
	School 38	0
	School 39	6
	School 40	0
	School 41	3
	School 42	1
	School 43	0
	School 44	5
	School 45	0
	School 46	0

14

Region	School	Behavioural Observations Incidents
	School 47	6
	School 48	0
	School 49	0
	School 50	0
	School 51	0

5. Provide the number of suspensions for bullying/harassment/stalking of another student in each Tasmanian school in 2020.

RESPONSE:

The following table provides the number of student suspension incidents for the reason "Harassment or stalking of another student" by school in 2020.

Region	School	Number of suspension incidents
South	School 1	0
	School 2	0
	School 3	0
	School 4	0
	School 5	0
	School 6	0
	School 7	0
	School 8	0
	School 9	0
	School 10	0
	School 11	1
	School 12	0
	School 13	0
	School 14	0
	School 15	0
	School 16	0
	School 17	0
	School 18	0
	School 19	0
	School 20	0
	School 21	0
	School 22	0
	School 23	0
	School 24	0
	School 25	0
	School 26	0
	School 27	1
	School 28	0
	School 29	0
	School 30	0

15

Region	School	Number of suspension incidents
	School 31	0
	School 32	0
	School 33	0
	School 34	0
	School 35	0
	School 36	0
	School 37	0
	School 38	1
	School 39	0
	School 40	0
	School 41	0
	School 42	0
	School 43	0
	School 44	0
	School 45	0
	School 46	0
	School 47	0
	School 48	0
	School 49	0
	School 50	0
	School 51	0
	School 52	0
	School 53	0
	School 54	0
	School 55	0
	School 56	0
	School 57	0
	School 58	0
	School 59	0
	School 60	0
	School 61	0
	School 62	0
	School 63	0
	School 64	2
	School 65	0
	School 66	1
	School 67	0
	School 68	4
	School 69	0
	School 70	0
	School 71	0
	School 72	0
	School 73	0
	School 74	0
	School 75	0
	School 76	13

16

Region	School	Number of suspension incidents
	School 77	0
	School 78	0
	School 79	0
	School 80	0
	School 81	0
	School 82	0
	School 83	0
	School 84	0
	School 85	0
	School 86	0
	School 87	7
	School 88	0
North	School 1	0
	School 2	0
	School 3	0
	School 4	0
	School 5	0
	School 6	0
	School 7	0
	School 8	0
	School 9	0
	School 10	0
	School 11	0
	School 12	0
	School 13	0
	School 14	0
	School 15	0
	School 16	0
	School 17	0
	School 18	0
	School 19	0
	School 20	0
	School 21	0
	School 22	0
	School 23	0
	School 24	0
	School 25	0
	School 26	0
	School 27	1
	School 28	0
	School 29	0
	School 30	0
	School 31	0
	School 32	0
	School 33	1

17

Region	School	Number of suspension incidents
	School 34	0
	School 35	0
	School 36	0
	School 37	0
	School 38	0
	School 39	0
	School 40	0
	School 41	0
	School 42	0
	School 43	2
	School 44	1
	School 45	0
	School 46	0
	School 47	0
	School 48	0
	School 49	0
	School 50	0
	School 51	0
	School 52	0
North West	School 1	0
	School 2	0
	School 3	0
	School 4	0
	School 5	0
	School 6	0
	School 7	0
	School 8	0
	School 9	1
	School 10	0
	School 11	0
	School 12	0
	School 13	0
	School 14	2
	School 15	0
	School 16	0
	School 17	0
	School 18	0
	School 19	0
	School 20	0
	School 21	0
	School 22	0
	School 23	0
	School 24	0
	School 25	0
	School 26	0

18

Region	School	Number of suspension incidents
	School 27	0
	School 28	0
	School 29	0
	School 30	0
	School 31	0
	School 32	0
	School 33	0
	School 34	0
	School 35	0
	School 36	3
	School 37	0
	School 38	0
	School 39	0
	School 40	0
	School 41	0
	School 42	1
	School 43	0
	School 44	0
	School 45	0
	School 46	0
	School 47	0
	School 48	0
	School 49	1
	School 50	3
	School 51	0

6. Provide the number of suspensions for bullying/harassment/stalking of a teacher or other staff member in each Tasmanian school in 2020.

RESPONSE:

The following table provides the number of student suspension incidents for the reason "Harassment or stalking of a teacher or other staff member" by school in 2020.

Region	School	Number of suspension incidents
South	School 1	0
	School 2	0
	School 3	0
	School 4	0
	School 5	1
	School 6	0
	School 7	0
	School 8	0
	School 9	0
	School 10	0

19

Region	School	Number of suspension incidents
	School 11	0
	School 12	0
	School 13	0
	School 14	0
	School 15	0
	School 16	0
	School 17	0
	School 18	0
	School 19	0
	School 20	0
	School 21	0
	School 22	0
	School 23	0
	School 24	1
	School 25	0
	School 26	1
	School 27	0
	School 28	2
	School 29	0
	School 30	0
	School 31	0
	School 32	0
	School 33	0
	School 34	0
	School 35	0
	School 36	0
	School 37	0
	School 38	0
	School 39	0
	School 40	0
	School 41	0
	School 42	0
	School 43	0
	School 44	0
	School 45	0
	School 46	0
	School 47	0
	School 48	0
	School 49	0
	School 50	0
	School 51	0
	School 52	0
	School 53	0
	School 54	0
	School 55	0
	School 56	2

20

Region	School	Number of suspension incidents
	School 57	0
	School 58	0
	School 59	0
	School 60	0
	School 61	0
	School 62	0
	School 63	0
	School 64	0
	School 65	0
	School 66	0
	School 67	0
	School 68	0
	School 69	0
	School 70	0
	School 71	2
	School 72	0
	School 73	0
	School 74	0
	School 75	0
	School 76	0
	School 77	0
	School 78	2
	School 79	0
	School 80	0
	School 81	0
	School 82	0
	School 83	0
	School 84	0
	School 85	0
	School 86	0
	School 87	0
	School 88	0
North	School 1	0
	School 2	0
	School 3	0
	School 4	0
	School 5	0
	School 6	0
	School 7	0
	School 8	0
	School 9	0
	School 10	0
	School 11	0
	School 12	0
	School 13	0

21

Region	School	Number of suspension incidents
	School 14	0
	School 15	0
	School 16	0
	School 17	0
	School 18	0
	School 19	0
	School 20	0
	School 21	0
	School 22	0
	School 23	0
	School 24	0
	School 25	0
	School 26	0
	School 27	0
	School 28	0
	School 29	0
	School 30	0
	School 31	0
	School 32	0
	School 33	0
	School 34	0
	School 35	0
	School 36	0
	School 37	0
	School 38	0
	School 39	0
	School 40	0
	School 41	0
	School 42	0
	School 43	0
	School 44	0
	School 45	0
	School 46	0
	School 47	0
	School 48	0
	School 49	0
	School 50	0
	School 51	0
	School 52	0
North West	School 1	0
	School 2	0
	School 3	0
	School 4	0
	School 5	0
	School 6	0

22

Region	School	Number of suspension incidents
	School 7	0
	School 8	0
	School 9	0
	School 10	0
	School 11	0
	School 12	0
	School 13	0
	School 14	0
	School 15	1
	School 16	0
	School 17	0
	School 18	0
	School 19	0
	School 20	1
	School 21	0
	School 22	1
	School 23	0
	School 24	0
	School 25	0
	School 26	0
	School 27	0
	School 28	0
	School 29	0
	School 30	0
	School 31	0
	School 32	0
	School 33	0
	School 34	0
	School 35	0
	School 36	0
	School 37	0
	School 38	0
	School 39	0
	School 40	0
	School 41	0
	School 42	0
	School 43	0
	School 44	0
	School 45	0
	School 46	0
	School 47	0
	School 48	0
	School 49	0
	School 50	0
	School 51	0

23

7. Provide the total number of student suspensions in each Tasmanian school in 2020, including a breakdown by grade.

RESPONSE:

See Attachment 1

ATTACHMENT 1

Provide the total number of student suspensions in each Tasmanian school in 2020, including a breakdown by grade.

The following table provides the number of student suspension incidents by year level and school in 2020.

Region	School	Kindergarten	Prep	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	All Year Levels
South	School 1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
	School 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 4	0	0	0	1	0	2	12	4	0	0	0	0	0	0	19
	School 5	0	0	0	0	0	0	0	0	9	9	8	2	0	0	28
	School 6	0	0	1	1	7	8	4	2	0	0	0	0	0	0	23
	School 7	0	0	0	2	4	0	0	7	0	0	0	0	0	0	13
	School 8	0	2	0	1	3	4	0	1	0	0	0	0	0	0	11
	School 9	0	0	0	2	31	13	12	10	0	0	0	0	0	0	68
	School 10	0	0	0	0	0	0	0	1	8	4	2	5	0	0	20
	School 11	0	0	0	1	1	0	0	4	0	0	0	0	0	0	6
	School 12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 14	0	0	3	7	0	6	3	12	0	0	0	0	0	0	31
	School 15	0	0	0	0	0	0	0	0	10	11	14	29	0	0	64
	School 16	0	0	0	0	1	2	0	1	0	0	0	0	0	0	4
	School 17	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 19	0	0	0	0	0	0	2	2	0	0	0	0	0	0	4
	School 20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 21	0	0	0	0	0	0	0	0	54	39	39	17	0	0	149

Region	School	Kindergarten	Prep	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	All Year Levels
	School 22	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 23	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 24	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 25	0	0	0	5	1	4	12	0	0	0	0	0	0	0	22
	School 26	0	0	0	0	0	0	0	0	21	77	13	15	0	0	126
	School 27	0	0	0	1	1	0	0	1	0	0	0	0	0	0	3
	School 28	0	0	0	0	0	0	0	0	14	40	35	47	0	0	136
	School 29	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 30	0	0	0	1	1	4	0	0	0	0	0	0	0	0	6
	School 31	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 32	0	0	4	6	12	8	9	9	0	0	0	0	0	0	48
	School 33	0	0	0	4	2	4	9	21	0	0	0	0	0	0	40
	School 34	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
	School 35	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 36	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 37	0	0	2	0	15	7	9	5	0	0	0	0	0	0	38
	School 38	0	0	0	0	0	0	0	0	107	162	101	83	23	13	489
	School 39	0	0	0	2	1	11	3	16	0	0	0	0	0	0	33
	School 40	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 41	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 42	0	0	0	2	0	4	0	0	0	0	0	0	0	0	6
	School 43	0	4	0	1	10	1	0	1	0	0	0	0	0	0	17
	School 44	0	0	0	0	0	0	8	3	0	0	0	0	0	0	11
	School 45	0	0	0	0	0	0	0	0	107	170	186	64	0	0	527
	School 46	0	0	0	0	0	0	3	6	0	15	3	1	0	0	28
	School 47	0	5	0	5	7	5	22	27	0	0	0	0	0	0	71
	School 48	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Region	School	Kindergarten	Prep	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	All Year Levels
	School 49	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 50	0	0	0	0	0	5	0	0	1	1	1	2	0	0	10
	School 51	0	0	0	1	3	3	2	2	0	0	0	0	0	0	11
	School 52	1	1	1	10	19	5	5	23	0	0	0	0	0	0	65
	School 53	0	0	0	0	0	0	0	0	84	92	81	67	4	1	329
	School 54	0	0	0	0	0	0	0	0	0	0	0	0	16	2	18
	School 55	0	2	0	9	6	1	6	9	0	0	0	0	0	0	33
	School 56	0	0	0	1	4	12	1	5	0	0	0	0	0	0	23
	School 57	0	2	0	0	1	0	1	4	0	0	0	0	0	0	8
	School 58	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2
	School 59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 60	0	0	0	0	0	0	0	0	14	29	26	22	0	0	91
	School 61	0	0	0	0	0	0	0	0	0	0	0	0	3	3	6
	School 62	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 63	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 64	0	0	0	0	0	0	0	0	61	45	60	43	14	0	223
	School 65	0	0	0	0	2	2	2	4	0	1	2	1	0	0	14
	School 66	0	0	0	0	4	1	0	0	0	0	0	0	0	0	5
	School 67	0	0	0	2	0	0	1	0	0	0	0	0	0	0	3
	School 68	0	0	0	20	2	12	11	20	49	74	58	17	0	1	264
	School 69	0	0	0	0	0	0	0	0	27	19	36	27	0	0	109
	School 70	0	0	0	0	1	1	8	6	0	0	0	0	0	0	16
	School 71	0	0	0	0	0	1	3	0	0	0	0	0	0	0	4
	School 72	0	0	0	0	21	19	13	12	15	8	9	17	0	0	114
	School 73	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 74	0	0	1	0	0	0	2	1	0	0	0	0	0	0	4
	School 75	0	0	3	0	0	0	0	0	0	0	0	0	0	0	3

Region	School	Kindergarten	Prep	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	All Year Levels
	School 76	0	0	0	0	0	0	0	0	50	109	47	22	0	0	228
	School 77	0	0	0	0	0	0	4	0	0	0	0	0	0	0	4
	School 78	0	0	0	0	0	0	0	0	44	36	58	51	0	0	189
	School 79	0	0	0	0	0	1	1	1	0	0	0	0	0	0	3
	School 80	2	0	0	3	0	0	0	3	0	0	0	0	0	0	8
	School 81	0	0	0	0	0	0	0	0	0	0	0	0	6	2	8
	School 82	0	0	0	0	0	2	0	0	0	1	1	4	0	0	8
	School 83	0	0	0	1	0	0	0	1	0	0	0	0	0	0	2
	School 84	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
	School 85	0	0	14	13	16	27	28	22	0	0	0	0	0	0	120
	School 86	0	0	0	1	4	14	0	1	0	0	0	0	0	0	20
	School 87	0	2	2	0	5	0	7	1	0	10	3	8	0	2	41
	School 88	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
North	School 1	0	0	2	0	1	4	1	3	0	0	0	0	0	0	11
	School 2	0	0	0	0	0	1	1	1	0	0	2	1	0	0	6
	School 3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 4	0	0	0	0	0	0	0	0	43	19	15	11	0	0	88
	School 5	0	6	2	2	1	8	13	15	18	4	20	9	0	2	100
	School 6	0	0	0	0	0	0	0	0	53	54	22	27	0	0	156
	School 7	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
	School 8	0	0	0	0	0	0	1	2	0	0	0	0	0	0	3
	School 9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 10	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
	School 11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 12	0	0	0	0	0	0	0	0	2	4	4	3	0	1	14
	School 13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

28

Region	School	Kindergarten	Prep	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	All Year Levels
	School 14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 15	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
	School 16	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
	School 17	0	0	0	0	2	0	1	4	0	0	0	0	0	0	7
	School 18	0	0	0	1	2	1	0	16	0	0	0	0	0	0	20
	School 19	0	0	0	0	0	0	3	2	21	4	10	6	0	1	47
	School 20	0	0	0	0	0	0	0	0	0	0	0	0	5	5	10
	School 21	0	0	0	0	0	0	0	0	0	0	0	0	7	2	9
	School 22	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
	School 23	0	0	0	0	0	0	0	0	0	0	0	2	0	1	3
	School 24	0	0	0	0	0	0	0	0	9	17	13	10	1	1	51
	School 25	0	0	0	0	0	0	0	0	10	24	32	28	0	0	94
	School 26	0	0	4	5	1	0	13	13	11	15	5	8	0	0	75
	School 27	0	0	0	2	0	0	4	5	11	5	1	1	2	2	33
	School 28	0	0	0	0	1	3	0	0	0	0	0	0	0	0	4
	School 29	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 30	0	0	0	0	0	0	0	0	0	0	2	0	3	1	6
	School 31	0	0	0	3	0	0	3	0	0	0	0	0	0	0	6
	School 32	0	0	0	0	0	0	0	0	34	16	21	10	0	0	81
	School 33	0	0	6	0	0	0	1	5	0	0	0	0	0	0	12
	School 34	0	0	0	2	0	5	0	2	0	0	0	0	0	0	9
	School 35	0	0	0	0	3	0	3	2	0	0	0	0	0	0	8
	School 36	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 37	0	0	1	5	5	7	4	7	0	0	0	0	0	0	29
	School 38	0	0	1	4	1	5	6	6	0	0	0	0	0	0	23
	School 39	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 40	0	0	4	0	3	0	0	5	0	0	0	0	0	0	12

Region	School	Kindergarten	Prep	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	All Year Levels
	School 41	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 42	0	0	0	0	0	0	0	0	13	18	31	9	0	0	71
	School 43	0	0	0	0	0	0	0	0	1	4	1	4	0	0	10
	School 44	0	0	0	0	0	0	0	0	57	52	54	26	0	0	189
	School 45	0	0	1	0	2	0	1	0	0	0	0	0	0	0	4
	School 46	0	4	33	24	45	32	64	75	0	0	0	0	0	0	277
	School 47	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
	School 48	0	0	0	1	0	3	1	4	0	0	0	0	0	0	9
	School 49	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
	School 50	0	0	0	0	0	0	2	6	0	0	0	0	0	0	8
	School 51	0	0	0	1	1	0	0	3	0	0	0	0	0	0	5
	School 52	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
North West	School 1	0	0	0	0	0	0	0	0	0	0	0	0	5	3	8
	School 2	0	0	0	2	3	0	1	2	0	0	0	0	0	0	8
	School 3	0	0	0	0	1	1	0	2	1	0	0	4	0	0	9
	School 4	0	5	0	2	6	11	7	13	0	0	0	0	0	0	44
	School 5	0	0	0	0	0	2	2	9	12	6	11	1	1	0	44
	School 6	0	0	0	0	0	0	0	0	7	3	6	6	2	0	24
	School 7	0	0	6	0	2	10	2	11	0	0	0	0	0	0	31
	School 8	0	0	16	36	54	27	15	21	0	0	0	0	0	0	169
	School 9	0	0	0	0	1	0	2	0	0	0	0	0	0	0	3
	School 10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 11	0	0	0	2	0	0	2	1	0	0	0	0	0	0	5
	School 12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 13	0	0	0	0	0	0	0	3	0	0	0	0	0	0	3
	School 14	0	0	0	0	0	0	0	0	24	13	12	9	0	0	58

Region	School	Kindergarten	Prep	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	All Year Levels
	School 15	0	0	0	0	0	0	0	0	24	35	16	11	2	0	88
	School 16	0	0	0	0	0	0	0	0	19	10	27	16	0	0	72
	School 17	0	0	0	0	0	0	1	3	0	0	0	0	0	0	4
	School 18	0	0	0	1	0	4	1	3	0	0	0	0	0	0	9
	School 19	0	0	0	11	8	3	1	5	0	0	0	0	0	0	28
	School 20	0	0	0	0	0	0	0	0	8	15	31	24	5	5	88
	School 21	0	0	2	0	15	5	3	7	0	0	0	0	0	0	32
	School 22	0	0	0	0	0	0	0	0	25	33	29	10	0	0	97
	School 23	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 24	0	0	0	0	1	5	0	3	5	2	2	0	0	0	18
	School 25	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 26	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 27	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
	School 28	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 29	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 30	0	0	1	1	0	3	1	1	19	4	0	3	0	0	33
	School 31	0	0	0	0	0	0	0	0	12	24	15	5	0	0	56
	School 32	0	0	0	0	0	0	0	3	0	0	0	0	0	0	3
	School 33	0	0	10	3	0	3	5	6	3	2	8	2	0	0	42
	School 34	0	0	0	0	0	0	0	0	0	0	0	0	11	5	16
	School 35	0	0	0	1	6	0	1	6	0	0	0	0	0	0	14
	School 36	0	0	0	0	1	0	1	0	1	8	1	0	0	0	12
	School 37	0	0	0	3	0	2	0	0	0	0	0	0	0	0	5
	School 38	0	0	0	0	0	8	5	0	0	0	0	0	0	0	13
	School 39	0	0	0	4	4	2	1	7	0	0	0	0	0	0	18
	School 40	0	0	0	0	0	0	0	0	2	8	7	15	0	0	32
	School 41	3	0	6	4	3	1	3	3	0	0	0	0	0	0	23

Region	School	Kindergarten	Prep	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	All Year Levels
	School 42	0	0	0	0	0	0	0	0	25	61	18	8	0	0	112
	School 43	0	3	0	2	0	0	7	1	0	0	0	0	0	0	13
	School 44	0	0	1	4	3	3	6	17	0	0	0	0	0	0	34
	School 45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 46	0	1	0	0	1	0	0	3	0	0	0	0	0	0	5
	School 47	0	0	2	1	0	5	2	4	0	0	0	0	0	0	14
	School 48	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
	School 49	0	0	0	0	1	0	6	7	0	0	0	0	0	0	14
	School 50	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	School 51	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

MEG WEBB

RESPONSE TO QUESTION ON NOTICE

LEGISLATIVE COUNCIL

QUESTION NUMBERS: Division 13 - Department of Treasury and Finance (Output Group 3 Revenue, Superannuation and Regulatory Management Services

ANSWERED BY: Leader of the Government

QUESTION:

3.1 - Tax Administration and Revenue Collection

1. Please provide further detail on the criteria on which the groups that have been involved in targeted consultation process in relation to the CSL distribution under the FGM reforms were selected.

ANSWER:

1. As identified in the previous answer, the targeted consultation recently undertaken sought the views of a cross section of interested parties. Criteria used in selecting participants included:

   - Peak bodies in relevant sectors in Tasmania;
   - Tasmanian organisations other than a member or affiliate of a peak body, who expressed an interest in the Community Support Levy in response to the public consultation; and
   - Tasmanian organisations involved in the delivery of relevant services.

   Within this context, where submissions were sought from organisations that expressed interest in the matter through their responses to the public consultation, Treasury did not approach members or affiliates of the peak bodies already selected, nor were Members of Parliament, or individuals who made submissions approached.

   The Minister has previously indicated that the Government is considering what additional opportunities can be provided for broader consultation.

APPROVED/NOT APPROVED

Michael Ferguson