

**Wednesday 27 November 2019**

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

## **RECOGNITION OF VISITORS**

**Madam SPEAKER** - Honourable members, I draw your attention to the Gallery, where we have some wonderful grade 9 students from Taroona High School. Welcome to parliament.

**Members** - Hear, hear.

## **QUESTIONS**

### **South-East Irrigation Scheme - Allocations**

**Ms WHITE question to MINISTER for PRIMARY INDUSTRIES and WATER, Mr BARNETT**

[10.03 a.m.]

You would be aware that users of the South-East Irrigation Scheme have been told that their water allocation has been halved just two months into the irrigation season. Users of this scheme include Houston's Farm, Daly Potato Company, Piñata Berry Farm, Yalumba Wine, the Fogarty Wine Group and many other farmers and investors, who are dependent on a reliable water supply. Without a guaranteed water supply, significant agricultural investment worth hundreds of millions of dollars and hundreds of jobs are at risk. How did this situation become so dire so quickly and without adequate warnings to irrigators? What are you doing to put in place an emergency response to ensure water supply is maintained at adequate levels for the remainder of this irrigation season?

## **ANSWER**

Madam Speaker, I thank the Leader of the Opposition for her question. It is true that water is liquid gold, but particularly so during dry and drought conditions. I can assure farmers in the south-east region that Tasmanian Irrigation is working with TasWater to investigate options to supplement water and to stabilise dam levels to help alleviate the current water supply issues.

To fill in the gaps for the Leader of the Opposition and other members, TI inherited the South-East Irrigation Scheme stage 2, which supplies irrigation water to Richmond and Cambridge. Stage 3, which supplies water to the Sorell area, was approved in 2013 as a tranche 1 scheme. It is the only south-east scheme constructed by TI under their design and operating principles, with construction commencing in October 2013, coming online in October 2015.

The South-East Irrigation Scheme stages 2 and 3 are both supplied with treated water from TasWater. I have been advised that, due to some operational issues, TasWater storages and the Bryn Estyn Water Treatment Plant's supplies of water for irrigation have been restricted whilst, importantly, maintaining drinking water supplies. These issues, coupled with the extended dry season in the south-east, has meant that TI has recently implemented partial supply restrictions for stage 2 and stage 3 irrigators.

I am very aware of the impact these restrictions have on our farmers, the crops and the jobs that flow from that. It is very important that water supports those crops, those jobs and those irrigators. Tasmanian Irrigation and TasWater are working to address the immediate supply issues. I was briefed by Tasmanian Irrigation and TasWater on this matter this morning. TI, inconsistent with the view expressed by the Leader of the Opposition, is providing daily updates to irrigators and a meeting to update irrigators is being scheduled for Tuesday next week.

As part of the tranche 3, Tasmanian Irrigation is already planning for the South-East Integration Project as a priority. I provided an update to the House a couple of weeks ago in this place, when I said -

Investigations are well underway with the South-East Irrigation Integration Project and they are kicking off in earnest, including a feasibility of the potential of reused water as well being used.

It has the potential to increase irrigation water capacity in the district and provide a long-term, reliable solution for the entire region. We support the need for the South-East Integration Project and the benefits it will provided to producers in the region and we will continue to work with the irrigators to progress this important project.

---

### **Recognition of Visitors**

**Madam SPEAKER** - Honourable members, I acknowledge the presence of the wonderful Mr Kerry Vincent, Mayor of Sorell, one of my personal favourites. It is an honour to have you here, Kerry. He is accompanied by Jane Howlett, member for Prosser in the Legislative Council. They are guests of Mr Barnett.

**Members** - Hear, hear.

---

### **South-East Irrigation Scheme - Guarantee of Supply**

**Ms WHITE question to MINISTER for PRIMARY INDUSTRIES and WATER, Mr BARNETT**

[10.07 a.m.]

You would be aware that the Daly family were recently awarded Australian Farmers of the Year for their work establishing the Daly Potato Company. This business planted a potato crop worth \$1 million in June this year and relies on the South-East Irrigation Scheme to supply water to the farm. They cannot use reuse water. Without water, the crop fails, jobs are lost, contracts with supermarkets cannot be kept and the reputation of this award-winning family business is put at risk. They, along with many other family farmers, businesses and investors, depend on a reliable and secure water source. How will you guarantee supply of water to this south-east region beyond the irrigation season that we are currently in and into the medium to long term, so that they can continue to grow their businesses and employ Tasmanians?

### **ANSWER**

Madam Speaker, I thank the member for her question. It is excellent that there has been a reference to the Daly potato farmers in the south-east, who are not only Tasmanian Farmers of the year but Australian Farmers of the Year. We are proud of them and their achievements.

This highlights the importance of agriculture to Tasmania and the importance of jobs in rural and regional Tasmania. We are proud of that and we are delivering on that with \$100 million in our budget to support agriculture and our agri-food growth plan. I contacted them the same day of their achievement in Canberra. I passed on our congratulations on behalf of the Government.

What we do not want from the Leader of the Opposition is fearmongering. What we do not want is a sense of disproportionate response from the Leader of the Opposition. I have been consistently briefed by TI, as the responsible minister, including this morning from TI and TasWater, with the CEOs -

**Members** interjecting.

**Madam SPEAKER** - Where are your manners?

**Mr BARNETT** - and indeed the Chairs as well. There is a lot of work going on. It is being considered a priority issue. It is a serious matter. It has been considered seriously. We know how important it is, because we are supporting our rural industry. We are the ones with the policy, unlike those opposite who do not have a policy. We know what Mr O'Byrne said publicly on the public record -

**Ms WHITE** - Point of order, Madam Speaker. Standing order 45, relevance. This is a serious issue that goes to the investment of hundreds of millions of dollars, and hundreds of jobs. I ask the minister to stop playing politics and address the question, which is about what he is doing right now to support these farmers.

**Madam SPEAKER** - As you know that is not a point of order, but it is on *Hansard*. I ask the minister to be relevant.

**Mr BARNETT** - The point I was making was they do not have a policy, and they do not have a plan. We are the ones who are delivering. We have been delivering in spades and will continue to do so. We put agriculture as a top priority. We have had a 9 per cent increase in the last 12 months across Tasmania. We know where Labor stands: they stand with the Greens. They are hooked at the hip with the Greens. They put protesters and the rights of protesters over the rights of lawful businesses and the rights of workers to earn a living and they should be ashamed of themselves.

### **Mandatory Minimum Sentencing Legislation - Support of Ms Ogilvie**

**Ms O'CONNOR question to PREMIER, Mr HODGMAN**

[10.11 a.m.]

Yesterday your Government got mandatory minimum sentencing legislation through this parliament, on your third attempt, thanks to the vote of the independent member for Clark, Ms Ogilvie, who sits on the Government benches. As we know, mandatory minimum sentences are not supported by the Sentencing Advisory Council, the Tasmania Law Reform Institute, the Law Society, the Bar Association, the Sexual Assault Support Service and the former Commissioner for Children, yet Ms Ogilvie, a lawyer, voted for your legislation, abrogating her responsibility as a legislator to the upper House -

**Mr Barnett** - You are reflecting on a vote.

**Ms O'CONNOR** - Tasmanians have a right to know. I withdraw the reflection on the vote. I am simply now asking the question; it is a right-to-know question. Tasmanians have a right to know what price your Government has paid for Ms Ogilvie's ongoing support. What was the quid pro quo to secure the support of the former Labor, now nominally independent, MP for Clark, who despite her legal training and opposition to mandatory minimum sentences, supported your legislation?

## **ANSWER**

Madam Speaker, I thank the Leader of the Greens for her question. It is a reflection on a vote in this place. They claim to be the great bastions of democracy and the great supporters of a robust and transparent democracy. Yet when an independent member whose integrity was also questioned - and, yes, she is acknowledging that gleefully. Again, it is the Greens playing the woman, not the issue, here. Ms Ogilvie can speak for herself, and she made her position on this bill very clear in this place, and the course she took, and it is a matter of public record.

There is no substance to the suggestions of the Greens. As usual, the conspiracy theories -

**Ms O'CONNOR** - Point of order, Madam Speaker. Standing order 45, relevance. This is about the use of public resources, and whether there was a quid pro quo in return for Ms Ogilvie's ongoing support for Liberal Government legislation. Not just one bill, apparently everything.

**Madam SPEAKER** - That is not a point of order, but we will let the Premier -

**Mr HODGMAN** - I utterly reject the offensive assertions made by the member, not just with respect to me and my Government, but also Ms Ogilvie and her independence. I know it would be galling to the Labor-Greens opposition, because Ms Ogilvie, as a former member of the Labor Party, was not welcomed back by that party, at least not by the Leader - others were prepared to welcome her back. The fact is, for whatever reason, the Labor Party felt they did not need another member in their team, and they still are not able to provide a cogent reason for that. I know it would strengthen the Labor-Greens coalition if that had been so, but Ms Ogilvie sits in this place as an independent. I will not compromise or call into question her integrity on this matter. The bill has passed this place, and it was done so on the merits of the bill, which is all the better.

**Ms White** interjecting.

**Mr HODGMAN** - Some may laugh, but in our view it is a very strong position. It is a very serious matter about how we deal with those who offend against children, those who commit heinous crimes against children, about strengthening our judicial system and support for victims. That is where we stood on this side of the House, and we welcomed that Ms Ogilvie did likewise.

## **Education and Skills Training - Long-Term Plan**

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

[10.15 a.m.]

Can you please update the House on how the Hodgman Liberal Government is delivering on its long-term plan in the areas of skill, education, mental health and wellbeing, and sport and recreation, and how this is improving the lives of Tasmanians?

## ANSWER

Madam Speaker, I thank the member for her question. I would also like to welcome the students from Tarooma High School, who are now leaving because I have stood up.

**Members** laughing.

**Mr ROCKLIFF** - Timing is everything, and they are coming back.

It was fantastic news last week from the Australian Bureau of Statistics that Tasmania's economy is number one in Australia and continues to grow strongly. In line with that growth, we have a long-term plan to build the workforce of the future that will support our growing economy, and our plan is working.

Despite a national five-year decline in apprentice and trainee activity, Tasmania continues to perform better than the Australian average on most indicators. Trade apprentice and trainees are up over 10 per cent, and we have the highest completion rates in the country. This year we have also seen TasTAFE achieve seven years registration, the maximum term possible, which demonstrates the high standards set by our public training provider. Tasmania also recently won four national Vocational Education and Training awards, which is our best result in a decade.

A great education is a passport to a better life and better standard living. Our commitment to create a job-ready generation of young Tasmanians has driven our plan to extend schools to year 12. In fact, TCE attainment has increased by more than 10 per cent since we came to government.

This year, another four schools have been preparing to extend next year, and I was pleased to recently announce another seven schools will extend in 2021. We have progressed our commitment to deliver an extra 250 teachers over six years, with the first tranche of 69 permanent teachers commencing this year, and letters of offer to 113 teachers to commence in Term 1 next year.

We have led the nation in the creation of our Working Together Initiative, providing up to 400 hours of free early learning for eligible three-year-olds. The pilot this year has been described by some as life-changing. Next year, the program will expand to 120 places, with more places opening up in future years, in line with recommendations from the evaluation.

This Government strongly believes in an inclusive, high-quality education for all. This year we have delivered on our commitment to develop a new needs-based model for students with disability, to be rolled out next year. It will make a huge difference for students, as the focus is on the individual student and the support they need to achieve a better educational outcome. Approximately 2000 extra students will receive support, and we have allocated an additional \$34 million across the forward estimates for implementation.

The Government has also strengthened our focus on student wellbeing, with over 28 000 students taking part in a wellbeing survey in years 4 to 12 across our government schools. This data not only provides a snapshot from students' wellbeing right now, but will help guide future approaches and programs aimed at improving student wellbeing and learning.

Mental health and wellbeing are critical not only for students, but for all Tasmanians. Mental Health Hospital in the Home is an exciting initiative that commenced in March in southern

Tasmania. This successful program is allowing people in an acute phase of mental illness, who may otherwise have to be admitted to hospital, to receive intensive short-term support in the familiar environment of their own home.

In response to the Southern Mental Health Integration Taskforce, our Government is committed to a range of actions to deliver integrated mental health care and more holistic support. Connie Digolis, CEO of the Mental Health Council of Tasmania, has welcomed our commitment, saying:

The actions are a powerful acknowledgment of the current situation and where our services can be improved.

And -

We have faith that this is the perfect state to achieve a truly integrated mental health system.

I was pleased to also recently launch the Peer Workforce Development Strategy with the Mental Health Council of Tasmania which is a first for Tasmania and a key action in our Rethink Mental Health plan.

There is a strong link between mental health and wellbeing and physical wellbeing. This year we have continued our highly successful Ticket to Play sports participation program which offsets the registration costs of sports for our most disadvantaged kids. We are levelling the playing field with nearly \$20 million provided over the last two years in combination with local government and sporting organisations to upgrade and build female-friendly facilities and amenities.

Madam Speaker, 2019 has been a year of achievement and it is because the Hodgman majority Liberal Government has a long-term plan for Tasmania.

### **Newstart - Hodgman Government Support for Increase**

#### **Ms OGILVIE question to PREMIER, Mr HODGMAN**

[10.21 a.m.]

High rents relative to income means that Hobart is the least affordable capital city in the nation according to the Rental Affordability Index released today. Households earning a moderate income spend approximately 32 per cent of their income on rent, and rents have increased by 10 per cent per annum for three years in a row. It is worse in Hobart, where a single person on Newstart is spending 86 per cent of their income on rent, which is a terrible situation. One step that could be taken to immediately relieve this situation is to increase the Newstart allowance by a minimum of \$75 per week. What will you do to ensure that your federal colleagues commit to support an increase in Newstart allowance?

#### **ANSWER**

Madam Speaker, I thank the member for her question. Newstart, as the member says, is a matter for the Commonwealth Government and an inquiry into that is currently underway. I have expressed a view that for Tasmanians who are on Newstart and those dependent on government support and assistance it would be good to have an increase in the Newstart rate for them, and indeed for our state.

In relation to the housing affordability issue, I acknowledge the report to which the member has referred. In the midst of a strong period of economic growth and a boom in our economy -

**Ms O'Connor** - Do you get forewarning of these questions from Ms Ogilvie?

**Members** interjecting.

**Mr HODGMAN** - No, honestly. Again, another dishonest claim by the Leader of the Greens who chooses -

**Members** interjecting.

**Madam SPEAKER** - Order. Can we please regain some composure? Thank you.

**Ms OGILVIE** - Madam Speaker, on a point of order, I am quite offended by that because it is completely untrue. It is untrue and incorrect, and offensive.

**Madam SPEAKER** - Ms O'Connor, are you prepared to apologise?

**Ms O'CONNOR** - Are you asking me to withdraw, Madam Speaker?

**Madam SPEAKER** - I am.

**Ms O'CONNOR** - I withdraw it.

**Madam SPEAKER** - Thank you.

**Mr HODGMAN** - It was an appalling example to set, Madam Speaker, in my view -

**Madam SPEAKER** - Thank you, Premier.

**Mr HODGMAN** - and totally and utterly without foundation. On matters of substance when it comes to support for those in our community who suffer financial disadvantage, when it comes to the issue the member raised with respect to housing affordability and relieving housing stress and support of government to improve access to housing, I suggest these are serious matters that deserve a more dignified and sensible debate.

**Ms O'Connor** - The Greens have championed the raising of Newstart for years, so don't have a crack at us.

**Mr Ferguson** - You didn't ask the question.

**Mr HODGMAN** - No, that is right. Ms Ogilvie has asked the very question on the matter, while you have chosen to play politics and get personal, as usual.

We note the report. It reflects the strength in our economy and that is also reflected in a number of responses by government. The market is responding with the state having the strongest growth in dwelling approvals, commencements, completions and work done, but also our support for first home buyers is the largest in the country and has the strongest level of growth there, and lending growth to owner-occupiers for construction is also leading as well. The market is responding but more importantly, in my view, so is our Government with the First Home Builder Boost, stamp duty concessions, HomeShare and Streets Ahead programs working to get more people into a home.

We are also responding to the increased demand for housing which is causing housing stress. We acknowledge that, and most notably through our Affordable Housing Action Plan we are investing \$258 million over eight years on programs to increase access to social housing, reduce homelessness and improve housing supply across the state. It is the largest-ever investment into affordable housing in our state's history. We have allocated an additional \$5 million for immediate actions to reduce homelessness and housing stress. It was this Government, a Liberal government, that was able to secure the historic agreement - and I acknowledge Senator Lambie's role in this again - to waive the state housing debt to the Commonwealth, which is freeing up more than \$230 million to be reinvested into improving supply. It is a pity Labor members were not so vocal on this issue when they had 16 years in government, during which a Tasmanian was the federal housing minister, and they were not able to deliver what we have, which will put \$230 million more to be reinvested to improving supply, access to affordable and social housing.

Madam Speaker, we acknowledge the stress in our housing market and are responding in a multifaceted way. We are certainly doing much more than Labor and the Greens did when they were in government.

### **South-East Irrigation Scheme - Guarantee of Supply**

**Ms WHITE question to MINISTER for PRIMARY INDUSTRIES and WATER, Mr BARNETT**

[10.26 a.m.]

Labor has been a very strong supporter of irrigation and is proud of the work that we did to lay the foundations for the current irrigation schemes across the state. Your Government has also encouraged investment, particularly along the south-east irrigation corridor. Farmers and investors have invested millions based on assurances of guaranteed water supply. The threat to water supplies in the south-east region is putting at risk hundreds of millions of dollars worth of investment in the region, and hundreds of jobs. When were you first briefed about supply restrictions to the south-east irrigation district?

### **ANSWER**

Madam Speaker, I thank the member for her question. This is the first question I have had from the Opposition on primary industries since I have been a minister. They have suddenly found an interest in agriculture. Hooray, come to the party; step right up, come and play ball, come and talk about agriculture and its importance to Tasmania. You have seen what we have delivered in terms of water infrastructure -

**Ms O'BYRNE** - Point of order, Madam Speaker, going to relevance. This is a very serious matter to those farmers who are frightened about their futures. If the minister could turn his attention to it, that would be most appreciated by the House.

**Madam SPEAKER** - Unfortunately that is not a point of order. Minister, I ask you to remain relevant.

**Mr BARNETT** - Madam Speaker, I was just starting the answer to my question when I was rudely interrupted by the Deputy Leader for the Opposition, who has shown no interest in



agriculture in all the time I have been Minister for Primary Industries and Water, and suddenly they have found an interest. Well, hooray, step on up, they have found an interest.

Be assured that this Government has a track record of delivering: 9 per cent increase over the last 12 months, \$170 million into water, infrastructure going forward. We have tranche 1, tranche 2 and tranche 3, under which five projects are now underway. By the end of next year, we expect construction with respect to the first of those five projects. It is exciting for the future. Water is liquid gold. We know that and we are delivering. But it is tough. There are dry conditions, particularly on the east coast and the south-east, and the Southern Midlands. Why did our Government step up and deliver a \$400 000 drought package to support those in need? It is because we relate and are concerned for those in need -

**Ms WHITE** - Point of order, Madam Speaker, again under standing order 45, relevance. I ask you to draw the minister's attention to the question which specifically asked when he was briefed about supply restrictions to the south-east irrigation district. The minister has gone nowhere near answering that question. I hope you can draw his attention to that.

**Madam SPEAKER** - That is all I can do, as you would be aware. It is not a point of order. Minister, I draw your attention to the question.

**Mr BARNETT** - Thank you very much, Madam Speaker. They do not like hearing good news from the Government when it comes to agriculture and water. Let us make it very clear, they have no policies and no plans. As a responsible minister in the Hodgman Liberal Government, I have regular briefings with TI, including today, and TasWater. It is ongoing. I treat this matter with utmost seriousness and it is very important to protect and support those jobs in south-east Tasmania, and the importance of water, drinking water and the work of TasWater, which is a separate entity. I have made it very clear that it is being seriously considered. It is an absolute priority. I am briefed regularly, which I appreciate, and that will continue.

### **Justice, Corrections, Building, Racing and Arts Portfolios - Long-Term Plan**

#### **Mr TUCKER question to ATTORNEY-GENERAL, Ms ARCHER**

[10.31 a.m.]

Can you update the House on how the Hodgman majority Liberal Government is delivering our long-term plan across her ministerial portfolios to support the strongest economy in the country and create jobs?

#### **ANSWER**

Madam Speaker, in the last five and a half years, the Hodgman majority Liberal Government has continued to deliver on our long term plan for Tasmania. Our key priorities and strong policies have taken Tasmania to new levels. We were bottom of the heap under Labor and the Greens but we have turned that around. Our economy is now the fastest growing in the nation and our disciplined economic management has delivered the best conditions in the country and our businesses are more confident, which drives economic growth and helps to create new jobs. This strong economic management allows us to deliver for Tasmanians and it has also been a strong year of delivery across my six portfolio areas.

We have delivered significant law reform across my Attorney-General and Justice portfolios. Our Government has been one of the leading governments in Australia in implementing the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. This work is critical in addressing the past injustice suffered by survivors of child sexual abuse in Tasmania and ensuring the safety of current and future Tasmanian children. I thank many survivors for coming forward during part of that process. Steve Fisher, from Beyond Abuse, said -

The sum total of the above legislative initiatives places Tasmania amongst the most proactive states in terms of implementing the important recommendations of the royal commission.

The significant package of bills relating to reforms across the Magistrates Court and related agencies has now, pleasingly, passed both Houses. It will streamline and improve the operations of Magistrates Court and support increased access to a more efficient, fair and effective justice system in Tasmania. It will provide the Magistrates Court with a modern legislative framework, replacing 60-year-old legislation the court currently relies on for its criminal and general jurisdictions. This was a bill 18 years in the making and I am proud to be the Attorney-General who prioritised it and finally brought this project to fruition.

We have also delivered on introducing cyber bullying laws, released plans to reform the Evidence Act to provide victims of sexual assault with a voice, committed to re-wording the crime of maintaining a sexual relationship with a young person and we have also conducted consultation on new one-punch laws to be introduced.

In the Corrections portfolio, the Hodgman majority Liberal Government has delivered on our election commitment to abolish prisoner remissions. That was an outdated practice, long since removed by all other state jurisdictions, which saw prisoners released before end of the sentence given to them by the courts.

It has also been a year of delivery in the Building and Construction portfolio. According to ABS lending statistics recently released, Tasmania remains the best place to buy your first home or build one. In the past 12 months, Tasmania has been the national leader in terms of building work, lending commitments for the construction of owner-occupied new homes and the number of first home buyers. While other states' building sectors continue to lag, Tasmania continues to grow. You do not have to take our word for it. The industry, such as the Master Builders of Australia, has said that Tasmania is the hottest construction market in the country and has been for some time. The HIA Tasmania has stated that our building sector activity represented the state's strongest performance in 25 years.

There have also been some great developments in my Racing portfolio this year. We have announced Tasmania's first ever dedicated greyhound rehoming facility, which will be located in Mangalore, allowing for a major capacity increase in the greyhound adoption program, something I thought the Greens would be interested in.

**Ms O'CONNOR** - Point of order, Madam Speaker, standing order 48. The minister has had well and truly long enough to congratulate herself at taxpayers' expense.

**Madam SPEAKER** - That is not a point of order.

**Ms ARCHER** - The \$12.5 million Elwick track redevelopment began in February and is set for completion before Christmas in readiness for the 2020 Tasmanian Summer Racing Carnival. I have also established the new community racing club grants program for local racing clubs to fund their infrastructure and maintenance needs.

Finally, it has been a year of delivery in the Arts portfolio.

**Members** interjecting.

**Madam SPEAKER** - Order, order. Attorney-General, it is five minutes.

**Ms ARCHER** - Madam Speaker, I have nearly finished. It is important. Through Screen Tasmania, we have invested a record \$1.4 million across five film and television projects, including *The Gloaming* and *Rosehaven*. We have generated \$10 million for the economy during production and employed almost 150 Tasmanian cast and crew members.

**Dr Woodruff** - This is really outrageous. Embarrassing.

**Ms ARCHER** - I do not know what the Greens' members find embarrassing about the success of our Arts sector. We have also delivered a successful revamp of *Ten Days on the Island*, resulting audiences increasing to a total of 18 000. I could go on. In my portfolios, this is simply a snapshot. I look forward to solid performance in relation to delivery by our Government over the coming year.

### **Protection from Protesters Legislation**

**Ms O'CONNOR question to PREMIER, Mr HODGMAN**

[10.37 a.m.]

Why do you want to lock up our children, who were striking for a safe climate in their thousands in September this year, the 6000 or more Tasmanians who gathered in the foothills of kunanyi in May 2018 to defend the mountain, workers challenging employers over wage theft and the fly fishermen and bushwalkers challenging your privatisation of Halls Island in the Walls of Jerusalem National Park? Is your brand of authoritarianism more inspired by Chairman Shi, Vladimir Putin or North Korean President, Kim Jong-un?

**Mr FERGUSON** - Madam Speaker, you might allow the Premier to answer it if he wishes to but it is clearly pre-empting an order of the day, noting that the Leader of the Greens was previously having a sook about not getting a housing question up.

**Ms O'BYRNE** - Point of order, the reality is, as Leader of Government Business well knows, if it is a matter of significant public importance, the question can still be asked and has been asked, historically, in this House.

**Members** interjecting.

**Madam SPEAKER** - Order, could we please have a little calm. The Premier may answer as he feels fit.

## **ANSWER**

Madam Speaker, I am more than happy to do so, noting the joint attack from Labor and the Greens and the strong defence of her colleagues, the Greens, by the member for Bass, Ms O'Byrne.

I am prepared to speak to the bill we are bringing forward - and to dispel the untrue claims of the leader of the Opposition as to this bill's intent and its application, which is not as she describes - to allow Tasmanians to be able to get to work, to run a business, to participate in what is the country's strongest-performing economy, with 1600 more businesses now operating in this state than when we came into Government. We have the most confident business conditions in the country, most supportive of Government policies of any business communities in the country, which is a far cry from where they were under Labor and the Greens when they were operating under recession and depression.

**Ms O'CONNOR** - Madam Speaker, point of order, relevance. This has nothing to do with the Tasmanian economy. I have asked the Premier why he wants to lock up our children, or people who are protesting to protect the mountain, or workers protesting against wage theft.

**Madam SPEAKER** - It is not a point of order.

**Mr HODGMAN** - What the Greens say is entirely untrue. It is not the case that the legislation does more than allow people to go to work, run a business, and we stand for the workers. We are the party in this place that stands for the workers. Despite what the Leader of the Opposition promised her party faithful at their state conference this year, that they would no longer stand with the Greens, on the very day -

**Members** interjecting.

**Ms O'CONNOR** - Point of order, Madam Speaker. I cannot hear the Premier trying to worm his way out of this draconian legislation.

---

## **Recognition of Visitors**

**Madam SPEAKER** - Honourable members, I point out this is most unruly, particularly as we have some wonderful students from the TasTAFE Migrant class. They are here from 10.30 a.m. to 11 a.m. We welcome you to our robust parliament.

**Members** - Hear, hear.

---

**Mr HODGMAN** - It has become very loud in here as Labor Party members try to drown me pointing out that it was the Labor leader who got up at the State Labor Conference and said, 'That's it, no longer will we stand with the Greens. We think they block things happening in this state. We think they get in the way of progress'. Well, they are going to stand beside them today - and of all things, on a bill that is all about protecting workers. It shows how far they have lurched to the left. You cannot trust the Leader of the Opposition, Ms White, because she tells the party faithful, 'We are not going to stand with the Greens any more.' I invite Labor members across the state to tune

in this evening and watch the Labor Party standing alongside the Greens, on a bill that is all about protecting people with the right to go to work, to be employed, for businesses to prosper.

It is a bill that is supported by, amongst others, the TFGA, the TCCI, FIAT, the Tasmanian Minerals, Manufacturing and Energy Council, the Tasmanian Seafood Industry Council and the Tasmanian Small Business Council. That is who we will be standing alongside, and standing up for today, with respect to this legislation.

There are provisions in this bill that will protect those who simply want to earn a living, or employ others in their business. This is in no way going to prevent the lawful and peaceful protest of people with views on matters of concern to them. We welcome that, and we have been quite prepared to engage with those who have a view contrary to Government, to allow them to express their views publicly in whatever way suits them, and by doing so upholding the value of free speech, which is an essential part of our civil society.

We will allow that to continue, but where we see political protesters wanting to get in and disrupt businesses, including the farms that the -

**Madam SPEAKER** - Premier -

**Mr HODGMAN** - Leader of the Opposition has now

**Madam SPEAKER** - Premier -

**Mr HODGMAN** - suddenly taken an interest in - it is farms across the country that have been subject to -

**Madam SPEAKER** - Premier, I am speaking. We are not allowed to discuss the debating topics of the motion that will be coming forward today. I respectfully ask you to wind up. You have gone over five minutes.

**Mr HODGMAN** - Thank you, Madam Speaker. I was encouraged to speak to -

**Madam SPEAKER** - Premier, five minutes.

**Mr HODGMAN** - I was going to conclude, I was encouraged to speak to the provisions of the bill. There will be considerable debate on this matter. We will be standing up for workers. Labor will again be standing with the Greens.

### ***Spirit of Tasmania* - Replacement Vessels**

**Dr BROAD** question to **PREMIER, Mr HODGMAN**

[10.44 a.m.]

The replacement of the *Spirit of Tasmania* vessels is the largest infrastructure project in the state's history. You promised that the new ships would be delivered by 2021. Under your Government, this project is all at sea. Last week you visited shipyards in Spain, and maritime suppliers in France. Why did you deliberately avoid the German shipyard FSG, to obtain an update

on the delivery and timeline for the *Spirit of Tasmania*, the new vessels, and when will the ships be delivered?

## **ANSWER**

Madam Speaker, I thank the member for his question, and his joke - no doubt Google again. It is a serious matter. As a Government we are engaged very closely with our great performing state company, the TT-Line, which has gone to record levels under this Government. I will not have time to remind the House of where the TT-Line was under Labor and the Greens, because it was not at sea as often as it is under our Government. They had three ships at one point, which did not prove to be a great success story. Worse still, they wanted to add more ships onto Bass Strait, and compete with the private sector. The business model that was operating under the Labor-Greens government was not the success story of the TT-Line today, which is carrying record passengers on record sailings, taking more freight out of our state, but bringing more passengers into it. They have performed exceptionally well as a business, supporting our visitor economy and our export growth.

We have every confidence in the management of the TT-Line to undertake what is a massive project, and to uphold their obligations to deliver what Government has asked of them in the context that is well known regarding the shipbuilder FSG operating in difficult financial circumstances. We will continue to be briefed as a Government on a regular basis by TT-Line on this matter. I point out to the member, and indeed the House, that no payments have been made by TT-Line to FSG. Importantly, no money will change hands unless a refund guarantee is in place to protect our taxpayers.

As we have said, we will publicly advise our community, indeed this place and those with an interest, if there is any substantive change to arrangements. We have faith and confidence in the TT-Line. It is under this Government that not only are the current TT-Line ships - our *Spirits* - performing strongly, but when the new ships arrive they will be part of our strong performing state economy, which is a far cry from when Labor and the Greens were in government.

## **Communities, Housing, Children and Aboriginal Affairs Portfolios - Long-Term Plan**

### **Mrs RYLAH question to MINISTER for HUMAN SERVICES, Mr JAENSCH**

[10.48 a.m.]

Can you update the House on how the Hodgman Liberal Government is delivering on its long-term plan in the important areas of communities, housing, children and Aboriginal affairs, to create jobs and to support the strongest economy in the country? How our plan is working, and why is it important to have a plan?

## **ANSWER**

Madam Speaker, I thank my colleague for her question and her interest in these important portfolio areas. It has been an exciting and productive year, and I am proud to have been part of the Hodgman Liberal Government that is delivering for all Tasmanians in Australia's fastest growing economy.

It was my honour to be appointed the Minister for Aboriginal Affairs earlier this year, taking over from my colleague Ms Petrusma, and I thank her for her service in the portfolio. Our Government is continuing to deliver on our commitment to reset the relationship with Tasmania's First People. One of our commitments has been to review the Aboriginal and dual naming policy, which was finalised earlier this year and will come into effect with the passage of the Place Names Bill.

In September, our Government signed the Closing the Gap Partnership Agreement between the coalition of Aboriginal and Torres Strait Islander peak bodies and the Council of Australian Governments. This historic agreement ensures the equal participation and shared decision-making on Closing the Gap priorities to which we are committed. To maintain the reset momentum, the 2019-20 state Budget invested new funding of \$542 000 across the forward Estimates, which demonstrates that our commitment to the reset and Closing the Gap is as strong as ever.

In our portfolio of Human Services we have delivered a new model for extending care for young people in out-of-home care to 21, providing step-down support for young people in family-based care as they transition to independent living. By investing in the children in our care we are making a down-payment on their future lives. A new measure that we have delivered is the provision of incentive payments to children in out-of-home care and support for their carers to encourage further learning and to assist with education costs through to year 12 or its equivalent.

We have also successfully introduced the Strong Families, Safe Kids advice and referral line which is reducing the number of referrals for investigation, the number of children in active transition and providing a more effective system that protects vulnerable children, keeps families together where it is safe to do so and ultimately results in fewer Tasmanian kids in the out-of-home care system. We have provided more funding for Tasmania's out-of-home care system with additional funding of \$16.9 million to meet growth and demand for services and an additional \$2.3 million to continue the roll out of the Strong Families, Safe Kids redesign.

We are also delivering on our plan to provide better communities and improve the lives of all Tasmanians, investing over \$1 billion over four years in our transition to the full scheme NDIS, a historic reform that will improve the lives of all Tasmanians living with a disability.

We have had an outstanding year of achievement in the Housing portfolio also, delivering on our commitments to provide more housing for Tasmanians in need through our Affordable Housing Action Plans. The first action plan was completed in June and assisted more than 1600 households, including the delivery of 984 affordable lots and homes, significantly boosting our supply of social housing with 453 new dwellings delivered and assisting 351 low-income households into home ownership.

We have now embarked on our second Affordable Housing Action Plan, a key initiative of which is to boost the availability of affordable residential land in areas of greatest need, something Labor does not think is necessary to boost housing supply. That is why we tabled the Huntingfield land supply order in this place which will support around 450 dwellings together with open space and local business zones to service the needs of this new community.

As the Premier mentioned, we have also achieved what those opposite could never do, securing an agreement with the Morrison Coalition Government to waive our housing debt of \$157.6 million, a historic agreement that will free up more than \$230 million in repayments which everybody called for for years and years but never managed to do under your government, even with a Tasmanian

federal housing minister. Jacqui Lambie played an important role at an important time in achieving this.

**Ms O'CONNOR** - Point of order, Madam Speaker, under standing order 48. The minister has now been congratulating himself for four and a half minutes on the taxpayer's dime.

**Madam SPEAKER** - Yes, he has actually gone to five minutes. Would you like to wind up?

**Mr JAENSCH** - Madam Speaker, there is so much more to say. There is so much that has been done. There is a job still ahead of us and we remain committed. We have a plan. We are investing in our plan. Our plan is delivering. Those opposite have nothing to offer. We ask them to support our plan in lieu of having one of their own.

### ***Spirit of Tasmania - Replacement Vessels - Wharf Upgrades***

**Dr BROAD** question to **PREMIER, Mr HODGMAN**

[10.53 a.m.]

Your Government has been alarmingly secretive and hands-off when it comes to the largest infrastructure project in the state's history, the replacement of *Spirits* I and II. This massive project not only involves the replacement of the ships but also requires massive upgrades to the wharf infrastructure in Devonport and at Station Pier in Melbourne. Can you confirm that the upgrades to Station Pier alone will cost around \$200 million and that Tasmania would be expected to foot a large portion of the bill? How will this infrastructure be paid for?

**ANSWER**

Madam Speaker, I thank the member for the question and acknowledge the significant investment being made by the TT-Line and more broadly the Government with respect to its operations. There are important operational matters for the TT-Line to determine. I imagine the member who asked the question will have the opportunity to inquire of the company themselves at the GBE hearings next week, because it is not my responsibility as Premier to manage -

**Mr O'Byrne** - You're the Premier - 'not my job'?

**Mr HODGMAN** - I know how much the member who interjects tried to interfere with the operations of the TT-Line and we know how the TT-Line was operating when he was the minister responsible for them. They were not sailing as often, they did not have as many passengers, and their return to government was nowhere near what it is like under this Government and the great leadership of the TT-Line board and executive.

**Dr BROAD** - Point of order, Madam Speaker. I draw the Premier to the question. How will the \$200 million for the upgrades be paid for?

**Madam SPEAKER** - Yes, it has been very hard to -

**Mr HODGMAN** - These are matters -

**Madam SPEAKER** - Order, Premier!



**Mr HODGMAN** - Apologies, Madam Speaker.

**Madam SPEAKER** - Thank you. It is not a point of order, but I am suffering from a bit of industrial deafness with all this shouting. Could we please just proceed in a dignified manner?

**Mr HODGMAN** - Thank you, Madam Speaker. I know that members opposite do not understand how businesses, including government businesses, operate. They operate, certainly insofar as we are concerned, with our confidence in their abilities and their obligations to discharge them and to determine matters, including those to which the member refers.

We will respectfully support the TT-Line in its endeavours, not only in respect to the ships, but also any other infrastructure requirements in Tasmania or on the mainland. We will respect them to discharge their duties and to continue to serve our state as well as they now are. I particularly reject the suggestion from the member who asked the question to interfere in the way that his neighbour did. When we came into government we inherited a number of things, including a billion dollars in deficit and an economy that was in recession again. That was the responsibility you should be owning up to and accepting, and you also had a business plan for the TT-Line that would have not only likely damaged them but certainly damaged other private businesses operating on Bass Strait. That is the track record of the Labor Party. Under us, the TT-Line is one of our state's best performing state-owned companies and we trust its executive and its leadership team to continue to manage it very well.

### ***Spirit of Tasmania* - Replacement Vessels - Fuel Supply Agreement**

**Dr BROAD** question to **PREMIER, Mr HODGMAN**

[10.57 a.m.]

The late delivery of the new *Spirit of Tasmania* vessels is becoming a slow-moving disaster. It was announced last year that the new vessels would run on a combination of marine gas oil and liquefied natural gas. Has a fuel supply agreement been signed locking TT-Line into paying fixed costs from 2021, even if the new ships are delayed? Have Tasmanian taxpayers been locked into any other contracts that are predicated on the delivery of vessels in 2021?

**ANSWER**

Madam Speaker, quite clearly, they are, appropriately, matters that should be directed to the company when the member who asks the question today has the opportunity to do so next week.

### **Agri-Food Plan - Achievements**

**Mrs PETRUSMA** question to **MINISTER for PRIMARY INDUSTRIES and WATER, Mr BARNETT**

[10.58 a.m.]

Can you please update the House on all the significant achievements delivered by the Hodgman Liberal Government through our Agri-Food Plan over the last year?

**ANSWER**

Madam Speaker, I thank the member for her question and her strong support for agriculture in Tasmania and the plans and policies of the Hodgman Liberal Government. We can say that the

strongest-growing economy in Tasmania is at least in part due to agriculture and growth in agriculture. We have the strongest-growing economy in Australia, the highest confidence, and it is creating jobs, particularly in rural and regional Tasmania, and that is where agriculture is so important.

Our Agri-Food Plan is working. We are delivering a 9.1 per cent increase over that 12-month period, just assessed by the ABS, and 7500 people are directly employed in agriculture and another 2000 in aquaculture and fishing. That means that we are on track to get to our \$10 billion by 2050.

What a year it has been in primary industries for this Government and for this state. We have transformed the biosecurity system; we have put in place a foundation for the next 30 years with our Biosecurity Act, and we are proud of it.

As a result of that, one of the first things to do is establish the biosecurity advisory committee. I am pleased to announce the appointment of Felicity Richards as the Chair of the new committee. She is a rural advocate, a farmer, a supporter of the rural and regional communities and a businesswoman with success at her back. Joining her on the committee are nine well-credentialed industry leaders and experts across animal and plant agriculture, fish, science, environment, tourism and other requirements.

More than \$10 million was spent on Biosecurity Tasmania in this year's Budget than in 2013-14 under Labor and the Greens. Twenty new biosecurity positions have been put in place, which means more inspections on high-risk imports and goods and more often. That is what we want because biosecurity is a top priority for our Government; keeping out pests and disease and protecting the Tasmanian brand.

I have mentioned the \$100 million investment in our state budget for the Agri-Food Plan and that means support for water, concluding tranche 2 and then tranche 3. The next five projects are on track. Subject to those approvals, they are due to start construction late next year, while planning for other projects continues.

This past 12 months, we have succeeded in passing through this parliament an extension of the GMO-free moratorium for a further 10 years. We are pleased with the support and that underpins the Tasmania brand. The Premier talks about it, we regularly talk about it; the importance of a Tasmania brand in our key markets.

In supporting the red meat industry, we have established the red meat working group. We got results, we got their report and recommendations and have implemented that. We have backed it with \$2 million in initiatives to help the local red meat industry. We have helped the farmers and hunters better manage wild fallow deer. We have had the extension of the accelerated pilot to help fast-track the development of young agricultural professionals.

We have had the charter for working on private farm land. We have had the TFGA Living Next Door to a Farmer Campaign fully funded. On top of that, we have the world-class salmon industry growing sustainably, and the wild-catch fisheries reducing red tape, modernising the fisheries' administration in the digital age, ensuring that our fish stocks are shared for the future, all strengthening brand Tasmania. We have the Tasmanian Trade Strategy, we have record exports and that means jobs, jobs, jobs. That is terrific. Do not take my word for it. Let us hear from Mark Kable, Chair of the Tasmanian Agriculture Productivity Group.

**Ms O'CONNOR** - Point of order, Madam Speaker, standing order 48. At the last sitting you gave very clear direction that you would like ministers' answers to be around four minutes. Mr Barnett has been talking for four and a half minutes and we can see he is just getting wound up.

**Madam SPEAKER** - Mr Barnett is well over five minutes and I would like him to wrap up.

**Mr BARNETT** - I will wrap up. The Chair of the TAPG said at the AGM that Tasmania now has the holy trinity of agriculture in place. We have irrigation and we have a brand that people want. Game on, Madam Speaker. Agriculture is delivering jobs in rural and regional areas. We have the policy, we are delivering and the other side have no policies and no plans. They are bereft.

### **Northern Regional Prison - Public Meetings in Westbury**

**Ms BUTLER question to MINISTER for CORRECTIONS, Ms ARCHER**

[11.04 a.m.]

At a meeting with Westbury residents on 2 November, you promised to return to the town to front a public meeting. Residents asked you for at least one weeks' notice so that they could book an appropriate venue. You have reneged on that agreement and have announced that you will hold highly controlled closed-door meetings instead. Based on your published timetable, only 35 residents will be able to meet with you for 15 minutes each. Why are you so afraid of meeting with the Westbury community to answer questions about your toxic maximum-security Westbury prison?

### **ANSWER**

Madam Speaker, I thank the member for her question because it allows me to set the record straight. What the member did last night was come in on the adjournment and make false accusations, mislead the House, and did not read out what I sent to the group that requested the public forum. My response to them outlined what a series of meetings aimed to do. There are a number of people in the community who would not be comfortable fronting up to a public forum, which we know is code for a rally. There are a number of people in the community who want to genuinely consult and raise their concerns with me, and that is what my meetings on 8, 15 and 16 December mean.

I was also asked to commit to a public forum on 15 December. I am going to be there from 1 p.m. until 4 p.m. and I will be communicating further with the group who requested a forum to make arrangements that are convenient to them and to me. I have not denied them that opportunity. In my email - I do want to place this on record because, in Ms Butler's selective rewording, she has not been accurate - I said -

Thank you for your email, I am looking forward to the upcoming direct and open engagement with the Westbury community in coming weeks. During our discussion I absolutely committed to public meetings, which is precisely what is planned for the coming weeks. The one-on-one or small group meetings, depending on what is preferred by the individuals making a time with me, are intended to ensure all community members are able to openly ask questions, provide feedback and have an earnest exchange with myself and senior staff on the proposed prison.

The structure of the consultation is intended to facilitate genuine engagement in a safe environment for anyone wishing to engage with me. It is important to recognise that many people are not comfortable sharing their views in front of a large group of people and I want to ensure I am genuinely hearing from a wide range of people.

Once again, it is timely to reiterate that no decision has been made in respect to the proposed prison and these meetings are opportunities for hearing directly from the wider Westbury community. I can absolutely assure you that meaningful consultation continues beyond the explicit dates identified in my letter to residents and the northern regional prison team will be available to speak with residents business owners outside of these times, as they always are.

So, too, local Liberal members continue to engage proactively with the community on a regular basis. We are listening, we are engaging and I look forward to being in Westbury over the coming weeks ahead.

Sincerely...

Nowhere do I deny making further visits for that purpose. I will be communicating with the group who have requested a public forum and I will be making arrangements with them. Thank you to the member for allowing me to set the record straight. She should speak on the adjournment and apologise for misleading the House.

**Time expired.**

## **PETITIONS**

### **Workplaces (Protection from Protesters) Amendment Bill**

**Ms O'Connor** presented an e-petition signed by approximately 2493 petitioners praying that the House of Assembly vote against the Workplaces (Protection from Protesters) Amendment Bill. The petition conforms with the relevant Standing Orders and Rules of the House.

**Petition received.**

**Ms O'Connor** presented a petition signed by approximately 254 petitioners praying that the House of Assembly vote against the Workplaces (Protection from Protesters) Amendment Bill. The petition conforms with the relevant Standing Orders and Rules of the House.

**Petition received.**

## **TABLED PAPER**

### **Select Committee on Firearms Legislation and Policy - Report**

**Mrs PETRUSMA** (Franklin) - Madam Speaker, I present the final report of the Select Committee on Firearms Legislation and Policy.

I move -

That the report be printed.

**Motion agreed to.**

## **SITTING TIMES**

[11.13 a.m.]

**Mr FERGUSON** (Bass - Leader of Government Business) - Madam Speaker, I move -

That pursuant to sessional order 18A, for this day's sitting the House not stand adjourned at 6 p.m. but continue to sit past 6 p.m.

We have only one item of Government business listed on the blue but I appreciate it is a matter of considerable interest to all members of the House.

**Members** interjecting.

**Mr FERGUSON** - If I may be able to speak for a minute then I will listen to you as well in response.

Noting that the interruptions indicate interest and long debates and 'as long it takes', we will need to sit to allow that debate to occur. I understand that many members of the Opposition intend to address the bill. That is terrific. A number of my colleagues also intend to address the bill, I understand, from interest. I simply say that the Government would like help to facilitate that to happen. To ensure that the House should have full scrutiny and opportunity to debate the bill and examine its clauses, we seek to try to make that as smooth as possible for everyone concerned, noting it is our last sitting week for the year.

I would like to indicate as well - and I hope during these times that at least the housekeeping can be more or less amicable - our Government member, Mr Tucker, intends to not proceed with his listed item in private members' time today, and Mr Tucker can speak for himself at the appropriate time. That would free up one additional hour for debate during the day which I hope will contribute in small part by one hour of not having to sit into the evening tonight.

**Dr Woodruff** - Your members don't need to speak to this horrible, divisive, toxic bill.

**Mr FERGUSON** - Yes, they do, and they are entitled to.

**Dr Woodruff** - Of course they are, but they shouldn't.

**Madam SPEAKER** - Order, could we do this through the Chair, please?

**Mr FERGUSON** - There is nothing particularly special about a Greens member compared to a Government member who may wish to address this bill on behalf of their electorate.

I make those comments and hope that the House can facilitate that, together with the private members' matters that are listed.

[11.16 a.m.]

**Mr O'BYRNE** (Franklin) - Madam Speaker, we support the extension of sitting hours tonight. This is a bill of extreme importance. I can indicate that members of the Labor Party will be giving voice to workers and those who want to exercise their democratic right to have their voice heard without fear of retribution from a punitive government bringing in punitive laws. Each of us will be standing up and providing their view on this bill that has already been chucked out of the High Court for very good reasons - and not much has been done to make it better.

We know why it has been brought back in. It is the same reason why you do not have any bills that you have introduced today or yesterday: you do not have an agenda as a government. It is clear that you have no legislative agenda as a government so you resort to this pea-and-thimble trick, these cheap little wedge stunts, because you do not have a vision. You cannot even get water to the South-East Irrigation Scheme, so do not talk to us about not having a plan. The only question I have is whether it is the Government's intention that this bill will be dealt with today? Will we finish today?

**Mr Ferguson** - We want all the members that you wish to put up to speak to it to be able to do so. I am not making any specific commitments on time. That will be up to the House. It will be up to your members.

**Mr O'BYRNE** - We have indicated to you that our members will want to have a say on this. It would be important in the informing of this motion if the Government could indicate if they want to finish this bill today.

**Mr Ferguson** - We are in the hands of the members.

[11.17 a.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Madam Speaker, I have to disagree with one of the statements that Mr O'Byrne made just then. This Government does have an agenda. It is an agenda of shameless self-promotion for which they make no apologies.

As I have indicated to the House previously and in public statements, Dr Woodruff and I will be here until the 'dack of crawn' if we have to, debating this legislation clause by clause because it is a matter of such significance to our democracy and the daily lives and human rights of every Tasmanian to peacefully protest. So we will be here until late into the night. Should the Liberals, who have a problem with stamina, want to go nigh-nighs and pull the gag on this debate, there will be no justification for that at all.

Unlike some members of this House, Dr Woodruff and I - and I am sure many other members of this House - take our responsibility as legislators extremely seriously. We will not be buck-passing this draconian legislation - which we understand is even more extreme than the anti-protest laws in Hong Kong - to the Legislative Council. We will be standing true by the people who elected us into this place to look at every law on its merits.

This legislation, a bill of rights for business, on its merits, is an insult to our democracy. It is an insult to free-thinking people everywhere. It is an insult to the generations of Tasmanians who have stood up for what is good and true and for their rights and for workers' rights. We will be here all night.

[11.20 a.m.]

**Ms OGILVIE** (Clark) - Madam Speaker, I acknowledge that it is going to be a robust, interesting and probably very long debate. Given my notice of motion is not time critical, I would like to offer to the House that I am happy to hold that over if that assists with timing. I am in your hands as to that.

**Ms O'Connor** - That is so sweet.

**Mr FERGUSON** (Bass - Minister for Infrastructure and Transport) - There is no need for that. Madam Speaker, on indulgence, to keep this moving, I might speak with Ms Ogilvie in relation to that matter. I think it will be wise for her to take advice, because she may not get another opportunity for some time to move on her matter. That will be a matter entirely for Ms Ogilvie.

If any member, indeed the Opposition or the Greens, would like to contribute their private members time to the debate that they just very clearly indicated they wish to have -

**Ms O'Connor** - You are dreaming. You are now dreaming. We do not trade away for nothing. No, no.

**Mr FERGUSON** - Indeed, if you want to be here all night -

**Madam SPEAKER** - Order, discipline, please.

**Mr FERGUSON** - that will be a matter respectively for each of you.

**Motion agreed to.**

## **MATTER OF PUBLIC IMPORTANCE**

### **Housing Affordability**

[11.21 a.m.]

**Ms STANDEN** (Franklin) - Madam Speaker, I move -

That the House take note of the following matter: housing affordability.

I rise with pleasure but dismay to raise the important issue of housing, and specifically rental affordability, and the impact on cost of living for hardworking Tasmanians from all backgrounds, whether in greater Hobart or across the regions. In particular, I refer to the *Rental Affordability Index: research report* that has been released by SGS Economics and Planning, National Shelter, Community Sector Banking and the Brotherhood of St Laurence. The November 2019 release notes that not only has affordability declined; I quote from the section on state trends. It says that -

High rents, relative to household incomes, mean that Greater Hobart is the least affordable metropolitan area in Australia. Affordability has nosedived further since the last release,

which would be only the last quarter.

For the first time ever, rental affordability has dropped below the critical threshold of 100. At 93, its RAI score,

which is short for rental affordability index,

indicates that even an average income household in Hobart would be placed in rental stress if paying the current median rent.

It is estimated by peak bodies Shelter Tasmania and TasCOSS that some 120 000 Tasmanians live in poverty, and around 8000 households - or nearly 19 000 Tasmanians - are currently living in housing stress. That is, they are spending more than 30 per cent of household income on housing costs, leaving less and less disposable income for other essentials, the basic necessities of life.

The Government inherited a public housing waiting list of 2400 people in 2014. That has since declined markedly to over 3300 Tasmanians today, waiting on average 67 weeks, which has more than tripled since 2014, when the waiting time for priority applicants inherited by the Government was 20.6 weeks.

AHURI and the UTAS Institute for Study of Social Change have estimated the current demand for social and affordable housing is 11 000 dwellings, and this is projected to increase to 14 000 dwellings by 2036.

The ANZ-CoreLogic Report released in November 2019, and the June quarter 2019 report, showed that it was cheaper to buy in some areas of greater Hobart than to rent. On average, a record 33.9 per cent of household incomes are spent on rent, which is the highest proportion of any Australian capital city. Astoundingly, the average household now takes more than 10 years to save a deposit to purchase a home in this increasingly heated housing market. With median rents of more than \$457, more Hobartians - and Tasmanians, in fact - are struggling to make ends meet.

In fact, the SGS Economics *Rental Affordability Index: research report* reaffirms that Hobart is Australia's least affordable capital city, with rents increasing by an astounding 10 per cent per annum over the last three years. In greater Hobart, low-income households are spending as much as 86 per cent of their income on rent, but increasingly this is a problem impacting the rest of Tasmania, with single people on Newstart spending 54 per cent of their household income on rent. This pushes people to the outer fringes of cities. It pushes people away from jobs, away from education, away from critical social infrastructure. It is harder and harder for people to get into and stay in a job when they are being pushed to the fringes of our settlements.

The decline in rental affordability in regional areas is increasing as well, with rental vacancies of less than 1 per cent in greater Hobart. More and more people are lining up in order just to find a home. In fact, the rental affordability index report shows that for greater Hobart, and I quote on page 42 it says,

**Greater Hobart** continues to be the least affordable capital city in Australia. Rental affordability in Hobart has dropped considerably over recent quarters, and it is now the only capital city in Australia where rental affordability for the average-income household has dropped below the critical threshold of 100 to a RAI score of 93 in June 2019.



This means that even average-income households are now paying 30 per cent of their income or more on rent. Although household incomes in Tasmania are significantly lower than the national average, rents are only marginally lower than mainland averages. The gap between income and rent has been widening over the past three years, and on that same page there is an astounding graph that shows the widening gap comparing greater Hobart and greater Sydney. It says,

A comparison of RAI scores in Greater Hobart and Greater Sydney over recent years shows that while the two cities have shared similar levels of rental affordability in the past, the gap between their RAI scores has widened considerably between 2017 and 2019.

This means that less and less money is available for households to afford heating, health care, education and food. A recent Foodbank Hunger Report showed that there is an increase of 18 per cent demand for people seeking assistance for food relief, 2300 people cannot be assisted every month, and a 40 per cent increase in food is required to meet demand.

Loaves and Fishes Tasmania, which provides a valuable service statewide, is under threat in its Hobart service, with the risk of closure in southern operations. It is time that the Government provided information on the Government's plan to address social and affordable housing and cost-of-living pressures.

### **Time expired.**

[11.28 a.m.]

**Mr JAENSCH** (Braddon - Minister for Housing) - Madam Deputy Speaker, I am happy to speak on this matter of public importance today.

Housing affordability is a direct function of supply and demand across the entire housing market. In that market, the great majority of Tasmanian households are still home owners in greater proportion than in most other states around Australia. At the moment those home owners are enjoying rapid growth in the value of their assets, as well as lower mortgage repayments, with historically low home-lending interest rates.

We recognise, though, that with the strong growth in the economy, strong confidence and optimism, and with Tasmania being the place to be, our population is growing, fewer people are leaving, more are coming here to live and work and to develop businesses, and employ more Tasmanians, and all of those people need housing.

The housing affordability in the report that was released today, and commented on by the last speaker, is a real thing. There is pressure. It is about supply and demand in the market, and that will inevitably result in some people - particularly those on lower incomes who do not own their own homes - finding themselves less able to access housing of the type they need in the locations where they want it. Against that, the market is also aware of that demand and they are providing supply. Our private housing market in Tasmania is also going through a record boom phase and our market is responding to increased demand. Nearly 2900 more dwellings were completed in the last 12 months, adding to housing supply and putting downward pressure on the cost of housing.

Our Government's measures such as the First Home Builder Boost, stamp duty concessions and other initiatives are supporting more investment in new housing stock to meet that increasing demand and reduce pressure on affordability of housing. It is important to note that over the last

12 months, something around one in six of those record number of approvals were social housing dwellings delivered under programs that you helped to develop and this Government is driving, and we are continuing with record state investment, higher than the level provided by any previous government on this important issue.

Through our Affordable Housing Action Plan we are investing \$258 million over eight years on programs that increase access to social housing, reduce homelessness and improve housing supply across Tasmania; \$88 million in this year alone, plus around half of the \$30 million federal funding that we secured under our Hobart City Deal, which takes the total investment in affordable and social housing in Tasmania to over \$100 million this financial year.

It is a record level of investment, but we know we have more to do to secure the supply that we need for all Tasmanians who are finding themselves in housing stress right now. This Government is pulling every lever it can find and we will continue to find more to drive and support the supply of more houses for Tasmanians every way we can through incentives for those in the broader market and support for them through planning initiatives such as the development of a new code for apartment-style living in our built-up areas, a permitted pathway for developers there, and through provision directly of social housing and housing for the homeless, for people who want assistance into affordable housing for the first time, who are on low incomes and would not be able to do it by themselves.

One of the questions we have to ask, and particularly given they are the party that brought this matter of public importance here today, is what is Labor doing?

**Ms O'Connor** - Labor actually initiated the parliamentary inquiry which got all of the evidence on the table.

**Madam DEPUTY SPEAKER** - Order, Ms O'Connor, you will have your opportunity soon.

**Mr JAENSCH** - Oh, that is right, Labor had an inquiry which has not been tabled here yet, but what is the alternative government doing and saying to support the increase of supply of houses for Tasmanians? You do not have to be in government to be a part of the solution or to support things, and just because they are in Opposition does not mean all they can do is oppose things. They can be a constructive part of the solution for this affordability challenge we have here in Tasmania right now.

I ask the question here today: can anyone in this place point to Labor ever having spoken in favour of any actual project that will increase housing supply? In the last year, has Labor spoken in favour of any project proposal that will increase housing supply? Have they lobbied a council to get a development approval across the line? Have they supported or encouraged a developer who is trying to build new accommodation? Have they gone out to help alleviate community concerns about a development happening near them so that the project has social licence and can get up?

Labor clearly opposes the release of more affordable serviced and appropriately zoned land as part of our Affordable Action Housing Plan. They did it again this morning. When I talked about affordable lots and homes they laughed, called out and interjected when I was speaking about our achievements in this area over the last year. They clearly do not recognise that you need land to build more houses. Ms Standen campaigned against the Wirksworth Estate Integrated Aged Care facility when it was first proposed; 50 places for older Tasmanians who would otherwise be homeless. We are now getting on with that, no thanks to Ms Standen, the spokesperson for Labor

on housing. Labor stirred up community concerns about the Huntingfield rezoning and secretly voted for it in the Legislative Council and Ms White wrote to me demanding that I explain why I was determined to proceed with affordable housing for people in Scamander - and she won that one because it has been pulled.

**Time expired.**

[11.35 a.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Madam Deputy Speaker, that was an unedifying performance from the Minister for Housing. You had seven minutes to contribute and you spent more time talking about the Labor Party than you did about people who do not have a roof over their head. Where are your values? It is more about the politics than it is about the people. You are minister of the Crown, for heaven's sake. Disgraceful effort. We had to endure 20 minutes of the same crap from you people this morning.

**Members** interjecting.

**Madam DEPUTY SPEAKER** - Order, I ask that we allow the member to make a contribution in silence, please.

**Ms O'CONNOR** - Thank you, Madam Deputy Speaker. Unlike the minister, I have the grace to thank Ms Standen for bringing on this important issue of housing affordability and availability in Tasmania. There is no question that we are in the middle of a housing crisis and homelessness rates are increasing. There is no question that we need to do something as a parliament about the undersupply, about soaring rents and about the proliferation of short-stay accommodation in Tasmania. The minister would have done better by the people he was elected to serve and for whom he has been given portfolio responsibility by displaying a little bit more empathy for people who are experiencing housing stress or homelessness.

We have the Rental Affordability Index out today as Ms Standen has made clear and it states that greater Hobart continues to be the least affordable capital city in Australia. Rental affordability in Hobart has dropped considerably over recent quarters and it is now the only capital city in Australia where rental affordability for the average income household has dropped below the critical threshold of 100 to a RAI score of 93 in June 2019. This means that even average income households are now paying 30 per cent of their income or more on rent. Although household incomes in Tasmania are significantly lower than the national average, rents are only marginally lower than mainland averages. The gap between income and rent has been widening over the past three years.

We are in the middle of a housing crisis. It is in part due to a newly elected Hodgman Liberal Government for the first three state budgets - and you cannot deny this, Mr Jaensch; it is true. The first three state budgets your Government handed down did not allocate new money for increasing housing supply so we were three years lagging behind on increasing supply at the same time your federal colleagues smashed up the National Rental Affordability Scheme, which was a critical lever for increasing the supply of affordable, modern, energy-efficient housing.

We had three years of lag in the state budget where no new money was going into supply, where rents were soaring, where short-stay accommodation listings were going through the roof, and they still are and you have refused to regulate, as other sensible jurisdictions have done, to ensure you are prioritising homes for people rather than beds for visitors.

It has been an honour and a privilege, albeit a confronting one at that, to participate in the inquiry into housing affordability in Tasmania. I thought I knew a lot about this portfolio as a former minister but I learnt a lot and I am very thankful to the people and stakeholder organisations who presented to that inquiry.

They told a compelling story of a drastic undersupply of affordable homes, a compelling story of people who are driven to homelessness, people from middle-income working families who cannot find a home, of real estate agencies that bang up the rent once every 12 months, of a Government that has failed to get the policy settings right because it underinvested in social and affordable housing for the majority of its first term and is now playing catch-up.

You can bag us out all you like. I am deaf to the sort of garbage that comes out of your mouth. The fact is, we built 2200 new affordable homes in the four years of the Labor-Greens government and we delivered 9500 free, energy-efficiency upgrades for low-income households, small businesses and community groups. We delivered Better Housing Futures, which is empowering tenants and rejuvenating places like Bridgewater, Gagebrook and Clarendon Vale.

The minister, whose track record in this portfolio has yet to be proven, is yippering away over there, standing in here and offering a litany of self-congratulations, which is repulsive to listen to. I do not know if your mum did what good mums do and say, 'Don't talk about yourself, don't puff yourself up, just go out there and work hard and let your deeds speak for themselves'. It does not sound like any of you people had that lesson from your mothers because we have to put up with nauseating self-congratulations in this place every single day.

What we need here, in order to address the housing supply problem, is very clear. There needs to be a federal change to negative gearing and capital gains tax. We need to make sure that every single bit of money that has come from housing debt relief from the Commonwealth-State Housing debt goes into increasing the supply of social and affordable housing. We need to regulate rents and Airbnb.

### **Time expired.**

[11.42 a.m.]

**Mr TUCKER** (Lyons) - Madam Deputy Speaker, I am happy to speak on this matter of public importance. There is no question that Hobart's housing market is booming, which is the result of a strong economy; something the Opposition does not understand.

The Tasmanian Government is responding to this through our Affordable Housing Action Plans. We are investing \$258 million over eight years on programs that increase access to social housing, reduce homelessness and improve housing supply across Tasmania. This is the largest ever state government investment into affordable housing in Tasmania's history. I commend the minister for Housing for the strong action that is being taken. This investment has, so far, assisted a total of 1747 households with their housing needs, including supply of 1050 affordable lots and homes. This has meant that the number of people on the Housing Register has stabilised with accommodation secured for 1082 applicants in the 12 months to 31 October.

This investment is leading to fantastic projects that are being delivered. No matter where they live, older Tasmanians are entitled to live in peace, safety and with dignity. Older people can be vulnerable so we must support and protect them. The government is doing so, having implemented the Elder Abuse Prevention Strategy.

**Ms O'CONNOR** - Point of order, Madam Deputy Speaker. The member has, unwittingly, I gather, misled the House. It was the Labor-Greens government and myself, as minister, that introduced and implemented the Elder Abuse Prevention Strategy.

**Madam DEPUTY SPEAKER** - It is not a point of order.

**Mr TUCKER** - This is a key action as part of our Affordable Housing Action Plan 2. The Wirksworth facility on Hobart's eastern shore will be the first of its kind for Tasmania, providing affordable, high-quality care and accommodation to elderly Tasmanians who are financially disadvantaged, homeless or at risk of becoming homeless. We are delivering the Goulburn Street development, which will provide 25 units for older Tasmanians aged 65 and over and people living with a disability.

The Tasmanian Government is committed to improving the outcomes for all young people at risk in Tasmania. Tasmania's Affordable Housing Strategy includes a range of actions targeted at young people who are homeless or at risk of homelessness in each region of the state. Two new youth foyers will be purpose built in Burnie and Hobart for young people who are at risk of homelessness or exiting out-of-home care. Youth foyers are more than supported accommodation facilities. They are integrated learning and accommodation settings.

A new youth-at-risk centre will be constructed in Launceston to provide short-term accommodation for children and young people. This new facility will provide a safe and supportive environment for young people, with access to a range of social and therapeutic services intended to help them stay connected to support networks and education. In addition, we will expand Thyne House in Launceston to deliver more support. A new task force has been established with representatives of the community sector to identify and prioritise care for children who are under 16 years of age, at risk of homelessness and not in out-of-home care. They are due to report to the government by the end of this year.

Increasing the level of supply is crucial if we are to meet the increased demand for housing and put downward pressure on rental prices. The Government is focused on delivering for every part of the housing supply chain, including releasing more land for homes to be built. This is why the Government implemented the Housing Land Supply Act 2018, because we need to be able to pull all the levers we have available to us. To date, this act has allowed five housing land supply orders to be tabled in the parliament. This has seen almost 50 hectares of land rezoned for housing across the state, resulting in the potential for over 625 dwellings. Predictably, those opposite supported the bill when it was passed, but then opposed the Huntingfield Housing Land Supply Order for shamefully political reasons. In my land, we call this fence-sitting -

**Ms O'CONNOR** - Point of order, Madam Deputy Speaker. You have to have some standards in this place. That is completely untrue. There was no vote opposing the Huntingfield Land Supply Order.

**Madam DEPUTY SPEAKER** - Ms O'Connor, that is not a point of order.

**Ms STANDEN** - Point of order, Madam Deputy Speaker. I take personal offence at the member's statement that we opposed the Huntingfield Land Supply. We did no such thing and I ask him to withdraw.

**Ms O'Connor** - Tell the truth in this place. Give it a go.

**Mr Jaensch** - Are you on record as having voted for it?

**Ms Standen** - It didn't come to a vote.

**Madam DEPUTY SPEAKER** - Thank you, Ms Standen. I have been advised that is not a point of order and that you can correct the record during adjournment.

**Mr TUCKER** - We know there is still more to do and we will continue our focus on helping Tasmanians in need into safe and secure accommodation. What is clear today is that Labor has put the needs of their own politics ahead of those vulnerable Tasmanians. They are trying to muddy the waters and to scare Tasmanians in need for their own ends. Their only strategy appears to be making people fearful for their future when they are already some of the most vulnerable people in our communities.

**Ms O'Connor** - You want to lock up those kids who are fearful for their future.

**Madam DEPUTY SPEAKER** - Order, let the member make his contribution, please.

**Mr TUCKER** - It is a despicable political tactic and it should stop. This is a desperate effort from those opposite and it is abundantly clear that, after five and a half years, Labor still has no long-term plan, no leadership and no policies. They do not even have an alternative budget.

**Time expired.**

[11.49 a.m.]

**Ms HADDAD** (Clark) - Madam Deputy Speaker, the member says that this is political game playing, that Labor is scaring Tasmanians. I argue that it is Tasmanians who should be scaring all of us here. If you are connected to your electorates, as people on this side of the Chamber are, we hear stories day in, day out from people who come through our offices who are telling us just how hard things are right now. The report released today, the impetus for this MPI, confirms what we are hearing from individuals in the community who cannot afford to rent or buy and who, in the worst circumstances, cannot afford to heat their homes or feed their kids.

One of the issues my colleague, Alison Standen, spoke about was food insecurity. The Foodbank Hunger Report of 2019 tells us that one in five Tasmanians has experienced food insecurity in the last 12 months, at least once a week three in 10 food-insecure people in Tasmania go a whole day without eating at all, and 22 per cent of children are represented in those figures as food-insecure Australians. That is the reality of poverty that is entrenched when we see the kinds of policies that governments, both federal and state, pursue.

It is all very well for the Government members who spoke today to tell us some of the things they have and are doing, but there was no sympathy shown for those who are still falling through the cracks, those for whom it is a daily reality of having to make choices between eating, paying your rent, or paying for their power bills.

We heard in some of the contributions that our housing market is booming and it is now cheaper to buy, but being cheaper to buy does not make it more affordable. We know that people are now saving for more than a decade for a housing deposit. Thirty-year mortgages are now the norm and they are often not paid off by the time people retire, meaning that people often enter into reverse mortgages or are forced to try to still pay mortgage payments on the pension, which is impossible.

It is impossible to make the numbers work. That has happened just in my lifetime. Houses were affordable back when I was just about old enough to think about entering the housing market, and they have boomed and boomed and boomed.

It is true what the minister said, that is of benefit to those who are lucky enough to own a home. They have more equity in their home; they are able to possibly sell it for a higher price. But what does it mean to those who are locked out of the market? I wonder how my kids' generation will ever imagine being able to enter the housing market to buy a house. The report we have seen today shows us that kids of that generation are most likely not going to be able to enter the rental market as well.

Hobart overtook Sydney as Australia's least affordable city. I remember when my friends moved to Sydney to go to uni and we were aghast at the kind of rents that were being paid in Sydney. I felt really lucky that I still lived in Tasmania and made the decision to go to university here because I could afford to live in a share house. I could afford to rent a house and still go to uni and attend my classes and sometimes spend the whole day at uni. Nowadays people cannot afford to do that without working full-time as well as studying, which is another topic but it has totally changed the way that universities operate and that is a real shame. We have now overtaken Sydney. We have overtaken all those other major cities in the country, some of which have had marginal improvements in their rental affordability, including Brisbane, Melbourne, Perth, Canberra and Sydney.

I want to point out some of the commentary. I will read now from an article by Euan Black in today's *New Daily* which is an online news outlet. He explains that what is compounding this issue of housing affordability is Australia's extremely low unemployment benefit. He writes:

Life is basically untenable for anybody on Newstart and our slow wages growth actually means that it is not much easier for those who are on low or middle incomes either. Things are actually quite shocking to see those changes, particularly in our small city of Hobart, with rents increasing nearly 10 per cent in 12 months.

No-one's wages are increasing 10 per cent in 12 months. No unemployment or Newstart benefits are increasing by that amount. People who are on Newstart are on about \$43 a day. I know I could not live on that. I do not think anyone in this place could live on that. It means they are forced into situations where they cannot afford to pay for the basic necessities in life. Our unemployment benefit is the second lowest in the OECD and in real terms has not risen since 1994.

The writer of the report that my colleague spoke about, Ellen Witte, explains that Newstart is meant to be a temporary solution so that people can try to find jobs and get back into the workforce, but when it is such a critically low amount that is paid to people on Newstart - even those who are doing everything they possibly can to apply for every job they see advertised, to offer to do volunteer work, to do everything that they can to try to get back into the workforce - they are being pushed out of that because they are living in abject poverty on \$43 a day for a single parent.

People are pushed out of the cities and into regions which often are not accessed by reliable public transport, so they might need to run a car. How are you going to afford to put fuel in your car if you cannot afford even to heat your home or buy food to put on the family table? Newstart being as drastically low as it is entrenches poverty and pushes people down at a time when they should be getting every assistance to succeed.

In today's papers we have seen other things which point to this cost of living issue. School levies being written off by the Education department also have increased. -

**Time expired.**

**Matter noted.**

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

### **Second Reading**

[11.57 a.m.]

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

That the bill be now read the second time.

The Workplaces (Protection from Protesters) Amendment Bill 2019 amends the Workplaces (Protection from Protesters) Act 2014. The Government has now been elected twice with policies designed to further protect the rights of workers and to deal with unlawful interference with workplaces. This bill fulfils the Government's commitment to amend the act to protect the rights of workers.

Certain provisions of the act were challenged in the High Court of Australia in the case of *Brown and Anor v State of Tasmania*. The outcome of *Brown* was that certain provisions of the act in respect of their operation on forestry land or business access areas in relation to forestry land are invalid because they impermissibly burden the implied freedom of political communication contrary to the Commonwealth Constitution. Importantly, a majority of the judges of the High Court considered that the purpose of the act was valid.

The Government has given careful consideration to the High Court's decision and to how the act can be amended to ensure continuing protection for business activity. The bill gives effect to a fundamental principle: that our laws should protect people who are undertaking lawful business activities. This means that people should be able to earn a living without trespassers interfering with their work, threats being made in an effort to shut down their businesses, or the roads they use being obstructed in order to stop their business operations.

Across the country we have seen people attempt to physically shut down shops by blocking entrances, mass trespasses on farms, and roads and railways being blocked. These types of behaviour are unacceptable and our laws must clearly support people who are going about their lawful business. The bill therefore amends the act to criminalise the intentional impediment of business activity in certain circumstances.

This bill has been carefully drafted to ensure that it does not impermissibly burden the implied freedom of political communication. The Government recognises that freedom of communication is a fundamental right. However, it is important to recognise that there are limits to all rights. The implied freedom of political communication does not permit people to trespass on the land of others



only because the person entering the land wishes to make a political point or a statement. As a former Chief Justice of the High Court of Australia recently wrote:

The importance attached at common law and international law to freedom of speech does not convert it into a right which can be exercised inconsistently with the rights and freedoms of others. It does not carry with it a right to go on to private land in order to express a particular view. It does not carry with it a right to go on to land when access requires permission, for example by a public authority controlling the land for particular purposes ... There are, and always have been, limits.

**Debate adjourned.**

## **MOTION**

### **Legislation for Advance Care Directives**

[12.00 p.m.]

**Ms OGILVIE** (Clark) - Madam Deputy Speaker, I move -

That the House -

- (1) Recognises the importance of contemporary laws supporting health care provision, end-of-life decisions and advance care planning.
- (2) Notes that in 2017 the House of Assembly Standing Committee on Community Development, Inquiry into Palliative Care recommended codifying in legislation the common law position on end-of-life decision-making and providing a legislative basis for advance care planning.
- (3) Understands that the Tasmanian Law Reform Institute supported the recommendations of the Inquiry into Palliative Care, further recommending the above steps be undertaken.
- (4) Endorses the above matters, and requests the Attorney-General, Hon. Elise Archer MP, refer the proposed law reform to the Office of Parliamentary Counsel for the preparation of Bills.
- (5) Calls on the Government to bring on such Bills for debate in the House as a matter of priority in 2020. (26 November 2019)

I rise today to speak about the importance of advance care directives, and the need to do some work in this area regarding the legislative basis for what is currently a common law regime that supports advance care directives and end-of-life decisions.

Those who have been in the House for a while will know this has been a project of mine for a number of years. By way of overview, I drafted a bill which had two parts to it, caring medical treatment, and the second part was the advance care directives regime. I was very open at the time, and will continue to be so, but my work in this area has been informed by what is happening in

other jurisdictions. In particular, a couple of years ago now, South Australia was leading the charge in relation to the types of models that could be used for this.

It is a fact that many people who want to make plans for end-of-life decision-making - particularly when it comes to medical decisions - are able to fill in forms provided by state government, health departments and perhaps their own private practice lawyers and accountants. However, there is no overarching framework within which these documents sit. It would make a lot of sense to make sure that we have a really robust framework that is well communicated to the Tasmanian public.

I am asking the House today to recognise the importance of contemporary laws surrounding healthcare provisions, end-of-life decisions and advance care planning by way of considering advance care directives or advance care plans, and bringing in such a regime.

In 2017, the House of Assembly Standing Committee on Community Development, of which I was a member, held an inquiry into palliative care, which recommended codifying in legislation the Commonwealth position on end-of-life decision-making and providing a legislative basis for advance care planning. The committee was a very substantive committee. Many recommendations came out of it, together with a full suite of submissions from many very interested parties. The work done by that committee sets out a strong framework for reform in this area. The committee's findings and recommendations were referred to the Tasmania Law Reform Institute, which then supported recommendations of the inquiry into palliative care.

The Law Reform Institute report was also looking more broadly at questions of guardianship and the review of the Guardianship and Administration Act, so it sat within that frame of reference from a legal perspective. We have the Law Reform Institute recommendations, so I will run through some of those today.

I am asking the House today to note and endorse these matters, and request that the Attorney-General refer the proposed law reform to the Office of Parliamentary Counsel for the preparation of bills.

I would like to think that my drafting is superb but, as we know, that is very difficult to do as a solo operator. So, while I do have bills that have been on the record, the help of the Office of Parliamentary Counsel would be very well received. I assume it would need to be a Government bill.

I call upon the Government to bring such bills for debate in the House as a matter of priority in 2020.

There are a number of issues and recommendations I would like to work our way through, by way of laying them on the record. I have turned my mind to what the contribution today should be, given this has been a fairly long conversation that has now gone across at least two sessions of parliament.

We have the materials to hand. We have the recommendations and reports to hand. I believe it is appropriate at this time that we take some next steps, if the Government is so minded.

Of the major issues of our lives, none is more profound perhaps than end-of-life decision-making. This can be a scenario in which it is you as an individual making decisions about how you

want the trajectory of your end of life to go, or perhaps you are standing in place of another by way of having a power of attorney, or an enduring guardianship or other care relationship, perhaps with a young child or infant.

I have been turning my mind to what the contribution today should be, without wanting to rework all the territory, and I do think there is need for greater certainty for our patients. It is certainly something that the district nurses mentioned specifically in their contribution to the House of Assembly Standing Committee inquiry, and I will read into *Hansard* some of their contributions.

We know that in Tasmania we have an older population. People are concerned about how things might pan out for them. Some people are concerned about what happens if they have arrangements in place that they do not wish to receive extraordinary measures towards the end of life, and something happens at home and the ambulance turns up. We heard during the inquiry that there is sometimes a delay in receipt of timely and accurate information between different providers of medical support, and so some events occurred that people wished had not occurred.

Our laws dealing with end-of-life decisions and death and dying - which is a terrible topic, but one we need to get on top of - currently reside predominantly in common law. There is some legislation around it, and some parameters in current laws that are on the books by way of acts of parliament, but the law dealing with those end-of-life decisions - particularly around ceasing treatment and moving into palliative care - are predominantly found in common law.

In Tasmania - unlike Victoria now and South Australia, which are the two jurisdictions I have specifically looked at - we do not have that sort of end-of-life decision-making act. Victoria has the most up-to-date regime and most modern act, so it might be helpful to turn to that in considering what is the best approach for Tasmania. South Australia also has led the way with some of its thinking.

I have my own experience with these matters, as you would, both with parents who have passed away, and also the other end of the age spectrum, which is obviously a very sad event, but from a legislative perspective we have seen law reform in this area move right across the nation. I note that these discussions and decisions are doing nothing but improving the way we deal with palliative care, its funding and provision - particularly across Tasmania, where we all live. We know there can be some challenges.

We know that providing palliative care to a dying person in a place that they choose is very important to people. It is legal and appropriate, and if we cannot really care for people at the end of life, then we probably need to have a look at what we are doing as a community.

What should we do, then, to clarify protect and amplify people's rights, patients' rights? We probably need to implement a regime to support advance care directives, or advance care planning - you can choose which phrase you would prefer - and I have included some of that in my draft bill. The interstate approaches are instructive, particularly looking at complex decision-making cases in which things, for whatever reason, have gone wrong and interventions are required, and also to provide additional care, respite and support for those who are caring for people at that stage of life. We hear some difficult situations emerge.

There is never enough money in the Health budget for anyone's liking but I would like to see palliative care, particularly the peak organisation, see some security in funding. I have asked twice

during question time in this House for that to occur and I am looking forward to receiving the considered and written response I assume is on the way.

Medical and legal professionals contributed to the inquiry that was undertaken and palliative care nurses, medical professors, aged-care providers, hospice professionals and other specialists were gracious with their time. We were grateful to hear from all of them. The bill that I recommend we consider bringing forward would set out your rights as a patient to cease medical treatment, determine when you are ready to go and to be provided with necessary medical and palliative care, but it must sit within a framework of operational expertise, both with the health system, probably the legal system and accounting and finance professionals.

In my conversations with COTA I found that they are very supportive of this proposal, as are the district nurses and others. It would help to clarify and be able access people's wishes, perhaps even in electronic form, very quickly when something goes wrong, perhaps if there is an emergency; for those who are caring for incapacitated people to know they have some support in what the arrangements can be for them to seek and obtain additional assistance.

Legislation by and of itself will not address all the issues and it would be a bit of a nonsense to try to establish an act that did not have the requisite funding and organisational capacity sitting underneath it. That is where we can be instructed somewhat by the inquiry into palliative care, which was undertaken by the House of Assembly Standing Committee. I will read briefly from the Chair's forward, the Chair being Joan Rylah, an MP in this House. Thank you very much for your good steerage of that inquiry. It was a superb and weighty task. It is a pity Andrea Dawkins is not here. It was fantastic work that she did also. It was a tough gig. The Chair said -

Being in touch with the certainties in life, death and taxes, is important for each of us but in particular for the Government. While parliamentarians speak at great length on the issue of taxes and revenue, the former issue, death and dying, is rarely spoken about and when it is the language is full of euphemism and the sentiment is often one of reticence. Politicians' reluctance mirrors a wider societal problem with discussing how we bring discussion of death to the fore and ensure we live well until our death. Understanding, by the community, and facilitation of better palliative care is critically important to empower individuals.

They are very true words, which stand today as well. When people understand what their rights, responsibilities and obligations are, they are empowered. Empowered to make decisions, to plan ahead, to communicate with their families and loved ones and tell them exactly what it is they do and do not wish to happen at the end of life.

Having said that, we also need a system that is able to cater for the different choices that people wish to make. There is much discussion about palliative care beds, funding, and the different models of care. Some people think of palliative care as that final end stage of life, but the medical specialists tell us that it can really traverse a long time frame. A palliative approach is better than simply considering that it is all about palliative care beds.

The dementia tsunami, which we are dealing with in our family right at this very moment, is distressing and difficult, although we, as a family, have the tools at our disposal so we are probably better placed than others who might be floundering. It is those people I am deeply concerned about and would like to help if we can.

Some of the recommendations I would like to pick the eyes out of, by way of suggesting and underscoring the need to do more. There were quite a few recommendations coming from that inquiry, so I am going to be a little bit selective. We have recommendation 4, that the Tasmanian Government establish a legislative basis for advance care plans. That sounds like a simple statement but there is quite a lot of work to get that done. I would like to think and hope that it is a caring government, that it comes out of a committee that had tripartite support and that we might be able to do something in that regard.

Recommendation 5 was that the Tasmanian Government investigates the regulation of outcome-based advance care plans to ensure the consistent application, and effect and implement a secure register where advance care plans can be lodged and which permits immediate access by authorised health-care workers, including ambulance officers. We heard a couple of times about people who were at home, let us say that extraordinary measures were taken to resuscitate someone who may not have wished that to have been the case. Well-meaning, good and caring people will step in when there is a crisis in the absence of any other knowledge. We need digital work that sits alongside this, so that record-keeping is done in real time and information is provided and accessed in real time as well. We would like the Government to consider establishing guidelines for medical practitioners to consult the register and how all of that operation will work.

Recommendation 6 is that the Tasmanian Government make recommendations to the Commonwealth to provide unambiguous Medicare funding for GPs to offer advance care planning to patients, regardless of the patient's age. That is a recommendation that would sit within this suite of tools that we are proposing would be brought to the fore. It is weaving into the mix the thinking about the hospitals, our GPs, nurses, district nurses, ambulance officers and so on.

We had some other recommendations about improved health care records and access to those. Some of that work is already underway and that is going to be a net positive for this framework that we are suggesting ought to be brought into place.

This is a sensitive issue, particularly for me because of my personal experience, but we did feel there was a need to review and assess the adequacy of the current provision of palliative care to infant and neonates and that there could be improvements in that regard. From personal experience, one would say it is dreadful thing to happen and we can always improve the way we do things. This would support parents with children in palliative care and their ability to access respite as well as concern and care after a child has passed away.

I will not run through the rest of the recommendations, but recommendation 17 is worth noting. That is, that the Tasmanian Government enact in legislation the common law doctrine of double effect to strengthen the legal protection for those doctors who provide end-of-life care. That is a positive statement that ought to be made, and the common law protection for doctors regarding withdrawing or withholding futile treatment. We want to be reasonable people and we want to make sure that what we do is what people want us to do.

I will turn now to the work we did on advance care planning. This sits alongside the ideas we have for planning for the nature of your end of life. Advance care planning is a little bit like having a birth plan. You go into it thinking you know what you might want to happen but, at any time, things can change, contexts can change and your own views and health can change. There needs to be some flexibility in it. Our committee heard a lot from nurses and palliative care nurses about why it is important that advance care planning is codified to provide some legislative foundation for what people are already doing with advance care plans, or their wishes, where they are

sometimes hand-writing them. One fellow told us he had it in his wallet and he always made sure he had his wallet on him when he went out in the fields. He had noted what he wanted. People are not quite sure what to do. I was at the palliative care conference recently and note there has been some very good work done by the Health department setting out some new forms for advance care planning, which is excellent. As I say, they have weight at common law but we do not yet have a legislative framework for this.

I want to particularly note Fiona Onslow's comments. She is with the District Nurses and has some deep expertise in this area. She says:

People want choice, control and dignity ... their symptoms to be well managed and personal, social and psychosocial support. But dying has become highly institutionalised and deaths in hospitals have increased yet paradoxically the likelihood and timing of death is now more predictable. There is more time to prepare for death but dying is not discussed and we are not taking the opportunities we have to help people prepare for death, rather than creating an experience of people being disconnected, confused and distressed as an array of services, interventions, and health professionals intervene when people are dying.

I really like her ideas that we need to refine what we have out there. There is a lot going on that is very good, but somehow we can perhaps smooth the way and provide a single point of contact so that people can have the confidence they need in their ability to formalise their expression of their personal treatment plan, whether it is a written or personal statement, and how that will work together.

The Tasmanian Government made a submission as well and stated that an advance care directive, or ACD, is appropriate for anyone at any last stage and in respect of any health care situation, including those who have chronic or life-limiting health conditions, are entering residential care facilities, believe their family may have different views, beliefs or value systems - and we have seen some of those events - where there is no family to consult, or have a condition that may lead to loss of capacity to make decisions. Hence we see the dementia tsunami on top of us.

The Tasmanian Law Reform Commission went through its review. I want to leave time for others to speak so I will not go through it in too much detail but it came out with some good and beneficial recommendations and noted that:

All adults have an equal right to make decisions that affect their lives and have those decisions respected. Persons who require support in decision-making must be provided with access to the support necessary for them to make, communicate and participate in decisions that affect their lives.

We are really talking about empowering people and patients to get this stuff right.

In Part 5 they make recommendation 5.1, that Tasmania adopt a legislative framework for advance care directives; and 5.2, that legislative framework for advance care directives be included in the act. I think they were referring to their own act; I am suggesting something a little bit broader.

Palliative care, of course, and the future of Palliative Care Tasmania, is central to this. I have raised this a couple of times in question time seeking some assistance to secure their future and I

am hopeful that will occur. If we set out on this path of a new regime which will be contemporary, modern, best in the nation, which is what we can do, Palliative Care Tasmania has a key role to play in that.

I commend the motion to the House and seek members' support for it. I realise it is a little like a broken record coming back on this topic again after a number of years, but it is a passion project for me for reasons that I have said are quite personal. That by no means detracts from the fact I know that everybody else has also had personal experiences and will have different views. I seek your support.

[12.24 p.m.]

**Ms ARCHER** (Clark - Minister for Justice) - Madam Deputy Speaker, I thank the member for Clark, Ms Ogilvie, for bringing this motion forward and can indicate that we will be supporting it. As I said by way of interjection -

**Dr Woodruff** - Shock!

**Ms ARCHER** - Why would there be shock? I will run through the enormous amount of work that we are already doing in this regard. It was a tripartisan committee and thanks for the contribution of one of our members for Braddon, Mrs Rylah. This is very much supported by our side of the House so I do not know why members are interjecting and being their usual selves. It was quite a nice debate up until that point, but I am getting used to it.

In terms of this significant area of law reform, as Ms Ogilvie pointed out, each of us will have personal experiences. I have had a recent experience and I can tell you that if someone makes their end-of-life decisions very clear it makes it easier, particularly if there are divisions in families, because it creates bigger divisions that are irreparable. Having said that, I can assure members of this House that it is an issue I personally support. There is a breadth of work that has already been done by the committee and the Tasmanian Law Reform Institute, which was a referral by our Government. I will touch on those things in greater detail. I am mindful of others wanting to make a contribution so I will try to be as brief as possible, even though this is an important subject.

Advance care directives, as we know, are significant legal, medical and ethical documents. They are complicated, multifaceted end-of-life considerations. Decisions regarding end-of-life treatment can be difficult to even form in the first place, let alone then putting them into document form, so a legal framework around this can benefit the situation greatly. The term 'advance care directive' is used to refer to an instruction that a person with decision-making capacity may make now about their future medical treatment or health care in the event they lose capacity to make decisions in the future. Advance care directives are typically prepared as part of a broader advance care planning process towards the end of life.

At the Government's request, the Tasmanian Law Reform Institute recently produced a review of the Guardianship Administration Act 1995 in relation to whether the act addresses contemporary needs and standards. That act has now been in operation for 20 years and over this time there have been considerable changes in the community, including a shift in community expectations with an emphasis on rights, demographic changes, including an ageing population and changes in the interrelationship between guardianship laws and other laws and obligations, including privacy, mental health, powers of attorney and the like. We are also a far more mobile society in terms of members of a family who could reside in different states where different laws can apply, particularly in relation to powers of attorney which I will briefly address as well.

It was timely to reflect on whether our current guardianship laws are still current as well as being sustainable and appropriate in today's society and will be responsive to meet future challenges and expectations. The report that resulted from this review is significant, spanning more than 600 pages. It is a massive body of work and I thank the TLRI for that work. The report made a number of recommendations, including in relation to advance care directives, as Ms Ogilvie has pointed out. The Government has given careful consideration to these recommendations. Establishing a legislative basis for advance care directives will require a significant amount of policy development work across a number of portfolios and consultation with a wide variety of government and other stakeholders before legislation is introduced. Nonetheless, the Government welcomes the motion and supports the member in her endeavours to support the progress of this work being undertaken. That is why I wanted to welcome this motion today.

As the member said, the report of the House of Assembly Standing Committee on Community Development's Inquiry into Palliative Care was tabled in the Tasmanian Parliament on 30 April 2017. The inquiry report recommends that the Tasmanian Government establish a legislative basis for advance care plans at recommendation 4. There is currently no legislative basis for advance consent decisions about a person's future health care in Tasmania. A person can appoint an enduring guardian under the Guardianship and Administration Act to make decisions for them if, due to a disability, they become unable to make decisions including on health care. An enduring guardian must exercise their powers in accordance with lawful directions specified in the instrument. A person can also choose another person to make property and financial decisions for them through an enduring power of attorney. These are provided for under the Powers of Attorney Act 2000, jointly administered by the Attorney-General through the Department of Justice, and the Minister for Primary Industries and Water through the Department of Primary Industries, Parks Water and Environment.

The Tasmanian Health Service currently uses a standard form, which was developed by the THS to encourage consistency and accuracy in recording an individual's advance care directive. The THS has also implemented a statewide advance care directive protocol to guide the use of these directives.

Our Government's response to the inquiry provides in-principle support for a legislative basis for advance care directives and a commitment to undertake further work to identify an appropriate legislative model for Tasmania. That commitment was intentionally broad to provide the Government time to further consider how best to respond to this complex issue. In legislating for advance care directives, amendments will need to be made to the Guardianship and Administration Act and the Criminal Code Act 1925. As I have said numerous times in this House, we cannot make amendments to that particular act lightly. It may also be required or need to amend the Powers of Attorney Act 2000.

Any work that is undertaken to identify an appropriate legislative model will need to occur in close collaboration with the Department of Justice and the Guardianship and Administration Board, which currently administers the Guardianship and Administration Act and they do so very well. The Government's consideration of an appropriate model for advance care directives is likely to be informed by the TLRI review of the Guardianship and Administration Act, and a final report was delivered to the Government in December 2018 but it is a very complex, detailed report.

Legislative models in other jurisdictions will also help inform the Tasmanian model. Most states and territories have legislated for advance care directives or are in the process of doing so. Some have developed stand-alone legislation and others have amended existing legislation, so there



is a slight inconsistency. There is little consistency between the legislative frameworks operating in other jurisdictions and, in most cases, they are complex and difficult to navigate. It is often necessary to refer to multiple acts, which is not entirely desirable.

Victoria legislated to enable a person to make an advance care directive consenting to or refusing treatment for future medical conditions and appointing a medical decision-maker. The Medical Treatment Planning and Decisions Act 2016 will repeal the Medical Treatment Act 1988 and make significant amendments to the Guardianship and Administration Act 1986 and Powers of Attorney Act 2014 in that state to introduce a single framework for medical treatment and decision-making in Victoria and this new act commenced in 2018.

I also want to assure the House that there is broader work being done in relation to elder abuse being undertaken by my department. I mention that because, within that work, there is a lot of work being done in relation to having consistency with powers of attorney across states and territories. It has been driven by the aged care commissioner. In relation to that, the Department of Communities Tasmania and the Department of Justice both have responsibilities of various matters relating to elder abuse and for progressing actions required under the Respect and Protect Older Tasmanians - Tasmania's Elder Abuse Prevention Strategy 2019-2022, which we released on 15 June this year.

There is also a national plan. On 28 June 2019, the Council of Attorneys-General, which I will be travelling tomorrow to attend in Adelaide on Friday, affectionately called CAG, endorsed the implementation plan to support the National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023. In relation to priority areas 1 to 5 of the implementation plan issued by our Government and our strategy, I refer to the two departments responsible for that, Communities Tasmania and Department of Justice.

Actions for the Department of Justice under the implementation plan primarily fall under priority areas 4 and areas 5, dealing with planning for future decision-making and strengthening safeguards for vulnerable older adults, respectively. To progress these issues, the Department of Justice is participating in a sub-working group of CAG's implementation executive group, the enduring power of attorney working group, a very active group doing a lot of work in this area because of the states and territories wanting to have this consistency. We are a much more mobile society these days, travelling or moving between states.

Under priority area 5, the Department of Justice has committed to a review of Tasmanian legislation to identify gaps in safeguarding provisions and to make recommendations for changes and reforms to the current system, giving consideration to recommendations regarding improved legislative safeguards contained in the TLRI's review of the Guardianship and Administration Act, recommendations of relevant Tasmanian coronial inquiries, safeguarding models that operate in other jurisdictions, recommendations of the Australian Law Reform Commission report, *Elder Abuse - A National Legal Response*, and recommendations of the aged care royal commission, which is very important.

The Tasmanian Government has provided \$850 000 in additional funding in the 2019-20 state Budget to resource projects and activities involved in the shared responsibilities under priority action areas 1 to 5 in the next 12 months. Specific funds have been allocated by the Department of Communities Tasmania for the appointment of a dedicated project officer within the Department of Justice, working closely to assist in progressing the legislative review project to meet obligations under the implementation plan and related actions and priorities under the strategy.

I hope this provides the House with a decent update of the enormous amount of work that is being done. It is complex and there are legal, medical and ethical issues involved in all of these decisions, not least of all in end of life decision-making. It sounds as if we have tripartite support, as we had on the committee. I commend the member for bringing this motion before the House.

[12.39 p.m.]

**Ms WHITE** (Lyons - Leader of the Opposition) - Madam Deputy Speaker, it is an important discussion that we need to have in Tasmania. I commend the work of the committee that undertook very intensive investigation into this, which received a lot of evidence and submissions. The report was a consensus report, which is one of the great outcomes of the committee system in this parliament; that we can achieve consensus reports that demonstrate a way forward for the government of the day, no matter what colour, to provide improvements for the people of Tasmania.

The Labor Party will be moving an amendment to the motion put by Ms Ogilvie. I will talk about some of the work the TLRI has done. The minister spoke about some of those matters in her contribution as well. The TLRI undertook a review into the Guardianship and Administration Act 1995 and published a paper in December 2017. Part 12 of that deals with advance care directives and whether they should be incorporated into law in relation to consent to medical and dental treatment.

The TLRI report noted that, currently, advance care directives rely on common law and noted that the parliamentary standing committee in 2016 found that there are a variety of views on what legal weight advance care directives carry in Tasmania. That report also made arguments for legislating advance care directives. They did so based on the following evidence. They noted the House of Assembly standing committee commented that recognising advance care directives within legislation might help to clarify what effect they have and if, how and when a person can provide advance consent or refusal of consent to medical treatment. They noted that the standing committee reported that many witnesses expressed concern about the uncertainty around the effect of advance care directives without the legislative framework. They also noted that without statutory recognition their force may be lessened and directives less likely to be followed.

I make a note there that I have certainly had many interactions in my office from constituents who expressed their personal concerns about this or have seen medical intervention occur for their family or loved ones that they know was against the express wishes of that family member. It is a pretty complicated area. I also know from talking with Palliative Care Tasmania that they have talked to many people and have run many forums across the state where this issue is frequently raised with them. There is a lot of confusion, so it would be nice to see it codified.

The report also noted that researchers have found that the uncertain legal status for advance care directives is a barrier to advance care planning. They found that another benefit to enabling a person to create advance care directives separate to an instrument is that it enables individuals to record and document their wishes without appointing an interim guardian. This may benefit people who do not have support networks from which to draw decision-makers or do not wish to appoint a substitute decision-maker and instead intend their directions in an advance care directive to operate as their consent or refusal in advance.

They also noted that legislation around the preparation in the use of advance care directives may also enable greater oversight. They noted that over half of the respondents to the standing committee inquiry supported legislation recognising advance care directives. They also noted that the standing committee recommended that advance care directives be incorporated into legislation

and the respective roles and purposes of instruments, enduring powers of attorney and advance care plans be clarified. The report also noted that all Australian jurisdictions, other than New South Wales, have legislation that recognises and regulates the use of advance care directives.

Madam Deputy Speaker, I can indicate that the Labor Party supports the parts of the motion where the member calls for the Government, as a matter of priority, to bring bills into this parliament that would enable the codification of these advance care directives to give clarity to families and their loved ones.

Another matter that is of interest to us, and I know there was some interest in the member for Clark as well, is funding for Palliative Care Tasmania. It is the only state palliative care organisation that does not receive at least some state government funding. I know the Government is aware of this and I understand that Colleen has met with the Government to discuss this and they were advised to lobby the federal government for funding. The current funding arrangement ceases in June 2020 but there is no funding commitment beyond this.

Palliative Care Tasmania provides crucial support, education and information and work to ensure that all Tasmanians have access to quality palliative care support and services. I know from my discussions with them over many years now and recently that it has been vital for them to maintain funding so they can continue the education component of the work they do which, as we all know, we do not have a very strong culture in our country about talking about death and dying and how we can ensure that people have a good death and they can choose to do that in whichever way is appropriate for them. It is important to ensure that Palliative Care Tasmania continues to receive funding so that those conversations can keep taking place and that education and provision of information and support can continue to be provided to families. That becomes critically important when we are talking about introducing legislation around advance care directives to make sure that the community understands what this change means.

The amendments I will move and circulate are as follows -

Omit paragraph (3) and insert instead -

- '(3) Notes the Tasmanian Law Reform Institute Review of the Guardianship and Administration Act 1995, recommending the adoption of a legislative framework for Advance Care Directives.'

Add the following new paragraphs -

- '(6) Notes the critical work of Palliative Care Tasmania in ensuring all Tasmanians have access to quality palliative care support and services.
- (7) Further notes that Palliative Care Tasmania is the only state palliative care peak body that does not receive state government funding.
- (8) Calls on the Government to commit to funding Palliative Care Tasmania in 2020-2021 and beyond.'

I will circulate those for members.

This is an opportunity where there is clearly consensus across the Chamber with respect to the outcome we are trying to achieve here but it is also vitally important that if we are changing the law we provide adequate support to the organisations that would help people understand that changing law. Providing funding to Palliative Care Tasmania would help provide education and services to families and their loved ones so that people are informed about what their rights are under law and how they can ensure their rights are upheld.

I commend those amendments to the House. I understand there are two other members who wish to speak and the member who moved the motion would probably like to sum up as well so I will resume my seat but I hope that the House can support those amendments.

[12.47 p.m.]

**Dr WOODRUFF** (Franklin) - Madam Deputy Speaker, the Greens are very pleased to support this motion brought on by the member for Clark, Ms Ogilvie, today. From what I understand from Ms White's reading of the amendments, we have not seen a copy of it yet, but if we could see a copy of it then I could respond that in principle we strongly support the additional clauses to the motion because we too recognise the very important role that Palliative Care Tasmania plays in providing advice and guidance for individuals having to make end-of-life decisions and to their families.

One of the things that is important about enshrining in legislation a position on end-of-life decision making and advance care planning is that it fundamentally removes an enormous amount of stress for individuals nearing the end of their life and for their families. I have experienced situations where families have strongly differing views about how somebody else should approach their end-of-life decisions around their health care, their mobility and decisions about seeking active treatment to extend, prolong, or not prolong their life. These are painful, difficult decisions and it is why the Greens strongly support having a body such as Palliative Care Tasmania with continuity of funding and an assurance that they can be there to provide those services to the extent that is needed in Tasmania.

We would all agree that we are an ageing population. Each of us in this room is ageing, but collectively as a population we are growing older proportionately and there are more people who will need the services for end-of-life planning. Any of us can have our life end at any time. We do not get to choose. Making advance care directives, or advance directive wishes considering enduring guardianships, would be a good idea for every member of society over the age of 18. I have put it on the list of good ideas that I really should get on to. I, like many other people, probably have in the back of my mind the feeling that it would be valuable for us and for our families if we attended to these matters. Note to self: this is something that I really should pay attention to that I keep pushing away, like other things. It is fantastic to have organisations like Palliative Care Tasmania and Dying with Dignity Tasmania helping to elevate these issues and remind people about having conversations to remind people that we need to pay attention to this.

I want to talk about the work of Dying with Dignity and pay respect to the president, Margaret Singh, who has long been an advocate for all the issues relating to the right of people to make decisions about their death and dying, with the same freedom of choice, personal autonomy and human rights that they have in other aspects of their lives. This is not an either/or issue and the Greens, along with organisations like Dying with Dignity, see the issues in palliative care, end of life, advance care decision-making and guardianship to be part of the suite along with voluntary-assisted dying and dying with dignity options so that people can make every active, dignified, choice about what we will do when we reach a time that we have no control over what is happening to us, where decisions will be made on our behalf, whether we are competent or conscious, as to whether

we get no response to an infection, whether we have resuscitation, whether we have blood transfusions, or whether we are fed and hydrated.

These are huge decisions and we believe that, along with the work that the Government and OPC will be doing in the area of codifying end-of-life decision-making and advance care planning, we also need to bring into this place, sooner rather than later, legislation to provide people with the dignified option, to have their choice of when their life ends, if they find themselves in a situation where they are in pain that cannot be ended by pain relief and in a situation in which they know their suffering is so great that they no longer want to continue to live.

The Greens are very strong supporters of palliative care. We are very strong supporters of ensuring that people have access to enduring guardianship when they need it. The work of the TLRI and the vast number of recommendations they made in their 2018 report are a great contribution and they need to be taken up by the Government with alacrity so that we can bring forward the work of the previous minister, Vanessa Goodwin, who started this conversation and did that work, and put that body of work to the TLRI to investigate. The work has been done. The committee has made its deliberation and we strongly support that we move on and provide people with the options for dignity and certainty and do what we can to help reduce the stress and suffering of families and individuals in what is a very painful process but can be done with beauty, love and compassion.

[12.55 p.m.]

**Ms OGILVIE** (Clark) - Madam Deputy Speaker, I will briefly sum up and deal with the amendments. It is wonderful that we were all able to come together on such a good topic that is meaningful and real and feels like the work we should be doing in this place. I thank the Chair of the committee, Joan Rylah, the Deputy Chair, Roger Jaensch, Mr Adam Brooks, who is no longer in this place, Ms Andrea Dawkins and myself, as a very lowly, junior member of that committee, for the work that was done.

The amendments were very good and it is my view that we need to make an amendment to the amendment. I am happy to amend paragraph (3) to read as it is laid out, except the word 'directives'. There was a lot of discussion in the committee about whether it should be 'planning' rather than 'directives', so it is a linguistic change that will mirror what the committee found. I am happy with new paragraphs (6) and (7) but, given that I have already written to the Government and have been asking my questions on funding for palliative care in question time, I prefer we do not accept new paragraph (8) at this time. It does not mean that it is not important -

**Ms White** - Can I clarify. You are amending the amendment. Do you have something to circulate to do that?

**Ms OGILVIE** - I have handwritten that. Do you have a fresh copy?

**Ms Archer** - It is pretty easy. You delete paragraph (8) and change the wording -

**Ms White** - I am following protocol. I thought you would be a stickler for that one, Attorney-General.

**Ms Archer** - No, you don't need it, actually, for an amendment to an amendment.

**Ms OGILVIE** - Madam Deputy Speaker, I move -

- (1) That the amendment to paragraph (3) be further amended by removing the word 'Directives', replacing instead with 'Planning'; and
- (2) By leaving out proposed new paragraph (8).

Question - That the amendment to the amendment be agreed to - put -

**The House divided -**

**AYES 12**

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

**NOES 12**

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

**Madam DEPUTY SPEAKER** - The result of the division is 12 Ayes and 12 Noes. In accordance with standing order 167, I cast my vote with the Ayes.

**Amendment to amendment agreed to.**

**Amendment, as amended, agreed to.**

**Motion, as amended, agreed to.**

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

**WAIVER OF GOVERNMENT PRIVATE MEMBERS' TIME**

[2.31 p.m.]

**Mr TUCKER** (Lyons) - Madam Speaker, I move -

That, in accordance with Standing Order 42(d), the Government's private member's business for this day be waived.

**Motion agreed to.**

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

**Second Reading**

**Resumed from above.**

[2.32 p.m.]

**Mr BARNETT** (Lyons - Minister for Primary Industries and Water) - Thank you Madam Speaker. I will continue with my second reading speech.

This bill includes several express provisions to ensure that it does not conflict with other rights. Proposed section 6 sets out several circumstances in which a person is not to be taken to be committing an offence. These circumstances include protected industrial action, other trade union-based activity, and authority granted under a permit issued by a police officer under section 49AB of the Police Offences Act 1935. In addition, proposed section 6 provides a broad defence to a charge where a person has a lawful excuse for committing the offence.

The bill also removes the focus of the act from protesters. Its provisions apply to all people. As the act will apply to people generally, the bill removes a number of provisions that overlap with existing laws. For example, destroying property is an offence under both the Police Offences Act 1935 and the Criminal Code Act 1924. The specific offence in the act for damage to business premises and business-related objects is therefore removed by the bill, and existing charges under other legislation will be relied on where business premises are damaged. This will mean that trespassers who destroy property on business premises, and those who incite them, are subject to a maximum penalty of 21 years imprisonment. The offence in the act for refusing to provide a name and address to a police officer is also removed by the bill. Police will instead rely on existing offences in other legislation.

Current powers of arrest under the act are complicated. The bill amends the act to simplify arrest powers.

The bill also removes police powers of direction from the act.

It is important to note that the act as amended by the bill will not cover all business activities or business premises. In order to avoid the possibility of unintended consequences, the Government has largely retained the existing definition of business premises. However, business vehicles have been removed from the definition of business premises, and separate definitions and offence provisions are now provided by the bill in relation to business vehicles.

Key changes to offence provisions are contained in proposed sections 6 and 7.

Proposed section 6 contains new offences for trespassers on business premises, and on, or in, business vehicles. Trespass is a well-entrenched concept in our legal system and appears in a number of acts, including the Criminal Code Act 1924. The bill creates offences for trespassers who intentionally impede business activity on business premises, or on, or in, a business vehicle. While there are already offences for trespass in Tasmanian law, trespass aggravated by the intentional impediment of business activity has the potential to cause significant economic loss for workers and businesses. For that reason, the bill makes these offences subject to a maximum penalty of 18 months imprisonment for a first offence, and four years imprisonment for a further

offence. This will provide the country's highest maximum penalty for the offence of trespassing while intentionally impeding business activity on business premises. At the election of the prosecutor, these trespass offences can be heard and determined in a Court of Petty Sessions, with lower maximum penalties. The possibility of facing a high maximum penalty, along with the possibility of a conviction for an indictable offence, is likely to have a deterrent effect on some who would otherwise be tempted to risk being charged and convicted of a summary offence with lower maximum penalties.

Proposed section 6 also contains a new summary offence for obstructing a public thoroughfare with the intention of impeding the carrying out of a business activity. This provision is based on existing laws in Tasmania that deal with obstruction of roads and public places, but public thoroughfare is given an extended definition in the bill to cover streets, roads, waterways and other public places.

Proposed section 7 contains a new offence for threats made with the intention to impede the carrying out of a business activity. While existing laws cover false threats of danger and using a carriage service to menace, harass or offend, proposed section 7 aims to ensure coverage of a broader range of threatening conduct against businesses.

Other Australian jurisdictions are also acting to deal with problems of trespass and interference with business activity.

The Commonwealth Parliament recently passed laws to address the incitement of trespass and other property offences on agricultural land. The provisions of the bill currently before the House will complement the Commonwealth's recently introduced laws, but Tasmania's bill goes further in certain respects than the Commonwealth laws. While the Commonwealth's laws focus on the use of a carriage service, such as a mobile phone, to incite, the provisions of Tasmania's bill mean that Tasmania's laws will apply in a broader range of circumstances, and to a broader range of businesses, than the recently passed Commonwealth offences.

The Queensland Government has announced that it will create a new offence aimed at stopping dangerous devices being used to shut down public thoroughfares and infrastructure.

The New South Wales Government has also introduced legislation to address problems of trespass on agricultural properties.

Finally, the Government undertook extensive consultation on an earlier draft version of the bill, and I thank all those who made submissions on that earlier draft bill.

More than 50 targeted stakeholders were sent a copy of the bill and invited to make a submission, and more than 400 submissions were received in response to the bill. Consideration was given to all the issues raised during consultation, and a number of important amendments were made to the bill in response to matters raised during consultation.

Madam Speaker, I commend the bill to the House.

[2.38 p.m.]

**Ms O'BYRNE** (Bass) - Madam Speaker, here we are again, 2014, deja vu all over again. We are on our pathway to the High Court once more. We are on our pathway to the High Court once more because once again this Government has decided to prioritise politics over good policy. We know that, because if the Government had genuinely wanted to enact legislation that gave action to



its stated intent - which was to protect in particular those workers in forestry environments who deserve to go to work safely - then that is the bill they would have presented to the House. And they would not have presented it last Thursday, so it could not get through parliament this year. They would not have waited until last Thursday. They would have presented it earlier. Here we are on our pathway to the High Court again.

This amendment bill is built on as much of an untruth as the bill that it seeks to amend. A bill that purports to protect the rights of workers, but will absolutely impinge on the rights and those very freedoms that workers uphold.

In the opening paragraph of the second reading speech, the Government says it has now been elected twice with policies designed to further the rights of workers. The Government argues that this is a bill to protect workers. To quote from George Orwell - we will be doing a bit of that today - '... if you want to keep a secret you must also hide it from yourself.' This bill, undeniably, impacts on the rights of workers and the members of our community to have their voices heard. It infringes the rights to free speech and, as such, it does not deal with the concerns raised by the High Court. The High Court made very clear; a majority of the High Court held that the protesters act pursued the legitimate purpose of protecting businesses in their operations by ensuring that protestors do not prevent, hinder or obstruct the carrying out of business activities on business premises.

As the minister says, the intent is not flawed. However, by majority, the court held that the burden imposed by the impugned provisions on the implied freedom of political communication was impermissible because those provisions were not reasonably appropriate and adapted or proportionate to the pursuit of the purpose in a manner compatible with the maintenance of the system of representing a responsible government that the constitution requires. The constitution says that if we do not like something, we have a right to say something about it. If we do not think that the government is going down a pathway that is appropriate we have the right, as members of society, to say that this is not okay and to say it in a way that has impact.

We are here because the Government has failed to fix this properly. We are going to sit very late tonight, even though this Government knows the upper House is not dealing with this tomorrow. You could not even put your other bill through because you mismanaged that process very badly. You attempted to suspend Standing Orders in the other place yesterday to deal with a matter that needed to be dealt with and you mismanaged it. You have brought on this bill, tabled last Thursday, able to be debated today, knowing that it is not going anywhere. The very people that you purport to seek to protect will not be protected over the period of the holidays other than by the laws that already exist to protect them: the existing trespass laws and the existing laws around criminal damage.

If this Government genuinely wanted to have that result, people in this House want to have that resolved as well. Nobody wants a worker to go to work and not be safe, absolutely not. When the Government went to the electorate, it said that it was going to bring in legislation that protects forest workers from those kinds of attacks. Fine, that is a reasonably upfront and honest thing to do, but that is not what the Government sought to do with this legislation in 2014. You will find that the speeches you hear today are remarkably similar to the speeches you heard in 2014 because the bill is remarkably similar to that of 2014.

This bill is still an anti-protest bill. Let us be very clear about what you have brought to the House, again. If you genuinely wanted to give effect to your stated intent to protect workers from dangerous protest activity, you would have introduced a clean, standalone piece of work earlier in

the session so it could be passed, rather than amend already fatally wounded legislation. If you wanted to punish more heavily, there are other options. You could seek to increase the maximum penalty for trespass. That is entirely within the purview. You could bring that to parliament any time you wanted. You could create a new trespass offence. You could create an indictable offence for aggravated trespass. There are things that you could do that would be standalone, that would deal directly with the issue that you claim, so falsely, to be concerned about -

**Ms O'Connor** - Do not give them any bad ideas.

**Ms O'BYRNE** - We could have that debate, Ms O'Connor. If that was genuinely what they wanted to do, that is what they would have brought to the House and that would have been the debate we are having now but we are not having a debate about that.

I thank the staff who provided the briefing. There were many things we could talk about. I asked why we are not doing a standalone piece of work. Why are we trying to amend legislation that we already know has been corrupted? The answer was that the Government promised before the election to amend the bill - not that the Government wants to do the right thing and protect people in those industries. It is a fundamentally political decision. It is not about delivering a safer environment and protecting workers without impinging on the right to protest but to continue to pursue legislation that silences dissent because they would rather have the fight than the outcome.

The legislation we have in front of us, the timing of this legislation, is about the fight because Mr Barnett would rather be fighting than solving this problem. This is a political construct. You should be quite ashamed because you come into this House and say that you support the industry, yet you are prepared, with your one shot to get this through, to completely sell them down the line. They are not having a bill debated that gives effect to their concerns. They are having a bill debated that gives a platform for the politics that the Government wants to play.

How appalling that you would be so shallow, so juvenile, so politically motivated that you would seek to deliberately bring legislation to this House that you know is going to end in the High Court. You know it is going to be challenged. You also know that there is a pretty good chance that it will be upheld, unless that is not the case. Perhaps you have the Solicitor-General's advice that you can table for us today. I will put that as a formal question. Can you table or refer to the Solicitor-General's advice that you have to say that this is constitutional? That would be useful. I would be surprised to see it but I look forward to it. There is some other advice we will be asking for as well.

If you genuinely wanted to fix this, you could fix it. What you want is the fight and you want the fight over summer and you want the fight to sit there until the Legislative Council elections. This is a game to you, but this is people's lives.

**Ms O'Connor** - This is our democracy.

**Ms O'BYRNE** - Yes, and this is also the construct with which we all conduct ourselves in this parliament, in this community. The minister who brings this legislation to the House is a protester, himself. He stood outside my office, Madam Speaker, when you tried to stop the termination legislation. He stood outside my office in his silent protest. I knew it was silent because they had a sign saying 'silent'. That was a giveaway. That was when they were stopping the legislation and the right for people not to be harassed, intimidated, bullied or shamed while they were accessing a legal service. That is what this minister protested about. It would be interesting to see how that

would be picked up by this legislation. I recall you standing in front of the doorway to my office. I recall you standing in front of the driveway where the drivers would have to come in and out. I reckon that would be a little difficult for you right now, minister.

George Orwell, when he talks about silencing dissent and about managing conversation, says, 'If you want a picture of the future, imagine a boot stamping on a human face - for ever.'. In this case it is a human voice, because that is what you do when you take away these rights. The Government is being dishonest when it says it will not impact on individual and collective rights to protest because it absolutely does. Every example we gave during the briefing was met with the answer, 'No, I do not think that would meet the threshold, I do not think that would be bad enough, or I do not think that would be big enough to mean that you would be charged'.

Every answer was met with an explanation that there would be prosecutorial discretion. We will come to why that is really difficult. By passing this bill we silence dissent, we stifle debate and we control, so that only the will of the government of the day is legal. You might be happy with it while you are in government but you might not be if you are not in government.

We make sure, by doing this, that the written word reflects only the slogan but not the action of government. That would shame any member who votes for it because you should be prepared to stand by any decision that is made here and you should be prepared to hear the voices in dissent against it. That is what being strong and having leadership is all about. If you make a decision in this House, you should be quite prepared to cop the protest outside of it. That is how it works.

The whole of criminal law in Tasmania, since 1924 until recently, has been providing clear guidance with what constitutes an offence. Page 3 of your speech goes to the risk of being charged. So, since 1924 until recently, the courts have been providing clear guidance as to what constitutes an offence. It is why we codify things rather than rely on common law. The problem with common law is that you are subject to understanding what the decisions and interpretations may have been in any previous case that has been held in common law.

The Criminal Code codifies it so it is very clear: if you do this, you are breaking the law. If you do not do this, you are not breaking the law. It is really very simple. That is what it is based on. We codify it so it is clear. We codify it so that you know if you assault somebody, if you murder somebody, that is wrong and there are consequences for that. This bill does not leave you clear about consequences. It is entirely inappropriate to enact a criminal statute that deliberately criminalises a wide variety of conduct, which you claim is not intended to be captured by the offence, and then to leave it to prosecutorial discretion to prosecute only those matters that are apparently intended to be captured. How do you know?

When we raised those questions, when we talked about different things we had all been involved in, protests that many of us have been involved in over the years, the answers were, 'We don't think that would be serious enough, or weighty enough, or big enough, it wouldn't impact on enough stores, it wouldn't be enough financial disincentive, and the DPP simply wouldn't do it'. People should not have to worry about that, and that is the problem.

You talk about this legislation likely having a deterrent effect on some who would otherwise be tempted to risk being charged and convicted with a summary offence with low and maximum penalties. What it is actually doing is ensuring that a whole host of people are so unclear about what they are legally allowed to do that they do not know whether they can protest or not. People should not have to worry about that. They should know what the rules are and whether they are

going to be subject to an indictable offence. This leaves a very grey area about how individual and collective actions of protest will be impacted, leaves it to that discretion, and leads us into a pathway of going to the High Court.

It also speaks of an understanding of intent to impede. This in itself is misleading. 'Intent' in criminal law is a state of volition that essentially requires the finder of fact - the person finding out - to enter into the mind of the defendant by inferential reasoning. It expects there to be a clear understanding of what someone intended and their expectations of the outcomes. It is an objective knowledge test which would have to be resolved by reference or understanding of what the defendant should have known.

After reading this legislation several times and reading a number of submissions and getting the briefings, I am not clear of what that prosecutorial discretion might mean in these circumstances and, frankly, neither are you. You are not clear either. You do not know how that will play out. It is grey, it is murky, and there is no evidence put to me that suggests there is still, under this legislation, a clear right to protest.

You dishonestly purport that the bill protects the rights of unions to protest. That is absolutely not true. Like the previous bill, it ropes in all places of profit and all forms of protest. Any business place, unless it is specifically exempted, will still be outlawed in the public places outside them. So we exempt hospitals, schools and such things, but the street outside, the park next door, the public place, would not be exempted. Therefore you have to get into the building in order to protest - but then you are trespassing and that is difficult too. You might not be covered by this legislation but you will probably get picked up by other trespass legislation that currently exists. That is not fair.

It is also not only for forestry, which is what you told the electorate, and not even only for the resource industry, which you implied to the electorate; it is for any profit-making industry and the implications are stunning.

If you insist on using your numbers and your associations to ram the bill through the House tonight, either at the end of a very long debate or, as we know, you all tend to get a bit tired over there and gag debate, it is going to be quite concerning because in its still flawed status and with the implications it has for free speech and the right to protest - which we can only assume is not an unintentional consequence of the bill - it is the actual and intentional action of this Government to introduce and pass laws in the House tonight that will silence debate, silence dissent and ensure that the right to protest is removed. You are trampling on people and you are trampling on their rights.

Let us turn to the issue of unions, which you claim to have resolved. I support the right of any worker to be safe at work, and the obligation of their employer to provide them a safe working environment. In fact, if you properly funded the organisations in the state that are meant to ensure that, we might have safer workplaces. I am a former union organiser trained in occupational health and safety. I used to run OH&S training courses during my day. I know how important safety is. I want every worker who goes to work to be able to do their job safely, without interference, and be able to go home to their family that night. There is no one in this House who does not think it is a right that people should be safe.

If this bill was doing what you say, and simply guaranteeing that, then I would stand with you and say, 'Well done, good legislation. You are keeping people safe, good on you', but this bill in no way provides that level of protection for those workers and may, in fact, detract from some of the protections that already exist for workers, such as the ability for other workers to stand up for

them. It takes away the ability of other organisations across the state, whether they be community, union or advocates for a particular cause, to say what they care about and to stand up for that.

You proudly assert that you have protected industrial action under proposed new section 6(8)(a) by saying if it consists of protected industrial action within the meaning of the Fair Work Act 2009 -

**Ms O'Connor** - There's no such thing in Tasmania.

**Ms O'BYRNE** - It is okay, we are going to go through that. I am not sure if they understand how that works. Actually no, you do understand and you are being dishonest, let's be truthful.

Proposed new subsection (b) says:

would be, but for this Act, lawful, and is engaged in by the person as part of, or in connection with, an activity, organised by or for a trade union, that relates to remuneration, terms or conditions, hours of work, working conditions, or safety, in respect of employment; or

(c) is authorised under a permit ...

So you have protected action under Fair Work, we have something that is apparently lawful and we have our permits. This is where you are hanging your hat in delivering to unions, apparently: support in providing protection for their right to protest. If you do need it, I am happy to hand over information on how the Fair Work Act works. It is simple and goes through all of the details. Any one of you could have looked at it at any given time.

By suggesting that protected industrial action will mean that action is protected, you are deliberately being misleading. Under the Fair Work Act to have a protected industrial action you have to have a protected action ballot. That ballot process takes sometimes months. So we are all assuming the industrial organisation is going to wait months before taking protected industrial action. That protective industrial action is defined as 'a stoppage of work for a specific period of time'. There is a host of industrial action over the more than 100 years of industrial activity in this state which is somewhat different to simply a stoppage of time for a determined period.

The forms of industrial action are varied. They vary from Bruny Island ferry workers not taking fees, to TAFE teachers who campaigned that they are not protected. They are not protected under Fair Work because Fair Work only provides for a certain cohort of workers after a protracted ballot process for a protected action for a stoppage for a defined period. It is very limited. It is disingenuous to say that it provides any kind of protection. It also recognises the existence of unprotected action in the Fair Work Act but this legislation does not talk about that either. If it is not intentional, if you genuinely thought you were protecting workers, you can withdraw the bill right now.

The issue around protective industrial action is not simple. As I said, it does not apply to all workers and it certainly does not apply to state public servants.

Let us talk about how it might work if you are a body trying to get protected action, a form of industrial action recorded at that level in the Commonwealth sphere. You have to have a hearing. You have to make it to the commission first, then you have to go through the protected ballot action. You cannot just ring the commission and say, 'We've got a bit of an issue, do you mind if we pop

in today? We're going to pull on some industrial action. Do you mind making it protected? We'd like that sorted today. Would that be okay?'. That is not how it works. It takes months and there has to be at least one hearing before industrial action can take place as protected industrial action. The actions then protected in around 99 per cent of cases are then only referred to as a stoppage of work for a specific period of time - so that is not broad industrial action. Industrial action takes myriad forms and you are only suggesting that on the chance that a very lengthy month-long process gives you approval to have a stoppage for a defined period of time, that workers will be covered.

The location or the circumstances of a particular stop-work meeting are not protected. We have no protection around that at all because it would be quite unlikely that somebody might be able to get their protected action order when and where the stoppage might take place. That is simply not how it works, and you know that. A similar example to the one we talked about in the briefing was where I was worried how I and a former attorney-general stood at the gates of a particular factory in Launceston that had stood down their workers and the police were a bit worried about what they were supposed to do if they had to arrest the attorney-general of the state. That would have been awkward. If you set up a barbecue on the nature strip, which is what you often do outside an industrial action, which is now a public thoroughfare under the definition of this bill, it is very unlikely that would be protected industrial action.

With the greatest respect to our law officers, who do a marvellous job, they are not industrial law experts. You are asking them to turn up to a place and interpret a particular order from the Fair Work Commission and determine whether a barbecue on a nature strip - possibly with a former attorney-general - actually applies. They have no way of doing that, you know that, and it is not their job to make that distinction.

The Fair Work Act also talks about unprotected industrial action, but your legislation does not support unprotected industrial action. The Fair Work Act, with all of its challenges and all the things we might find uncomfortable, supports the existence of unprotected industrial action. Your legislation chooses not to do that. The fact that it is contemplated under the federal act but ignored by yours is a significant problem and you know it. You should withdraw the bill.

The other issue with the bill is it is not clear whether it would protect employees, but not the union officials who are organising. This was a question that we had before, which was not resolved.

A duly elected paid union official representing workers organising a campaign or a barbecue at the front steps: it is unclear if they are protected.

Organising what might be protected action, for a very short period of time of work stoppage, is simply not protected at all.

In regard to part (b) - where I think we had the interjection from Ms O'Connor - being part of lawful industrial action. This one is really surprising, because we went through this before, *ad infinitum*, about whether or not there is legal protected action. We did this in this House for hours; they did this in the other place for hours. You know that the State Service Act and the Tasmanian Industrial Relations Act do not give you a definition of what a lawful action is.

When you say in this bill that this is okay, because lawful industrial action undertaken in this state is going to be fine, you are saying that because you know there is no lawful industrial action under the State Service Act or the Industrial Relations Act. It does not exist. So the poor person who has taken the action - because they have read the bill and they saw the press release and they

listened to the minister on television, they think 'Oh, I am doing protected industrial action, and if I am doing lawful industrial action I will be okay' - gets arrested. They then go through the process to discover whether they are going to get a determination as to whether or not, in the absence of a law, they were actually breaking a law. It is not clear, because your bill is so badly written.

What kind of ridiculous legislation does that mean we would have? The answer is none, because you would not do this by mistake. You are not bright, but you are not stupid either. You know they are not covered.

This is where I am going to ask you for another piece of information about your Solicitor-General's advice. In discussions on wage negotiations with public sector unions it has been alluded to that there is Solicitor-General's advice that tells you there is no lawful state industrial action. If the minister could table that, refer to that, quote from that, it would be an interesting bit of information as well, because once again we are back to the point that this is not about fixing things. This is a political narrative.

The third point is subclause (c), which makes it very clear that the only lawful action is going to be that granted by a permit. Well, that clears that up, doesn't it? The only protests that will be permitted in our state are the ones that are permitted by the Government. Any action without a permit is illegal, and any action that falls outside of that permit while the action is being undertaken is also illegal.

You have 1000 people walking down the street, one person does something wrong, and the action is now illegal. You have workers who walk out the door, and they do not have a permit - because you might not want to give them one because they might be complaining about you, minister - and that is illegal.

Threats - let us talk a little bit about threats. This bill implements a whole lot of things we have concerns about, but here is one of the really weird ones that you, minister, are going to have to spend a lot of time explaining in Committee. If somebody threatens to undertake an act, and then does not undertake the act, they are convicted as if they had undertaken the act. That is very clear. We checked this with the advisers. This is absolutely the case. We talked about the difference, because there is an actual law at the moment - legislation around hoaxes - and we use this as an example. It is not a great example to compare to industrial action, but it is the one that was put, that if you threaten that there is going to be a bomb and then it turns out there is not a bomb, you have actually still broken the law, because you have hoaxed. That hoax is illegal.

This legislation says that if I threaten to come and protest at your building, I threaten to take action that impacts on your business, and then I do not do it - and you maybe decide not to open the doors that day because you are feeling either a little nervous or ashamed - then I am still going to be convicted of the crime as if it had happened.

At what stage does that kind of action precipitate throughout our entire society? You know why you are doing this? No-one is stupid. We know why. You are trying to make it so frightening for people to speak out against you. You might not like protesting - other than when you did it against the abortion laws; you clearly liked it then. You might not like it when other people protest, but you have no right to frighten them, because of the implied free speech that the High Court talks about. The High Court mentioned in its decision, when it struck down your previous work, the right that the Constitution gives to allow people to say they do not agree. Protests, as somebody told me recently, should be allowed even when you find them uncomfortable, because protesting by its very

nature makes someone uncomfortable, because it is having an opposing view and it is saying it loudly.

This bill is an absolute abomination -

**Ms O'Connor** - The minister has a very strong authoritarian streak.

**Ms O'BYRNE** - I have noted that. I noted it during the abortion debate when standing outside my office protesting about the fact that people should not be bullied and harassed for accessing legal services. Yes, that was a great day for you.

Going back to the other provisions of the bill; there are so many that I have concerns around. A public thoroughfare: this is interesting because this is new as well. The previous bill only talked about business premises that were business premises with some exemptions - such as hospitals, schools, those sorts of things. This bill contains a new provision, which I understand comes from the roads and jetties bill. I understand that exists in another place, in terms of defining what a public thoroughfare is. It says that you cannot impede the use or enjoyment of a public thoroughfare which is a street, road, lane or bridge, public place or waterway.

So, we are at the hospital, and we are very, very angry about what the Government is doing. There is a coffee shop on the corner - you might be recognising this particular scene if you are from Launceston. The protesters in their vigil for 169 days, I think, stood outside there every lunchtime, protesting about that.

**Ms O'Connor** - Criminals.

**Ms O'BYRNE** - Criminals, because they are under this act supposedly protected, because it could be about their working conditions - except they are not, because the Industrial Relations Act provides no protection, even though the bill pretends it does. They might be protected, because apparently you can protest at a hospital - but they are not protected, because they are on a public thoroughfare.

You have made sure that you have captured everybody, because in order to protest at any of those institutions, you are going to have to be on the public thoroughfare - because you are not allowed inside them, either. Because the normal provisions of a trespass act - and not this one, but the normal ones - would by nature I assume apply to anybody who trespassed on any of those places.

The public thoroughfare makes it impossible for communities to have their voice heard. We will hear later when my colleague returns what that might mean to people in Westbury, for instance. People in Westbury are genuinely concerned that the protests they undertake could be captured by this. You can say they will not be, but we will not know until we get to court, will we? We will not know until they are charged and we end up in court. We will not know until once again the state Government is forced to fork out the cost of going to the High Court. We will not know until then.

The other part of the bill is costs. This was part of the original bill, and one with which I have a significant amount of concern. The other way that you are frightening people into not having their voices is saying that we are going to make it financially crippling for you if you do so. That is what this bill does. This bill allows a determination that the cost of loss of business can be apportioned to the protesters, either individually or collectively. There are ways that the bill applies for both of those.



If they damage property, there is another provision that deals with that, and the replacement cost of the damage of property. That is covered. This is a different piece of work. This is about saying, 'You ran a Facebook page saying that you were going to protest at my business. I did not open my business. You did not turn up, and I did not open the doors on time, therefore I lost this amount of money, therefore you have to pay for it'. This is not done because you genuinely think that the cost should be recovered. It is done because you are trying to intimidate, harass and prevent people from having their voices heard. That is what that provision is there for. This entire bill is about making it so murky and so scary that you silence dissent. That is what this is about.

The 'move on' provisions - again I have concerns. This was raised in a number of the submissions - submissions the minister mentioned in his second reading speech, most of which he ignored in his actual amendments.

Historically, when you have a protest, you are causing a bit of noise, police might come along and they will say time to move on, off you go. Most people will do that, because they have had their voices heard and they have made their point. Under this, we have to move quickly to charge them, because their protest is unlawful, because as we have determined, unless you have a permit that everybody follows religiously, there is no lawful protest. As we said, anything outside of the actions identified by the legislation is unlawful.

Minister, if you had a genuine bone in your body you would withdraw this bill because you have time. It is not going to get dealt with by the upper House, we all know that. Nobody is fooled by introducing it now. If you genuinely wanted to do this properly you would withdraw this bill, sit down and commence work on a clean piece of work that delivered on the stated intent, that looked at maybe increasing maximum penalties and how you might use other existing legislation to ensure that workers are protected. You could do that. If your motivation was to protect people and to deliver to the industry what you told them about - and I have spoken to the industry representatives and that is what they want. They want this matter to be resolved. They do not want to be a political football for you. They do not want to be a game. They do not want to be the thing you get to fight with people about because that makes you feel better and that is where your comfortable space is - if I am not playing defence, I am playing offence.

Rather than be under attack all the time, because you cannot manage the health system, because we are about to enter a fire season for which we are horrendously unprepared, because you cannot even manage to get water to farmers at the moment under stage 2 of the irrigation program, because you have so many things that are going wrong, you have decided to bring this bill in now rather than resolve it properly because you want to have a fight. You would rather fight than deal with the fact that you have a whole lot of problems that your job as government is to fix.

We will waste all the time in this House doing this one, we will sit late for the first time in ages. You have been filibustering on every single bill in parliament for the entire year because you have not been able to have a legislative agenda, and now we have to sit late to urgently finish a bill that will not even make it to the upper House.

You have no credibility on this legislation but if you genuinely wanted to fix it you could withdraw the bill. We will sit down with you, we will talk about other things you could do; we are prepared to do that. We care about workers, more so than you, because no-one is protected by this behaviour.

This law impacts on industrial bodies, on unions, on people who are collectives around unions. The other thing around the industrial relations thing is that it talks about trade unions, and that means registered trade unions. There are a host of things in our new emerging economy that are representative bodies of workers that are not registered trade unions. You know that. You knew that when you wrote it. There are a whole lot of entities. If we talk about the significant increase in wage theft, Hospo Voice is not a registered trade union but they take action around wage theft. None of those people are protected by this bill, but you know that.

This law impacts on unions, on communities, on individuals and removes the basic freedoms in this country that we hold absolutely dear. Anyone who votes for it should be ashamed of themselves because in buying into your little political stunt for the game you are tearing up the years and years of work we have done to provide a society where people can speak freely and safely.

I am more than happy to have a genuine conversation about keeping workers safe. I am an ex-union organiser and have spent a lot of time in OH&S. I want workers when they go to work to come home safely. You could fix that as well. You could look at industrial manslaughter legislation, but it is not really about keeping workers safe.

**Ms O'Connor** - They're too busy cutting red tape.

**Ms O'BYRNE** - Yes, red tape, safety.

I do not support some of the extreme activities that we are seeing around the country. I do not think that this is the way you deal with that, and neither do you, because you are not trying to deal with that; this is all about the fight. It is a desperate attempt to politicise this issue, to pick a fight and to sneakily, dishonestly, and with great intention, capture anyone who wants to criticise this Government and the things it wants to do.

You are setting the ground for no-one to be able to protest because there are no legal protests available other than a permit that you would have to grant. You are trying to frighten people into not protesting because they do not know, under this legislation, whether they will be captured, because the Criminal Code is supposed to make it clear and you are deliberately making it murky. The fear is significant because so are the penalties. There are significant penalties for getting this wrong. There are significant penalties for believing you when you say in the media that unions have a right to protest and then protesting. Then they get caught and captured under this legislation and charged and jailed. There are significant penalties under this legislation - prison sentences, fines, and the payments of costs for lost revenue to business. That is how you are frightening people.

You do not genuinely want to protect these workers. It is one of your ideals, apparently. Sorry, *Hansard* does not record humour. I laughed at that point because I do not think he has an ideal of protecting workers. I think he deliberately wants to remove the rights to protect workers. You are trying to prohibit the rights of unions and community members to protest. I guarantee you, London to a brick, that if you take this legislation in its current form through this House and you take this legislation through the upper House, you will end up back in the High Court. There is another question for you - how much did the last one cost us?

**Ms O'Connor** - It was \$355 000. It was in the section 19 return.

**Ms O'BYRNE** - What could you do with \$355 000? You could employ some family violence counselling support workers. You could employ some more people to do workplace inspections and safety. You could fund a safe space. There are a host of things you could have done with that money and you are already working out how you are going to spend more defending your political narrative as opposed to good legislation.

This bill is an attack on workers. This bill is an attack on freedom. This bill is an attack on human rights. It is as dodgy as the last bill you were trying to fix. It will not be supported by members on this side. You should stand ashamed of what you have done. I look forward to a long time in Committee going clause by clause through the diatribe you have brought to this House. Shame on you, minister.

[3.16 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Madam Speaker, I rise to speak on the 'Workplaces (Protection from Democracy) Bill 2019', or we could call it the 'Workplaces (Early Onset Fascism) Bill 2019', or the 'Workplaces (Criminalising Peaceful Protest) Bill 2019'.

Whatever we call it, this is a dog of a bill that is designed to take away the freedoms that Tasmanians have enjoyed to peacefully protest. It is designed to silence dissent. As Ms O'Byrne said in her contribution, it is designed to scare Tasmanians out of standing up for places they love, for their rights. This bill is intended to have a chilling effect. It is a bill of rights for business while this Government seeks to continue to erode our rights as citizens in a democracy.

We are debating this legislation at a time that the health system is manifestly in crisis. People are sleeping in tents and in their cars because this Government has neglected the Housing portfolio. Seasoned firefighters are raising deeply concerning and very legitimate questions about our preparedness for this bushfire season. The people of Westbury are livid because this Government wants to plonk a prison in their beautiful little town. Thousands and thousands of young people and everyday Tasmanians are striking for climate. People are standing up against new coalmines, standing in defence of the wilderness and the forests and standing up to big business that is stealing the pay from workers.

To deflect from the manifest problems of its own pernicious incompetence, this Government has brought forward this legislation in the last sitting week of the 2019 session. What is happening here is very transparent -

**Ms O'Byrne** - It is the only transparency we have seen from this Government.

**Ms O'CONNOR** - That is true. I will give you points for transparency; we can see straight through you.

**Ms O'Byrne** - Accidental transparency.

**Ms O'CONNOR** - Yes, accidental transparency. It is so transparent. This is about having the fight, as Ms O'Byrne said. This is about setting up a tinderbox in the community over summer because the Legislative Council will not get to this bill, by design, as we know. That is the intent.

This is a political exercise. If it was not a political exercise, the draft bill would not have been quietly dumped on 26 January this year when the state was ablaze, with no media announcement, none at all. It was quietly put out there and there was a consultation process, a very small one. There was feedback from the likes of the Tasmanian Law Reform Institute, Professor George

Williams from the Gilbert + Tobin Centre of Public Law at the University of New South Wales, the TasCOSS submission, and I will go to some of the contents of these submissions in my contribution. Unions Tasmania made a submission and a range of people offered feedback on the draft bill in good faith. Do you know, Madam Speaker, what happened to that feedback?

**Ms O'Byrne** - They adopted all of them?

**Ms O'CONNOR** - It was completely ignored. You will be shocked to hear, Ms O'Byrne, every bit of it was completely ignored. That is how you know it is political. If you are going to ignore the nation's leading constitutional expert, Professor George Williams, you are not serious about bringing in good law. You are not serious about not winding up back in the High Court at massive taxpayer expense because, if your intent is to use the power of the state, Office of Parliamentary Counsel, this place, to create a political wedge, you are not going to listen to the legal experts.

I will start by acknowledging that we are an Aboriginal land, on the land of the Mouheneener people, we are on the land of the people who fought hard for their country and who stood up to invasion and oppression. This bill is, perhaps, most insulting to our First People. I read, now, an excerpt from the Tasmanian Aboriginal Centre submission -

We urge that the Bill be abandoned. Current laws are wide enough to deal with the harms the government perceives. In fact, so effective have current law and practice been that very few people are even tempted to protest at all these days. That cannot be good for democracy.

We note that the Aboriginal community in Tasmania has long been active in protesting the current state of law. In recent times our community has continued its advocacy from the tent embassy sit-ins on Parliament House Lawns in Hobart in 1976, through the Land Rights reoccupations of putalina/Oyster Cove, piyura kitina/Risdon Cove, and pinmatik/Rocky Cape to the protests against bridge construction through our ancient site at kutalayna/Jordan River which resulted in several arrests and detentions. This is one of the few ways our community has of letting its views be known. It is anti-democratic in the extreme to attempt to quell those public demonstrations by threatening increased penalties and police action.

We urge the Government to withdraw the Bill.

Heather Sculthorpe  
CEO

No, they are ignoring that; total contempt for the first people of Tasmania and their struggle for recognition for their rights for land. It demonstrates utter contempt for the First People of Tasmania and utter contempt for our children who are striking for climate.

Under the provisions of this bill, every one of the 15 000 or more people who gathered here on the lawns on 20 September and then did a lap around the business district of Salamanca would be captured by this legislation. They would have committed criminal offences and would face significant fines. If it was their first criminal offence, exercising their right to peaceful protest; 18 months in jail. If they attended another strike for climate and were also arrested; four years in jail.

I point out the awful irony that the mandatory minimum sentence for a person who commits a sexual crime against a child in the legislation that was debated yesterday is four years. This legislation treats protesters the same as it treats paedophiles - and that is sick. There is something wrong with a government and a minister who would put forward laws like that, who would treat our young people striking for a safe climate in the same way that they would treat a paedophile.

There is no question that this Liberal Government wants to crush dissent in Tasmania. It wants to turn every part of this island's land and waters, Crown lands, every road and thoroughfare into a prohibited place for the purposes of peaceful protest. It continues the Liberals' relentless attempts to alienate Tasmanians from their own places, from their own lands, their own marine environment and their own wilderness protected areas. It seeks to alienate Aboriginal Tasmanians from their own country.

This legislation is breathtakingly offensive. It is so aggressively insulting to everyone in Tasmania, apart from the top end of town. All we need to do is remind ourselves of who was standing there with the minister last Thursday when the legislation was announced. The Tasmanian Chamber of Commerce and Industry, regrettably, has not yet responded to the letter we wrote to them asking them to explain how they could support legislation that seeks to silence dissent, crush democracy and is, in all likelihood, in breach of the Constitution. Unfortunately, the TCCI Board has not written back to us.

Tasmanian Farmers and Graziers' Mr Skillern was standing there with Mr Barnett. Did Mr Skillern think about his members who might want to defend their property, for example, from a coal exploration or mining company, because this legislation also alienates farmers from their own lands?

Terry Edwards, from the resurrected Forest Industries Association of Tasmania was standing there with Mr Barnett. At the end of the day, just a bunch of middle-aged white blokes. That is what it was. They were the people standing there with this minister, tapping into his deeply authoritarian streak. When the journalists asked those who were present at the media conference if anyone could give an example of why these laws were needed, and the question was put repeatedly, no-one could. No valid answer was given to that question because there is no reason for these laws. There is no justification for them.

The police have all the powers they need to move people on or to charge people with trespass. In this amendment bill, section 11 of the principal act has been removed so there is, now, not even a requirement for police to ask people to move on before they arrest them and potentially send them to jail for 18 months for the first offence. That is a police state. That is what happens in a police state, when people who are exercising their democratic right to peaceful protest are stopped, arrested, charged and go through a court process, potentially to jail, with no warning from the police. That puts not only citizens in a terrible position, it also puts Tasmania Police in a terrible position.

**Debate adjourned.**

## **MOTION**

### **Bushfires - Implementation of Recommendations of Reviews**

[3.35 p.m.]

**Ms BUTLER** (Lyons) - Madam Speaker, I move -

That the House -

- (1) Recognises the current bushfire season is forecast to be potentially catastrophic due to dryer than usual conditions.
- (2) Notes with concern that the recommendations from the 2019 Australian Fire and Emergency Service Authorities Council (AFAC) Independent Operational Review, the 2016 AFAC Independent Operational Review and the House of Assembly Standing Committee on Community Development Inquiry into the State Fire Commission 2016 have not been implemented in full.
- (3) Further notes senior firefighters have drawn attention to the State's unpreparedness for the current bushfire season, warning that it is 'just luck getting us by.'
- (4) Calls on the Liberal Government to table a comprehensive timeline for the full implementation of recommendations from the 2016 and 2019 reviews, no later than 28 November 2019.

We know that Tasmania's bushfire readiness is far from certain and that a lack of resources and staff could leave the state exposed this bushfire season. The consequences of getting this wrong are dire. We were very lucky last fire season that we did not have a fatality - but it was luck and we need to rely on a lot more than luck. The minister says that people are ready and plans are in place for this summer but we have met with people who have bravely spoken up and they say there is a lack of resources, staff could leave and that could leave the state exposed.

When we have spoken to people it is quite disturbing that when we bring their concerns into the House we are shot down as being scaremongering, lying, dishonest and so forth, which is always the response to any kind of criticism. I know you practise the lines, you all say them. What you are doing is saying that those people are lying and that the information they are giving us is incorrect. There are many of them and some of them have been there a long time or are very experienced. They are good people and they are not raising these concerns because they are troublemakers or whistleblowers or anything negative. They are genuinely concerned. They are concerned for the people of Tasmania, concerned for their colleagues, concerned for the volunteers, concerned for people who will be the frontline services and for the communities in general. That is why they are raising their concerns. They have nothing to gain politically.

Many of the people we have spoken to are not strong union-oriented people or any of the stigma that the response has been from the Government. These are people voicing genuine concerns because they are very worried about the impending bushfire season. We need to make that clear because often there is a brushstroke of irrelevance and, 'Oh, it's all just politics', but it is not. These are genuine people who are concerned. They are not being listened to and they need people to know that we are not prepared.

Senior staff members are expressing concern about the ability of Fire Service leadership to effectively manage day-to-day businesses, let alone a crisis situation. Inside Tasmania Fire Service, staff are speaking up because they are worried about the risk to firefighters, volunteers and communities this summer. It is time we were honest about this. We need to know where the gaps

are and we cannot keep on gagging this insight. We must listen to these criticisms and act before it is too late.

When I ask people, 'Do you think the Government knows that the state is not prepared?', the common assumption is that you should know, you should be asking the hard questions, you should be able to see the gaps and you should be very worried. The answers most insiders provide after that, though, is that you probably do not know. My generous nature would think that maybe that is the case, but I implore you once more to take some action, ask the hard questions of your agencies and advisers and be mindful that a lot of what you are told is what people think you want to hear. Be bold. There is an awful lot of responsibility resting on your shoulders and I think you have to delve into this portfolio area a lot deeper because there are an awful lot of gaps. It is leaving you and the people of Tasmania very exposed. This is a very serious ministry and the consequences of not being prepared are dire.

The AFAC independent operational review provided nine recommendations which were given to the Government in July this year. You had time to implement these recommendations and I know that the bulk of them were achievable. Recommendation 1 was that the TFS, Parks and Wildlife Service and Sustainable Timbers Tasmania initiate a discussion among their Australasian peers about good practice around managing new fire starts in remote terrain to include issues around identification, predictive analysis, risk management and suppression activities. The outcome should be a document which allows for bench marking to assess good practice across Australasia from which Tasmanian fire agencies can develop protocols against which the management of future events can be tested.

I am not aware of such a document, minister, but there may be one. I really hope there is. If not, will that document be completed by 1 December? Such a document might provide the business community and the community as a whole some comfort and solace going into this summer. The business community is really concerned about the impending bushfire season as well. They could lose huge tourism ventures and whole areas without any business activity due to bushfires and bushfire management. Of course people's safety is always paramount but it is the aftermath and loss of business, loss of income, loss of jobs and the hit to the economy that have very big ongoing effects.

Recommendation 2 was that the TFS should pursue the creation of volunteer remote area firefighters. In doing so, the TFS should not consider itself limited to upskilling of current volunteer brigade members but should carry out a cost-benefit analysis of creating one or more area firefighting units based in urban areas in order to tap into the potential of those members of the urban-based Tasmanian community who have advanced knowledge and skills relating to navigation and survival in wilderness areas.

It is my understanding that you have made some ground in this area though we also know there are still outstanding issues with WorkSafe Tasmania and resourcing and that the recommendation certainly has not been fully implemented. Volunteers are treated - as we keep hearing - haphazardly. Brigades describe discrepancies between training, amount of training, equipment, amount of equipment, newness of equipment. There does not seem to be any compliance statewide. It seems to be haphazard and unorganised. That should be a really streamlined benchmarked system. All brigades should have exactly the same training, on time, exactly the same equipment provided to them with training, on time, and there just does not seem to be any proper management of that system.

Recommendation 3 was that TFS should initiate a policy review seeking support from government as appropriate to clearly identify what body or agency is responsible for planning, carrying out and enforcing fuel management on private property at a township level. If current arrangements are unclear or ineffective, TFS should request government to consider making this a statutory responsibility of TFS and provide any additional funding required to support this function.

We note that, despite the Government's crowing about the extent of the fuel reduction burns, the bulk of the burns have been in low-risk areas. The burns that have been undertaken were useful. It is never a waste of time to do fuel reduction burns.

However, we need greater targeting of areas of high need. There is a risk-averse strategy and that is appropriate to a certain extent but that has meant that there seems to be a smaller amount of fuel reduction that has been undertaken in the high-risk areas. It has left some of those high-risk areas quite exposed coming into this pending bushfire season. We have been seeking information as to how many fuel reduction burns have been undertaken on the east coast because it is a high-risk area, not for political gain but because there is a genuine concern, especially from insiders, that it is a high-risk area and needs to be managed appropriately.

It looks like the money for fuel reduction is there but there is a lack of resources to undertake the work. Whether that is due to poor management of the workforce by the top echelons of the TFS, we are not sure. There seems to be a disconnect between what needs to be done and what is done. We know that only a quarter of the scheduled fuel reduction burns were undertaken. There are reasons for that but we need to get better at compensating for those risks, better managing those risks and undertaking more fuel reduction burns in high-risk areas.

We hear from farmers and landowners across the state that the time lag between the time a landowner puts in an application to conduct a fuel reduction burn on their property and when the application is granted has blown out. I have spoken to farmers who have made the decision not to undertake fuel reduction on their own land as they have waited for approval, in some cases for over eight months. Other landowners take matters into their own hands and undertake fuel reduction burns at their own risk. We have not been able to substantiate this data; we were only able to get that information from a range of different people making the same complaint across the state.

It is our obligation as members and representatives to chase-up those inquiries and to look into them. When we have sought information on the time lag between when an application is made and when an application is granted, apparently there is not a data recording of the original application; only when the application is granted. It is very hard to track how long they are taking. If that is the case, it needs to be improved, quickly. You have landowners and farmers who are restricted from doing their own fuel reduction burns because of regulations. It is a good regulation to have but it needs to be resourced properly if you are going to have a stringent regulation. There is no point having a fuel reduction application grant available to landowners if they are not able to access it. They are put in a situation where their property is prone to bushfire because they are not able to reduce the fuel on their own property.

Recommendation 5 is to agree on an updated version of the interagency fire management protocol, which maintains the principle that there will be one statewide point of command for major unwanted fires burning the state of Tasmania. It explicitly recognises the right of each of TFS, PWS and STT to have their objectives prioritised and incident action planning and adequate resources applied to those objectives, and provides a mechanism for executive decision-makers



from TFS, PWS and STT to come together and agree on objectives and resourcing levels that will then be operationalised by a whole-of-state control structure.

This recommendation also seems wanting, due to inside information from the TFS stating that they could not fuel their strike teams' requirements for teams in the south during the last week's high-fire danger period. A career firefighter from the north had to cover a shift in a prominent fire station in the south. Otherwise, that prominent fire station would have been closed. That is highly unusual and is an indication that it is not working as it should. It is an alarm bell. It is red flag and, instead of lines to give to the media to respond to that, I like to think that you may have asked some serious questions of your agency. How did that happen? Keep digging until you receive the information you need. I would like to think that is exactly what you did. I hope you dig and dig, because the other information is so contrary to the information that you have. If there are gaps and discrepancies, it is worth investigating because it is so important. We are heading into one of the worst-predicted bushfire seasons in history and the system you are responsible for is struggling to even fill a strike team.

Recommendation 6 was that we should establish a state air desk to be staffed by specialist staff year-round, with responsibility for managing both preparatory and contractual issues out of season as well as aircraft management when fires or other emergency events are occurring. That, from the information you have provided to us, looks like one of the recommendations you have been able to cover and that is really positive. Fires are put out with boots on the ground but the aerial capacity is extremely important as well, so I am hoping that works well this season.

Recommendation 7 stated that a joint decision should be reached as to whether a winch cable remote-area firefighting capability should be maintained in Tasmania. Which agency or agencies should be responsible for that program and whether winch cable remote-area firefighting capability staff can be safely trained and kept current to include a consideration of the availability of winching aircraft? If the decision is taken not to maintain this capability in the state, TFS, PWS and STT should identify how the gaps in capability that this represents should be fulfilled in future fire seasons. It is my understanding that this information is not being provided by the minister at this stage but I am happy to be corrected. Recommendation 7 is that these agencies are to jointly reach a decision on whether a winch capable of remote area firefighting capability should be maintained in Tasmania. Has that been decided? Has the interagency decision been made? Are we going to be able to have that capability in this bushfire season? I stand to be corrected. I hope we are.

Recommendation 8 is that TFS, PWS and STT should jointly carry out work to identify acceptable shift lengths and patterns, including requirements for rest days for all personnel working on emergency operations. Once these have been identified, systems should be in place to ensure that human resource rostering practices follow these fatigue management guidelines and senior staff should lead by example and ensure that they, as well as the people working under them, take adequate rest breaks.

Minister, we have had a lot of different information come from our inside reports from firefighters, administration staff, volunteers and career firefighters but they tell us there are many people working outside of their workplace conditions. They are having to undertake double shifts already and there are not appropriate breaks. These things are listed in their workplace agreements and it is important to get those things right. This is only the start. We are not even in the middle of a full bushfire season. You have a huge overtime bill, and fatigue of workers is a real concern. This is a time when our workforce should feel quite fresh.

Recommendation 9 was: should engage in discussions with the Government about the construction of a purpose-built state control centre facility for emergency management in Tasmania. This was also raised in the 2016 review. They talked about the previous control system being quite clunky, a bit all over the place and very hard to coordinate, and so the recommendation was for a new purpose-built state control centre to be built. As we stated last week, we know that a demountable has been placed in a car park in Cambridge to house this incident-control centre. I am hoping that is a bandaid fix to that recommendation, just in time for this bushfire season.

It is a recommendation we have had since July. I think we are not prepared. I would appreciate some answers to some of those questions, and that is at your discretion, because this is information that we are provided by insiders. We are not doing this for political gain. We are doing this because it is really important, and we have to get this right, and we are getting information from the Government that is so contrary to what we are hearing from people out there on the ground.

These are clever people. These are people who are actually putting themselves at risk, so we would like to protect their identities. They cannot be regarded as whistleblowers, or coming from a union, et cetera, because they are not. They are real people with genuine concerns, and they want to make sure that we are all safe.

[3.51 p.m.]

**Mr SHELTON** (Lyons - Minister for Police, Fire and Emergency Management) - Madam Speaker, we are all concerned about the upcoming bushfire season. There are varying reports about where it will go, and how it will eventuate. The chief fire officer has said that it is a normal season for most parts of Tasmania, and a higher-risk season on the east coast, and that can change between now and Christmas. We all know that the seasons can change, and that we never know. We could go through a fire season and have very little difficulty in the fire season, but it is a reality in Tasmania. I have seen numbers where, on average, Tasmania has about 1800 fires in a season. Whether they become out-of-control fires on a catastrophic day we do not know, and we will just have to wait.

Ms Butler has made comments here, and if she identifies individuals who have an issue, if she would like to write me a letter and inform me of those issues, I would be happy to deal with them.

What I do know, though, is what happened with the face mask issue that Ms Butler raised in this parliament. She gets a little bit of information and then somehow makes up a story about what is going on. We know that 4000 face masks have been rolling out. Ms Butler tends to jump on these things before she actually finds out the truth.

I will come to the next one she mentioned in her address, which is the issue around demountable buildings at Cambridge. As far as the AFAC 2019 review goes, our fire agencies have been working in partnership to implement measures identified in the AFAC report to continue to improve and enhance the bushfire preparedness and response capabilities. That is what they do every year. It did not take the AFAC review to highlight some of these things. What the agencies do every year is look back over the season and work out what they can do. The AFAC review put them down on paper in the recommendations, and Ms Butler has been through those recommendations.

Recommendations 4, 5 and 6 are completed. She mentioned recommendations 1 and 8. They are nearing completion. There is a formalised document, a lot of work has to go into them, and they are being finalised and due for completion at the end of November, as I have stated in the past. By the end of November five out of the nine recommendations since we received the AFAC Review in the last three months will have been completed.

Recommendation 5 involves a major rewrite of the interagency fire management protocols which has been completed and is now operational, having recently been endorsed by the heads of the Tasmania Fire Service, Parks and Wildlife Service and Sustainable Timber Tasmania.

I move to the medium- and long-term recommendations and Recommendations of 2, 3, 7 and 9. Recommendation 2 is underway and all of the systems, processes and training have been developed that will allow Tasmania Fire Service to begin training volunteers and remote area firefighters. I note this work was an election commitment we had and that initial work has been done. Our investment in delivering the capability is in direct contrast to Labor, which has no such commitment or vision -

**Dr Woodruff** - Hold on, you have been here for the last two reviews and you have done nothing. Do not go back there. You have done nothing for the last three and half years.

**Madam SPEAKER** - Can we have some discipline, please.

**Dr Woodruff** - How dare he, Madam Speaker?

**Madam SPEAKER** - Well, he is the minister.

**Dr Woodruff** - He should not make stuff up. He is the minister.

**Mr SHELTON** - Recommendation 3 is underway and the TFS is working with the Fire Service Act Review Team to identify options to address this issue which will be the subject of full public consultation.

Recommendation 7 is underway and the PWS is conducting an options analysis regarding the implementation of winch-capable remote area firefighting in Tasmania. In the meantime, interstate deployment arrangements are in place if the resource is required this bushfire season.

Recommendation 9 is a long-term one and will require strategic planning and discussion through the budget process. Recommendation 9 identifies that discussions should take place. It does not go to the completion. The reason it is not there as a completed item is because I want these discussions to continue so that we can achieve a state control centre for the state in the future. The TFS has begun discussions about the construction of a purpose-built control centre facility for emergency management in Tasmania. That work is underway.

An example, if people are not aware, is the Queensland State Emergency Control Centre cost over \$70 million to build in 2010.

**Dr Woodruff** - Why don't you focus on that instead of another prison? Get your priorities right.

**Madam SPEAKER** - Order. Please, can we have some discipline and respect for the minister?

**Mr SHELTON** - The undertaking of this Government is that we will always take on board the lessons of the past fire seasons. We agree that there will always be more to do and will never stop in our goals to ensuring Tasmania is prepared for the future challenges, which we know will come.

The AFAC Review of 2016 bushfire resulted in 12 recommendations, of which 10 have been completed. The two recommendations that have not been completed relate to winch capability and remote area firefighting and these matters have been included in the 2019 AFAC Review.

**Dr Woodruff** - That is why we don't have any RAFs ready to go this season because you had three and half years of doing nothing when you should have acted on this.

**Madam SPEAKER** - Order, Dr Woodruff.

**Mr SHELTON** - I refer to the fact that our Remote Area Firefighters work under the same conditions that they always have done. If the Remote Area Firefighters or arduous firefighters have to work away from their mode of transport, the mechanical transport that is more than 45 minutes away, they can walk, they can be helicoptered there and landed and removed from the helicopter, they can be placed in positions, but that is separate to winch capability.

**Dr Woodruff** - But the conditions have changed.

**Madam SPEAKER** - Order, please.

**Mr SHELTON** - The House of Assembly Standing Committee on Community Development inquiry into the State Fire Commission in 2016 resulted in 10 recommendations. Of the 10 recommendations, five have been completed and the remaining five form part of the Fire Service Act review, which is currently ongoing. The Fire Service Act was proclaimed in 1979 following the amalgamation of the rural and urban fire services in Tasmania into the Tasmania Fire Service or TFS. The act has never been comprehensively reviewed since proclamation. A comprehensive review of the act and all subordinate legislation is currently underway.

A key element of the project is a full review of the current funding model, which will include options for the sustainable funding of SES into the future. This will be undertaken with full consultation of stakeholders and the Department of Treasury and Finance. Highly respected former auditor-general, Mike Blake, is the independent chair of the steering committee leading the review. He replaced Michael Harris, who resigned in January 2019 to take a position interstate. My most recent discussion with the chair is that the draft discussion paper will be ready in the new year. This will be followed by a further period of consultation before the final report is presented for consideration of government.

**Dr Woodruff** - We need action.

**Madam SPEAKER** - Order, Dr Woodruff.

**Mr SHELTON** - Yesterday Tasmanians had a frightening insight into just how far Labor would go to deceive the Tasmanian people. They claimed that the purpose-built state control centre should have been built in three months since the Government received the AFAC review. However, I have constantly told the House that recommendation 9 is a long-term one and will require strategic planning and discussion through the budget process and this work is ongoing. It is amazing that Labor clearly does not know where the state control centre operates from or the difference in the levels of fire emergency management. The state control centre operates out of the TFS headquarters in Hobart, not the building in Cambridge, as you asserted. How embarrassing for you.

**Mr O'Byrne** - We said the incident control centre. Now you are just misleading.

**Madam SPEAKER** - Order.

**Mr SHELTON** - Your leader made the same mistake but it is not surprising from a lazy Labor which has no policies, just sits on the fence and does not do research.

Yesterday, the member for Lyons, Ms Butler, also suggested that the volunteer brigade was pulled from the north-west of the state last week. The chief fire officer issued a statement that the TFS did not use this strategy during the extreme fire danger in the south last week. However, as the chief confirmed, it is standard practice for bushfire season. The fact is, it is the most efficient use of resources to move them around the state.

Again, Jen Butler completely misled Tasmanians yesterday by saying that the fuel reduction burns have been concentrated in the north and the north-west instead of the south. I am advised that is completely not true. The fuel reduction program is a statewide program and since its inception burns have been strategically conducted across the state based on scientifically evaluated risk. The south, including the east coast, has had 40 per cent of the burns, the north-west has had 25 per cent and the north 34 per cent. What alarms me is that Labor continues to question and second-guess the operational and staffing decisions of the chief fire officer and experts in the fire modelling and risk analysis area.

Yesterday the chief fire officer felt the need to issue a statement to confirm the facts to the public. I will now read the chief officer's statement -

TFS is trained, capable, well resourced and ready to respond to bushfire season.  
Career firefighter numbers are the highest they have been in 10 years.

**Mr O'Byrne** - Why are you filling it with overtime shifts every day, then? You can't even fill the minimum requirement.

**Madam SPEAKER** - Order. Please have some respect for the minister.

**Mr SHELTON** -

Currently TFS has over 4000 frontline volunteers. At this time in the fire season, this not only provides capacity to deliver services within Tasmania but also supports firefighting efforts interstate. There are 111 Tas Fire Service remote area career firefighters completing the training required to keep them safe around aircraft in remote areas this summer.

From 1 December, five aircraft will be stationed in Tasmania through our national sharing arrangements, two more in Tasmania by mid-December, and dozens more accessible from interstate when required. Aircraft are also available locally outside these arrangements.

During the recent bushfires the TFS incident control centre co-located at the Cambridge training facility was activated and functioned well. To ensure there is no disruption to training this bushfire season, purpose-built demountable classrooms are being installed at the Cambridge site as an overflow for training activities.

When dealing with multiple bushfires, career firefighters perform specialist roles away from their station such as air operations and fireground command. Overtime is used to backfill career brigades to maintain fire protection in urban areas.

As a statewide fire service TFS can move resources around the state where there is the greatest need. When there is a more serious fire danger in a particular region, we can and we will draw resources from other regions to increase firefighting capacity. It makes sense to place resources that would otherwise not be utilised to an area where there is a greater risk. While TFS did not use this strategy during the extreme fire dangers in the south last week, it will continue to be standard practice this bushfire season.

During the peak of last Thursday's fire danger, almost all of the southern region volunteer fire brigades had volunteers on standby at stations ready to respond to incidents in their area when we put the call out. We also had volunteers deployed to New South Wales and Queensland.

Last year's bushfire season gave us a real indication of how many volunteers are willing to give up their time to protect the communities. Over 2000 volunteer firefighters responded to the bushfires, including the significant fires occurring out of their area. That figure does not include other volunteers who were offering to assist out-of-area but stayed in their communities to maintain a local response capability.

That was from the chief fire officer, who clearly felt the need to correct the record put forward by Labor.

When it comes to community safety we cannot sit on the fence and you have to know your facts. That is why as minister responsible I am committed to making sure that we are ready. We are ready and better prepared than ever before for bushfires because of actions we have taken. We have over 5600 firefighters in total. We have 240 remote area firefighters ready to go. Across all firefighting agencies we have acted. Our people are ready, our plans are in place, brigade districts have been briefed and fuel reduction burns have occurred in all regions. We have a new combined air desk to improve our aerial firefighting. We can call on aircraft from across Tasmania now. Those contracts are in place. On 1 December we will have further aircraft from the national sharing arrangement. Seven further aircraft will be pre-positioned in strategic locations across the state in December. We have added new state of the art fire trucks to the fleet, only a couple of weeks ago. As well, new five-ones and four-ones have been upgraded around the state, through a \$13.1 million four-year program to upgrade the fire trucks around the state.

Our strategy to better manage campfire risk is activated. We have community protection plans for all high-risk areas and our community education programs are ongoing. We have the capacity to deliver services within Tasmania and to support firefighting efforts interstate. One of the key actions we have taken to reduce the risk is through significant fuel reduction burning across the whole state in strategic locations, across public and private land.

Speaking of reviews, the statewide Fuel Reduction Program was a recommendation that Labor and the Greens deliberately ignored when they were in government. Over the past five years, the Government has delivered 608 individual fuel reduction burns, more than 86 000 hectares, and

around 15 per cent of that was on private land. Fuel reduction is all about reducing risk. By reducing fuel load, we know that fire intensity is reduced. You can never eliminate the risk but fuel reduction gives our firefighters a chance that they might not have otherwise.

I am advised that our scientific analysis shows that the statewide bushfire risk has been reduced to the lowest it has been in 15 years. They are the facts. Tasmania can trust the Hodgman majority Liberal Government to keep them safe, to be doing more to reduce the risk of bushfires to our communities and to protect the lives and properties within Tasmania.

[4.12 p.m.]

**Dr WOODRUFF** (Franklin) - Madam Speaker, if I was looking for any assurance as a member of the public listening to the minister's response to this motion before us today on the webcam, I would not have found it in his words. That is because the minister continues to read a shopping list of the sort of activities, year in, year out, any fire service of any calibre would be doing as its basic bread and butter activity.

The point he fails to come to is that he has not put a detailed response to the letter the Greens wrote on the specific AFAC recommendations as to the specific detail of what the Government's response has been. The best he has been able to do is to speak in some generality to each of the recommendations. The bottom line is, there have been three and a half years this Government and now this minister have failed to act on the Tony Press 2016 review or the AFAC review. It was released in August this year, but it restated many of the recommendations from the prior Tony Press review that this Government has failed to do anything about.

The Government has had more than enough time - five and a half years in Government - to take action on this issue, but here we are in the middle of a fire season, which people with expertise in this area in southern Tasmania are saying is looking like a fire season that will last for five to six months. Compare that to the fire season this minister is reading a shopping list of preparations for, which, typically, might have gone for six weeks in the normal past. It is concerning that the minister keeps talking about normal, as though that word means anything anymore. There is no normal. Throw it out.

We have a climate-changed future that is the present. It is not the future anymore. Today, we have climate heating. We have respected firefighters - not like the Liberal politicians in this room who are clearly not on the front line, who clearly are not listening to people who are fighting fires on the front line across Australia today - grab any one of them, men or women, and they will tell you that we are in climate-heating, supercharged fire extremes.

**Mr Shelton** - I reject that. I have two sons -

**Dr WOODRUFF** - You reject that. Okay, well, there you go. This is the minister who rejects -

**Mr SHELTON** - Point of order, Madam Speaker. The member is trying to conflate what I said. I said that I have two sons -

**Dr Woodruff** - This is a debate and I have a right as a member not to be shut down on a nonsense point of order that does not exist.

**Madam SPEAKER** - Sorry, he is speaking, Dr Woodruff, and I am hearing the -

**Mr SHELTON** - The member was indicating that I have no idea. I had two sons fighting fires in last year's bushfire season, so do not come at me saying that I do not know what is going on.

**Madam SPEAKER** - Would you like a retraction or an apology? It is not a point of order, otherwise.

**Dr WOODRUFF** - Madam Speaker, could I make my point to you?

**Madam SPEAKER** - I will seek clarification. He has made his point, let us move on.

**Dr WOODRUFF** - There are people like Greg Mullins, the former New South Wales fire commissioner, like Mike Brown, who the minister talked about in his second reading speech, who make it very clear that firefighters standing on the end of hoses around Australia today, and in Tasmania in October and in April and any day between now and who knows when, know that the fire regime has changed. They know it is because of climate heating. They understand that the bell curve of heating is lifting and what that means is that we will have, like Mike Brown says, events that were once in 100 years may now occur every two or three years.

This is the truth so there is no normal and the minister keeps talking about it and it is deeply concerning because he is clearly denying the reality of climate heating or he does not understand it. Either way, it is concerning to have a minister responsible for firefighting capability in this state who does not accept that fire behaviour has changed. It is more intense. It is more frequent. End of story. That is all that we need to know.

It is frightening and it causes great anxiety in people living in communities around Tasmania that we are not sufficiently preparing for this changed fire behaviour. Sufficiently prepared means considering that \$70 million, which is a figure the minister pulled out of the air, what the minister referred to might -

**Mr Shelton** - I did not pull it out of the air.

**Dr WOODRUFF** - I have not seen any facts about how much it would cost to build the centre the minister is talking about. We are talking about recommendation 9, to construct a purpose-built state control centre facility for emergent management in Tasmania -

**Mr Shelton** - That is what it cost for the same in Queensland in 2010.

**Madam SPEAKER** - Does anyone mind talking through the Speaker, please?

**Dr WOODRUFF** - My point is that \$70 million is something this minister dismissed as an impossibly expensive proposition. I ask the minister -

**Mr Shelton** - I did not dismiss it.

**Madam SPEAKER** - Excuse me. If we are going to have this conversation, you can both go outside.

**Dr WOODRUFF** - I believe I am talking, as is my right, and the minister is interrupting me. I am not inciting him.



**Madam SPEAKER** - I was going to say that I think you are inciting him. Please, minister, do not be incited.

**Dr WOODRUFF** - That is his problem, if he does not like to hear the truth. This is a Government that is prepared to put \$270 million into building a prison in Westbury in the north that no-one in that community wants, and which the Greens have repeatedly pointed out is a waste of money that could be better spent in other parts of the correction system where it is so desperately needed, or it could be spent on a state control centre facility for emergency management.

It is about how the Government decides on its priorities. Clearly, it has decided it is more important to whip up fear and division in the community and to have a tough-on-crime, war-on-drugs approach against all the evidence of effectiveness, against all the evidence of community safety. This is the same Liberal Government that was prepared to sell out this state and weaken our firearm laws before the last election, secretly, just so it could buy some votes from the firearm lobby.

This is a government that has a track record for doing whatever it takes to stay in government. Let us not forget, this is the same Liberal Party that used money from the pokies industry to get themselves elected last March. This is a government that is not prepared to put what Tasmania really needs first. What we need now is a minister and a government that accepts that climate heating is happening, is causing extreme anxiety amongst many people in the community because the Government is not taking the actions that are required to respond, to prepare ourselves, to reduce our emissions. It is quite clear that since 2016 and the Tony Press review, this Government has failed to act on the recommendations to expand our remote area firefighting capability.

The minister and the Government have had three and a half years, and there has been no action in this area. A month ago, the firefighters union made it very clear that we are undertrained and unprepared for the remote area teams from Tasmania Fire Service.

Where we are today? We do not know, but it is clear that there has been no expansion of that capacity. That expansion was recommended, and there has been no action on expansion. There has also been a huge strain on volunteers. People who are volunteer firefighters in the community get so little resourcing and support relative to what is required. They do amazing work, they do it for free, and they do it because they care about their community. These are the people who need more support, and that means more education, more training, more equipment, more support, and thank you and gratitude. They just need more, basically. The people the minister is talking about need more support; instead, we saw no expansion of the Government's budget in this area; no expansion of the resourcing for remote area teams; no money towards a firefighting central control centre facility.

I found the minister's response to recommendation 7 deeply concerning. Recommendation 7 of the AFAC review, which the minister assures us is underway, says that the fire service, Parks and Wildlife Service and Forestry Tasmania should jointly reach a decision on whether a winch-capable remote area firefighting capability should be maintained in Tasmania, which agency should be responsible for that program, and how a winch-capable remote area firefighting capability can be safely trained and kept current. If the decision is taken not to maintain the capability in the state, then those organisations should identify how the gap incapability that this represents should be filled in future fire seasons.

Madam Speaker, I get no comfort from the minister's words, 'Do not worry about that, we will rely on people from interstate. We will deploy people from interstate.' Okay, what if they are all

busy, because at the moment we have fires across most states in Australia? We have just seen the whole of New South Wales fighting fires for months now. I am not comforted by a minister who thinks we can just push this off and continue to avoid the need to have our own state resources in this area.

It is clear that in order to support townships, in order to protect communities, we must have good remote firefighting rapid response. We must have good fuel reduction, and we must have more money towards volunteer support. These are the things which report after report have pointed to, and the Government has not acted on them. We are again in a fire season. We have a minister who seems to think it is normal, and that a 'shopping list' response to what was done last year, the year before, and the year before that, would be sufficient.

It is clear, from all the firefighters who have stood in front of the media - Greg Mullins and the other 22 senior firefighting chiefs from different states around Australia - calling for recognition from the federal and state governments that it is climate heating which is driving the changes in fire behaviour that are so dangerous, that create the mega-fires that we really have to accept; it requires a different response.

A different response means advance action, but it especially means more resources. This is fundamentally a question of the Liberal Party's priorities in choosing to focus resources into supporting businesses, supporting developments in publicly owned places, putting ludicrous amounts of money into building a northern prison that would be much better spent directed towards a state fire-control emergency centre.

These are the sorts of decisions which we say are wrong. The minister firstly needs to make a statement to this place about his understanding that climate heating is changing fire behaviour, and then from that reassure Tasmanians that he is going to respond now - not next year, and not later on, and not after writing more reports - with the extra resources to support volunteers to provide us with the remote area capability response we need, so we can be as best prepared as we can for this season.

[4.27 p.m.]

**Mrs PETRUSMA** (Franklin) - Madam Speaker, I congratulate the Minister for Police, Fire and Emergency Management, because he has clearly articulated both today and yesterday how the Hodgman Liberal Government is 100 per cent committed to ensuring the safety of Tasmanians and their property this bushfire season, which is why Tasmania is better prepared than ever before.

I have listened to all the contributions this afternoon in this Chamber. Labor and the Greens have both, this afternoon and in question time yesterday, chosen to ignore the fact that Tasmania is better prepared than ever before, especially under the previous Labor-Greens government. It seems that in this last week of parliament the best they can do is try to needlessly scare Tasmanians.

We need to keep in mind that one of the most devastating impacts from the bushfires during last summer was that it greatly affected our tourism industry. By putting out the message today and during this week that Tasmania is not prepared, they are creating fear in communities that went through some of the worst, devastating impacts that this state has ever seen. Plus they could affect our tourism industry at the same time, therefore putting people's livelihoods and jobs at risk.

They seem to think they are the experts. The previous government did not do the fuel reduction burns this government has done. Today they are coming in here, making it sound like the Chief

Fire Officer does not have the skills and knowledge to make these decisions. They are undermining the operational decision-making of the Chief Fire Officer.

Between Tasmania Parks and Wildlife Service, Sustainable Timber Tasmania and the Tasmania Fire Service, there are currently 240 remote and arduous trained firefighters on standby, ready to go right now. In total, Tasmania has more than 5670 firefighters currently on standby, plus we have seven firefighting aircraft in this state on standby from this Sunday, 1 December. As well, the contracts are already in place to call on 36 aircraft from right across Tasmania to assist. On top of all this, the minister and his department have also invested more than \$13.1 million on new fire trucks and advanced technology.

In addition to our nation-leading \$55 million fuel reduction burns program, there has been a public education campaign, regional risk modelling, exercising of emergency management plans, a new airbase and a lot of hard work that has been undertaken because of the work of this minister and the Hodgman majority Liberal Government in ensuring that there are adequate resources in place to respond to the fires this bushfire season.

This year's spring 2019 fuel reduction season saw over 20 strategically located burns conducted over 3350 hectares. Since 2014 under this Hodgman majority Liberal Government a massive 608 fuel reduction burns have been undertaken right across Tasmania, covering a massive 86 294 hectares. I applaud the work of this Government and the respective ministers because it has been incredible that they have undertaken all this work, especially as scientific analysis conducted after the last summer bushfires show that the statewide relative risk has been reduced to 83.8 per cent, the lowest it has been in 15 years. That is far lower than what it was under the previous disastrous Labor-Greens government. I congratulate the minister for his hard efforts in this because the facts are under the Hodgman majority Liberal Government we now have in place more career TFS firefighters than we have had at any time over the last 10 years.

**Mr O'Byrne** - Then why are you covering on overtime?

**Madam DEPUTY SPEAKER** - Order.

**Mrs PETRUSMA** - While we acknowledge there is the potential for Tasmania -

**Mr O'Byrne** - Every day you can't cover shifts.

**Madam DEPUTY SPEAKER** - Order.

**Mrs PETRUSMA** - The failed previous minister for fire and emergency management can have his contribution soon. He is in here being defensive about his record but we know he manifestly failed when he was the previous minister, so he can just wait his turn.

The fact is that this Government is investing into the TFS, our volunteers and our emergency services. I also congratulate the minister and all the respective government departments, agencies, firefighters and all the teams that support the work they are doing, for all their hard work and efforts. As was also confirmed by the Tasmania Fire Service chief fire officer yesterday, Tasmania under this Government is better prepared than ever before for bushfires. This is because all these government agencies are coming together and are working so hard and actively working to reduce the risk of bushfires and to make sure that Tasmania is ready.

I make the point, despite what the opposition is alleging, that the AFAC report notes that our three agencies:

... were not taken unaware by the 2018-19 season and were able successfully to apply organisational structures and firefighting tactics that had been refined from past experience.

The events last summer, we acknowledge, were the largest in terms of hectares burned since the bushfires of 1967, which is why, just as they were last year, our fire agencies are prepared. They are ready for this fire season. That is because they have instigated a broad range of actions to ensure they are ready. This Government, despite what the Opposition and the Greens are saying today, has full faith in the Tasmania Fire Service and all the employees who are ably led by the chief fire officer and we rely on his advice too, not that of the scaremongering Opposition.

There are always lessons to be learned after major fire events and the best way for that to occur was through an independent wide-ranging review such as the one undertaken by the experts, the Australasian Fire and Emergency Services Authorities Council, the AFAC independent operational review of the management of the Tasmanian fires of December 2018 to March 2019. AFAC is the peak body responsible for representing fire, emergency services and land management agencies and I note that the review is chaired and led by Mal Cronstedt AFSM, who brought more than 40 years of experience in fire and emergency management to the review team. I note that Mr Cronstedt is also currently Deputy Commissioner of the Department of Fire and Emergency Services in Western Australia. Deputy Commissioner Cronstedt was joined on the review team by Guy Thomas, director of asset services within Queensland Parks and Wildlife Service, and Paul Considine, director of capability and assurance at AFAC.

What we need to keep in mind is that the review team's combined knowledge brought together a wealth of varied experience across the urban fire, rural fire, land management and aviation operations from both an Australian and overseas perspective. This review team are the experts, which is why this Government listens to them, the people who have the qualifications. We act on their advice and we encourage the Opposition to do likewise.

Importantly, the AFAC review also provided a means for members of the public and other interested parties to make submissions and I thank everyone, especially my electorate of Franklin, as well as other bushfire communities throughout the state, for making submissions to this wide-ranging inquiry because we passionately believed as a Government that we wanted everyone who wanted to make a submission have their voices heard.

Despite what the Opposition is alleging, there was a comprehensive multi-agency response to the 2018-19 bushfires and any resource that was requested by our firefighting experts was made available by this Government. Firefighting personnel from Tasmania Fire Service, Parks and Wildlife Service and Sustainable Timber Tasmania worked hard together to combat bushfires around this state. There is no doubt that our fire agencies were faced with a number of a large fires in several areas of the state, at times in remote and difficult environments which required a large number of resources, detailed planning and major commitments from our agencies here as well as from interstate and overseas.

Today I want to be thankful, very grateful in fact, on behalf of the people of my electorate but also for the other bushfire communities right around Tasmania, for the expert and professional response from the TFS because they saw no lives lost and only minimal property damage.

A key conclusion from the AFAC report is one that provides the context that all who commentate on the events of last summer must consider. That is, and I quote:

... while there are reasoned arguments for increasing Tasmanian state firefighting capacity, it will never be large enough to deal with a season like 2018-19 ...

We have taken note of the AFAC report because this Government will always take on board the lessons of past fire seasons. We agree that there will always be more to do and we will never stop in our goal of ensuring that Tasmania is prepared for the future challenges which we know will come, but our agencies are ready and our magnificent fire agencies will respond again this year with the same diligence that they always do.

At the same time, we want to acknowledge the fact that our community, during this time, needs to remain vigilant in a landscape very prone to fire right across Tasmania. We want to put on the record how much we greatly appreciate all their efforts and for the fact that they too play their part in preparing their properties for fire and ensuring that they have a plan for bushfires and that they practise the plan in advance of the coming fire season.

I want to spend a couple of minutes referring to my own electorate of Franklin. I especially acknowledge the fact that the bushfires last summer were an extraordinarily trying time for many Tasmanians, including in my electorate of Franklin. From witnessing first-hand in the Huon Valley the uncertainty of a community under threat and who were constantly being severely tested by the bushfires, I take this opportunity to pay tribute and personally thank the tireless efforts of all our emergency services personnel, all the government agencies, all the community sector organisations, so many volunteers, all those who donated, Tasmania-wide, to the bushfire appeal, the Huon Valley Council led by Mayor, Bec Enders, as well as Deputy Mayor, Sally Doyle, all the other councillors, the general manager and his outstanding staff, all of whom I thank again, who did an incredible job protecting Tasmanians, their homes, their properties and our world-renowned natural and cultural heritage and wilderness areas.

Tragically, due to the sheer scale and ferocity of the fires, infrastructure and essential services were affected and the bushfires did strike during Tasmania's peak summer tourism season, which had an impact on tourism, businesses, employment and the local economy. Some properties were unable to be saved in the Huon Valley. However, due to all the outstanding efforts and through the commitment and diligence of our emergency services and all volunteers, no lives were lost.

I thank the Premier, my ministerial colleagues, as well as our federal Liberal colleagues, who were, likewise, tireless during the fires in their commitment to ensure that the Recovery and Restoration Grants were available for individuals who were unable to provide for their own recovery, as well as to ensure that livestock were looked after through grants, and that assistance packages were provided to promote tourism, to support businesses and to repair damaged recreation and community facilities.

I also acknowledge and applaud that we saw the best of the community, government of all tiers, community sector organisations and the business community all coming together and working in tandem so as to combine all their efforts to help the Huon Valley and our other bushfire communities in Tasmania to get through these months and this time of longer-term recovery.

I state, for the sake of local jobs and our regional communities, the important message from both the Opposition and the Greens today should be, instead of trying to scare both locals and

visitors to our state, that Tasmania and last summer's affected regions are now well and truly open for visitors and businesses alike, and that Tasmania is better prepared than ever before for the upcoming bushfire season. I applaud the work of the minister and his department and all the agencies involved in this Government's response across Tasmania. I thank them for the hard work they do each and every day to try to keep Tasmanians safe.

[4.42 p.m.]

**Mr O'BYRNE** (Franklin) - Madam Deputy Speaker, the Labor Party acknowledges and is full of gratitude for the work of career and volunteer firefighters across the state, those firefighters within the Parks and Wildlife Service and those firefighters and employees of Sustainable Timbers Tasmania, in the work they do to protect life and property. They are inspirational every day of every week. It is not only in the bushfire season, it is 12 months of the year.

In winter, Tasmania has a higher rate of call-out, particularly in regional areas, because of the nature of our fire risk. The fire risk in some states is predominantly in the summer, and is a different risk in the winter in Tasmania. Arguably, we have a 12-month risk period and it does look different, depending on the community and the nature of the incident. Members of the House would know that I was the fire and emergency services minister during the time of the bushfires in Dunalley, Lake Repulse, Montumana, Bicheno, close to Coles Bay and Buckland. During that horrific January, there were hundreds of fires across Tasmania. Being in the state control centre and visiting the incident centre at Cambridge, I saw firsthand the inspirational work of our emergency service workers. The diligence and cooperation they showed across agencies of employees, those firefighters, skilled planners, incident management controllers and logistics people who came from interstate, ensured they did an inspirational job in ensuring that we could minimise the impact of those horrific fires across the state.

We will not have anyone in this House question our commitment and support to our firefighting agencies and staff in Parks and Wildlife and Sustainable Timbers Tasmania. We will not be silenced on what we are hearing from senior firefighters speaking with anonymity, and volunteer firefighters across the state, raising legitimate concerns and in the interests of their fellow workmates and the safety of Tasmania. It is important that if we have issues raised with us, if people feel that they are at genuine risk and there is a genuine risk to the community, we are obligated to raise it and that is our motivation. We do not play politics with fire and the risk and the impact on the Tasmanian community. We do not play politics with that at all, and to suggest we do is offensive, minister.

You are new in the role and you have had a tough couple of weeks. There have been some serious questions that you have been unable to answer but you have taken on the role and you have an obligation to answer, not only to read the briefs from the department but to think about it and ask questions, investigate and dig deeper than you have to find out what the genuine concerns are. There are genuine concerns being raised across the community.

Every fire incident is unique but we know the risk is becoming greater. For many years, we would have a one-in-10-year fire that would have an impact on the Tasmanian community. We have had three of those one-in-10 fires in the last six years. We had Dunalley, we had the fires in 2016, and we had the fires last year. The one-in-10 fire is now no longer accepted paradigm. The risk is changing. Last summer was not an extreme event like 1967. The deployment and the resources needed to be applied in the last summer were significant.

It was close to 60 days, and you know of the reliance on the career firefighters because they are there every day. They play their role and they work hard every day. The volunteers are there

for surge capacity and to provide that immediate response in rural and regional areas. The surge capacity the volunteers give you during that summer bushfire period is there and it is modelled on previous history, previous experience and previous needs. That is changing.

The deployment we saw over summer was exhausting for a range of volunteer brigades. We acknowledge their inspirational work and their ability to turn out every day to support regional communities and to keep life and property safe. Minister, what we are hearing now is that deployment and that experience has fundamentally tested and challenged our firefighting agencies and we do need to respond. We are hearing serious concerns about capability, training and resources.

When we raised the issue of the incident management team in this House a couple of weeks ago, for the level 2 incident of the Derwent Valley fire in the south, there were two roles sourced from outside the TFS. In the normal scheme of things, resourcing beyond the TFS to other departments, in Parks and Wildlife and Sustainable Timbers and occasionally other states, you are right, it is not uncommon but it was the first fire of the season; it was the first day that the TFS - and this should be a warning, minister - had to seek support from other agencies because they could not fill it internally. This is a warning sign.

You have made some very bold statements in this House and in your contribution today. There was one comment, which is right, but it is disturbing when you say that we could have little action or we could have a lot of action in terms of the summer season. We know that it is right but your comment was that we will just have to wait and see. Minister, you cannot wait and see, and I am not trying to spin your words. You cannot wait and see. You have an obligation to prepare for the worst.

**Mr Shelton** - And we are.

**Mr O'BYRNE** - Minister, the evidence is to the contrary. We are hearing significant concern from a range of people. I regularly meet with volunteer firefighting brigades across the state. I am the patron of a volunteer firefighting brigade. I know people in the career and there is a growing concern, and this comes from the heart to you, minister, for volunteer and career firefighters about the capability, the lack of training and the lack of support to be able to respond for a sustained deployment over a bushfire season.

There is no doubt that if something happened, if the job is on, the work is on, you will have volunteers and career people stepping up, but their ability to step up over a sustained period of time is a massive question and that is the issue we are raising.

There have been three major incidents in the last six years. A range of recommendations have been made, some have been implemented, some have not been implemented, but the capability of the Tasmania Fire Service to respond to a sustained bushfire season is under question. Again, we are not questioning the ability of career and volunteer firefighters, Sustainable Timber Tasmania or Parks and Wildlife. We are not questioning their professionalism and their ability to turn out to the incidents that will no doubt present themselves. As we know, it is extraordinarily dry on the east coast and in the bottom south-east corner of Tasmania. If you are a betting person, there will be a fair bit of business over the summer season, and we hope beyond all hope that it has little or no impact on our community and that we do not have a repeat of last year's bushfire season.

You have an obligation as a minister and representing your Government as the minister responsible for fire response in Tasmania, to have asked every question, turned over every rock and pushed every person in your line of sight with your chain of command, to know that they are doing all they possibly can. If they then raise concerns about a possible issue, you have to respond with resources. You have to respond as best you can to ensure you have done all that you can to protect life and property in Tasmania. That is your obligation as a minister and that is the Government's obligation.

A range of public statements have been made. I do not disagree with the views of the chief fire officer but there are growing concerns within his service about capability, and if he has not heard them that is disturbing.

Having been in the seat, I knew, heading into Dunalley in that fire season, all the questions I had to ask. I am not saying I was perfect and maybe in hindsight we could have done things differently. The report made it very clear that there were some learnings from that. I remember sitting down after the report was released with the fire brigade at Dunalley, listening to their stories about what they would have done differently at the time and the recommendations and the fact that they were disappointed that Mal Hyde did not even go down and speak to them. That was disrespectful and I was disappointed by that, because there were some reflections on that brigade which I thought were very unfair. They were good local people doing their best in a situation we cannot imagine; the fireball that went through Dunalley, the circumstances they faced and the decisions they made.

We raise this out of genuine concern for our community and for the ability of the Tasmania Fire Service to respond. We know there are senior firefighters who have been moved sideways and people are being asked to step into roles they are new in. There is some organisational change going on and we are concerned about the impact of that because of their lack of experience, and it is not fair on them to put them in a circumstance where they have to make decisions in defence and support of brigades that are on the ground out fighting fires in some of the toughest circumstances.

Technically you are right about some of the things you said about the total fire danger last week, and the chief is right, you deploy resources based on your needs and capability, but it was the second day of the season where there was a very high fire danger. You are right that the local fire brigades stood up but they always do; that is standard practice, minister. What they do, and we learned this from Dunalley, is create strike teams and put them in locations where they think the risk is greatest. On the second day, you cannot fill them from the south. Minister, I do not care what anyone says, if you cannot fill those strike teams from your region on day two, what happens when you are at day 30 or day 40?

You had to bring down two brigades, and fantastic, good on them for coming down and answering the call. This is no reflection on the southern volunteer brigades who were not able to turn out. It was a work day and I reckon some of them are going, 'Geez, I gave two months of my life volunteering'. The nature of volunteering has changed, minister. You cannot expect people to turn out on the occasional time during winter, maybe once a week or once a fortnight. You cannot expect the same turnout response from volunteers when they are asked and they answer the call to give up five or six weeks over the summer and then expect them to continue to turn out when you need them. It is a surge response, minister, and you cannot purely rely on that surge response to be there for such a long period of time. The deployments are getting longer, more complex and more dangerous. The level of volunteers that you can rely on to turn out every day of every week is diminishing, whether you like it or not. It is a reality.



There are many people who have their names on the list and they are fantastic. Some of them can give some time but not all of them give the time that you need. The fatigue after last summer was enormous. There is no doubt a whole range of volunteers who think, 'If go to this one that means in January I won't be able to get time off work to go to the next one'. I am not reflecting on the volunteers. This is a human decision they are making. They have jobs and they have families and with a surge capacity over a couple of weeks, I am absolutely confident across the state we could manage that, but not for a long deployment. You saw it at the staging areas where I was visiting talking to volunteers, talking to different brigades, talking to the career firefighters about how fatigued they were and how hard it was and how inspirational it was.

You said we have the most firefighters we have ever had, so why are they now having to fill shifts in Bridgewater station, a career station, from Launceston? Otherwise the Bridgewater brigade would have to be closed. You are going to close a career station because you do not have staff.

Why were there 159 overtime shifts filled in the south alone for the month of October? Why now in Launceston and Hobart are you having to fill overtime every day, every shift? Minister, the summer season has not really hit and you are running on overtime now. You are running out of petrol to fight these fires because the career firefighters are exhausted. You have minimum staffing levels but there is a whole range of roles that you are asking career firefighters to do, district officers, planners, training, building inspection. There are a whole lot of career firefighters that are included in that minimum staffing level but they are not actually doing the work on the shift because you have asked them to do other work. It is legitimate other work but you have to backfill them.

Minister, in all sincerity you have an obligation to convince yourself to ask the tough questions of the department about preparation, because the risk is increasing, the danger is increasing, as are the consequences for not doing that, not only for you personally and the Government, but for regional communities that rely on the professionals and the best possible response.

You are right. There is no blank cheque for this. We know we do not have all the resources to fight all the risks. We have to manage it based on our capability - human resources and physical resources - but I know volunteers in terms of their value. One brigade about 18 months ago wanted to have a fundraising barbecue at Bunnings to raise some money for some equipment for their brigade. The chief fire officer in the department said no because they are fully funded and have all the resources they need. There was a backflip on that after public pressure, but the brigade was told by Bunnings, 'Sorry, you are fully resourced and fully funded so we can't allow you to raise money at Bunnings because it came from the department and the minister that you've got all the money you need and you don't need any money'.

If that is the kind of culture where a decision like that is made, if that is the kind of leadership which says, 'We're fully equipped, we have all the money and all the resources we need', you know that is not true. The risk has changed and there is a range of concerns from senior people who have contacted the media and us, not out of being belligerent or political, but out of fear and concern for their workmates and for their good name, because the TFS has a tremendously good name nationally. I have stood next to them during a key incident.

**Time expired.**

## **The House divided -**

AYES 11

NOES 13

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

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

**Motion negatived.**

## **MOTION**

### **Logging in Forests - Carbon Stores**

[5.06 p.m.]

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

That the House -

- (1) Recognises that in a time of accelerating climate change and increasing CO<sub>2</sub> emissions, natural carbon stores must be protected.
- (2) Agrees that in a climate emergency and biodiversity crisis, there is no economic, social or environmental justification for logging old forests and releasing their carbon stores into the atmosphere.
- (3) Understands that Tasmanian natural, carbon-rich forests are being logged at an accelerating pace under the Liberals, with hundreds of thousands of hectares more available for logging in April 2020.
- (4) Commits to protecting the 356 000 ha Tasmanian Forest Agreement second tranche reserve forests.

I can indicate that at the end of the debate a vote will be required.

There is no question in the mind of any rational person that we are living in a climate emergency. There is no question, if you are prepared to listen to the scientific consensus of around 98 per cent of scientists, that we need to keep the carbon that is in the ground in the ground. That applies as equally to coal mines, as it does to our old forests.

We are also living in a biodiversity crisis.

These two cataclysmic scenarios that we are living through are deeply interconnected. You cannot separate a climate emergency from a biodiversity crisis. Climate breakdown will drive massive species extinction.

We are already being warned that there are about 1 million species at risk of extinction. Now, for anyone who can bear to watch, I urge you to have a look on social media at the pictures of the koala that was rescued from the bushfires in New South Wales the week before last. This little koala, one of an estimated 1000 or more of our iconic native animals, was terribly burned. This footage is of a woman going on the fire ground to grab the burned, charred, screaming koala. She is giving the koala water, she is pouring water on his burnt feet. He goes back to the koala rescue centre. Today we are told that this koala, who they had named Lewis, has died. He is only one of undoubtedly thousands and thousands of native animals that died, and continue to die, in those bushfires that are ravaging through the eastern states and South Australia.

We have a responsibility here in Tasmania, as guardians of our forests, and as custodians - caretakers, if you like - of all the wild creatures that live within them, to protect those forests. It is a moral duty that we now have.

We know that we need to protect those forests because, according to the forest carbon study we commissioned when we were in government, the entire forested landscape in Tasmania stores about 4 billion tonnes of CO<sub>2</sub> equivalent. The 356 000 hectares that were set aside under the Tasmanian Forest Agreement to go into reserves are a massive carbon store of about 13 gigatonnes if you are using the forest carbon study's information. We have in these forests here, in the 336 000 hectares the Liberals want to open up to logging on 8 April next year and across Tasmania's forest estate, an extraordinary carbon bank. It is a carbon bank that we are bound to keep safe for their own sake, for the climate's sake, for the sake of native animals and for our children.

According to the United Nations, CO<sub>2</sub> concentrations in the atmosphere continue to rise. They are rising at about 1.7 per cent every year, despite pledges that were made by nations under the Paris Agreement. Our emissions profile continues to rise. Deforestation is on the rise. Bushfires are burning. Carbon stores in the Amazon, in Siberia, in Antarctica, in South-East Asia, in the Congo, in Australia; massive, precious stores of carbon are being released into the atmosphere. It is immoral for any government to countenance logging these beautiful old carbon banks.

The scientists tell us that one of the most effective ways to bring down emissions and to draw down CO<sub>2</sub> and methane from the atmosphere is to protect our forests, to reforest areas that have been denuded or logged and to rewild our landscapes. We have a unique opportunity in Tasmania to protect our gift to the world. As the holders of this gift, we have a responsibility to make sure it is looked after.

In another time, all the way back in 2014, the newly elected Liberal Government came into this place and tabled legislation called the Forestry (Rebuilding the Forest Industry) Act 2014. It did away with four years of heart, sweat, tears and goodwill between forest industry leaders and the conservation movement, who came together at the table for the first time and agreed that something had to be done in order to end old-growth logging but also to provide the industry with a pathway to a sustainable future, which would include being able to secure forest stewardship certification.

The Liberals came in 2014 and they undid that work. They gave the collective finger to the industry and the conservation movement. That 356 000 hectares of extraordinary forest that was independently verified as being of high conservation value and worthy of protection, set aside as the second tranche of reserves, were given the Orwellian name of Future Potential Production Forests. The Minister for Resources will soon start thumping the table, talking about jobs, jobs, jobs. The Treasurer also described these forests as a wood bank. It takes a special kind of detachment from the living world to describe those forests as nothing more than a wood bank. They are not a wood bank; they are a treasure trove. They are a carbon bank. They are a biodiversity wonderland. They provide mental health and wellbeing to all Tasmanians and people who come to visit them.

This Liberal Government, from 8 April next year, wants to allow the loggers back into those forests. I refer any member who has wilfully ignored the reality of the threat of desecration to these forests that ring all parts of the island, except for the protected south-west World Heritage area, from the southern forests to Bruny Island and the Tasman Peninsula, Wielangta, the forests of the east coast near Triabunna, the north-east tier and the blue tier, the forests in the upper Tamar catchment and on the great western tiers, and the forests of one of the world's most outstanding wildernesses and most significant cultural heritage sites, the forest of takayna/Tarkine.

There is a reason that young people, young Greens, for example, went up into the Tarkine last weekend to learn about that place with Dr Woodruff and the former member for Braddon, Paul O'Halloran, the great teacher, Basil. They came back from that experience transformed. My kid was among them and he talked about this being one of the most beautiful places he has ever seen in his life. These are sacred places. If you are a Christian, and I am not, surely you would understand that they are one of the masterpieces of creation, yet we have a Government that wants to clearfell, burn and chip the Tarkine. Anyone who is thinking rationally knows that the Tarkine should be protected in a national park and World Heritage area and that it would deliver strong economic and social benefits to the north-west coast.

We have these extraordinary forests and a government that wants to plunder them. I was talking earlier about this Government's aggressive detachment from the natural world. It might surprise the minister to know that there are people in the forest industry who respect the work of the Greens and they get in touch with us when they have a bit of information. They know that we are straight shooters on this issue. We do not say one thing to them out of one side of our mouth and vote another way in here. We have some information from a forest industry worker. I know this person's name and I have redacted it from the email.

What is happening in Tasmania right now is that the logging of old growth forests that are currently classified as permanent timber production land is accelerating. The native forest logging industry has indeed been revived. The corpse of the destructive native forest logging industry has been revived under the Liberals and it is coming at the expense of the plantation sector. This is some information that we got from a forest industry worker -

I trust you are well.

You will have noted, I expect, a significant increase in native forest woodchip going through Bell Bay, Burnie, Geelong and Brisbane this last 6 months. This is set to increase. The company responsible is Midway, a publicly listed company. They replaced the sustainable managed plantation hardwood chip

exports with native wood in response to the rapid decrease in the international pulp price in China.

They then reduced the export price for that native forest product by USD20 plus, thereby making the plantation exporters unable to compete. The native product was already cheap to begin with. Now it is the lowest price FOB product in the world.

I appreciate that we all have businesses to run however what investment did Midway make in Native Forest?

No one wants the forest wars to reignite.

I will take a pause there and state the bleeding obvious, which is that there is definitely one person in this Chamber who wants the forest wars to reignite and that is Mr Barnett, the Minister for Resources, who has brought into this place the most draconian, oppressive and anti-democratic anti-protest laws in the country. Would you like a little bit of Mussolini with that, Madam Speaker? I go on:

The current bushfires are enough of a heartache without further stress.

Perhaps they have FSC or PEFC or FSC controlled wood which legitimises the activity. However the more native that is exported at low prices the less investment in sustainably managed plantations will take place due to commercial reality.

The above is my personal observation and is not necessarily a reflection of the company I work for, hence I am not corresponding from my work email.

I don't expect you to do anything other than synthesise the information and perhaps research how much Native wood is being exported by each port.

The Tasmanian Government is somewhat complicit given they have visited North Asia to promote PEFC and Native Forest woodchip credentials twice this year.

If we are to continue native forest exports at least make it fair value for the forest owners.

Sincerely  
Forest Industry Worker

I have no doubt that is all true. I have corresponded with this gentleman and believe that what he says is true and it is a damning indictment on this Government and this minister, which is ramping up the logging of old trees in old forests that are massive carbon stores. It is a direct slap in the face to the 15 000 or more people who gathered on the lawns of Parliament House here on 20 September to strike for a safe climate. It is a direct rejection of the calls of young people for meaningful action on the climate emergency, not lip service, which is what we get from both the major parties. In this state, with our extraordinary carbon stores, we have a government that is

knowingly logging old trees which contain the most carbon, clear-felling and burning and undermining the plantation sector.

When you look at the work that was undertaken by the Greens in government to deliver the forest carbon study, it makes it really clear that some of the most significant carbon stores in Tasmania are in our forests, in the forest soils and in the debris that falls on those soils. I will give you some relativities. The estimate is that in the future reserve forests there is about 13 megatonnes of CO<sub>2</sub> equivalent. Here are some roughly equivalent emissions from about 365 000 hectares. It is approximately an average month of the National Energy Market's 2018-19 emissions, which were 150 megatonnes in 2018-19. It is approximately an average three weeks of Australia's 2017-18 electricity sector emissions. It is approximately a quarter of Australia's car emissions in 2016-17 and slightly greater than Australia's entire domestic aviation emissions. It is approximately half of Queensland's transport emissions in 2016-17 and the same for Victoria's, and it is around seven to eight times Tasmania's 2016-17 transport emissions of 1.6 megatonnes.

Tasmania's total emissions, including land use change and forestry for the financial year of 2017, which is the most recent available, is that we are 0.9 megatonnes of CO<sub>2</sub> equivalent. As a result of the work of conservationists and scientists over a decade and as a result of the heart, the sweat and the tears that was put into the Tasmanian Forest Agreement and the negotiations and the fact that we did get the loggers out of 570 000 hectares of Tasmania's old forests, Tasmania is a net carbon sink. That is one bit of good news, but the danger here is that under the Liberals in government we are going to have CO<sub>2</sub> belching out of our forests.

Are you bored, Dr Broad, or is there something I am saying that offends your scientific sensibilities? I heard you huffing and puffing a few times.

**Dr Broad** - Are you giving a contribution or making -

**Ms O'CONNOR** - I am, but you are making really strange noises over there.

**Madam DEPUTY SPEAKER** - Order, contributions through the Chair, please.

**Ms O'CONNOR** - Madam Deputy Speaker, the risk here is that we are going to lose our capacity to say to the world that we are a net carbon sink. We will not stand for it. We know there are thousands of Tasmanians who support the protection of our forests and there is one thing you can be absolutely sure of, they will not be frightened off by these early onset fascism anti-democracy laws that have been put forward by Mr Barnett on behalf of the Government. There is not enough room in all the jail cells in Tasmania to house the people who will stand up to defend Tasmania's forests. This is something that is deeply felt by people who are connected to the natural world. We regard it as a sacrilege to log those forests. It is a crime against the climate, a crime against nature, and a crime against future generations. It is utterly immoral to allow the loggers to enter the 356 000 hectares that were independently verified as being of high conservation value. The date is coming upon us fast. On 8 April next year the moratorium expires and civil society in Tasmania is not going to stand by and let the logging happen.

I joined the march in the Styx in 2004. There were at least 10 000 people who had made their way out to the Styx Forest and marched to save them. I have marched in rallies, as has Dr Woodruff, to stop the pulp mill. There are thousands and thousands of people, good and true Tasmanians, who defend this island with their heart and soul and body. We are not going to let this happen. We will

fight this every step of the way. The reality is there are so many Tasmanian communities who are touched by these forests.

Late last week I went up to a forests information meeting at Bicheno and heard about how the locals feel about the fact that the forests around them are threatened. On this map which has come from the LIST which describes the permanent production forests and future reserves, you can see that all the pink colour on this - and I hope you understand I am not holding up a prop, Madam Deputy Speaker - all the pink on this is the future reserve forests, treasures of nature, and if you are a Christian and do not recognise that this is one of Creation's greatest masterpieces, then there is something wrong with your interpretation of your faith.

Madam Deputy Speaker, if you believe that human beings actually have dominion over the Earth, there is something wrong with the way you think because you are disconnected from life on Earth. We are all part of the web of life. That is a biological truth. We do not have dominion over this planet. It is not ours to destroy, and those forests are not the Liberals to log.

If they think Sustainable Timber Tasmania will be getting an easy ride on forest stewardship certification when you have one level of government going for the FSC, and that is Sustainable Timber Tasmania, and another threatening to log some of the most significant high-conservation-value forests - most carbon-dense forests on the planet - it is not going to happen. We are not going to stand by and let that happen. We will not be scared by those dangerous laws, and we know that a very significant percentage of Tasmanians agree with us.

Mr Deputy Speaker, the forest industry's own polling, which was leaked and then made public after it was leaked nationally, found that in Tasmania there is 71 per cent support for ending native forest logging. So, whose side is this minister on? He is not on the community's side. If he was on the industry's side, he surely would want them to have a GBE that could get forest stewardship certification. Whose side is he on? He is not on Tasmania's side. He is on the side of pillaging and plundering some of the greatest natural treasures on Earth.

I commend the motion to the House.

[5.32 p.m.]

**Mr BARNETT** (Lyons - Minister for Resources) - Mr Deputy Speaker, on behalf of the Government, I will be leading the charge and indicating strong opposition to this particular motion, and say up front that one of the reasons we have the fastest growing economy in Australia, and we are proud of it, with between 15 000 and 16 000 extra jobs since we came to government, is because we have put measures in place to rebuild our forest industry and, guess what? It has worked, and it is working, and we have every intention for it to continue to work. We want the forest industry to be rebuilt, unlike the Greens, who have a policy, pure and simple, to close down the native forest harvesting industry in Tasmania. That is their policy.

**Ms O'Connor** - Yes, we confess.

**Mr BARNETT** - So the Leader of the Greens confesses to that.

**Ms O'Connor** - We confess that we are here to protect nature.

**Mr BARNETT** - What we know is when that policy is implemented, if it were ever to be, and woe betide if it were ever to be implemented, not only hundreds but thousands of Tasmanians would

be put out of work. Rural and regional Tasmania would be decimated. This is exactly what occurred under the Labor-Greens government previously, with all the lock-ups, two out of three jobs in the forest industry -

**Ms O'Connor** - Lock-ups? Are you serious?

**Mr BARNETT** - Mr Deputy Speaker, as I was saying, under the Labor-Greens government, two out of three jobs were lost, 4000 jobs. People suffered economic and social misery of the worst order under the Labor-Greens government. All that occurred on the watch of the Greens in cahoots with Labor under that coalition Labor-Greens government.

We know full well, on this side of the House, that wood is good. I have said it time and again, and I will say it again: wood is good. It is recyclable, it is sustainable, it is renewable, it is the ultimate renewable. We are in a Chamber here surrounded by beautiful timber, beautiful brown and light timber.

I was with members of the forest industry last night with the visiting architects program and it was excellent because they were proud and positive about their industry and their future under a majority Hodgman Liberal Government. That is very encouraging indeed. The specialty timbers were a feature of the timber in this place, in Parliament House and the committee rooms, for example. I do not know about the Greens, but I am proud of it. I know other people in here are proud of it, which is excellent.

**Ms O'Connor** - They would be the rainforest species that were left to burn on the forest floor in the past.

**Mr DEPUTY SPEAKER** - Order.

**Mr BARNETT** - The motion before us is an ideological thought bubble from the Greens, consistent with their anti-everything practice and process and agenda to close down industry, productive industries, and specifically the forest industry. They have a policy to close down native forest harvesting and the native forest industry in Tasmania.

Guess what, let me move slightly to Victoria. You knew it was coming -

**Dr Broad** - Of course I did. You are so predictable.

**Mr BARNETT** - Dr Broad, the Victorian Labor Government just a few weeks ago did that. They took on board the views of the Greens. They wanted to capture those inner-city Greens votes, and they just threw onto the unemployment scrap heap thousands of Victorians in rural and regional Victoria, using \$120 million of Victorian taxpayers' money to close down native forest harvesting.

I would like to know the views of the Labor Opposition in this parliament. Do they support the decision of the Victorian Labor Government to do exactly what the Greens want them to do, and that is to close down the native forest sector? What we need to know today from the Labor Party and their representative, Dr Broad, is does he support what has occurred in Victoria? They have been mute when it comes to forestry and jobs in this sector across the state, and specifically in Victoria.

We know what happened under the Labor-Greens government with the Tasmanian Forest Agreement, under that TFA. We took it to the election and what did the people say? They said,



'We support a majority Hodgman Liberal Government. We support you to tear up that TFA and to reinvest in our forest industry and help rebuild it.'

In addition to that, the Greens are up to their tactics, as usual, to paint a picture that we are doing nothing when it comes to climate change and the environment. We are delivering big time when it comes to the Tasmania First energy policy. Why will the Greens not come on board and support that? Why will Labor not come on board 100 per cent and say, congratulations, well done? By 2022 we will be delivering 100 per cent fully self-sufficient, fully clean renewable energy. Fantastic. Low-cost, reliable, clean energy.

Why will they not say, 'Good on you, well done, Government, good job, that is the way to go'? Why will they not come on board and support our renewable energy developments, including the Marinus Link and Battery of the Nation pumped hydro? What about the wind farms on the north-west coast and elsewhere? Bob Brown, we know, is totally opposed, and what is the position for the Greens? They have been mute on it and they need to come clean. They need to come clean and express their position.

We have heard some of the views of the Leader of the Greens with respect to carbon in wood. Let us just have a look at some of the scientific reports of the fact that wood is good. It is recyclable. It is sustainable. It is renewable. In fact, it is the ultimate renewable. The Government accepts the view of the experts, namely the Intergovernmental Panel on Climate Change, the Food and Agriculture Organization and the International Energy Agency. Let us see what they say about this:

The sustainable management of forests, including a mixed strategy of conservation and timber production, is optimal for atmospheric carbon reduction.

To quote the IPCC *Special Report on Climate Change and Land*, which was released in August 2019, just a few months ago:

Sustainable forest management can maintain or enhance forest carbon stocks and can maintain forest carbon sinks, including by transferring carbon to wood products ...

Another quote:

Where wood carbon is transferred to harvested wood products, these can store carbon over the long-term and can substitute for -

**Ms O'Connor** - You are cherry picking from that report, which was very clear about protecting forests.

**Mr DEPUTY SPEAKER** - Order.

**Ms O'Connor** - What a wonderful sound that was, Mr Tucker, thank you.

**Mr BARNETT** - emissions-intensive materials reducing emissions in other sectors ...'.

Tasmania's forest operations produce responsibly-sourced wood that is both renewable and sustainable.

**Ms O'Connor** - Lie.

**Mr BARNETT** - Excuse me.

**Ms O'Connor** - I said that was a lie.

**Mr BARNETT** - You should be withdrawing that.

**Mr DEPUTY SPEAKER** - Could you please retract that, Leader of the Greens.

**Ms O'Connor** - Do you think it is true? Do you think it is not a lie?

**Mr BARNETT** - You have said that I have just lied. That is wrong.

**Mr DEPUTY SPEAKER** - Withdraw, please.

**Ms O'Connor** - Yes, I do. I withdraw, but you did.

**Mr BARNETT** - I will attempt to continue, despite the interjections from the Leader of the Greens -

**Dr Woodruff** - Try to be honest while you do it.

**Mr DEPUTY SPEAKER** - Order, Dr Woodruff.

**Mr BARNETT** - and the Greens member for Franklin. Our wood products store carbon absorbed from the atmosphere. After wood is harvested, our trees are replanted. Our timber is the ultimate removal, as I have been saying.

In Tasmania we have the Wood Encouragement Policy. We are the first state that has introduced the Wood Encouragement Policy. I was at a forestry ministers' meeting in Adelaide on Monday last week, and Tasmania is leading the way across the country. We are pleased and proud of what we are doing for our forest industry. I am not surprised that we have confidence back in the industry after the five years we have spent rebuilding it. Why is it that production and confidence are up? Why is it that we now have 5700 jobs in the sector after it being decimated, cut down to its knees under the Labor-Greens government? It is because of the Hodgman Liberal Government and our policies to rebuild the sector.

We have a WEP and a 20-year, rolling regional forest agreement. Again, the first in Australia. I am proud of that, and signed that on behalf of the Government, together with Premier, Will Hodgman. That was a great day at Neville Smith Forest Products in Invermay with the Prime Minister and the minister for Forests, Anne Ruston, at the time. That gives confidence. That says resource security is locked in and we are so pleased and proud of that effort because it is good for the economy, the environment and it is good all-round.

The importance of the industry should not be underestimated because there has been a lot of talk about native forestry. It supports more than 40 per cent of Tasmania's total forest industry jobs. Where are these jobs? More than 60 per cent of forestry jobs are located in Tasmania's north and north-west. According to polling, 90 per cent of Braddon voters support the native forest industry

in Tasmania and over 80 per cent in Bass recognise the importance of the native forest industry to our economy.

In terms of the Greens policy to close it down, to halt it, to kill it off; guess what? Not a good strategy, not when it comes to public support. That is why you got less than 4 per cent at the last election in Braddon. Your plan to lock up and extra 10 per cent of Tasmania in a world heritage Tarkine national park is not such a good strategy. It did not go down so well in Braddon, did it? That sends a message and that is why we are in Government and delivering a long-term plan to grow and rebuild the forest industry.

The Future Potential Production Forest that the member incorrectly asserts again and again as reserve forest; that is wrong. It is a wood bank. It is Future Potential Production Forest. That is exactly what it is and the member knows it but she attempts to give it a different name. She also attempts to mischaracterise the date of April 2020, which is set out in legislation. The member knows that certain terms and conditions must still be met and there still must be support from both Houses of this Parliament.

I would like to throw a special commendation to the specialty timber sector and say, thank you for what you are doing because without our native forest industry, you would not have a specialty timber sector, you would not have boat building, furniture building and all those fine craftsmen in Tasmania. It would not happen.

**Ms O'Connor** - This is the timber that was left on the forest floor to burn by Gunns and Forestry Tasmania.

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

**Ms O'CONNOR** - Point of order, Mr Deputy Speaker. I do not want the minister to mislead the House. The rainforest timbers were left by Gunns and Forestry Tasmania to burn on the forest floor over decades and that is why their resource is substantially diminished.

**Mr DEPUTY SPEAKER** - That is not a point of order and you know that.

**Mr BARNETT** - Thank you, Mr Deputy Speaker. The lame attempts by the Leader of the Greens to distort the truth is absolutely rejected. I am proud of the native industry and the specialty timber sector.

I want to make it very clear with respect to trees, I have said wood is good, trees increase productivity, particularly on-farm. Trees improve water efficiency and water quality. They can improve the carbon balance and they protect the land for the future. There is a global demand for timber, which is expected to quadruple by 2050. That says that Tasmania is in the box seat. It says Tasmania has a great strength here, one of our natural advantages, and this is what I say to my kids; build on your strengths, be the best that you can be. I say it to our communities, our small businesses and there are many of those around Tasmania that I would say the same to; build on your strengths. We have natural advantages in Tasmania. We grow trees really well. Let us do it, Mr Deputy Speaker.

This motion is an ideological thought bubble for the Greens. It is consistent with their attacks on the forest industry and to put people out of work in rural and regional Tasmania. It should be opposed and the final call again is to the Labor Party to ask, what is your position with respect to the Victorian Labor Government crying out for support in inner-city Melbourne to try to get those

Greens-oriented, socialist left votes? They are putting thousands and thousands of Victorians on the unemployment scrap heap at the cost of taxpayers' money, just as they did under the Labor-Greens government prior to our election in March 2014. What is Labor's view, what is their position? Please disclose so that all are aware.

[5.47 p.m.]

**Dr BROAD** (Braddon) - Mr Deputy Speaker, Tasmanian Labor supports the native forest sector and we do not support, as the member for Clark has indicated, a shutdown of the native forest industry. We think that the native forest industry has a significant role to play and should be supported into the future. As such, we have supported both the Strategic Growth Plan for the Tasmanian Forests, Fine Timber and Wood Fibre Industry and the Special Species Management Plan.

I will address some of the things the Leader of the Greens, the member for Clark, expressed, which is utter nonsense.

**Mr Barnett** - Victoria, come on.

**Dr BROAD** - Other states can do what they like.

**Mr Barnett** - You're mute on it.

**Dr BROAD** - And you are foolish. I want to talk about some of the things that the member for Clark raised. The member for Clark is very good at the emotive language, her expression and the way that she presents an argument. However, the problem with the argument is that most of it is, unfortunately, utter nonsense, especially when the member talks about carbon.

We have seen in the past how the Greens reformat their arguments based on the current circumstance. What we see now is that the shift away from talk of the importance of forestry in terms of biodiversity and so on to being carbon rich. We hear the carbon rich argument being put with increasing frequency, so we have to have a discussion. The minister alluded to some of it, but I would like to point out to the member for Clark what actually happens when a tree is harvested.

When forest operations go into a coup and a tree is logged, the carbon does not simply evaporate into the atmosphere and cause global warming. That is not what happens. What happens is that tree is put on the back of a log truck and taken somewhere and processed into timber products, flooring.

**Ms O'Connor** - Usually woodchips for toilet paper.

**Dr BROAD** - We are talking about native forests. A lot of it is going into flooring. A lot of the tree remains on the forest floor: the leaves, the branches, the bark, not to mention that most of the tree is underground. When you look at a tree, half of its biomass is underground.

**Dr Woodruff** - He doesn't know what he's talking about.

**Mr DEPUTY SPEAKER** - Order, Dr Woodruff.

**Dr Woodruff** - You are totally wrong.

**Mr DEPUTY SPEAKER** - Order, Dr Woodruff. Do you want your first warning?

**Dr BROAD** - They are absolutely intolerant of any other opinions. If that gets milled into a timber product, into panelling, into plywood, then that goes into the market and replaces carbon-intensive products like steel and concrete. A sustainable native forest industry is part of the solution to climate change because it replaces those carbon-intensive materials like steel. If you want a beam to cross a big span, do you put in blue laminated beams, or do you go to a carbon-intensive product like a steel beam? If we talk about carbon accounting then you are far better having a wood product there than a steel or concrete product.

**Ms O'Connor** - What about the standing forests?

**Dr BROAD** - Let us talk about standing forests. In Tasmanian forests we have wet sclerophyll, we have dry sclerophyll and then we have rainforest. What happens in a dry sclerophyll forest when it reaches a certain age, when it is mature, when it is old forest, as the member for Clark talks about? What happens then is carbon is in equilibrium. It gives off carbon through decay and it locks up carbon at roughly the same rate. There are a few things that can happen to a dry sclerophyll forest. One is that it can be harvested, it can be managed or it can be not managed, and then it is basically waiting around for a catastrophic bushfire, because these forests will burn. It is not a matter of if it will burn, it is a matter of when it will burn.

We also have this idea of rewilding and this myth of wilderness and the idea that the Tasmanian landscape has never been managed, that if you see tree on a hill, it has always been there. It is not the case. There has been a significant change to the management of Tasmania's forest because it has not been continually burned but it was continually burned for thousands of years. The idea that you can walk away from forests and they will stay the same is a complete fallacy. It is not the case. If you go into the historical records, if you look at historical paintings from colonisation, you will see a much more open landscape than we see now. That is the case in Victoria and other places as well.

What happens to these forests if there is a catastrophic fire? All that carbon goes up into the atmosphere and it is horrendous for the environment. Catastrophic bushfires are the worst thing you can see in terms of carbon and damage to the environment.

**Dr Woodruff** - So you want to get rid of trees? Is that your plan, Dr Broad?

**Mr DEPUTY SPEAKER** - Order, Dr Woodruff.

**Dr BROAD** - If it is a wet sclerophyll forest other things can happen. We know that eucalypts drop their leaves and branches and actively encourage fire because that is their advantage over rainforest species. If there is a period of time, hundreds to thousands of years, where there is an absence of fire in a wet forest, then it transitions to a rainforest. We know that research in Tasmania shows that if that happens there is significantly less carbon in a rainforest than there is in a wet sclerophyll forest, in a wet eucalypt forest.

**Ms O'Connor** - Have you got something you can cite as evidence?

**Dr BROAD** - Yes. I have Martin Moroney's work.

**Ms O'Connor** - You mean the fake scientist for Forestry Tasmania?

**Mr DEPUTY SPEAKER** - Order.

**Dr BROAD** - This is the absolute intolerance of the Greens. We have published, peer-reviewed work by a scientist that is simply dismissed. His reputation is machine-gunned by the Greens because he does not suit their ideological position that every tree is sacred.

**Dr Woodruff** - Keep your pet paid scientist. Pick the one paid by Forestry Tasmania. What a joke.

**Mr DEPUTY SPEAKER** - Order, Dr Woodruff.

**Dr BROAD** - That is where we are heading with this. Their ideological viewpoint is that every tree is sacred. They move away from biodiversity to where you cannot touch a tree because it has carbon in it, because it is biodiverse, because it is whatever. That is the way they are moving. Every tree is sacred and when somebody stands up and contradicts them then it is a religious thing. We heard all sorts of really weird arguments here today that if you cut down forests or if you process wood from native timbers then you cannot be a Christian or you cannot be anything. I cannot be a scientist because I do not believe in their ideology. They are intolerant of any other opinion and it is a disgrace.

**Dr Woodruff** - You can't be a scientist because you don't listen to scientific evidence and you don't look at your sources. Sources should not have conflicts of interest like being paid by the company they work for.

**Mr DEPUTY SPEAKER** - Order, Dr Woodruff.

**Dr BROAD** - I am quoting from Martin Moroney's work which is in a peer-reviewed scientific journal. It is a simple calculation.

**Dr Woodruff** - That is not an independent source.

**Mr DEPUTY SPEAKER** - Order, Dr Woodruff.

**Dr BROAD** - Wet sclerophyll forests have much more dense carbon because they are much bigger physically: they are taller forests. As they transition into rainforest they are physically smaller and contain less carbon. It is an indisputable fact. The fact that the Greens dismiss that offhand because the author is not on their list of approved scientists is an absolute disgrace. I have spoken in this place before about the machine-gunning of scientific reputations. It is disgraceful and the Greens are terrible at doing that. They should hang their heads in shame. They have this idea that you can rewild and simply walk away from these forests and nothing is going to happen. The carbon is going to sit there in eternity.

The minister quoted from the latest IPPC report. I will take that on face value but we know -

**Dr Woodruff** - You should not call yourself a scientist, Dr Broad.

**Mr DEPUTY SPEAKER** - Order, Dr Woodruff, first warning.

**Dr BROAD** - Why can't I call myself a scientist?

**Dr Woodruff** - Because you're not applying the basic rules of science: conflict of interest, independence and evidence.

**Mr DEPUTY SPEAKER** - Order, Dr Woodruff, second warning.

**Dr BROAD** - Absolute disgrace. If you do not believe in the Greens' mantra you cannot be a scientist, you cannot be a Christian, you cannot be a policy maker. You have this list of massive intolerance from the party that is supposed to be tolerant. What a crock, seriously.

What happens if you just leave these trees alone? They have to burn. How do you prevent those burns? How do you prevent catastrophic bushfires? Those forests have to be managed. How do you manage those forests if there are no roads, if there are no firebreaks, if there is no fuel reduction? If large patches of forest have no access, how do you get in there to control fires? Your only option is to try vainly to bomb from the skies with increased size aeroplanes and so on, dropping more and more and more water, which we know will not stop a catastrophic fire. Those dumps of water are good for protecting assets like houses and maybe for hitting fire fronts that are slower burning. When it comes to a catastrophic fire there is nothing that can stop it without you being able to get in there and control the fire early, or put in firebreaks and the like, or do fuel reduction burns.

If the forests are left to rewild, as the member for Clark talks about, there are no trained workers there, there are no bulldozers, there are no roads, and there are no firebreaks. The only thing that will happen is that when a bushfire gets going and in the conditions like we are seeing more and more frequently, there will be a catastrophic fire and all that carbon will go into the atmosphere. It will be devastating for the ecology and it will take hundreds of years to recover. Whereas a sustainably managed native forest system where you go in and log coupes and do not come back for another 100-odd years is good for biodiversity, because these forests are actually accustomed to disturbance.

When you cut down those trees other trees grow. You show these photos of a logged coupe with the pretence that is always going to look like that. There is going to be a tree stump for a thousand years and it is going to be a moonscape. You go back there in a few years time and all the trees are growing again and those trees that are growing are locking up more and more carbon, far more carbon than -

**Dr Woodruff** - You are being untrue. That is totally false. It takes 120 years.

**Mr DEPUTY SPEAKER** - Order, Dr Woodruff.

**Dr BROAD** - What? Growing trees do not lock up carbon, everybody. That is false. I have been called out because growing trees do not lock up carbon.

**Ms O'CONNOR** - Point of order, Mr Deputy Speaker. Dr Broad, in trying to defend the indefensible, is totally misrepresenting the science and misrepresenting our position and it is deeply disappointing that we have a scientist in this place who is prepared to do that. Dr Woodruff is not prepared to do that.

**Mr DEPUTY SPEAKER** - You know that is not a point of order.

**Ms O'Connor** - It is a point worth making, though.

**Time expired.**

**The House divided -**

**AYES 2**

Ms O'Connor  
Dr Woodruff (Teller)

**NOES 22**

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

**Motion negatived.**

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

**LONG SERVICE LEAVE (STATE EMPLOYEES) AMENDMENT BILL 2019 (No. 47)**

Bills agreed to by the Legislative Council without amendment.

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

**Second Reading**

**Resumed from above.**

[6.06 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Mr Deputy Speaker, I believe I have 16 minutes left to talk and I can flag that towards the end of that I will be moving an amendment.



Before the break, I was talking about that small conga line of middle-aged white men who supported the minister in bringing forward this legislation. There is a small part of the establishment here that has lined up behind this minister in support of the most undemocratic and chilling legislation, we believe, that has been tabled in Australia. There is a small group of unrepresentative bodies that support this legislation. But the group of stakeholder bodies that condemn this legislation, that have strongly encouraged the Government not to go forward with it, and have exposed its many flaws, is a large group.

We have organisations, for example the Tasmanian Council of Social Services (TasCOSS), which has a submission that was lodged in March this year, which again was completely ignored by Government. In the TasCOSS submission to Government in March this year, freedom of assembly for the purpose of political expression is particularly important to people and groups in the community who struggle to have their voice heard in the political and legal realms. In addition, many of the traditional mechanisms of having one's voice heard, such as submissions on draft legislation, or writing to members of parliament, depend on issues already being on the legislative agenda. Where they are not, peaceful public protests enable citizens to raise issues of concern, so that these might become matters to consider for legislators and policy makers.

Mr Deputy Speaker, here is an important part of our history as an island community, where people will stand up to say 'no' to the abuse of power, try to stop harmful government laws and policies, and to defend the places they love, to defend the rights of workers.

The TasCOSS submission says this -

There are Tasmanian examples of protests being viewed as disruptive but, ultimately, the protests were seen as worthy and even as having made a significant contribution to the future of the state. For example, the human rights protests at Salamanca Market by gay and lesbian protestors resulted in arrests over disruption of public amenity and the business of other stallholders. These protests paved the way for significant gay and lesbian law reform in Tasmania. Recently the Tasmanian Government apologised to those it arrested and a key player in those protests, Rodney Croome, is now seen as a champion of human rights and a quality in the state.

The submission goes on -

A second example are the protests to save the Franklin River from being dammed. Protestors deliberately obstructed access to the site by Hydro workers, as part of a strategy of civil disobedience. The river runs through what is now a World Heritage area that is the cornerstone of Tasmania's booming tourism industry.

A final example that TasCOSS puts forward occurred in the year 2000, and involved a coalition of organisations, including TasCOSS, protesting outside the Executive Building, which as we know for the purposes of this amendment bill, is a prohibited place, as it is a workplace.

They argued that electricity concession should be extended beyond pensioners to include health-care card holders, who are on lower incomes than pensioners. As a result of that action, the Government agreed to grant the extension to concessions.

In these examples, preventing or disrupting access to workplaces was a strategy of civil protest that produced outcomes most Tasmanians would now believe are just and beneficial. TasCOSS simply, at the end of its submission, calls on the Government, says to the Government, TasCOSS does not support the proposed amendments to the act. TasCOSS instead recommends that the act be rescinded.

As we know, there is an act that the Government is seeking to tuck up today, that is sitting on the statutes that was struck down by the High Court. There is an old saying, you cannot put lipstick on a pig. That is what this Government is trying to do with this amendment bill.

I go to one of the great Tasmanian legal minds, Terese Henning, from the Tasmania Law Reform Institute, who wrote in an opinion piece in the *Mercury* on 21 November - great start to this opened too, by the way:

Fearful governments breed fearful times. Their apprehension manifests in repressive policies, laws and justifications that depend upon and breed more fear.

The latest manifestation of this is the Tasmanian Government's Workplace (Protection of Lawful Business Activities) Bill of 2019. This Bill represents another incursion on Tasmanians' fundamental freedoms, this time under the guise of protecting business.

The core aim of this Bill is to confine citizens' freedom of assembly and right to political process.

This, from the leading lawyer at the Tasmania Law Reform Institute. She goes on to talk about the extraordinarily broad scope of this legislation, and how it will impact on the lives of just about every Tasmanian. These amendments turn every part of Tasmania's land and sea and Crown lands, our roads and our thoroughfares, into prohibited places. They turn our wilderness into a prohibited place. They are disgraceful laws.

If you do not want to listen to Terese Henning for some reason, you might want to listen to Community Legal Centres Tasmania, who in their March submissions, was again completely ignored by the Government. Just this one paragraph:

We are strongly opposed to the *Workplaces (Protection from Protesters) Act 2014*. ... In our opinion the Act is unnecessary, with existing legislation already providing sufficient scope to punish illegal protest. For example, under the *Police Offences Act 1935* ... it is an offence to unlawfully enter land with the penalty for non-residential land being a fine of up to \$650 or a prison term not exceeding six months. Additionally, the *Police Offences Act* ... makes it an offence to destroy or injure property, with the penalties being a fine not exceeding \$1300 or a prison term not exceeding 12 months.

One of the things this bill does, because we know there are already trespass provisions in Tasmania's laws, is that it treats trespass against a business as a higher order offence than trespass against a person's property. It is favouring business over everyday Tasmanians and their land and their houses. That is wicked. It is just one of the reasons this legislation is so utterly odious.

I talked earlier about one of the nation's leading constitutional experts, Professor George Williams, who in a succinct and very pointed submission to Government, which again was completely ignored, says:

... despite the Bill's amendments to the Act, key provisions remain in breach of the implied freedom of political communication. We identify a series of concerns as to the breadth of the operation of these provisions that demonstrate it is not appropriate and adapted to a legitimate objective compatible with the constitutionally prescribed system of representative and responsible government.

It goes on to say that the definition of a business premises, which sits in the principal act now, was not changed. I will take people to that already extraordinarily broad definition of what a 'business premises' is -

### **Meaning of business premises**

(1) In this Act -

*business premises* means -

(a) premises on which -

- (i) mining; or
- (ii) mining operations; or
- (iii) exploration for minerals –

within the meaning of the Mineral Resources Development Act 1995, is or are being carried out or is or are authorised under an Act to be carried out; and

(b) premises that are forestry land; and

(c) premises used for agriculture, horticulture, viticulture, aquaculture, commercial food production or commercial food packaging, or as an abattoir, or for any associated purposes; and

(d) premises used for manufacturing, building, or construction, for the purposes of a business activity; and

(e) premises used as a shop, market or warehouse; and

(f) premises used for the purposes of the administration or management of the conduct of business activities in relation to premises that are referred to in another paragraph of this definition; and

(g) premises occupied by a Government Business Enterprise that performs functions, or exercises powers, in respect of a use made of other premises that are referred to in another paragraph of this definition; and

...

There is an amendment that deletes paragraph of that definition that includes vehicle in it (h), then it concludes with -

- (i) premises used for purposes ancillary to the carrying out of a business activity on business premises that are referred to in another paragraph of this definition.

You have the nation's leading constitutional expert pointing out to you the numerous problems with the draft bill that you put forward that seeks to put lipstick on a pig and are completely ignored by Government. Every one of the submissions has been completely ignored.

I will take the opportunity to move our amendment, pursuant to standing order 194. Mr Deputy Speaker, I move -

That all words after 'That' be omitted and the following words inserted instead -

'The bill be withdrawn and redrafted to repeal the *Workplaces (Protection from Protesters) Act 2014* on the basis that the Principal Act to which the amendment bill relates is not constitutional, the amendment bill does not correct this unconstitutionality, and the unconstitutional Act should be struck from the statutes as soon as practicable.'

We are doing this because it needs to be done. We should not be in this place, seeking to insert amendments into legislation that has been found to be unconstitutional and which, on the advice of the Gilbert + Tobin Centre of Public Law, and Professor George Williams, and the UTAS constitutional expert, Dr Brendan Gogarty, has not sufficiently addressed the issues that were raised by the High Court in its decision that struck down the principal act.

We are moving to do what parliament should have done very quickly after that act was struck down. This legislation must be repealed. It is dangerous to our democracy. It seeks to crush our democratic spirit and to stifle dissent. It seeks to silence Tasmanians and it is not something that this parliament should stand for, by or with. We should not be seeking to amend legislation already found to be deeply wanting and invalid by virtue of the fact that is unconstitutional. That was the advice that legal experts gave Mr Barnett and the Government back in March.

This bill and the principal act should not be being debated in here today. They are being debated because this Government is so desperate not to be held to account for the mess it has made of the health system, the housing system, the lack of preparedness for the bushfire season this year or its privatisation and degradation of wilderness. The Liberals do not want to be held to account for that and that is why we are dealing with an amendment bill that maintains, we would argue, many of the unconstitutional provisions that were in the original act.

There are issues in the minister's second reading speech. It states in the last paragraph, 'More than 50 targeted stakeholders were sent a copy of the bill and invited to make a submission ...'. Can the minister tell us which stakeholders were targeted for consultation? Was comment sought from any group that had previously been critical of the anti-protest laws, or was it only a supportive group? Was there another round of consultation after the March round in which everyone who is anyone with a legal brain held this up to government and said, 'wrong way, go back'? Was there another special little consultation with the Tasmanian Chamber of Commerce and Industry, Tasmanian Farmers and Graziers Association, Terry Edwards and the Small Business Council?

Was it their professional advice that the Government followed in bringing forward this amendment bill?

We will not see the Solicitor-General's advice on this issue but we should. I would bet my house on the Solicitor-General having a very similar view to Professor George Williams, Dr Brendan Gogarty, Terese Henning, the Community Legal Centres and Civil Liberties Tasmania. If you understand the law, you cannot support these amendments; unless you do not ask him, but I have a feeling they did.

**Ms O'Byrne** - Would they ask the question if they knew the answer was going to be no?

**Ms O'CONNOR** - I have a strong feeling that they did. The minister says in his second reading speech that more than 400 submissions were received in response to the bill, but the Department of Justice website displays each of these submissions. Can you confirm that only two supportive submissions were received; one from the Tasmanian Minerals and Energy Council, and the second from an individual Tasmanian resident, Mr Trustum? That is two supportive submissions out of the 400 the minister says were received. That does tell you something. It tells you that there is not community or stakeholder support for these amendments or for the principal act.

We had, on the day of the announcement, a quite remarkable statement made by the minister that these laws could lead to up to 21 years in jail. Dr Woodruff and I, in our office, have combed through the bill. There is no mention of 21 years in jail, so the minister needs to explain how it could be that, simply for peacefully protesting, you could face 21 years in jail, or was he only saying that in the same vein as these amendments have come forward; and that is to scare people? Those of us who are thinking clearly know the answer to that question. We have the *Mercury* newspaper on 15 November, quoting Mr Barnett saying -

They are very tough. Let's make it very clear in terms of impediment and trespassing with an intent to impede, the first offence is 18 months and the second offence is four years, with a \$10 000 fine.

And that will be decided obviously in a court of law.

Secondly, in terms of intrusion there could be absolutely up to 21 years jail, depending on the circumstances.

A new paragraph 6(4) is proposed in clause 10 of the bill, which sets a maximum penalty of either 18 months or four years. Where did the minister get 21 years from? He might be correct, but section 389 of the Tasmanian Criminal Code says otherwise, and that says -

Subject to the provisions of the Sentencing Act 1997 or of any other statute, and except where otherwise expressly provided, the punishment for any crime shall be by imprisonment for 21 years, or by fine, or by both such punishments, and shall be such as the judge of the court of trial shall think fit in the circumstances of each particular case.

We cannot see how the provisions in this legislation would add up to a 21-year sentence, so either minister Barnett is telling the truth, which is unusual and deeply scary, or he is lying, which is not unusual but deeply disturbing. What we know is that when you say that sort of thing as a minister of the Crown you are terrifying the bejesus out of people, good people who would go into

Lake Malbena to protect Halls Island and their right to use the wilderness and not have Halls Island privatised. You terrify people who were gathering in the foothills of kunanyi in May 2018 to defend the mountain.

But you are not going to scare civil society out of standing up for Tasmania. You are not going to scare the unions and workers for standing up for workers' pay and conditions and standing against corporations which are increasingly stealing their wages. The minister can try to terrify Tasmanians by threatening 21 years in jail just for standing up for your place or your rights, but it is not going to work, because in our DNA on this island, from almost whatever sphere of the community you come, at some point or another you have been part of an event or a protest or taking on a business. It is part of our spirit as islanders to be robust participants in this democracy and to defend it.

I have moved for repeal of the legislation and I want to go through the problematic clause provisions and quote from the work of Dr Brendan Gogarty at UTAS, and I am grateful for the briefing he gave us. Dr Gogarty also wrote a Talking Point piece for the *Mercury* where he says 'the workplace bill is a charter of rights for companies in a state that won't enact one for its citizens', and he gives an example of how obscenely broad the reach of this bill is:

... telling the cashier you won't leave until you get your refund; just writing to your employer to say you'll stand outside their business if they don't pay you ... posting to Facebook that you will go to Salamanca to hand out pamphlets is all prohibited by jail sentence.

Why is this Government trying to scare people and waste parliament's time with legislation that is so manifestly over the top and punitive? Other speakers have gone there, as have I; it is a government that is running away from its own epic policy failures.

When we look at some of the provisions in the bill, such as section 6, Dr Gogarty says:

Given the complexity of the amendments and how much of the legislation needed to be modified, a range of 'dead wood' provisions appear to have been left within proposed legislation. For instance:

1. Proposed s 6 of the amendment-bill amends the definition of 'business-related object'. However, all provisions of the legislation which contain the term 'business-related object' are then removed by the amendment bill. Other definitions in s 3 (process, timber) appear similarly redundant.
2. While the Amending Bill states 'Sections 6, 7 and 8 substituted' in fact no substitute is provided for s 8.
3. S 11 has also been removed entirely.
4. Newly inserted provisions such as 5A are lacking fundamentally important definitions relevant to the operation of the provision.
  - These include 'prescribed manner', 'prescribed words' and 'prescribed distances'.

- The bill does not set out what these prescribed things are, the process for their prescription or any relevant definition of the terms that might assist the reader to understand how the provision will operate.

Perhaps almost as chilling as the attempt to make all parts of Tasmania, with the exception of hospitals and educational facilities including kindergartens, and charitable organisations exempt from the definition of 'prohibited places' is the removal of section 11 - move-on powers of police - which is extremely disturbing and sets an awful precedent for how police respond to peaceful assembly and peaceful protestors. This bill removes the police move-on powers, and I will quote from Dr Gogarty again:

The removal of entire provisions from the anti-protest legislation has had the side effect of removing limitations on executive power, and therefore civil rights. It is unclear whether this was intentional.

Well, I am going to take a punt there and say that it was.

Of particular concern is the entire removal of sections 8 & 11 without replacement. These sections, amongst other things, allowed police to direct persons away from a 'business premises' or 'business access area' prior to arrest.

Dr Gogarty goes on to point out what we know, that the bill is overly broad and excessive in scope. He says on section 6:

As noted, much has been cut from the bill in the effort to render it compliant with the High Court's judgment. However, the result of removing qualifying and clarifying elements of offense renders some provisions broader and less precise. This is most evident in the proposed offense provision, s6.

Section 6 aims to proscribe impeding - defined to include 'preventing, hindering or obstructing' ... 'business activity'. Given they are not further defined or circumscribed, each term relies on its common-law definition, which effectively extends 'impeding' to:

- Any act which makes any aspect of a business more difficult to carry out.
- So long as the effect of impeding is 'appreciable'.
- Regardless of whether the interference is complete, serious or even physical in character (i.e. interfering with the market for a product hinders, and therefore impedes a business).

As we know from an example that was given on statewide radio the week before last by highly respected barrister, Roland Browne, you can be a person who is annoyed with Bunnings and you can go into Bunnings and say, 'I'm not leaving this shop until I get a refund', and if the staff person at Bunnings says to you, 'I'm not giving you a refund and you have to leave', and you do not, you are captured by this bill and face potential jail time. Some of the stuff Roland was talking about on the radio included that the High Court had no trouble seeing through what the Government was doing in Tasmania in 2017. He said that the background to this case in the High Court was determined on a set of agreed facts between his clients, champions of Tasmania, Bob Brown and

Jessica Hoyt, and the state of Tasmania. Part of those agreed facts included how environmental and other changes in Australia have come about as a result of peaceful protest over the preceding 30 years. In its judgment the High Court recognised the role that peaceful protest has in a democracy, and one of the big issues in that case was the way the original bill, or the original act, interfered with political communication, and that is why it was struck down.

Mr Browne agrees with the assessment of many rational people who have looked at this bill and determined that it is intended to have a chilling effect and silence dissent.

I want members to think about the kind of Tasmania we would be if people had not stood up and exercised their right to peaceful protestors participants in a democracy. The Franklin would have been dammed. We would have no Franklin-Gordon Rivers Wild National Park, Strahan would not be experiencing all the economic benefits of having a wilderness there, a wild river, on its doorstep. There would be a pulp mill at Wesley Vale in the north-west of Tasmania and by now, because of the model of that pulp mill, Bass Strait would be contaminated with dioxins. There would be a pulp mill in the Tamar Valley set up by Gunns Limited, facilitated through a special act of this parliament after the proposal was found to be critically non-compliant by the then Resource Planning and Development Commission. But civil society stood up then, and we staved off the Gunns Tamar Valley pulp mill. All the people who stood together to defend the Tamar Valley from that pulp mill should give themselves a warming word of thanks, because in so doing, they saved the residents of the Tamar Valley from the health impacts of breathing in PM<sub>2.5</sub> and PM<sub>10</sub> particulates every day. From memory, it was the Australian Medical Association that warned Government of the terrible health consequences that would be experienced if a pulp mill was put in the Tamar Valley.

If we did not, as a community, step up when we had to, to defend a place and exercise our right to peaceful protest, there would be a 500-home canal housing estate inside the Ralphs Bay Conservation Area. The oystercatchers and the curlews and the red-necked stints would be gone, and Lang Walker would have his canal estate. But we fended him off too - and again, thousands and thousands of people. We took to the streets, we took to Town Hall, City Hall, we lobbied politicians. We built relationships with people who have expertise in these areas, we stood up and we defended Ralphs Bay and we won. If these laws had been in place then, I am pretty sure I would not have been in parliament, because it is very hard to run for parliament when you have a criminal conviction and you have just come out of jail. It is civil society, it is locals, who stood up for their place at Ralphs Bay. We saved Ralphs Bay for the locals and for the birds and for the river and for Tasmania's brand.

If generations of Tasmanians had not recognised that logging high-conservation-value forests is a crime against nature, we would not have had the extensions to the Tasmanian Wilderness World Heritage area that came through this parliament in 2013. The Styx and the Florentine would have been flattened by now, but it was because civil society stood up to defend their place.

It would be a Tasmania that is almost unrecognisable to the imagination, really, with a dammed Franklin, two stinking pulp mills, canal estates, totally clear-felled landscapes, a shrunken World Heritage area. We would not have the brand that we have today, and that brand hinges on wilderness. Primarily, wilderness in this state has been protected because the people have demanded it be so.

I guarantee that the fly fishermen and the bushwalkers and everyday conservationists who will defend their right to use and enjoy the Tasmanian Wilderness World Heritage area and Halls Island



will not be scared by this legislation. Anyone who thinks about what this bill is intended to do will understand that it is designed to frighten them. It is a bullying piece of legislation.

We hear the words 'bullying' and 'intimidation' thrown around in this Chamber a fair old bit, but this amendment bill and its principal act are bullying and intimidation embedded in statute.

The bill must be repealed, and if it is not repealed today, we will bring on a repeal bill. We have one drafted. It is only one page long. Some of the lazier members in this place might even bring themselves to have a look at it, but this parliament needs to deal with this legislation and it will.

This legislation does not have the support of legal professionals, judicial professionals, the Tasmanian Aboriginal Centre, the Tasmanian Council of Social Service, Civil Liberties Tasmania, Community Legal Centres, some of the best constitutional lawyers in the country or the unions, right across the spectrum of society. People who have been contributing to upholding our democracy for a very long time have seen straight through this bill and they reject it.

In closing, I will not reflect on yesterday's vote, but strongly argue that it is our responsibility as legislators to identify deeply flawed legislation in the House of Assembly. If our conscience says it is deeply flawed legislation, and if we are genuine about listening to the community and to stakeholders, then we not only do not support the amendment bill, we vote to repeal the legislation. We do not abrogate our responsibility to our constituents as legislators and allow bad legislation to go upstairs.

We are not children in here. Most of us are quite seasoned legislators, and I cannot countenance the scenario where we are treating the Legislative Council as the place for grown-ups, grown-up legislators, where here we just pull out the big rubber stamp and wave through terrible legislation that is condemned by legal professionals.

Finally, this parliament can save Tasmania a summer of heartache over this legislation and move to repeal it, because we are looking at this rationally, as responsible legislators, entrusted to look at legislation and rejecting this nasty amendment bill, a principal act which was an embarrassing and incredibly expensive failure in the High Court of \$355 000. That is what is so gobsmacking about the Tasmanian Chamber of Commerce and Industry lining up with this mini-Mussolini here to support this legislation. Doesn't the Tasmanian Chamber of Commerce and Industry have a concern they have backed-in legislation that has been identified as unconstitutional again? Did the Tasmanian Chamber of Commerce and Industry get any independent legal advice before they decided to line up with our in-house mini-Mussolini? They could not have.

It was a PR stunt. We very much look forward to a response from the Tasmanian Chamber of Commerce and Industry Board about how they could support amendments which have been discredited by everyone in the legal and judicial profession here in Tasmania who has had a look at this legislation and been asked what they thought.

We encourage the House to do the right thing now. Save Tasmanians from minister Barnett's demented plan and vote to repeal this legislation.

[6.44 p.m.]

**Mr BARNETT** (Lyons - Minister for Primary Industries and Water) - Madam Deputy Speaker, on the amendment to the second reading moved by Ms O'Connor, Leader for the Greens, for and

on behalf of the Government, let us make it very clear this is a political stunt to stop debate on the bill. This is a political stunt to kill off the bill.

**Ms O'Connor** - It's not a stunt. It's what we do as legislators.

**Madam DEPUTY SPEAKER** - Order, Ms O'Connor, you have had your contribution.

**Mr BARNETT** - It is a stunt that is consistent with the Greens' agenda to thwart debate. In fact they opposed even the first reading which is obviously contrary to convention and normal practice in this place. It is most unusual to disallow the opportunity for members in this place to express a view.

The Government will not be supporting this amendment which is designed to kill off the bill and deny people in this place the opportunity to express and put forward their views. They have put forward an amendment to thwart any further debate on the second reading and it is totally inappropriate and not supported.

I make it very clear that we have taken legal advice and the Leader of the Greens is acting as though she was the constitutional lawyer and knows everything about constitutional law. The member knows we have acted on advice -

**Ms O'Connor** - Whose advice?

**Mr BARNETT** - On advice. The member knows we have considered this matter very -

**Ms O'Connor** - So the Solicitor-General reckons this would stand up in the High Court?

**Madam DEPUTY SPEAKER** - Order.

**Mr BARNETT** - Through you, Madam Deputy Speaker, without the incessant interjections and unparliamentary behaviour of the Leader of the Greens, we provided an opportunity to sit and listen and I would appreciate the same courtesy from the Leader of the Greens.

As I was saying, the bill has been very carefully drafted. There was a lot of consultation on the bill and it has been carefully drafted to take into the account the concerns raised about the Workplaces (Protection from Protesters) Act 2014 by the High Court of Australia in the case of *Brown & Anor v The State of Tasmania*. Those concerns are related to provisions within the act and in drafting the bill the Government has very carefully considered the structure and format and has taken on board those concerns.

It should be very clear to the member, as I made it clear in my second reading speech and I will make it clear again, that the court considered the purpose of the act was valid, being the protection of businesses and their operations and forest operations from damage and disruption from protestors who are engaged in particular kinds of protest. However, the outcome of the Brown case was that the uncertain provisions of the act in respect of their operation on forestry land or business access areas in relation to forestry land are invalid because they impermissibly burden the implied freedom of political communication contrary to the Commonwealth Constitution.

That has been taken on board, and in fact the member has seen the amended bill and knows that the Government has considered it very carefully and has carefully drafted the legislation now before this Chamber -

**Ms O'Connor** - You are misrepresenting me. That is not what I know.

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

**Mr BARNETT** - which I have tabled and now we are speaking to that matter.

Of course the fundamental concern and the objective is to ensure that Tasmanians can go to work and run their businesses safely and free from threats and disruption. We are strongly committed as a Government to freedom of speech and the right of people to protest about matters on which they feel very strongly, but we do not believe that the right of protest should extinguish the right of workers to earn a living or the right of a business to operate safely and free from intentional interference.

Following that careful consideration, I make it clear that based on Solicitor-General's advice it is convention that that is not released. Members in this place who were in opposition who have been in government know that is the convention, that is normal practice. I can assure the member and other members in this place that I am confident in the constitutionality of the bill and I am confident based on that advice that the bill would survive a constitutional challenge.

**Dr Woodruff** - You said that last time and it cost us so much money as a state for you to be proven wrong.

**Madam DEPUTY SPEAKER** - Dr Woodruff, you will be able to contribute shortly.

**Mr BARNETT** - As I said, it is important to remember that the High Court found that the purpose of the act was valid and the court's concerns related to certain provisions within the act, so in drafting the bill the Government has carefully considered those concerns, which has resulted in a bill that strikes the right balance.

In conclusion, I make it very clear that as a Government we have taken this matter to the people on two separate occasions - in 2014 and then again in 2018 - and on both occasions received majority support and a majority government. Let us make it very clear, this was a mandate of our Government in 2014 and again in 2018 and here we are, so it is no surprise to the Leader of the Greens or anybody else in this Chamber that we would bring forward a bill that we believe is constitutional and valid that implements government policy. It is that simple.

We have taken those reforms and that agenda to election on two occasions. I am very keen to progress with the second reading debate and to hear the view of others in this Chamber, whoever would like to express their views. I am looking forward to listening very carefully to them and the reasons they are either for or against the bill. I will be fascinated by that but we need to first deal with this amendment put by the Leader of the Greens to thwart debate, kill off the bill as a political stunt and to not allow any further discussion.

For and on behalf of the Government, I make it very clear that we will not be supporting this amendment and we strongly reject it.

[6.52 p.m.]

**Ms O'BYRNE** (Bass) - Madam Deputy Speaker, that was actually amusing. Mr Barnett got up and accused another member of the parliament of political motivation with regard to this bill and said it was an attempt to kill the bill and to thwart debate. This bill is utterly politically motivated

and utterly designed to thwart debate in the community. That is the entire purpose of this legislation because the minister knows that if this was anything other than a political stunt we would not be amending a totally flawed bill. We would be dealing with a new piece of work that gives effect to the commitment that you gave to the community, because you did not give a commitment to the community that you were going to make sure that nobody ever got to protest again without fear of significant retribution.

I have a slight difference of opinion with Ms O'Connor on one thing and only because I think the scope is broad. Ms O'Connor says that attempting to stop people speaking out makes them stronger and more passionate, and for many people that is true, but there are other people for whom it is too terrifying, too scary because their jobs are at risk, their livelihood is at risk and they are genuinely frightened.

**Ms O'Connor** - I agree.

**Ms O'BYRNE** - Yes. There is a broad impact from this. One, it is going to harden the people Mr Barnett wants to fight with, and two, it is going to terrify the people that Mr Barnett does not care about. He does not really want to hear their views because he knows everything already.

Via interjection there was a question about whether the Solicitor-General had given the Government advice to say that this would be held up in a High Court challenge. The minister did not actually say that. He said he had sought advice and had received advice that it was constitutional and then later on talked about some Solicitor-General advice, but it is not clear to me. Minister, were you saying that you are in receipt of Solicitor-General advice that absolutely guarantees that this legislation would be found to be legitimate in a High Court challenge? Mr Barnett?

**Ms O'Connor** - Ha! Let the *Hansard* record show.

**Ms O'BYRNE** - If I misunderstood I am happy to be corrected because I did not hear you say that. I heard you talk about two separate interpretations around the Solicitor-General. I am happy to take it by interjection simply to shorten the nature of this debate, but if you are in receipt of Solicitor-General advice that guarantees that, could you give me that indication now because that does change the nature of the debate?

Do you have Solicitor-General advice that says this would be upheld against a challenge? I am going to take your silence as no. I am letting you know that is how I am going to interpret it. Other people can interpret it however they want, but sitting there smiling makes me think that maybe you are deliberately misleading in the way that you made your contribution.

The reason I think that is because every other bit of advice we have says it is unconstitutional. I think you know it is unconstitutional and I also think you know that it is unfair for you to say I am doing this because the industry wants it. It is a little unfair when Ms O'Connor says that they really want this outcome as well.

The industry wants their issue fixed. They are trapped in this particular construct that the minister has created because this is the only way they can bring this debate before the House. I think that if you withdrew the bill, knowing as you know that nothing is going to happen before next year in terms of legislative outcome, and had a really hard conversation with industry about what they need, and we would be happy to talk to you as well, we could do something quite sensible. That is not what we have before us today.

I am expecting Ms Ogilvie to agree with that as well because Ms Ogilvie did hold this position when we debated this bill last time, with the advice against the Government from Mr Mallick that the bill was unconstitutional. We moved that it should be withdrawn and Ms Ogilvie said a couple of things. She said that we should withdraw the bill, but also that as members of parliament we are here to address new and emerging social and legal challenges. It is what we are paid to do, to discuss, engage, to think things through very carefully and to consult and work through legislation.

What was clear when this bill came to the House last time was that there was no capacity to fix what was a flawed bill. We were always on a trajectory to a challenge. What is very clear again today is that is the case again. You do say that this bill has been carefully drafted and I have great respect for the people who have worked very hard on this bill. However, it was carefully drafted in a construct that you created; that you could only amend the existing bill and you know that you did not have to treat it that way. You know that you could have repealed the existing bill and brought in legislation that could be supported and gives effect to protecting those workers in those industries.

This is not a bill that delivers on your stated intent. It is a political construct, and to respond to the amendment before the House now, to repeal it and call that a political attempt, given that we are only in this political construct that you have created right now, is farcical because, effectively, you have already nobbled the bill.

By attempting to amend a flawed bill you have set us up for the additional cost, and it will cost the state to go back to the High Court. That is where we are going to end up and you know it. It cost \$355 000 last time we went. It will cost that much again and we are already heading to \$1 billion of net debt. We have a whole lot of services that are not being funded. Why would you willingly put us on a pathway that is going to cost us more money? Why would you do that if it was not a political construct?

The timing of the bill: introducing it on Thursday last week to debate today, knowing you will never get it through the upper House before they return in March. It might be late March by the time they would get to it, possibly not even by April. You have no desire to put this legislation through in the short-term because it is the way that you have drafted it. When we asked why did you not bring in a clean bill the answer from your advisers was that it was because you made a commitment that you would amend the bill. I do not think anyone is going to mind if you fix the concern that they have. You do not need to hold to amending the bill if you can fix the concern that they have. They have a legitimate concern. You are making this political. You are making this impossible to deliver. You are going to drive us straight back to the High Court and you should know better.

When we debated the original bill, the advice was that it was unconstitutional. You denied that, you ignored it and where did we end up? Once again, here we are, the advice is again that it is unconstitutional, you are ignoring that; where are we going to end up? This is absolutely political. Let us go to the one page the High Court produced in *Brown & Anor v. The State of Tasmania*.

Today the High Court held invalid certain provisions of the *Workplaces (Protection from Protesters) Act 2014* (Tas) ("the Protesters Act") in their operation in respect of forestry land and business access areas relating to forestry land.

Various provisions of the Protesters Act prohibit "protesters" - that is, persons engaging in conduct in furtherance of, or for the purposes of promoting awareness

of or support for, "an opinion, or belief, in respect of a political, environmental, social, cultural or economic issue" - from engaging in certain conduct on "business premises" or "business access areas". "Business premises" relevantly comprises "forestry land", which includes land on which "forest operations" are being carried out. "Business access area" is defined as so much of an area of land, outside business premises, as is reasonably necessary to enable access to an entrance to, or to an exit from, business premises. Police officers may direct any person to leave or stay away from "business premises" or "business access areas" in certain circumstances under pain of arrest or criminal penalty.

It goes through to explain the issue in the north-west forest and that they would have gone back to the forest for the purpose of raising public awareness of logging in that forest and that was not disputed.

In the High Court, the plaintiffs challenged the validity of certain provisions of the Protesters Act on the basis that the Constitution protects freedom of political communication and that those provisions impermissibly burden that freedom.

That is all accepted.

A majority of the High Court held that, in their operation in respect of forestry land and business access areas relating to forestry land ...

The matter that was before the High Court, so the matter the charge was made on -

... the impugned provisions of the Protesters Act effectively burdened the implied freedom of political communication. A majority of the Court held that the Protesters Act pursued the legitimate purpose of protecting businesses and their operations by ensuring that protesters do not prevent, hinder or obstruct the carrying out of business activities on business premises.

We do not have a problem with the intent. The High Court did not have a problem with the intent. No-one has a problem with the intent of the legislation. The problem we have is how you responded to delivering on that.

However, by majority, the Court held that the burden imposed by the impugned provisions on the implied freedom of political communication was impermissible because those provisions were not reasonably appropriate and adapted, or proportionate, to the pursuit of that purpose in a manner compatible with the maintenance of the system of representative and responsible government that the Constitution requires. A majority of the Court therefore declared that the impugned provisions were invalid in their operation in respect of forestry land and related business access areas.

You have not fixed that. You have given some definitions of business premises and tied that up. You have dealt with narrowing it down to saying protesters but you have broadened the scope to anybody. Anybody can be picked up from this. Then, you have attempted to cover yourself for the unions. The advice that has been given is similar to the advice that we received when we debated this in 2014 but you have overcooked this again. You have gone too far in delivering what your

election commitment was. This is way broader than your election commitment. You know that. The advice of Benedict Bartl from the Community Legal Centres Tasmania says -

It should also be noted that the majority of the High Court strongly condemned the Act for impermissibly burdening the Constitution's implied freedom of political communication. In the majority's view, a compelling justification is required by legislatures where a heavy burden on the implied freedom of political communication is proposed. In our opinion, simply removing the word 'protester' from the Bill does not change its intent, which remains the prosecution of persons protesting.

He goes on to say -

The Act also infringes on Australia's human rights obligations with three United Nations human rights experts having urged the Tasmanian Government 'to refrain from adopting legislation against protests that disrupt businesses'.

I do not mind, and I support protecting those workers that you say you are aiming to protect but that advice says you have gone too far, that you have overcooked it. Who else thinks you might have overcooked it? That would be the Tasmanian Law Reform Institute, wouldn't it? They said that -

The Bill as drafted is difficult to follow, and the amended legislation will fail to fully address concerns raised by the High Court regarding lack of clarity regarding its application.

The Tasmanian Law Reform Institute thinks you have overcooked it. The advice that has been provided by the University of New South Wales through the Centre for Crime, Law and Justice, and the Centre of Public Law, also thinks you have overcooked it -

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

It goes on to say -

This can be demonstrated by reference to the groups of persons that Gageler J refers to in his judgment in *Brown*. His Honour refers to a group of protestors, a group of school children on an excursion, a group of recreational walkers on an organised hike, or a group of local residents rallying in support of the forest operations of Forestry Tasmania. The amended Act would no longer explicitly target the protestors. However, in its practical operation, because of the requirement of *intention* to impede business activities in the proposed ss 6(1), (3) and (6), the legislation would operate only against this group.

Ms O'Connor read in the concerns that were provided by Brendan Gogarty.

My point, minister, is that when we did this in 2014, you were told by experts that you, for whatever political reasons, had overcooked the bill and actually rendered it unconstitutional by that effect.

Here we are again, with your attempt to place a bandaid on your wounded policy, wounded legislation and doing the same thing. This is an opportunity for you to show good faith. We will not have the application of this legislation until Lord knows what time next year. It has to pass this House. It may well do. That is the way numbers go. It then has to get in to the upper House. They have not been that keen on doing your legislation lately; that might be a bit of a challenge. It then has to pass the upper House in order to get royal assent.

We are so far away from you being able to deliver on what your stated intent is. Why not let this one go, spend that time working with industry, talking to us, talking to unions, to civil rights lawyers, and genuinely talking to people about how you could give effect to what you want to achieve without absolutely undermining those individual freedoms that people take so dearly.

You talked about Solicitor-General advice, and you said quite rightly, 'we do not table Solicitor-General advice'. We did not do it in government either. That is fair enough. It was worth a try and don't mind asking. However, we do not misrepresent Solicitor-General's advice, either.

We do not stand here and say 'I have taken advice', and then mention the word 'solicitor-general' in an attempt to conflate the two bits of advice. You can tell us, with confidence, if it is true, that you have advice that gives that effect. If you have advice, it is entirely appropriate for a minister of the Crown to say, 'I have sought Solicitor-General's advice and that advice assures me that this would be constitutional and that it would survive a High Court challenge.' You can do that. You do not have to give it to us. There are reasons you do not give it to us. It is a public document that can be used later on, forms evidence, et cetera.

I understand that. I do not mind asking; it was worth a shot. You might have handed it over if you were that confident, but the fact that you stood there and said you had advice, and later said you mentioned the words 'solicitor-general', to give the impression that the Solicitor-General had given you advice to say this was okay, yet when invited to, would not confirm that was what you meant.

Unfortunately, given your history of dishonesty around this sort of work - it was Mr Harriss originally when we did this before - and the history of dishonesty the Government has approached this nature of legislation with, we simply cannot believe it. We have no choice, because you said it was constitutional before, despite all the evidence that was provided for you in the parliament, and it is actually what is happening again now. It is constitutional or it is not. It is fair or it is not. It silences protestors or it does not. That is the problem we have.

You are asking us to put into the Criminal Code something that is substantially unclear, that requires prosecutorial discretion as to whether or not someone is going to be charged. The Police minister is sitting beside you. Does he actually want serving police officers in Tasmania to have to make that call, to have to understand whether a Fair Work order that gives protected action is current, is compliant, is where it needs to be, or has not been cancelled in the last 24 hours? Are they supposed to make that call when they have seen on the television, the same way we have, that the new protesting is going to be fine? They have legislation that says it is not.

What is going to happen, and we discussed this in the briefing, is that once this legislation is passed, the DPP is going to provide some guidance. Given the mess that you made of this process so far, it might have been wise to have a look at what that process might look like now. If you are suggesting that there is prosecutorial discretion, that we know what the DPP thinks the extent of



that discretion is - that would be something you would do in good faith, if you were honest about wanting to achieve what you wanted to achieve.

The other thing you might do, and I did forget to mention it in my original question, but I will ask it now. The other part of the bill talks about the regulations that can be implemented. Normally there is some discussion about what those regulations might cover. We will need you to explain what regulations you think might be submitted along with this bill, given that there is nothing within the bill that identifies what those regulations might be.

Given, if you will remember, Mr Gutwein's attempt to put wage increases into regulation, we are pretty dubious about your integrity and honesty around that as well. We are pretty dubious about that.

Minister, the motion that we now have before the House, the amendment to the amendment, is to amend clause 5 by omitting everything after the word 'omitting' and inserting the following -

Workplaces protection from protesters -

... and substituting 'criminalising peaceful protest'.

That the bill be withdrawn and redrafted to repeal the Workplaces Protesters Act 2014, on the basis that the principal act to which the amendment bill relates is not constitutional. The amendment bill does not correct this unconstitutionality, and the unconstitutional act should be struck from the statutes as soon as possible.

There is no doubt that the High Court found elements of this bill unconstitutional. There is no doubt that the High Court will be asked to look at the amended bill should it pass, on the basis that it is unconstitutional.

This is the cleanest way of dealing with this. We asked you, when the bill came to us in 2014, to withdraw the bill and get it right. This one allows you to kill the bill, because it is fatally flawed, and do the work around how you would give effect to the changes you wish to make. I think industry would like you to do that, because if you put industry through all of this again, and it turns out that you have stuffed it up again, that does not help them, and it also makes it impossible for this to be resolved properly. If you, in your heart of hearts, cared about them, cared about their needs, cared about the things that they asked for, that is what you would do. But what is very clear, minister, is that the only thing you care about is the political game.

Quite frankly, I find it offensive when you stand here and talk about protecting workers, when you know you are in a position to do that. There is a range of bits of legislation you could bring in to make workers safer, but in relation to this, there is a piece of work you could bring into this House that would actually give an effect to the thing that you say is making them most at risk, which is the incursion of protesters into their workplaces.

You could do something around that, but you do not want to, because you do not want to fix it. You want it to get knocked off in the upper House. You are not there, you want it to be challenged, because you want to keep fighting this, because you do not know how to go to an election based on your record of having done good things in government. You know that you are in trouble on so many fronts, that you are trying to change the narrative. You do not want to talk about health. You do not want to talk about fires. You do not want to talk about a \$1 billion in net

debt. You want to talk about how you are fighting people who protest, and you are okay to extend it. You are okay to make sure you capture unions because you want that fight with them too, otherwise you would not have drafted provisions that claim to protect them, but then leave them exposed. This is deliberate, this is intentional, this is unconscionable.

Minister, we will be supporting the amendment; I am not sure if it will get up. We have a number of questions that we need to ask you. If it does fail - and I hope it passes - we have a number of questions to ask you when we get to the consideration in detail stage, because it is clear that you either fundamentally and woefully do not understand the bill - which I do not think; it could not have gone through the process to this point without understanding it - or you just do not care that you are not going to fix it.

Do you know what? In my conversations with industry, they think you do not care that you are not going to fix it either. They think this is the only shot in the locker, so they are prepared to back you on it, but they also know that you have set them up for potential failure.

When it comes to that election that you want to fight because you want to have this fight, they are not going to be standing with you then because they know what you have done to them.

[7.15 p.m.]

**Dr WOODRUFF** (Franklin) - Madam Deputy Speaker, I rise on behalf of the Greens to speak to our amendment to this bill which proposes that this bill be withdrawn and the Workplaces (Protection from Protesters) Act be repealed on the basis that the principal act to which the amendment bill relates is not constitutional and the amendment bill does not correct that unconstitutionality and therefore the unconstitutional act should be struck from the statutes as soon as practicable.

This is a matter that the most expert legal minds in our great country, Australia, have addressed with a very extensive High Court judgment. There is no doubt that this is a sneaky attempt to undermine the intention and judgment of that High Court case because it has been drafted to specifically avoid any reference to the use of the word 'protest'. It is clear that if passed it will nonetheless not only affect the fundamental rights of people to assemble and the fundamental rights of Australians to peacefully protest, it will also capture through its attempt to remove any reference to the word 'protest' all Tasmanians in so many circumstances in essentially all places in the state - land, water, publicly owned reserves, footpaths, roads - where people come together to protest, discuss, organise and resist the trampling of their rights and their ability to give voice to conditions that are unfair when they have no other recourse left to them. This is a bill that should not have come to this place. It is causing division in the community and it has been introduced with one purpose in mind: to whip up fear in the community.

A past premier of Western Australia, Carmen Lawrence, wrote a book about this. She is a great mind and her book was about the use of fear by politicians when they are in trouble. She had experienced that in Western Australia and did a lot of research on how this is being used as a tool. She wrote that book probably more than 20 years ago now but unfortunately this time-honoured method continues today. The fact that we are seeing it in Tasmania is for the very obvious reason that this Government in the last five and a half years has turned the State of Tasmania more and more towards the road of a police state. It is tragic to experience it.

I was born in Australia in 1964 and grew up in a land where there was never the possibility that I would be restrained in my peaceful actions. I had a sense of my absolute right to be able to join

with other people and speak out against unfair actions. I was raised a Catholic and had a strong sense of social justice and built on that tradition of social justice, which is very strong in parts of the Catholic community. It was that strength of collective action which came from Latin American and Irish Catholicism against unjust, repressive regimes - the British in Ireland and the Spanish government and colonies in Latin America. Those communities of people have over decades and hundreds of years joined together to resist oppressive, unjust and sometimes brutal regimes. That is the Australia I was born into.

In making that statement I recognise I grew up in the privileged position of being a white person in Australia. If you are an Aboriginal person in Australia, you have already experienced a very different relationship with the police and a very different relationship with the state. Aboriginal people in Australia today are increasingly at risk of violence, in fear of their lives and experience harsh and unjust treatment at a vastly greater rate than non-indigenous Australians. These are all matters of fact and when communities come together and protest there is an opportunity for people to build an energy and create a movement for change. That is precisely the movement for change that this Liberal Government is so desperate to squash.

This bill will give the Liberals an opportunity over the summer period to move around the state and spread fear and division. I find it fascinating that many of the architects and one of the key proponents of this call themselves strong Christians. Personally, as somebody who grew up in a strong Christian family, this sort of approach makes no sense to me. It smacks of hypocrisy and it is depressing to see people who can hold two different positions in their mind, one which is ostensibly about building community, ostensibly about loving thy neighbour, and at the same time be prepared to stand up and speak lies about the motivations of other people and bring bills to this place which will be used to shut people down, create fear and widen differences in the community instead of bringing people together.

Let us be clear. This is happening around Australia. It is not just happening in Tasmania. This bill that the Government seeks to bring on to amend a noxious act is being replicated around the country, and there is a reason for that. It is because corporations can see that the people are rising. The people have had enough. We had the largest rally ever in Tasmania's history only a month or so ago on the lawns and on the streets in Hobart. Numbers are imprecise but it was something in the order of 20 000: mostly young people were rallying on the streets, speaking out about inaction on climate heating, speaking up for their future, demanding action from people in this place, demanding action from Liberals in government on something which they continually show, through their deeds and words, that they deny the reality of. The climate is getting hotter and hotter, the impacts will increasingly become more serious, the effects on people's lives will become more and more drastic and people understand what is going on and they want change. People know that the forests - the 356 000 hectares of carbon-rich, biodiverse, rich forests - will be opened up for logging by this Liberal Government in April next year, so this bill is about setting up the conditions to make it harder, to chill people's intention and spirit to protect those places.

I can tell you it will have no effect, because people are ready for this. They know what the intention is, and people are becoming more and more fearless, braver, more courageous, because they have to, and this is what happens. Governments push back, they become more draconian, and they end up operating as a police state. This bill we have before us is not many steps away from a police state.

It has been lambasted by every legal mind in Tasmania and other places in Australia. TasCOSS wrote a strong, blistering submission. They consulted with Community Legal Centres Tasmania,

Tenants' Union of Tasmania, the Environmental Defenders Office, the Hobart Community Legal Service, Women's Health Tasmania, Anglicare Social Action and Research Centre, Neighbourhood Houses Tasmania and the Tasmanian Aboriginal Centre. Their recommendations at the end of the bill are simply that they do not support the proposed amendments to the act, and recommend that the act be rescinded. We have listened to those organisations. We have spoken to many people in the community: individuals and organisations that understand that this bill is designed to cripple the right of people to peacefully protest, to cripple our human rights; and it will take us a step further towards the police state that none of us want to bring on.

There is nothing in this bill which is required. There is no evidence that has been presented that it is necessary. Therefore, repealing it will have no impact, because the impact and the requirement for the bill in the first place has never been established. It has been asserted, but we have not ever had a scrap of evidence that there is an impact on businesses - that there is a financial impact on businesses. There is a temporal impact on businesses. We have had no examples of that.

We have also had no information about the number of people who have been arrested or who have obstructed the activities of business. There is no reason to introduce such a draconian bill when the Government cannot even be bothered defining the reasons for it to happen in the first place. We also know there is no reason for the bill to exist because we have the offences of trespass and property damage under the Police Offences Act 1935, which means there are many opportunities within that bill to protect businesses from criminal activities.

The Forest Management Act also provides specific protections for the forest industry. It empowers forestry officials to exclude people whose presence or activities are likely to interfere with forest operations. We have similar protections that are given to other business interests around Tasmania, for example to protect marine business operations, and also to protect the mining industry.

There is no reason to have this bill in the first place, because there are other ways for businesses that are affected through trespass or property damage to protect their interests.

Sarah Courtney, the Minister for Building and Construction, said earlier this year:

... the financial costs to legitimate Tasmanian businesses and their employees over many years due to having their business activities disrupted is very substantial, and we make no apologies for standing up for Tasmanians' rights to go about their lawful business and earn a living.

She makes no apologies either for making untruthful statements. Why not? Why does she not apologise for that? There has been no evidence presented that there is even a minor disruption to business interests, let alone a very substantial one. We have no statistics. We have no examples of incidents of people behaving in unlawful ways that have impacted businesses in Tasmania. It is just more hogwash from this Government and more spin. It seems there is no falsehood that they are not prepared to utter to continue with the narrative that a bill like this will advance the interests of Tasmania.

It certainly advances the interests of the forest industry, which is intent on going into the forests and chopping down native trees as fast as it can. Earlier we heard the Leader of the Tasmanian Greens, Ms O'Connor, be very clear about the importance of keeping carbon-rich native forests standing in the ground, not only for their biodiversity, but for their carbon value. Dr Broad, the

Labor member for Braddon, in his earlier comments, seemed to be unclear about the difference between a tree, which can store carbon, and one that is growing. It is true that growing trees sequester carbon as they do that, but a tree that is planted in the ground by a forestry company will take 120 years before it stores the carbon of the standing native trees in our beautiful forests. We need to be very clear that this 356 000 hectares will remain in the ground, because it has to. We have seen what is happening in the Amazon, which is widely referred to as the lungs of the planet. They are part of the lungs of the planet, and we are another part of the lungs of the planet.

This is a bill that should not get out of the starting blocks. It is a total mess. There is no way it can be fixed. There is no amendment that is more appropriate than removing this amendment bill and repealing the underlying act.

The other thing that is happening in the near future, which this Government would like to keep a lid on, is the increasing urgency of people's calls for action on climate. Extinction Rebellion: what a wonderful group of people. What a fascinating development in world peaceful protest history. We have a long and proud lineage of peaceful protest human beings, but the Extinction Rebellion is just another expression of the natural organic way in which people under pressure will come together and do what they can to resist unjust, overweening power. In this instance, Extinction Rebellion are clear that we are in a catastrophic state as a human species. We have but a very short amount of time to do some very dramatic changes to how we operate as a social community. It is hard for people to come to terms with the sorts of changes that must be made but unless we get started we will never get on that road, and Extinction Rebellion pop up like mushrooms to remind us to disrupt the way our everyday life is and of how much more disruption we are looking at down the line if we do not take action today.

The disruption I am talking about is the sort of disruption that people in New South Wales are experiencing now, today. The situation with the drought is far greater than the millennium drought. The situation has created the conditions for mega fires. Those mega fires are the type of disruption which we can expect to have more frequently. We can sit here in the Chamber and talk about the words 'mega fire' and they seem a long way away, but to the people who have lived through fires burning in areas that have never burned in human history, rainforests in north-eastern New South Wales that have never burnt in known human history, these are extraordinary situations.

This is far more disruptive for those peoples' lives than getting stuck at the traffic lights because there are some people protesting on the road demanding that the Government take action, or the Knitting Nannas who sat outside Parliament House knitting their way to remind us as we talked up of the reality of what we must be acting on.

**Ms O'Connor** - Criminals, those nannas.

**Dr WOODRUFF** - Yes, they would be criminalised and they would get 18 months' jail for gently knitting out the front of Parliament House. If they did it twice they would get four years, the same amount of time this Government thinks is the appropriate sentence for an adult who rapes a young person. That is indeed a deep irony. It is hard to put those two things together in my mind.

Peaceful protest has always been a central part of the human community and it is the basis of what is beautiful and what we love and what makes us such a profitable state today. Environmental protests like those for Lake Pedder in the late 1960s and early 1970s was the crucible from which all Tasmanian protests has drawn its energetic source. Those people's love for the pink sand on the beach, the beauty of Lake Pedder and their determination to make sure that such a travesty as the

flooding of Lake Pedder never happens again led to the massive uprising to prevent the Franklin River being dammed by the Hydro Electric Commission. From 1978 to 1983, over that five-year period, there was the birth of an energetic protest movement in Tasmania. There were around 10 000 people who went on strike on the streets of Hobart in 1980 and Professor David Bellamy led a 5000-people strong rally in 1982 in the middle of Melbourne. It culminated in a blockade where 2500 people went to Watters Landing in the middle of the World Heritage Area, 1217 people were arrested and 500 went to prison. That is the strength of love that people have for this beautiful island. If the Liberals think that people will not take that same energy and strength to protect the 356 000 hectares, they have another think coming. You will get a shock and there is not a prison big enough in Tasmania to hold the people that will rise up to defend those forests.

That is what happened. Prisons were overflowing in 1982. We already have a problem with the prisons but it would get a lot worse because there are plenty of people who would take that action and that step, because there is nothing else to lose. If we cannot keep the forests in the ground and cannot get action on climate, what are we going to do? Sit on our hands and watch the planet cook? I do not think so. Watch all the animals disappear? You might not read the reports, but we do and they are from the International Panel on Climate Change, the United Nations.

You might smile, Mr Deputy Speaker, but I am not smiling. Seriously, we are in a dark place. Although the Liberals think they can continue to play games, everyone else in Tasmania can see this for what it is. It is divisive, hateful legislation that does not solve any of the problems they are trying to avoid, except it does give them another thing to talk about, I grant you that.

We would call your mind back to protecting the state from the risk of bushfires. That is what the Minister for Police, Fire and Emergency Management should be attending to, protecting us and preparing us. The Minister for Health should be preparing herself to work on the situation in the hospital, on the disastrous situation in the emergency departments and the evolving problem with the lack of beds. That clearly seems to be where we are headed with the terribly poor planning of the last five years. We are going to have the Royal Hobart Hospital redevelopment grossly underfunded with the amount of beds and staff that are needed there.

I speak to nurses every day. Things are in such a catastrophic state for nurses at the Royal Hobart Hospital. I have not spoken recently to a doctor, but the last time I spoke to a doctor who works at the hospital, it was grim. These are people who are working - registrars, junior registrars - and it is grim. No wonder the minister would rather talk about something like divisive anti-protest laws. No wonder the Treasurer would rather talk about divisive anti-protest laws and try to talk about the importance of protecting business.

**Ms O'Connor** - No wonder the Attorney-General would rather talk about herself.

**Mr DEPUTY SPEAKER** - Order, Leader of the Greens.

**Ms O'Connor** - I am making an observation.

**Dr WOODRUFF** - The Treasurer is failing in his job because he is prioritising everything in the wrong direction. Instead of putting the money into hospitals, he is putting the money into private developers. Instead of protecting the interests of farmers and local communities in Tasmania, he is handing over our land to foreign petroleum companies like Shandong Chambroad. There are dodgy deals everywhere, but nothing that is going to benefit individual communities and poorer people in

Tasmania, nothing that is going to put money into the public health system and nothing that is going to put money into the education system.

This is the function of this bill and it is a dangerous distraction. We need to be coming back to understanding why people are protesting. They have better things to do. People do not actually want to spend their time rallying on the streets. It is stressful, it is tiring, it takes time out of their day, people take time off work or they take time away from other activities that they would much rather be doing. People do not want to do that. People do not want to protest about what we are doing in Manus and Nauru.

**Time expired.**

**Ms O'CONNOR** - Point of order. Mr Deputy Speaker, I move -

That the member continue to be heard, briefly, until she finishes her sentence.

**Dr WOODRUFF** - That is why this bill has to be repealed today, because we should not go any further and we do not want a summer of hate in Tasmania.

**The House divided -**

AYES 12

NOES 12

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

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

**Madam DEPUTY SPEAKER** - The result of the division is 12 Ayes and 12 Noes. In accordance with standing order 167, I cast my vote with the Noes.

**Amendment negatived.**

[7.50 p.m.]

**Mr FERGUSON** (Bass - Minister for Infrastructure and Transport) - Madam Deputy Speaker, I strongly support this bill, the intent of the legislation, the right of workers to go about earning their lawful living, and the right of businesses, big, medium and small, if they are lawful, to let them trade. If they are lawful, let them get about their business; if they are lawful, let people speak, let them protest, let their voices be heard, whether it is in support or in dissent of any particular political idea or party, but that also needs to be lawful.

What I have heard so far, in what has passed for some kind of debate from the Opposition and the Greens, is a continued love-in between Labor and the Greens, who are continuing to trample on the rights of business, of small and medium and large, to be able to lawfully earn a living without undue frustration.

The minister said it all in his second reading speech. He comprehensively, before anybody else had even spoken, debunked the claims that I have subsequently heard from other speakers on the other side of the House including, for example, the claim that the High Court struck down the principal legislation. That is not so. The minister has been very clear about that. The High Court did rule as invalid certain sections of the principal act and only in relation to the special case that was brought before the court in *Brown v Tasmania*. There is no irony lost on me in the names of that case, *Brown v Tasmania*, because certain individuals in the Greens movement have made it their life's mission to be against the interests of Tasmanians.

**Ms O'Connor** - You should be on your knees thanking Bob Brown for all he has done for the brand.

**Mr FERGUSON** - I would say to the interjecting member that the people of Tasmania like to have their say and they have been very clear: they are sick and tired of illegal protest and that is what they have been subjected to time and time again.

**Ms O'Connor** - What is illegal?

**Mr FERGUSON** - For example, trespassing on a lawful business.

**Ms O'Connor** - It is already an offence covered by the law.

**Mr FERGUSON** - For example, invading a business and stopping them from being able to trade.

**Ms O'Connor** - That is covered by the law right now.

**Mr FERGUSON** - The Labor Party like to call themselves the party of the worker but have not been the party of the worker since the 1990s. They are the party of the inner-city, intellectual elites, a bit better than everyone else and in bed with the Greens in Tasmania.

**Ms O'CONNOR** - Point of order, Mr Deputy Speaker. The Leader of Government Business is being utterly misleading and dishonest, no surprises there, but he needs to understand that every union in Tasmania is backing in the Labor Party position.

**Mr DEPUTY SPEAKER** - It is not a point of order and you are aware of that.

**Mr FERGUSON** - Mr Deputy Speaker, this is how the Greens do free speech. They expect to be listened to but will not listen to anyone else. Importantly, the bill that is before the House needs to amend the principal act. The principal act is not being struck down but requires amendment to make it consistent with the Constitution. That has been made clear by the minister. What is wrong with the basic principle -

**Ms O'BYRNE** - Point of order, Mr Deputy Speaker. I draw your attention to the state of the House.



**Quorum formed.**

**Mr FERGUSON** - Who could argue with the basic principle that our laws should protect the people who are undertaking lawful business activities? Who could argue with the basic principle that people should be able to earn a living without trespassers interfering with their work? Who could argue with the basic principle that it should not be lawful for threats to be made in an effort to shut down businesses? That is what this bill seeks to do, lawfully and properly.

I have eight basic points I would like to add and introduce to this debate in the time that I have. I do not need or want to speak for 30 minutes but I will if I have to.

First of all, this bill is not a distraction, as Labor would have you believe. Last week they appallingly characterised the mandatory sentencing bill, which is about locking up paedophiles - people who rape children - which fortunately has passed this House, as a distraction, and for good measure they threw in this bill also. This bill is about giving effect to the reasonable expectations of the Tasmanian business community, and they call it a distraction. That was an appalling slur and a missed step by the Labor Party, which has completely misread the temperament and the needs of our community.

Second, there is a small problem of entitlement going on with some people in our state who are being represented today by the Greens and the Labor Party, and that is a sense of entitlement that one person's opinion entitles them to trample on the rights of others to earn a living and go about their daily lives without being interfered with and prevented from earning their lawful living.

Third, there is a group of people opposite me in this Chamber two-timing the voters and the people of Tasmania. I am speaking particularly here of the Greens. They want to be here in parliament and stand at election for what they believe in and ask people to vote for them. Then they want to come into parliament, make laws and influence laws, move amendments and seek to have the House agree to them and, ultimately, to be an influence in the democratic process. Yet, at the same time, the Greens are actively in the community and on the public record, as recently as this month, encouraging people to break the law. That is a terrible two-timing hypocrisy: Greens members are on the public record inviting people to break the law.

**Ms O'CONNOR** - Point of order, Mr Deputy Speaker. That is a very serious allegation. I am not sure what the Leader of Government Business is referring to but could he please, if he is going to make such an allegation, substantiate it?

**Mr FERGUSON** - Mr Deputy Speaker, people are being lied to. A Labor member who is in the Chamber attempted to stage a rally outside the LGH recently, misleading health workers to believe that this legislation stopped them from expressing a view.

**Ms O'CONNOR** - Point of order, Mr Deputy Speaker. I asked the Leader of Government Business to explain his statement that we are encouraging law breakers. Not only did we not do that but he attacks Labor.

**Mr DEPUTY SPEAKER** - Leader of the Greens, that is not a point of order. The minister has the call. We do not know whether he is going to explain or what he is going to say.

**Ms O'BYRNE** - Point of order, Mr Deputy Speaker, I also seek that I have been misrepresented. I was not organising a protest outside the LGH. I was highlighting how these protest laws will pick everyone else up, and it is true.

**Mr Ferguson** - What is this? What is going on here? These are people who have already had a chance to speak, have been listened to, and are now trying to frustrate this House. What are you doing?

**Ms O'BYRNE** - Excuse me, Mr Deputy Speaker, I raised a point of order with you and Mr Ferguson is still interrupting. You can rule on my point of order and then he can make his appalling commentary.

**Mr DEPUTY SPEAKER** - It is not a point of order. These are debating points.

**Mr FERGUSON** - It is demonstrable that Labor and the Greens have lost this debate already because they are not even capable of listening to an alternative point of view. The irony was not lost on Tasmanians. First of all, as has been pointed out, health facilities are not even part of this legislation.

**Ms O'Byrne** - Public thoroughfares are.

**Mr FERGUSON** - Second, it is hard not to notice that the person making those statements was the former health minister who shut down sections of that hospital and was interjected indeed by a member of the public.

**Ms O'BYRNE** - Point of order; I am being misrepresented. The member of the public thought I was the Health minister, so you are misrepresenting the House again.

**Mr Ferguson** - What are you doing?

**Mr DEPUTY SPEAKER** - That is not a point of order.

**Ms O'BYRNE** - You are misrepresenting the House again. It is also untrue to say what you are saying. It was a public thoroughfare outside a business and therefore it does get covered by this legislation.

**Mr Ferguson** - I ask that the member get sat down. She is out of order.

**Mr DEPUTY SPEAKER** - Ms O'Byrne, I will give you a warning because, as you realise, that is inciting disorder.

**Mr FERGUSON** - If I may continue, if people behave like this it shows they cannot even sustain their arguments. I have said people have been lied to because some people in the Tasmanian community are believing the false claims being made by the opponents of this sensible legislation. The false choice they are being asked to believe is that it is a choice between their fundamental human rights and this legislation. Wrong. This legislation respects the rights of people to have their free speech and be lawful in their protest movements if they wish to protest. The legislation also recognises that businesses have rights, workers have rights and they have a right to go about their lawful business activities without being invaded and being hindered from making their trade.

It is unfortunate that good people in the Tasmanian community are being misled by the opponents of this legislation who are leading them to believe something very different.

**Ms O'CONNOR** - Point of order, Mr Deputy Speaker. I am taking this point of order on behalf of Professor George Williams, Dr Brendan Gogarty and Terese Henning, who the minister is slurring by saying we are making false statements when we are quoting their submissions.

**Mr DEPUTY SPEAKER** - It is not a point of order. It is becoming disorderly. If you want me to kick you out, I will.

**Ms O'CONNOR** - Thanks, but on the point of order, could you please ask the minister to stop slurring -

**Mr DEPUTY SPEAKER** - It is not a point of order.

**Ms O'CONNOR** - Under Standing Order 181 I am entitled to raise a point of order and then you make a decision. I need to stand in here and defend legal experts who the minister is now accusing of lying.

**Ms O'Byrne** - There are standing orders around misrepresenting members of the community.

**Mr DEPUTY SPEAKER** - It is not a point of order.

**Mr FERGUSON** - Mr Deputy Speaker, the conduct of members opposite gives it away. They have lost their argument and are not prepared to be critiqued for the false things they have said.

My next point is that business invasion and disruption is a real issue in our state. I am pleased when it does not happen. I am pleased when people in the activist movements have chosen to not invade businesses unlawfully, but they have done so in the past.

**Ms O'Connor** - You only have to be walking down Salamanca to invade a business under this bill.

**Mr DEPUTY SPEAKER** - Order.

**Mr FERGUSON** - Perhaps if you would listen you might learn something. It has been a problem and it will continue to be a problem into the future. It is the case that in other states of Australia it has been a huge problem. I am particularly thinking of the forestry industry. I am particularly thinking of primary industries. I am particularly thinking of farming properties which have been actively invaded with targeted attacks by animal rights activists and other organisations who have made it a specific plan to go into a business and to trespass upon it.

It has required special legislation in other states. New South Wales has legislated in this area. Queensland, I believe, has legislated in this area. The Commonwealth has legislated in this area with the bipartisan support of the Labor Party. The Labor-dominated Victorian parliament is having a look at the impact of animal rights activism on agriculture, and so they should. The Western Australian Labor government is introducing a new offence of aggravated trespass with maximum penalties of a \$24 000 fine and imprisonment for two years, which I am advised is double the existing penalty. With all of the muttering on the other side, the bare-faced truth is that Tasmanian Labor is out of step because this Tasmanian Labor only know one mothership; it is the Greens. The

Greens are driving the policy of the Labor Party and they keep coming back to this, time and time again. I cannot understand how it is if I heard Ms O'Byrne correctly, I believe I heard her say something supportive of the intent of this legislation. If I am wrong about that I will withdraw it.

**Ms O'Byrne** - I'm happy to answer it via interjection.

**Mr FERGUSON** - I do not need you to answer it. What I need is to say that if I am wrong about that, I will withdraw it. If I am right about that, the intent of this legislation is being supported by Labor in other states and at the federal level, so why not in Tasmania? Why is it that you have to go against the interests of workers in small, medium and larger businesses in Tasmania and side against them? That is the challenge for the Rebecca White Labor Party at this time.

It is a real issue and I am going to come back to that point. It is the case that Labor is in bed with the Greens again. The voting record is worse than pathetic, at 80 and 90 per cent. Labor's deals with the Greens that kept them in office and made Cassy O'Connor a minister in that government empowered the Greens movement. We saw it in 2004, with the Latham Opposition supported by the then deputy Labor leader, trying to shut down Tasmanian forestry operations against the interests and wishes of the Tasmanian people. We saw it again in the Labor-Greens government of Lara Giddings and Nick McKim in 2013 with that appalling document, titled the Tasmanian Forest Agreement: an appalling agreement, which took advantage of industry people who were on their knees and had nothing left to bargain with. They were shamed to their knees to agree to something they did not ever believe in and we are still living with the consequences of that today.

When I saw, today, a claimed statement from the Labor spokesperson on primary industries, Dr Broad, claiming -

**Ms O'BYRNE** - Point of order, Mr Deputy Speaker. I go to standing order 142, prescribed content of speeches.

**Mr Ferguson** - May I continue?

**Ms O'BYRNE** - No, you cannot because there is a point of order.

**Mr Ferguson** - I do not know what the member is claiming or suggesting. I do not see that I need to stop.

**Ms O'BYRNE** - Mr Deputy Speaker -

**Mr Ferguson** - If the Deputy Speaker pulls me up, I will stop.

**Ms O'BYRNE** - I have made a point of order, you are seeking -

**Mr DEPUTY SPEAKER** - I am waiting for advice.

**Ms O'BYRNE** - It is not okay for the minister to get up -

**Mr DEPUTY SPEAKER** - Sit down, please.

**Mr Ferguson** - That was an appalling act, to do that in Tasmania.

**Ms O'BYRNE** - I am sorry, I am waiting for a point of order to be ruled on.

**Mr Ferguson** - When I saw -

**Ms O'BYRNE** - I am waiting for a point of order to be ruled on.

**Mr DEPUTY SPEAKER** - Ms O'Byrne, I need more information.

**Ms O'BYRNE** - Prescribed content essentially says that a member shall not digress from the subject matter under discussion. We are not, apparently, discussing the legislation before the House, but the minister's historical 'how we got elected' story -

**Mr Ferguson** - Not a good try.

**Ms COURTNEY** - Point of order. Labor is a bit sensitive about this issue and that they are tied to the Greens. That is a matter for them, but it is not a point of order with regard the content of the bill, nor the minister's contribution.

**Mr DEPUTY SPEAKER** - Ms O'Byrne, it is not a point of order. It is a wide-ranging bill, and I would appreciate it if the minister could bring it back to the bill.

**Mr FERGUSON** - I will simply continue noting your good advice, Mr Deputy Speaker. What is happening here is that you are ashamed of your history and your legacy and so you should be. You put people out of work. You put good people out of business. People fled this state and we need legislation that puts a stop to illegal activities that are harming businesses in our state. That is what we are here to debate and if the Labor Party cannot take the heat, I suggest you take a break. For Labor today, in a press release, to claim that they stand with the native forest industry is laughable and dishonest.

The principal act has not been struck down by the High Court. That is a falsehood that is again stated by opponents of this legislation and they need only to have looked at the ruling, at the minister's second reading speech or to have informed themselves instead of doing stunts at the LGH and Westbury, where they misled people and tried to trick them because they are so ashamed of what they did to the people of Tasmania when they were in office.

This bill is about protecting small businesses and protecting workers. What could be wrong with that? In no way does this bill or the principal act fail the test of allowing people to speak freely, what they believe and what they want to say, including if it against the government of the day.

**Ms O'CONNOR** - Point of order, Mr Deputy Speaker, perhaps the Leader of Government Business, if he is going to make a statement like that, he could explain to the House in which parts of Tasmania people will be able to speak freely under the provisions of this act.

**Mr DEPUTY SPEAKER** - What is the point of order?

**Ms O'CONNOR** - I am asking the member a question because he has made a false statement.

**Mr BARNETT** - Mr Deputy Speaker, the Greens Leader is making incessant points of order, which are totally unparliamentary. They are without foundation. She should be sat down and told to abide by the Standing Orders. I draw that to your attention.

**Mr DEPUTY SPEAKER** - Leader of the Greens, you have been totally disorderly. I am going to give you your first warning.

**Mr FERGUSON** - So you see again, it is just the whole living a life of a double standard. It is on display. It is very clear to see Michelle O'Byrne, the Deputy Leader of the Opposition, the member for Bass, has failed to make her arguments and cannot allow another person who disagrees with her to be heard. That is, to me, silencing dissent. The Leader of the Greens, to be behaving in the way that you are conducting yourself today, is a giveaway that you realise you are wrong.

This bill is about protecting people. It is about helping people. It is about ensuring that the business conditions in this state are the right conditions and that businesses can have the confidence to make their investments, run their businesses and employ Tasmanians. What could be more wholesome than that? This bill does not harm the need or right of a person to say what they want to say, including if it against the prevailing government of the day.

As the minister has said, the Government recognises that freedom of communication is a fundamental right. It has been very clearly made. However, what the bill is seeking to do is to criminalise, and I use my words carefully, the intentional impediment of business activity in Tasmania. We expect this of the Greens. For them it is an article of faith to shut down dissent and to feel a sense of entitlement that the Greens movement has always had: that they have an entitlement to trample into another person's business property and disrupt it. That has always been a marker of this movement. What is sad and pathetic is that the Rebecca White Labor Opposition of Tasmania agree with the Greens.

I draw the House's attention to one organisation that has become popular amongst Greens politicians; Extinction Rebellion. I do not have a problem with any group of people, including this one, that want to be heard or make a point. The handbook for this organisation is publicly available. The book is called *This Is Not A Drill: An Extinction Rebellion Handbook*. It would be very familiar reading to some members of this House but others may not be as familiar. This is what is behind the motivation of some people in our community who want to harm businesses, governments and law-abiding people in Tasmania, because this is what the book encourages people to do.

**Ms O'CONNOR** - Point of order, Mr Deputy Speaker. It is one thing in this place to slur other members, but it is quite another to accuse a group of concerned citizens of wishing to harm people and harm businesses. I ask the Leader of Government Business to withdraw that accusation against people who are not here to defend themselves.

**Mr FERGUSON** - I will not be withdrawing. I will continue. I have not made a statement about you or any other member of this House in relation -

**Ms O'Connor** - That is what I am saying. You have slurred all those people who are striking for climate.

**Mr FERGUSON** - However, your policies have harmed people, and so has the Labor Party's policies, and you are seeking only to disrupt the debate.

**Ms O'BYRNE** - Point of order, Mr Deputy Speaker, if I can, for clarification. We are bound by the standing orders by a provision which says that a member must take particular care to consider -

**Mr DEPUTY SPEAKER** - What is the standing order?

**Ms O'BYRNE** - Standing Order 2 - the rights and reputations of others before making use of the unique protection available under parliamentary privilege. Whilst the minister has not named anyone, I caution him not to do so in this process, because he will be then doing exactly what the Standing Order 2 prevents us from doing, which is using parliamentary privilege to slur people outside of this House.

**Mr DEPUTY SPEAKER** - It is not a point of order. The minister is allowed to make a contribution to the debate, and that is what he is doing.

**Ms O'BYRNE** - On the point of order, what I was seeking to say is that the point Ms O'Connor is making is that it is easy for us to say things in this House to each other -

**Mr Barnett** - You can sit down. He said no point of order.

**Ms O'BYRNE** - I am speaking to the Deputy Speaker, not you. Standing Order 2 says that we need to be careful not to impugn reputations of others.

**Mr DEPUTY SPEAKER** - Every member is responsible for what they say, and I am sure that the minister is being responsible as well.

**Mr FERGUSON** - That will be quite enough. The book says this:

We have to be clear. Conventional campaigning does not work. Sending emails, giving money to NGOs, going on A to B marches.

It goes on to say:

You cannot overcome such entrenched power by persuasion and information.  
You can only do it by disruption.

These are the words in the handbook of the Extinction Rebellion that Ms O'Connor and Ms O'Byrne have tried desperately to frustrate me from reading into the *Hansard*.

**Ms O'Connor** - No, we are just trying to defend people who cannot defend themselves.

**Mr DEPUTY SPEAKER** - Order.

**Mr FERGUSON** - The book goes on to talk about disruption. It describes two kinds of disruption: violent and non-violent. Of course, it euphemistically says, do not do violent disruption. It describes, then, the alternative of non-violence - again another euphemism, because what it actually does is conflate something that sounds good, non-violent, with something which is actually illegal. It says: 'We call this the civil resistance model'. Under the section which says there are many variations, point 3 is that you have to break the law. You have to break the law. This is the

essence of the non-violent method, because it creates the social tension and the public drama which are vital to create change. It goes on later:

It creates the necessary material disruption and economic cost which forces the elites to sit up and take notice. Common actions are simple ones: sitting down on roads; painting government buildings.

Non-violent in this manifesto might be called peaceful, but it is illegal, and therefore how can it be peaceful?

You see, the economic argument which is presented in the pages of this handbook illustrate why it is that the Labor members might be very uncomfortable about having to hear some of these basic facts and truths. Under point 5 it goes on to say - and I encourage members to comprehend that this is not mainstream, this is extreme, but has actually become mainstream in the minds of some members of this House. Point 5:

It has to go on day after day. We all know A-to-B marches get us nowhere - and the truth, is neither does blocking a capital city for a day. It is in the news and then it's over. To create real economic cost for the bosses, you have to keep at it. The first day or two, no-one is bothered. After a few days it becomes 'an issue' - and after a week it is a 'national crisis'. This is because each day you block a city - the economic costs go up exponentially - increasing each day.

I draw the House's attention to one final point which is made in this book. It goes on:

**Ms O'Connor** - You are a nutter.

**Mr DEPUTY SPEAKER** - Order.

**Mr FERGUSON** - The people who claim the most offence are the most offensive, but the book makes the point and I will finish on this sentence:

Without disruption there is no economic cost, and without economic cost, the guys running this world really don't care.

I commend the bill to the House, despite the constant disruption from the law-breakers.

[8.21 p.m.]

**Ms HADDAD** (Clark) - Mr Deputy Speaker, I feel like we are heading down a very dark and frightening road, and a dark and frightening place for the future of Tasmania.

When a government starts introducing draconian legislation like this, we should be legitimately fearful of what is next. What is next on this path of silencing the citizens of this state. What is next on this path of ensuring that people are actively frightened by their own government into quiet, into retreat, into not having their voice heard, or not knowing when they can express their voice.

This law is not about protecting businesses, despite what the last speaker said. It is not about protecting workers. If that was the true intent of this law, to protect businesses from protest activity that damages their interest or about protecting workers in those industries, we would not be debating this bill. We would not be here looking at clunky amendments to a failed 2014 piece of legislation -



legislation that is now trashed and rightly so, and recognised as invalid, as a fundamental attack on people's right to protest.

Those 2014 laws were enacted by this parliament, and that is what this bill seeks to amend right now. They introduced specific restrictions on people taking part in protest activity in or around business premises. As noted by TasCOSS and in many other submissions on the community consultation on this bill - all of which have been ignored by this Government - those 2014 laws, even before they were enacted, drew fierce criticism from all quarters: from many Tasmanian community organisations, from legal professionals, from universities, from constitutional law experts, from Aboriginal community groups, from unions and from working people. It even drew criticism from the United Nations.

Criticism for draconian rights infringing laws does not come much higher than that. It actually felt embarrassing that Tasmanian laws would be criticised by the United Nations in the way that draconian laws, passed in harsher regimes than we expect to see here, have been criticised. The Community Legal Centres of Tasmania wrote to the UN with a letter co-signed by a number of other Tasmanian community groups. The UN High Commissioner for Human Rights said that -

The Government appeared to prioritise business interests over the democratic rights to peacefully protest or the social dialogue about environmental protection.

That is really dangerous. This is the UN High Commissioner for Human Rights saying that. The Government can discount all the legal experts in Tasmania, as they seem to have done in preparing this bill. They can discount every union, every working person who fears the provisions contained in this bill, but it takes a different level of boldness to ignore the UN High Commissioner for Human Rights, and that is who criticised the 2014 legislation.

Despite all those criticisms, including criticisms from the United Nations, the laws were enacted, but thank God for the separation of powers. Thank God for our independent judiciary, and for the lack of ability for political interference with the judiciary.

In 2017, as we have heard in several previous contributions tonight, those 2014 laws were struck down by the High Court, the highest legal authority we have in this country, in the case of *Brown v Tasmania* 2017. It was held that the act infringed the implied freedom of political communication under the Australian Constitution. Chief Justice Kiefel and Justices Bell and Keane stated that in their judgment -

The implied freedom protects the free expression of political opinion, including peaceful protest, which is indispensable to the exercise of political sovereignty by the people of the Commonwealth. It operates as a limit on the exercise of legislative power to impede that freedom of expression.

Not here, Mr Deputy Speaker, not in Tasmania and not under this Government. This Government pays no regard to that concept that there is a sovereign right of the people to peacefully protest or that this right should limit the exercise of legislative power to impede that right, which is what the High Court said.

The Government is happy to trample all over that right and they do so in the name of standing up for workers and in the name of standing up for businesses. Nothing could be further from the truth, and it is offensive to argue that that is what is at the heart of the Government's intent with this

bill because we know that is not the intent. The intent is not protecting businesses and workers; it is to silence dissent and it is to mute collective action. The intent is to push the people of this beautiful state of Tasmania into a state of fear so that they do not take action for fear of attack, arrest and prosecution under these draconian laws. Everything that has happened in the commentary on this bill has been to mystify the public and to deny people true information.

The minister who spoke last said that Labor is perpetrating mistruths and confusing people about this law. The Government has done everything it can to make sure that even if something is not likely to be unlawful if these changes pass the parliament and pass into law, that people are not sure, and that is what governments that are really dangerous do. This is the start of that kind of thing in this state. You pass laws that are confusing for people to understand so that they are just not sure and it might just silence dissent. Even if the protest that they plan to make would not fall foul of these laws, people will just not be sure to a point that it might silence those voices, inevitably.

A recent Human Rights Law Centre report said that -

Governments must take positive steps to promote protest rights and must respond to particular protests in a way that accommodates the right to engage in peaceful protest, and that strikes a proportionate balance with public order and safety, and the rights of others.

That sounds fair and reasonable to me. It sounds like the kind of thing that a Liberal government, even in a country like Australia, where historically we have not had the kind of despotic regimes that usually pass laws that silence protest, would support: the right to protest balanced with public order, but that is not what this bill does. This bill criminalises what is already criminalised. There are already laws that deal with trespass, damage to property and the loss of business revenue. There are already laws dealing with all of the things that this bill seeks to criminalise.

There is one very recent example of this. Police did manage to use existing laws to move on Extinction Rebellion protestors from around Parliament House last month and they arrested those who did not comply. If the Government was serious about what they say their intent is, they could simply use or strengthen those existing laws, if that is what the Government wanted to be debating to do today. Use those existing laws, as they did last month, or strengthen them if they think the penalties are not high enough, or strengthen them if they think that the laws are not such that they are protecting businesses from protestors. They could do that. We could be debating that right now, but we are debating something very different, something much darker, and something which causes me and the people on this side of the Chamber much more worry.

What these laws would do is make those Extinction Rebellion protestors, who were moved on outside of parliament last month after a peaceful protest, equivalent to the most serious criminal in society. That is a notion that is at odds with a liberal and stable democracy, where tolerance of dissenting views and modes of expression are central to the political discussion, central to democracy and central to holding governments to account. I will stand up for the right to protest because it is a fundamental political right. To protest is a fundamental social right and it is a fundamental legal right.

It is a fundamental and constitutionally protected right, which the High Court decision confirmed. I do not stand up for the right to inflict harm, to be violent, to intimidate, or to act in a criminal way, but I will stand up for the right to protest and all of us in this place should because it

is an integral part of the fabric of our society. Central to this, what we must stand up for, is the right for people to protest. Even when we do not agree with them, even when their beliefs and desires are fundamentally at odds with what we believe in, their voices should not be silenced and they should have a right to protest as all of us should.

My colleague, the member for Bass, Michelle O'Byrne, gave an example in her contribution of when Mr Barnett, the sponsor of this bill, protested outside of her office when she was Health minister and she was legislating abortion laws. She gave an example of Mr Barnett in silent protest outside her offices in Launceston CDB. I fundamentally disagree with Mr Barnett's views on termination law. I firmly believe and will always fiercely stand up for women's reproductive rights. I will fiercely stand up for the rights of women to have autonomy over their own bodies, their right to choose and their right not be harassed for accessing legal health services, but I will stand up for Mr Barnett's right to express his views in a silent protest; a peaceful and lawful protest. I do not agree with his views but I do stand up for his right have those views and to express those views by way of protest, as he did, because that is his democratic right. It is all about democratic right, so I will defend that right for all people to protest even when our views conflict.

Under these laws, only the protests that have gained a government permit will be lawful. What happens if someone does not gain a government permit? What if the government refuses to issue a permit to someone who seeks one and they engage in a peaceful protest nonetheless? Presumably they will face the full force of the law proposed in this bill and that is a dangerous path to tread. Only protests sanctioned by government would be lawful protests. That does not sound like a free and fair democracy to me.

Dr Brendan Gogarty is a senior lecturer at the Faculty of Law at UTAS. In his submission to the consultation on this bill, he said that there was never any true intent to consult on these laws. That worried me because I have talked a lot about the importance of consultation since I have been here. He noted that -

The Bill was released on a public holiday (Australia Day) during a state of emergency (widespread bushfires across the state). No government notices were issued on the day relating to the bill about its release. Press releases appear to have been back-dated on relevant website.

The removal of the majority of operative and incidental provisions from the legislation means that the amending provisions are extensive (18 pages long) and effectively involved rewriting the legislation from the inside out. The choice of amendment rather than re-draft made it exceptionally difficult to conceptualise the proposed legislation from a macro perspective, to see how its provisions operate together or consider what has been removed or replaced.

The public has been left to comment on a highly complex amending bill, without a consolidation of the proposed legislation and only the High Court decision to guide them.

- The High Court decision is over 180 pages long, and it involves complex constitutional reasoning in five separate judgments by the High Court.

- It is highly improbable that non-lawyers would be able to fully engage with the High Court decision and use it as a basis for informed review and critique of the amendments.
- No legal advice or other information has been provided to explain why various provisions were removed, amended or inserted in response to the Court's [decision].

That is what Dr Brendan Gogarty said about the Government's attempt to consult on this bill. In other words, the Government did not want genuine consultation on these changes and they did everything they could in their power to mystify this law, to confuse and to deflect attention away from what they were trying to do. Those criticisms come from a senior law lecturer, a well-respected legal expert who is an expert in constitutional law. He is familiar with reading High Court judgments and legislation. If someone with that level of expertise and qualifications had that to say about what the Government did with this bill's consultation, then Lord help the rest of us. Lord help anyone in the general community who may have had a view worth hearing on these laws to battle through, reading pages and hundreds of pages of High Court judgments and obtuse references to amendments, to get through that and express a view to government.

In the second reading speech, the minister told us there had been hundreds of submissions or hundreds of consultations. I would like to put a question on the record for the minister's summing up: what proportion - a percentage or a number - of those consultation submissions were critical of the bill? How many supported the changes made? I will put that question on notice.

In this bill, the Government is criminalising what is already criminalised. Instead of simply increasing the severity of existing laws, if that is their desire, or introducing other offences which deal with the issues that this bill is seeking to do, the Government has brought on a bill in this last week of parliament for political purposes alone. They know the bill cannot pass the parliament this year. There is only one sitting day left of the year and it is functionally impossible for the bill to be tabled and dealt with in the upper House and become law this year.

Why did they wait to introduce this bill so late? We went through months this year, Mr Deputy Speaker, you would have observed it as much as I did, of the Government tabling no bills. There were crickets every time it came to tabling bills in this parliament. Weeks went by, day after day, with not one piece of legislation tabled, and when the parliament did come to debate legislation that was on the books the Government filibustered like nothing else.

Some of the laws we were debating were good laws that we were happy to support, but they took inordinately longer than they needed to. For example, amendments to the Neighbourhood Disputes About Plants Bill were worthy changes, necessary changes to a good scheme and I enjoyed learning about it in preparing my contribution on the bill, which took about 15 minutes, about what it needed. That bill improves the scheme. I am not suggesting that legislation should not be scrutinised or when it needs to be heavily debated and everyone have their say that that is not the case. I stand up for that, but we debated it for hours and hours and hours and one Liberal member, from memory, even went to the trouble of rereading into *Hansard* all of the *Hansard* from the previous debate on the original law, including the debate in the upper House, which I believe might even be a breach of some standing orders. It is not to say that debate was not interesting, as I said, and was not necessary, but it was filibustering when we could have been debating other legislation.

Similarly, we debated three bills which made significant changes: the Magistrates Court (Criminal and General Division) Bill, the consequential bill, and the Restraint Orders Bill. They were significant changes representing almost two decades worth of work and the Opposition was happy to support those bills, so what I am saying right now is not a criticism of those laws. They will significantly improve the operations of the Magistrates Court for all users, including those who come before it as defendants. It is true those bills required scrutiny and analysis, I am not denying that, but they were cognate bills intended to be debated together. The second reading speeches even referred to each bill, I believe, as cognate bills. That usually means three bills, one debate. They are so interlinked and so reliant on one another that it makes no sense to debate three bills separately. Instead there would be one debate on the three bills, which would have still arrived at the same outcome of all three bills being passed into law. We did not do that. We debated each bill individually, which was clunky, unnecessary and time-consuming.

I reiterate that we did support them. They made important changes, but I give those two examples of times this year when the parliament could have been debating these laws. We could have been debating any number of other bills that the Government failed to bring to this Chamber that the public would have been interested to hear.

As I said, there is no opportunity for this bill now to be dealt with in the upper House. They have adjourned for tonight and only have tomorrow left of the sitting year, which means the bill simply cannot be brought on upstairs so it will not become law this year. If the Government was serious about protecting businesses and workers in the industries they talk about, why didn't they bring these laws on months ago so they could be in place in time for this summer?

There is so much to cause significant concern in this bill. Much of what was expressed as concerns in 2014 in the previous bill has not changed. For example, there was a submission from the University of New South Wales, Gilbert + Tobin Centre of Public Law and the New South Wales University Centre for Crime, Law and Justice, which said that:

... despite the Bill's amendments to the Act, key provisions remain in breach of the implied freedom of political communication.

...

... even if the amended Act's provisions are not in breach of the implied freedom of political communication, a number of its provisions create criminal offences and provide for police powers that extend beyond the legitimate limits of the criminal law in a liberal democracy.

...

While the Bill purports to remove the Act's targeting of protestors ... when its practical operation is considered ... the amended Act remains focused on prohibiting *protest* activity ...

...

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

There was comment in the High Court decision around the move-on laws; in other words, police telling protesters to stop or warning them before going ahead and arresting them. The Law Reform Institute at UTAS succinctly described the problems with the move-on powers. In the High Court case, the Brown case that struck down those 2014 laws, the High Court was critical of the lack of clarity around when police could or should give directions to protesters to move and when those directions should lawfully be given or should be given. The High Court did not suggest removing the move-on laws; they just said that they needed to be clearer. But this bill removes those move-on powers completely, meaning police will now be able to arrest protesters without warning. The TLRI explains that powers to give directions to move on exist under the Police Offences Act but there is no mandatory link between those directions and the offences proposed in this bill. Again, more evidence that the Government, if they were serious about the intent of this bill, could have amended existing laws, including the Police Offences Act. We already have the move-on provisions in there. They could have inserted more offences into that act or indeed amended offences under the Criminal Code.

Dr Brendan Gogarty explains that many of the concerns raised in that 2014 bill remain the same. The bill, like its predecessor, elevates business rights over civil rights. It entirely replicates existing code and common law offences, including trespass, nuisance and public disorder, but imposes stricter and higher penalties where the relevant act affects a business. The protections for businesses are extreme in their form. All acts affecting the business, be they minimal annoyance or severe and complete shutdown of operations, are subject to the same criminal penalty. No countervailing or counterbalancing protections are provided to the singular focus on protecting businesses. The bill makes no attempt to recognise or protect the rights and freedoms of individuals to express themselves, associate and exchange ideas, criticise and indeed protest in a democratic society.

What kind of society does that sound like to you, Mr Deputy Speaker? It does not sound like a very good one to me. It is one where we do not have the freedom to express ourselves, to associate, to exchange ideas, to criticise and indeed to protest in a democratic society. Those are fundamental to our lives as Australian citizens in a democratic, free and fair society and that is what is at stake here.

By removing people's rights to peacefully protest, we start down a very dangerous road, because many of the rights and freedoms we all enjoy here in Australia were built on protest, here and elsewhere. For example, if there were no protests against apartheid, including strong protests and secondary boycotts by Australia, South Africa would still be a country divided by race in the way it was back then. Those protests certainly affected businesses and, as members well know, workplace rights and conditions that all of us now take for granted in Australia were all achieved through protest. They were all achieved by the union movement, a movement built on protest, and that is nothing to be ashamed of. Through the union movement, through protest, we have achieved rights in Australia that people do not even realise were achieved for them by unions. The right to equal pay, the right to workplace safety, the right to superannuation, to annual leave, to penalty rates, to sick leave - those are fundamental rights that are part of the fabric of working life in Australia now and they have been achieved by the union movement predominantly through protest. That is why this is so important.

No-one on this side is going to say that it is okay to disrupt a farming business and the examples that we have heard from the minister and from the others who have spoken on the other side of the Chamber, or defend illegal activity, but this bill is not about that. If it were, they could be amending or increasing penalties for existing for existing offences under the Criminal Code and the Police

Offences Act. That is not what they have done here. They have created confusing legislation for the Tasmanian community where people will be legitimately worried, confused and mystified by what the Government has put in place, not sure of their rights, and that will have a chilling effect on free speech. It will have a detrimental effect on the rights of Tasmanian people to have their say by way of peaceful protest.

I will talk about some of the protests that I have attended in my life, and wonder whether I would have fallen foul of some of these provisions had they been in place at the time.

One of the early protests I attended, when I was still at university, was back in the 1990s. Pauline Hanson was coming to Tasmania to speak at a public meeting, and there was a big protest. In fact it was the biggest protest that had been seen in Hobart since the Vietnam War, so it was fairly historic. We turned out in great numbers because we really disagreed with Pauline Hanson's views, her racist views, her xenophobic views. I might defend her right to have those views, but I absolutely disagree with those views. I was exercising my right, along with hundreds if not thousands of other Hobart residents, to protest the fact that someone with views that we found abhorrent was going to come to our state to express those views.

I was a protester. I was not a ticketholder for the event, but I believe it was a ticketed event, so presumably that is a business activity, or perhaps not. I do not know. That is the point. I do not know. Would people know, now, if that same set of circumstances were to occur: that if it is a ticketed event, it is someone's business interest. If you stop that event from going on, or you delay the event - from memory it did get significantly delayed, but still went ahead - are you going to fall foul of this law? Are you going to go to jail for 18 months, or for four years? I do not know.

When I was still at university we had several very longstanding campaigns against the introduction of HECS fees - I am showing my age now - and also voluntary student unionism, which was introduced by the Howard Liberal Government. We had lots of protests across the campus against the increase to HECS and against voluntary student unionism, which have completely changed the fabric of how universities now work in this country. Many of those protests were held in business facilities in the university. Cafes in the refectory - if anyone went to UTAS and remembers that place - we were out the front of there, obstructing doorways. People still went in, they still had their lunch, but we were obstructing business premises in exercising, in a peaceful way, our democratic right to oppose policies of the Howard Government back then.

I do not know if those activities would have fallen foul of these laws. Possibly, possibly not, but the reason I raise them is precisely because it is unclear - and it is not unclear because of things that have been said on this side of the Chamber. It is unclear because the Government has done everything it can to provide a confusing law that mystifies the community and makes them unsure and uncertain of their rights.

I will not go through the other protests but I am sure everyone, at least on this side of the Chamber, would have dozens of examples of protests they have attended in their lives, many of which would potentially have fallen foul of this, even though they were peaceful protests.

Before I take my seat, I will quickly try to rebut some of what the previous speaker said about the High Court decision, and about people saying that it is Labor and the Greens confusing people about this. What Dr Brendan Gogarty said in his submission is that the majority decision of the High Court was split over four separate judgments, not one joint judgment, which makes it hard, if not impossible, to determine which specific provisions of the anti-protest legislation was invalid.

I will run out of time, but the fundamental point he makes is that because of the way the High Court made its decision, it is actually not possible to say with any degree of certainty which provisions of the anti-protest act survived the court's declaration of invalidity. It is not possible, even for a constitutional law expert like Dr Brendan Gogarty, to unpick that and know which parts survived the High Court's determination, and which did not, which means there will inevitably be an appeal on these laws. There will be an appeal in the High Court, and if they cannot unpick it at the university and at the High Court, the Government cannot unpick it. There will be a challenge, and then the state will be up for the costs of running a defence. Those businesses that the Government professes to be protecting this summer will be put through all of this again.

How many times will they come back with the same bill in 2020, and tell those business stakeholders they are doing everything they can to protect their businesses and to protect their workers, only to bring on another bill that is going to fail and be challenged in the High Court? What a waste of everybody's time. What a cruel thing to do to those businesses, and to those workers, who the Government purports to be supporting.

With those comments I conclude my contribution. I reiterate that I will always stand up for people's right to protest - including, as I said, when I disagree with the views of those people who seek to protest, as I talked about with Mr Barnett's example. Everyone in this place should do that, because we live in a democratic society for now, in Australia. The right to peaceful protests is a fundamental part of the fabric of what makes this country a safe place to live.

**Time expired.**

[8.51 p.m.]

**Mrs RYLAH** (Braddon) - Mr Deputy Speaker, I support this bill. This delivers on the Hodgman Liberal Government's election commitment to amend the act to protect the rights of workers and to protect legitimate Tasmanian businesses from protesters. These laws will provide Tasmanian businesses with reassurances that they will be safe from incursion, harassment or hindrance from protesters and trespassers.

The amendment addresses matters raised by the High Court in the Brown case. It has been drafted to apply to all people, and only to actions which affect or have the potential to affect the lawful rights of others. The Hodgman Government is strongly committed to the right of people to protest, but not at the expense of the right of workers to earn a living, or the right of a business to operate safely and free from interference and disruption.

The Hodgman Government recognises that most protesters are law abiding. This bill will make no difference to a citizen's ability to freely express their views.

**Dr Woodruff** - That is just totally untrue, Mrs Rylah. It is totally untrue.

**Mrs RYLAH** - It will affect only those who seek to infringe the rights of others in order to make their point.

**Dr Woodruff** - It is very sad you did not read all the legal opinions about this. Very sad.

**Mr DEPUTY SPEAKER** - Order.



**Mrs RYLAH** - The tabling of the bill comes against a background of organised and increasingly disruptive behaviour affecting businesses across Australia. Targets have included farms, processing companies, small businesses and mining companies.

We hear the constant refrain from the Greens and Labor that Tasmania has a history of protest that is simply a peaceful reflection of democratic rights, and should be allowed to continue unrestrained. That just does not pass the pub test. We know the history of campaigning to lock up the forests. Tasmanians have voted repeatedly against further lock-ups. They saw what happened when Labor caved in to the Greens' demands and decimated the timber industry through the TFA. More than 4000 forestry jobs were lost, and Tasmanians have shown no appetite for a repeat. I was there in Smithton on the afternoon of 11 July 2013 after fly-in protesters chained themselves to the Ta Ann production line, shutting down the whole plant, damaging equipment and terrifying employees and managers who knew that if anyone pushed a switch on the production line these protesters would have been killed immediately.

To understand how distressing that situation was for the community, I will explain further. The supervisors found that they could not isolate the power to this production line, and had to call TasNetworks as there were multiple switches throughout the large production line at Ta Ann. TasNetworks arrived over an hour later. The police also knew of this risk the Ta Ann staff had found and the whole scene became highly charged. It was damaging the mental health of workers, our first responders and distressing to the management of the mill, which provided work for over 80 people in Smithton. Remembering that our state was in recession, thousands of jobs had been lost in the forest industry, Circular Head was suffering and the locals rallied immediately in support of workers, with police sending reinforcements to keep the locals from taking the law into their own hands, separated from the protesters. Nearly five hours later, the mill site was cleared and I rallied people. Hundreds came. More would have arrived if they had more notice, from right along the north-west coast, as far away as Devonport. Out of the forests, off farms, people put their businesses onto minimum staff so that they could legally walk down the main street and show their support for the workers. I said at the time that -

Tasmanians have a stark choice between political groups using lawbreaking attacks or supporting law-abiding groups who supported law-abiding companies employing Tasmanian people.

I said that then, and this is exactly where we are today. This event was the siren call to voters to never vote Labor because of their cosy alliance and tacit support of the Greens.

I reflect further that this event at Smithton was like the Adani Mine fiasco of Bob Brown's was to Queensland voters in the last federal election. Labor has totally lost its way. Labor did not learn in 2013 and, six years later, huge defeats federally, in this state and in Braddon. I am astounded by your position today. Those lock-up events were then and that brings us to why we are here debating this bill today.

Those events in Smithton and many others during the guerrilla war waged by paid activists against forest contractors and businesses was aggravated trespass, in my view. It caused great distress to the workforce. Ta Ann and the forestry industry lost employees as a consequence of people feeling this business and this sector was the target for which the government of the day had no response. Labor could not and cannot see the forest for the trees and failed their reason for being in politics, failed to support workers then and now and failed to ensure workers could keep their jobs.

The Liberal Party campaigned to end the lock-ups. We were resoundingly elected in 2014 and again in 2018. The Greens went backward, losing their five seats and last year polled only 3.57 per cent of the vote in Braddon after campaigning for the lock-ups of the Tarkine. The people of Braddon understand that the Tarkine lock-up and associated push to expand the World Heritage Area would have been devastating for workers in all our productive resource industries.

From a broader perspective, advice from the Department of State Growth shows 680 000 hectares of land grab would have: banned mining in one of our most productive prospective mining regions, which includes more than 1000 known mineral deposits and at least eight current mining leases; based on past expenditure, cost the state upward of \$150 million in mining and exploration investments over 20 years; locked up more than 12 000 hectares of Permanent Timber Production Zone and 91 000 hectares of our wood bank, the Future Potential Production Forest; cost over \$250 million in the value of native forest harvesting over the next 20 years; and add to the sovereign risk issues that have seriously impeded investment in Tasmania.

**Ms O'BYRNE** - Point of order, Madam Deputy Speaker. I draw you to Standing Order 142, which says the member should not digress from the subject matter under discussion. I am wondering if she could address the bill before the House.

**Madam DEPUTY SPEAKER** - You have already been advised tonight that is not a point of order. The member will continue.

**Ms O'Byrne** - It is a point of order. You are choosing not to have it.

**Mrs RYLAH** - This is why I stand here in this place. Has the fact that more 96 per cent of the people of Braddon did not want a bar of this nonsense -

**Members** interjecting.

**Madam DEPUTY SPEAKER** - Order, I ask that the member be listened to with respect, please.

**Mrs RYLAH** - made any difference to the Greens and their supporters? Not a skerrick. Even more disturbingly, Labor has turned its back on those workers and those values. Labor has lost its reason for being. Do you not understand that the inability to put food on the table of your family is the most fundamental threat you can apply because that is what aggressive protesters' guerrilla tactics do; force businesses to the wall, cause workers to lose their jobs, damage the mental health of innocent, law-abiding, everyday citizens.

The militant agenda is an agenda of the privileged, the modern elite, who, in no way different to that of feudal times, demean and suck the lifeblood out of everyday people, whom they look down their noses at and trample underfoot. The Bob Brown Foundation continues to thumb its nose at the democratic processes on maintaining protest actions designed to disrupt business operations of the forest industry and, by doing so, impose its minority view on the rest of the population. The extent to which the Bob Brown Foundation is prepared to go to orchestrate public opinion is illustrated by the following message from someone who recently attended a Greens indoctrination session -

I attended an activist's drop-in session on 4 November, hosted by the Bob Brown Foundation. The host explained that they have a small group of people who are

willing to get arrested but that people are reluctant to go back and get arrested a second time. The BBF are encouraging protesters to sign a register to grow their pool. They are telling protesters, as we were at the activists' session, that court costs could be paid for by BBF and that fines are dropped at court. This effectively means no penalty, no deterrent.

Then the writer added -

We need stronger laws to protect workers from these people who invade workplaces, that have practical penalties that cannot be paid by a well-funded organisation.

All I will say about that is that the people of Braddon are sick of the hypocrisy; the Greens and their fellow travellers loudly demanding the democratic right to have their say at the expense and damage of law-abiding and legitimate businesses. When the people of Braddon have their say through the most democratic method of all, the ballot box, they are subjected to an unrelenting campaign to obstruct and impede forestry businesses in order to impose fringe views of a tiny minority.

These laws are needed, following an upsurge in community and business disruption caused by organised actions across the country. These actions have been dangerous and have put people's lives at risk. In September, in what was one of the most disgraceful turns of events in a drought, protesters put themselves and the broader community at risk as they tried to disrupt planned burning operations in Victoria. Fire crews ignited a burn near Mossiface and then had to call triple 0 to activate Victoria Police when, contrary to authorised officers' advice, activists entered the burn zone and refused to leave. These burns are strategic asset protections burns, intended to protect human life, property and community assets from summer bushfires. The type of behaviour demonstrated by the protesters is reckless and irresponsible, it puts their own lives and the lives of firefighters in the community at risk, in addition to tying up valuable police resources. Firefighters are the people our community rely on to protect them from bushfires, yet their lives could be put at risk from this sort of protest activity.

During the last 12 months, farmers, business owners and workers across Australia have been subjected to threats, violence and appalling damage by various activist groups. In April, there were mass protests by so-called vegan activists across Australia. They caused disruption by blocking major intersections in Melbourne and targeted small businesses in the Queen Victoria Market as well as farms, abattoirs and meat-processing plants across the country.

We live in a democratic society where protests are allowed and are seen as healthy when done properly and peacefully. However, protests that target people and their livelihoods, that target employees who cannot find other work and that target the mental health of families and business owners are not just illegal. They create an environment where no solution is reached and innocent people, families and communities are damaged. The fact is people's livelihoods are at stake. The meat industry does not just stop at farms. There are more than 100 000 people employed along the supply chain, including on various types of farms, be they broadacre, specialist or hobby farms, in abattoirs, processing facilities, in the transportation of meat and livestock and in the many butchers, delicatessens, supermarkets, cafes and restaurants across the country that are merely supplying our society's demand for meat products. Moreover, the disruption caused by these protests disproportionately impacts people who work in small and family businesses. Small businesses do

not have the elasticity to recover from this sort of disruption. They still have to pay their staff for the lost day of work and they will have customers also impacted.

If this behaviour continues, small businesses will be forced to close. Small businesses are hurting and we already have seen instances of activists' behaviour costing people their jobs. For example, the popular Gippy Goat Café attached to Caldermeade Dairy Goat Farm in Victoria closed their doors after the owners and staff, innocent people just trying to do their job, were subjected to months of harassment, abuse and threats of violence from aggressive vegan activists. This café closing down does not do anything to help animal welfare. In fact, there was worry expressed about the welfare of some of the baby goats stolen from the farm by vegan activists in December because the animals were taken away from their mother's milk and the care of vets. The closure of this café does mean, however, that people will lose their job and a family will go through hard times. It is a loss for the whole community.

Aggressive protests like the ones seen in April also disproportionately impact people in regional Australia. In many regional towns, small businesses in the meat industry are the core of the local economy. Without the abattoir and local food retail shops, some of these towns would not be able to exist. Not only do they provide jobs, like many other small businesses in regional Australian communities they sponsor local sports events and support local charities. People do not choose to work in an abattoir or butcher because they hate animals. They may be experts in ensuring the humane processing of stock, or it might be the only work they can find or the only way they can stay in their home town. In many cases, these businesses are already under a lot of stress from the drought and energy costs.

It is important to respect peoples' right to express their opinions and to engage in peaceful activism. The Hodgman Liberal Government recognises the majority of protesters are good and honest people who want to promote peace and compassion. These laws are also for their protection. This Government will not condone disruptive, aggressive groups who are not there to negotiate or talk but simply want to take negative footage and antagonise innocent people. Unnecessary behaviour demonstrated by aggressive protesters is an attack on our broader society and the economy. We all know that when a few try to force their opinion on the many, a conflict will occur, people will be harmed and no-one really wins. Small businesses and farmers may be considered an easier target for aggressively minded protesters, but creating more victims by wrecking people's livelihoods is not the answer to the problem of animal welfare or climate change. It only serves to foster anger, distrust and resentment between people who are doing nothing wrong.

The workers that I speak to are mystified and in utter disbelief by the position taken on this bill by the Labor Party. The more senior citizens in Braddon still remember with a great deal of respect the great member for Braddon, Eric Reece, a former miner who became an outstanding champion of resource industries and driver of development through Tasmania's outstandingly successful hydro industrialisation policy. Eric Reece would not be recognised in today's Labor Party. Instead of carrying the torch for workers, Labor has reinvented itself as a pale, stale shade of green. In doing so, they are competing with the Greens in pursuit of the politics of grievance. Not only does this mean Tasmanian Labor has abandoned the workers to pursue a renewed partnership with the Greens to oppose our workplace protection laws, they have also abandoned the values of the broader Labor Party.

Other Labor governments and MPs across the country have joined Liberal and coalition governments to support legislation to improve protection of the rights of workers in the face of new radical activism. In contrast, Tasmanian Labor is running a protection racket for the protesters. Let

us have a look at what is happening elsewhere in response to the invasions of farms and other businesses.

**Ms O'Byrne** - Tell us what is happening elsewhere. Tell us what legislation they've done.

**Mrs RYLAH** - The Queensland Labor Government has introduced legislation to double penalties on unlawful trespass on farm land. It has also announced on-the-spot fines as part of what is described as cracking down on animal rights zealots invading farms in illegal protests. The Queensland Minister for Agriculture, Industry Development and Fisheries, Mark Furner, said authorities had recently seen 'an escalation in the tactics of militant activism who appear to assume their beliefs somehow place them outside the rule of law. This is completely against the tenets that underpin a law-abiding democratic society', Mr Furner said.

**Opposition members** interjecting.

**Madam SPEAKER** - Could I have a little quiet over here, please?

**Mrs RYLAH** - Mr Furner continued:

As a consequence of this new and completely inappropriate era of activism, the Palaszczuk Government is drawing a line in the sand.

Mr Furner said Queensland farmers deserve respect and needed to be protected:

Everyone has the right to protest, but no-one has the right to break the law. We are getting tough on farm invaders, because their actions are dangerous.

**Ms O'Byrne** - Yes, and how did they do it?

**Mrs RYLAH** - The Morrison Government has introduced tough new laws to ensure farmers and their families are protected from invasion on their properties and privacy, with penalties -

**Ms O'Byrne** - And how did they do it?

**Madam SPEAKER** - Order, please.

**Mr BARNETT** - Point of order, Madam Speaker. The Deputy Leader for the Labor Party continually interjects in an unparliamentary way and it is becoming very hard to hear the member. I ask you to draw her attention to that.

**Madam SPEAKER** - I agree and I ask the Deputy Leader of the Opposition -

**Ms O'Byrne** - My apologies, Madam Speaker. I simply wanted more information.

**Madam SPEAKER** - I know, but I am worried about how tired you are getting, so I ask you to refrain from interjecting.

**Mrs RYLAH** - The Morrison Government has introduced tough new laws to ensure farmers and their families are protected from invasion of their properties and privacy, with penalties of up to five years imprisonment. Federal Labor provided bipartisan support for the Criminal Code

Amendment (Agricultural Protection) Bill 2019. The comments on the bill from Labor Senator Raff Ciccone makes -

**Ms White** - It was a communications law amendment.

**Mrs RYLAH** - Raff Ciccone makes Tasmania's position inexplicable. Senator Ciccone said:

Labor understands the important contribution that agriculture makes to our overall economy. The tireless efforts of our hardworking men and women of the land have always been and will always be a key part of our prosperity as a nation.

He goes on:

For some being a farmer in Australia isn't an easy life. As a parliament, we have an obligation to support them and not to allow others to incite violence. The aim of this bill, to protect Australian farmers from those who incite destructive farm invasions on their land, is certainly a worthy cause. Our farmers and their families shouldn't have to live in fear of someone showing up at the farm gate in the middle of the night. ...

This kind of activism has no place in our proud farming nation. ...

Labor is firm in its support of our primary producers and believes they have a right to operate their businesses in peace and without fear of extreme animal activists disrupting their operations.

The New South Wales government has introduced a new right to farm legislation with a maximum penalty of three years imprisonment for farm invasion. The Victorian government is currently undertaking an inquiry into the impact of animal rights activism in agriculture. The Western Australian Labor government is introducing a new offence of aggravated trespass, doubling maximum penalties to a \$24 000 fine and imprisonment for two years where the offender interferes with agricultural production. This is what the Western Australian Minister for Agriculture and Research, Alannah MacTiernan, said:

The Western Australian Government supports the rights of our farmers to raise and process livestock within the legal framework of the animal welfare laws of each jurisdiction. We believe farmers should be adequately protected against those trespassing against farmers and processors because of their philosophical opposition to the livestock industry.

Further -

We acknowledge there have been several incidents of animal activists unlawfully entering properties in WA, as well as harassing producers from public places.

Trespass and harassment are criminal matters. The Department of Justice and the Western Australian Police Force are taking this matter very seriously. Not only do trespassers invade a producer's privacy and interfere with the normal running of their business, they also pose a serious risk to farm biosecurity and animal welfare.

In WA there are already significant penalties for trespass - up to one year's imprisonment and a \$12,000 fine. These represent a very real deterrent. The recent successful prosecution for an act of trespass on a WA piggery, including a total of \$13,500 in fines, appear to have deterred activists. As far as I am aware, no further such trespasses by animal activists has taken place since the penalties were imposed.

In order to better address the issue, the WA government is in the process of developing amendments to legislation by introducing circumstances of aggravation for the criminal offence of trespass. The proposal is a targeted response aimed at better protecting the agricultural industry from unlawful interference.

The key change will be the introduction of aggravated circumstances for the offence of trespass, to apply where the offender interferes with agricultural production while trespassing. The maximum penalty for aggravated trespass will be a fine of \$24,000 and imprisonment for two years, double the usual maximum penalty for trespass.

In addition to any other penalty imposed, and subject to a limited judicial discretion, a person who commits aggravated trespass will be made subject to a community based order containing conditions aimed at preventing further offending. The community based order also avoids exclusive reliance on monetary penalties which can be met through crowd funding. The Government's reform package will also include amendments to the *Restraining Orders Act 1997* (WA) making it easier for agricultural landholders to seek the protection of a misconduct restraining order where appropriate.

There is a common theme in these responses from across the nation. They recognise there is a problem and back actions to support farmers and businesses. It runs across the board and across the political divide. The outlier is the Tasmanian Labor Party, which has chosen once again to break rank and align with the Greens to back extremist protesters over hardworking Tasmanians. Unfortunately, this is what we have come to expect from a party without leadership and without direction. Only this week, the Leader of the Opposition proudly stated on ABC TV that she was sitting on the fence. It is hard to disagree with the observations of the *Mercury* contributor, who on Monday was bemoaning the, 'leaderless, directionless, vacuous Australian Labor Party.'

**Opposition members** interjecting.

**Madam SPEAKER** - Sorry, could I hold you up there for five seconds while I ask our colleagues on my left to behave with a modicum of decorum.

**Mrs RYLAH** - The Hodgman Liberal Government is supporting peaceful protesters. The legislation being tabled today ensures protests need to be lawful. Nor would it affect people who inadvertently impede business activity because this is about the protesters' intent. We know the purpose of the underlying act is valid because the High Court has ruled on this, its purpose being the protection of businesses and their operations and their protection from damage and disruption. The Hodgman Government is taking decisive, timely and strong action on addressing the concerns of the majority of Tasmanians by condemning the illegal activities of a minority. We will unlock businesses from unlawful protest.

This legislation has previously been passed by both Houses. There is no reason why it should not be passed again, with amendments that only tighten legislation and makes laws fairer for everyone. A vote against this legislation is a vote against Tasmanian workers and businesses. If a legitimate and Tasmanian business is undertaking a lawful activity, they should be able to conduct their business unhindered. Unlawful trespassers who think that they have the right to walk in and impose their views at the expense of the rights of others should be prosecuted. Anybody who opposes this is very un-Tasmanian.

[9.21 p.m.]

**Ms WHITE** (Lyons - Leader of the Opposition) - Madam Speaker, what a pathetic contribution from the member for Braddon. On that last point, you have to be delusional if you think these laws are valid because the High Court has said so. The High Court has not tested this bill and there are multiple submissions that have been made by legal experts who query whether it is valid. I do not know who is providing advice to you, Mrs Rylah, but you have been incredibly misled.

It speaks to the arrogance of this Government and this is a highly politically charged bill that you have brought into this parliament in the last sitting week. You know that the upper House is never going to be able to deal with this matter before the end of this year. I know that industry has asked you to reconsider the drafting of this bill so that they will get legislation that will provide the protections they are seeking. We do not disagree with the intent of industry to be able to support their operations and make sure there are safe workplaces for their workers. We support safe workplaces for workers. We are the strongest supporter of the working people. We are the Labor Party.

Instead of looking at how they could provide improvements to existing laws - and the member for Braddon just said that trespass laws could be enhanced to provide the protections that businesses are seeking and that would be entirely appropriate - this Government has brought forward a clumsy amendment to a previous bill passed by this parliament that was found to be unconstitutional by the High Court. This Government has brought this on in the last sitting week of the year, knowing full well that if it happens to get through this place it will not be debated in the other place in time before the session is concluded. This will sit on the books and who knows when you will bring it on for debate upstairs? This is a tactic we have seen you use before.

You did it last year. You brought bills into this House for debate that are divisive and politically charged, you let them sit on the books and you campaigned on them in the lead-up to the Legislative Council elections. We saw it last year with the mandatory sentencing bills, which we have seen come through this place again this week, presumably for the same purpose because you know that will not be supported in the upper House. You will run campaigns on those with your unfortunate Legislative Council-endorsed candidates in the hope that will have some traction in the community. They are bad laws, like this is a bad law.

We recognise from the conversations we have had with industry that there can be improvements made to provide the protections they are seeking but this bill and this amendment is not the way to do it. We could improve existing laws, which would not impinge on the freedoms of people and send a chill down the backbone of all Tasmanians that you are undermining their democracy because that is what this bill does.

I cannot believe the member for Braddon tried to conjure up the former premier of this state, Eric Reece, as somebody who would be concerned about our position on this bill. I know full well



that as somebody who was a staunch supporter of the union movement, he would be standing in defence of our position and advocating very strongly for the Government to take this bill back to the drawing board because it does not protect the rights and the freedoms that Tasmanians have been able to enjoy, and that people have fought so hard to have. It impinges on their rights and their freedoms, and there are not sufficient protections in this bill. There is no way that these clumsy amendments are going to improve the bill to the point where the High Court - if it gets to that point - will have the satisfaction that the member for Braddon claims that these laws will be valid, because the High Court has already said so. That is absolute rubbish.

I want to talk about some of the submissions that were made.

**Mrs Rylah** - The act, not the bill.

**Ms WHITE** - I beg your pardon?

**Mrs Rylah** - I said the act, not the bill.

**Ms WHITE** - The act was found to be invalid. The bill, if you read the submissions that were made, and I will go through some of them now, I think you would like to reflect on the statement that you have made to this place.

Let me have a look at some of the submissions. Clearly, this bill is too broad. It has not adequately addressed the unconstitutionality of the act, and the problems that were found in the High Court judgment, and it is very politically motivated. Unions Tasmania has made a submission. I did not hear the member who just resumed her seat speak at all about unions and the rights of workers, but Unions Tasmania in their submission to this bill said, and I quote -

The bill as currently drafted remains too broad, such that it could still capture union members engaged in legitimate union activity. A meeting on a worksite, for example, where workers have ceased to work to address or discuss safety issues, but which does not meet the very narrow definition of protected industrial action under the *Fair Work Act 2009* is just one example of where this legislation has potential to capture the activity of union members.

The Bill retains a broad definition of business premises covering numerous industries, as well as Government Business Enterprises. It also covers public thoroughfares including public places, streets, roads, footpaths, bridges and waterways. A union rally or a peaceful demonstration could potentially fall afoul of this legislation. Collective action is the way many positive changes have been achieved in our country. Such actions are important mechanisms in a representative democracy for people to have their voices heard.

Madam Speaker, where would we be, as women in this parliament, without the suffragettes? Where would Mrs Rylah be if the suffragettes had not maintained their activism and campaigned for the rights of women to have the vote? That would be deemed unlawful activity under a Liberal Government, according to their bill. Where would we be, as workers, without the trade union movement, which is built upon protests? Jessica Munday wrote an excellent Talking Point piece today in *The Mercury*, where she said -

The trade union movement is a movement built on protest.

Many of the important workplace rights and conditions that people take for granted these days - like equal pay, superannuation, workers compensation laws - were won because the union movement protested for them.

Those same protests that won rights for workers that are taken for granted today would not be deemed legal under the provisions of this bill before the parliament now. The Government will enable some protest activity to occur, but only if they permit it. You are allowed to protest, but only if we allow you to, under permitted action, says the Government. That is not a democratic society. This is a theme of this Government, though: they crack down on dissent; they expose people who have a different view to them.

Just think about Miles Hampton. I reflect on the controversy when the Government was trying to take over TasWater, and the way they tried to damage people's reputations at that time. They cracked down on people.

John Burgess, recently speaking out about the crisis in the hospital system, a day later, found his job had been abolished. This is a Government that does not like people speaking up for the things that they are passionate about, if they are in contravention of what the Government wants. They squash people. They threaten people. They intimidate people. Here is another piece of legislation that is right in keeping with that theme by this Government.

There are number of things the Government has not been able to explain with respect to what would be captured by this. Think about, perhaps, a protest outside a 7-Eleven store, because of the wage theft that they committed against their workforce. A protest gathered on the pavement outside the front of a 7-Eleven store demanding that their workers be appropriately remunerated. Would that be captured by this legislation? It would be. I heard it said earlier that somebody who might be seeking a refund in a shop, but is denied a refund by the cashier, and so they stay in that shop because they want a refund, and the cashier asks them to leave. Would they be captured by this legislation? They would be.

What about somebody who might be protesting outside a bank because the bank has ripped them off? We have seen what the banking royal commission has discovered - even though the Liberal Party and Prime Minister Scott Morrison voted 26 times against having a banking royal commission. Look at the gross injustice it has uncovered. What if somebody was protesting outside a bank? They would be captured by this law.

This bill is flawed, it is undemocratic, and it is possibly unconstitutional. The Government should have taken the opportunity that was given earlier in this debate to withdraw it, because there is no way the upper House will let this bill through in its current form.

It cannot be amended to improve it. The only way you will be able to deliver for the industry groups you have made significant promises to, is if you actually do the consultation, perhaps pick up on some of the recommendations made in the submissions by the legal fraternity about how you can improve provisions within current laws, to provide them with some of the tools they need. We would be supportive of that.

We had those conversations with the industry. I know they had the conversations with Government, calling on the Government to do something, but this Government is so arrogant. They are more interested in rhetoric than action, and we see this from them all the time. They say they had an election commitment to amend the act, and that is why we have this clumsy and clunky bill

before us now, rather than a clean piece of legislation. Apparently, your promise to amend the act was more important than getting something right. It is typical of the rhetoric of this Government, on clear display.

I will read from another submission, made by TasCOSS. Members would be aware that TasCOSS advocates on behalf of low-income Tasmanians who often live in vulnerable and disadvantaged circumstances. Their submission was informed by the expertise of their members. I will speak about the members who contributed to the submission. They included Community Legal Centres Tasmania, the Tenants' Union of Tasmania, the Environmental Defenders Office Tasmania, Hobart Community Legal Service, Women's Health Tasmania, Anglicare Social Action and Research Centre, Neighbourhood Houses Tasmania, and the Tasmanian Aboriginal Centre. Their submission was fairly emphatic. They concluded by having two recommendations, and I will go to those first. They said: 'TasCOSS does not support the proposed amendments to the act. TasCOSS instead recommends that the act be rescinded'.

Why did they say that? They had two areas of concern with the bill. First, that the Government has not presented evidence that the amendments are necessary. The second, and more fundamental, concern is that the bill impinges on fundamental human rights, and its application could therefore have a detrimental effect on the ability of citizens to raise, and have addressed, fundamental issues of justice. That is pretty serious. Did the Government listen to that submission when they were drafting the amendment that is before the House? No.

The amendments are unnecessary, and TasCOSS has given examples as to why. They said the Tasmania Police Offences Act 1935 contains the offence of trespass and property damage, as we have already explained. These existing provisions could be used by this Government to provide the protections that businesses are seeking.

The bill impinges on fundamental human rights. They have made quite a lengthy submission with respect to how this happens, but I will talk about some of their reasonings. They talked about the freedom of assembly for the purpose of political expression being important to bring about change. They gave examples of a few protests they have been involved with that have brought about change. They talk about the human rights protests at the Salamanca Markets by gay and lesbian protesters that resulted in arrests over disruptions of public amenity and the business of other stallholders. These protests paved the way for significant gay and lesbian law reform in Tasmania and recently the Tasmanian Government apologised to those it arrested and a key player in those protests, Rodney Croome, is now seen as a champion of human rights and equality in the state.

They gave an example that occurred in 2000 which involved a coalition of organisations, including TasCOSS, that protested outside the Executive Building, arguing that electricity concessions should be extended beyond pensioners to include healthcare card holders who were on lower incomes than pensioners. As a result of that action the Government agreed to grant the extension to concessions. That would have been unlawful action if this bill were in effect in 2000. TasCOSS, community service organisations, pensioners, were protesting because they wanted a concession because their power bills were crippling them. They got that concession. They won that concession through the power of protest and public action and they currently have every right to continue with freedom of assembly for the purpose of political expression, but if this bill becomes law they will no longer have that right in Tasmania.

The Tasmanian Aboriginal Centre made a submission. Their submission was fairly straightforward and I will read the simplest example of their opposition to this bill, where they said:

We urge that the bill be abandoned. Current laws are wide enough to deal with the harms the Government perceives.

They went on to say:

We note that the Aboriginal community in Tasmania has long been active in protesting the current state of the law. In recent times our community has continued its advocacy, from the tent embassy sit-ins on Parliament House lawns in Hobart in 1976, through to land rights reoccupation of putalina/Oyster Cove, piyura kitina/Risdon Cove and pinmatik/Rocky Cape, to the protests against bridge construction through our ancient site kutalayna/Jordan River, which resulted in several arrests and detentions.

They state:

This is one of the few ways our community has of letting its views be known. It is anti-democratic in the extreme to attempt to quell those public demonstrations by threatening increased penalties and police action.

We urge the Government to withdraw the bill.

If members opposite had read the submissions they would have also read the one from Community Legal Centres Tasmania. This is a peak organisation that represents nine community legal centres located throughout Tasmania, and they said:

We are strongly opposed to the *Workplaces (Protection from Protesters) Act 2014*. In our opinion, the Act is unnecessary with existing legislation already providing sufficient scope to punish illegal protest. For example, under the *Police Offences Act 1935* (Tas), it is an offence to unlawfully enter land ... the *Police Offences Act 1935* (Tas) makes it an offence to destroy or injure property, with the penalties being a fine not exceeding \$1,300 or a prison term not exceeding 12 months.

It should also be noted that the majority of the High Court strongly condemned the Act for impermissibly burdening the Constitution's implied freedom of political communication. In the majority's view, a compelling justification is required by legislatures where a heavy burden on the implied freedom of political communication is proposed. In our opinion, simply removing the word 'protester' from the Bill does not change its intent, which remains the prosecution of persons protesting.

They went on to offer quite a helpful solution to the Government:

In our opinion, if the Government's intention is to provide greater protections to business, the *Workplaces (Protection from Protesters) Act 2014* should be repealed and the maximum penalties available under the *Police Offences Act 1935*

(Tas) for trespass, destroying or injuring property or obstructing police officers be reviewed.

Madam Speaker, we agree. There are existing laws in Tasmania that this Government could seek to review to give effect to the intent without impinging on the rights and freedoms of other people who will be caught up in the drafting of this bill who should not be.

The Centre of Public Law and the University of New South Wales made a joint submission and again were very clear in their contribution to Government, saying that:

First, despite the Bill's amendments to the Act, key provisions remain in breach of the implied freedom of political communication.

They go on to talk about all the reasons why.

I know other members have also talked about that so I will not continue.

There were also very strong submissions made to that process by Dr Brendan Gogarty, the Director of Clinical Legal Practice at UTAS, a senior lecturer at the Faculty of Law, a barrister and solicitor. He said the bill should be dropped altogether and he made a very compelling case for why that should be the case.

I want to talk about what is happening in other jurisdictions. The Government has used this as a defence for why they are taking the action they are. In fact when you look at what is happening in other jurisdictions you will see what they have done is actually what the legal experts have proposed they do in the submissions that have been made and that is to amend the trespass laws.

When you look at what is happening in Western Australia, it says quite clearly, upfront, 'farm trespass laws passed by the Western Australian Attorney-General'. How are they doing that? They are focusing on biosecurity laws to crack down on vigilantes but recognise that they need to balance laws against trespass with increased inspection regimes to protect animals from cruelty.

What other states have done is not propose all encompassing bills like this Government has. They have identified the problem and then they have proposed solutions specific to that problem. Every other state has said that they recognise that farmers have a right to farm. I grew up on a farm. I am still a member of the family farm. Of course farmers have a right to farm. I am always going to defend that. The Labor Party will always defend a worker's right to work safely. Of course we will. What the governments in other jurisdictions have done is look at how they can improve trespass laws so that they provide the protections that those farmers need and not inadvertently capture other innocent people who might be protesting about other things as this bill, proposed by the Hodgman Liberal minority Government has done.

What they have done as well in Western Australia is recognise that there are some concerns from communities that are legitimate about the welfare of animals. They have also provided increased animal welfare inspectorate powers and resourcing so that they can undertake the checks to make sure that those commercial operators, abattoirs, and knackeries operate legally and with the highest animal welfare standards in place. That is what they are doing in Western Australia. They are not bringing in draconian catch-all legislation like this parliament is with this Government trying to pretend to industry that they are providing a solution. What the Western Australian government has done is listen to industry, identify a solution and got it through the parliament.

What is going on in Queensland? In Queensland they have identified that there are biosecurity threats from the incursions that are occurring on farms and they are now imposing a way to impose a fast penalty for the crime of trespass. Trespass again. That is right.

What are they doing in Victoria? In Victoria they have a committee that will be due to report in February, which is looking at particular laws to do with biosecurity on Victorian farms and looking at how they can improve the protection for farmers through the biosecurity system, improve animal welfare outcomes, and whether law reform is necessary through other measures by trespass. Looking at their trespass laws.

If you look at what other states are up to, every single one of them has improved their laws to protect the right to farm and to protect farmers from trespass by improving their trespass laws. This Government might have looked at other jurisdictions to understand how they are creating offences that make sure that people stop trespassing on farms and create biosecurity risks and impede those businesses. They are imposing fines that are more commensurate with the incursion and also jail sentences that reflect the severity of that incursion.

It is the same for South Australia. They have introduced aggravated farm trespassing laws. We could have the same approach here in Tasmania. I do not need to go any further because in fact there is no other jurisdiction across the country that is doing anything remotely like what Tasmania is doing. Every other jurisdiction across the country is amending their trespass laws to create a new offence for aggravated trespass or they are increasing the penalties that apply to their existing trespass provisions. The minister would know this. Apparently, he was a lawyer once.

This Government is delusional if it thinks this law is valid. The High Court has already found the original act to be invalid. This Government is delusional if it thinks the people of Tasmania are going to cop this draconian legislation that impinges upon their freedoms and their ability to protest, particularly when we have organisations like TasCOSS raising concerns. The Government needs to take a good, hard look at itself.

They have completely ignored the legitimate concerns of the union movement, who have raised legitimate reasons why this bill should not be supported. There will be protest activity that is peaceful and legitimate, raising concerns about what is happening at a workplace, whether it be wage theft, conditions on site or budget cuts that this Government is making to essential services that they want to be able to protest about, to highlight these concerns in the community and effect change.

The Labor movement is a party who on protest protected workers' rights. That is how we got superannuation. It is how we got workers' compensation. It is how we have the workplace conditions and rights in place that we take for granted today; through protest - peaceful protest. This Government and this bill is cracking down on the rights of Tasmanians. It is bad law. It is something that should not be supported by this parliament. There are other ways to work with industry to give effect to the intent without impinging on the rights and freedoms of Tasmanians. You know that, but it is the last week of parliament and you are bringing this dreadful, shoddy legislation on because you want to make a political point and you want to let it hang over all summer because there is no way the upper House is going to debate this before the end of the year.

The result of that is that those businesses will be no better off. Those industries that you have made big promises to will be no better off. I reckon that the upper House is going to reject this bill. If they do not, the High Court probably will. Then, where are those businesses? Other states have

moved to improve their trespass laws. You could do the same to protect those businesses but you have not. You have been politically motivated. You have completely disregarded their legitimate concerns because you want to play politics. The member who just resumed her seat made that very clear because half of her speech was about Labor. You should hang your heads in shame. We will not support the bill and you should repeal it.

[9.48 p.m.]

**Mr O'BYRNE** (Franklin) - Madam Speaker, thank you, Miss Tasmania. I will acknowledge your victory posthumously. It is still something that echoes down the histories and something that we all acknowledge. Anyone who dares to suggest that you would be un-Tasmanian, given the title that you held, is outrageous. It is a reflection more on the member who made the accusation, I would say.

The Labor Party is resolute in our belief that workers deserve safe workplaces. If there were any circumstances that would give rise to circumstances in their occupation, at their workplace, for them to question their safety, there are laws that are already in place that will deal with those matters. Let us be very clear: the Labor Party is not about being soft on workplace health and safety and making sure that people can go to work and conduct their business, earn a wage and go home in the same condition in which they left. We refute any suggestion that we would be soft on this.

We absolutely support the right of businesses to undertake their lawful activities. There is no question about that. If there were a set of amendments to existing bills and existing laws that went to ensuring that those things were resolved, this side of the House would be negotiating and supporting to give them full effect. The Leader of the Labor Party has outlined the approach we have taken in other states to this matter.

When the wolf in sheep's clothing, the Liberal Party, beat their chest to say that they are the protectors of working people, that is laughable. You use working people when it suits you. You do not say that you are protecting working people and that the Labor Party does not, when your whole existence as a party is based on denying workers their rights, industrially and across a range of laws and ways for them to have their voice heard. It is appalling and it is another example of where you use working people, you use their struggle, you use their day to day lives as a way to inhibit people's freedom of speech, to manipulate the community and to create fear and loathing across the community. That is what you are doing and it is shameful.

If you were in this House, bringing forward a series of amendments to bills that are currently on the books, to seek the outcome that you say you are seeking to achieve, you would have support and there would be negotiations. You have tried it once and the points were made. Looking at the debate when you last brought these laws to this place, it was very clear from a number of members that the bill that you proposed and put through this place was not supported but there was general support for an approach that would achieve the outcomes you say you are wanting to achieve, if you take your position at face value but we know we cannot take your position at face value. We know this is not about working people or workplace safety.

This is all about base politics from a Government and a party that has little or no substance or legislative agenda. For a party that has been in Government for close to six years, you are the best Opposition we have seen. These little gimmicks, the wedge politics that you play, with the coincidence that you are now bringing it in at this point so you can use the summer break to whip up fear and loathing in the community, to preselect your candidates for the upper House and to try to drive wedges into the community with fear and loathing. That is at the heart of your Government.

You are not interested in genuinely working with members in this place or in the other place to achieve the goals you say that you are seeking to achieve because this is about base politics.

At the heart of this debate is power. It is about power in our community and you are seeking to have a bill amended that has already been thrown out by the High Court and it is not a radical High Court. There is no Lionel Murphy. It is a High Court that, in its consideration of the referral that was made, made it very clear that aspects of this bill - and the aspects you are continuing to attempt to get through in a very clumsy and blunt way - impinge on people's human rights and is unconstitutional.

The High Court has already said that is the case, so this is about power and we have to balance this; people have a right to go to work and to be safe but people also have a right to have their voice heard. If they disagree with something, they have a right to protest.

Our society, globally, has been evolving and giving people more human rights, more rights to have their say, but they are not unfettered rights, they are rights with restrictions. If they break the law, there are laws that have been put into place over many years to manage people's safety, their ability to conduct their lives in a fair and reasonable manner, not impinging on other members of the community, but this is fundamentally about power.

For many years people used protest to highlight an injustice or something they thought was beyond community standards. We saw it with the abolitionists when slavery was legal, the women's right to vote, the suffragettes, the civil rights movement in the United States, a whole range of laws that were on the books. You do not see people with power protesting because they have power and they have used their connections in parliaments of years gone by to exert that power on the powerless.

The right of protest, the right of people to call out an action, or call out something they fundamentally disagree with, has been evolving over years. You are seeking to take Tasmania back 50 to 100 years creating an imbalance between people's right to lawfully and peacefully protest. You are over-extending, not because you think it is the right thing to do, but because you want to create a wedge in the community. Part of me thinks you know it will not get through the upper House and, if it does, there will again be a referral to the High Court. It provides you with a smokescreen for your lack of action on a whole range of other policy matters, such as your appalling management of the health system and of people getting access to affordable and safe housing.

When you doorknock or talk to people in the community, do they say, 'I reckon we need to impinge on my human rights'? If people feel grumpy about something or people are protesting about petrol prices or whatever the protest is, they are not saying, 'We need some new statutes on the books that will basically send me to prison if I go a little bit too far in a protest'. They are not saying that. What they are saying is, 'I wish the Government was focused on health, housing and bringing jobs to where there are not any jobs, and not patting themselves on the back and creating a smokescreen for their lack of activity, agenda and vision for the state'. That is what it is about.

The right to protest is about power. This Government says they believe in the Menzian tradition of free speech but a few public servants said to me on the quiet after the last state election that when people either made a Facebook post or made a comment about their view on politics, very quickly their supervisor was on the phone. These are public sector workers. You are bringing in legislation to inhibit people's right to protest and saying that it has nothing to do with human rights, but when



you scratch the surface of this Government it is very brittle and has a shocking glass jaw and they go after working people if they dare have an opinion and a view. This is your form.

The tradition of protest is crucially important and particularly Australian. There is a long tradition of people protesting and putting themselves on the line. Protests can be inconvenient, we get that, but that is the balancing act we make when we live in a democracy. People have a right to have a say. People have a right to protest. Sometimes those protests are inconvenient. I am pretty sure people thought the suffragettes were inconvenient, yet they persisted. Fundamentally, the right to protest is something, particularly from those people.

I am from a working-class family. Our parents and my grandparents were not well-to-do. They had no access to power but they did have access to their ability to work collectively with others to campaign and fight for fairer outcomes. I remember as a kid complaining to my nan, Nan O'Byrne, the swampy from Launceston, and I cannot remember what we were upset about and nan would say we have to do something about it. I said, 'There's nothing we can do, Nan', and she said, 'Yes, there is, duck, you can march in the streets'. Working-class people had no power so that is what we did and that is what we do and that is what we should respect. This House should not trample that.

I told the story of when the railway workers in Launceston were on strike. They would get up in the morning and be on the picket line. The newspapers would come in, the *Mercury* and the *Examiner*, and they would have a look at the front pages. If the *Mercury* gave them a touch up and the *Examiner* said 'Well done, keep fighting the good fight', they would march over the bridge into the Launceston CBD to the *Mercury* and give the *Mercury* a boo and a touch-up, and then they would march round to the *Examiner* and give the *Examiner* a cheer, and then march back to the picket line. This is the tradition of protesting.

You say, 'But this will not cover it'. I really appreciate the time the officers of the department gave to brief us, but too many times when we have raised scenarios of protest, the view was, 'Well, that probably won't cover it, we would look at that and would not recommend it'. There is too much grey area in this, but it is the threat of the penalty that is arguably more dangerous than the penalty itself and the laws because it will be dealt with by the courts. There are many people who have no power in society, who cannot afford lawyers, who cannot afford silks, who cannot afford to go to the High Court, who will just say, 'Oh well, I can't fight it because I don't have any power in this society', and they lose that opportunity.

When I was working for the trade union there was a whole range of protests and actions that I was involved with, and I engaged in civil disobedience. It was not violent.

**Ms Ogilvie** - Was this with your nan or a bit more generally?

**Mr O'BYRNE** - No, this was when I was an adult so it was a conscious decision, but it was encouraged by Nan.

**Ms Ogilvie** - Cheered along.

**Ms O'BYRNE** - That is right. Nan left a mark on me.

When I was a young union organiser, the Groom government brought in industrial relations legislation at the time which effectively meant it was appalling legislation. We had members at Banjo's Bakery which had an enterprise agreement which guaranteed all existing workers no change to their conditions, but all new workers got no penalty rates, no public holidays and no overtime

rates, just a base rate. You do not have to be a rocket scientist to realise that if you are doing the rostering and you have someone who is getting a fair and decent wage compared to someone who is not, you are going to roster the cheaper worker because you have been told to bring your labour costs down. We thought that was unfair so we organised protests outside the front of Banjo's and we were leafletting. The police came up and said, 'Can you just make sure you are not in the way and how long are you going to be here?' We made sure that we negotiated but we were advocating for the public of Tasmania to contact Banjo's and express their outrage about what was going on, because there is no doubt, if the workers had raised it they would have been sacked. If they were not happy with the outcome, we asked them to boycott that company and take their money elsewhere. That would damage that company.

We asked whether that would be in or out. There was a view it was probably out. The problem with this law is that is a threat. We were a registered trade union, and the union still is. This was not protected action, in the terms of what we understand now to be protected action. This was a community protest, protesting against what we thought was an appalling outcome. After a number of protests and a number of negotiations, we managed to get Banjo's to get back to the award and get back onto an agreement. It took some time. That was an action we took. That is a fundamental right.

I posted this story on Facebook recently. A worker who was actually there at the time, who I did not know, posted on my page: 'I remember this, I was working there, thank you for what you did'.

Look at a contemporary example of that: the George Calombaris wage theft - industrial-scale, deliberate wage theft. It wasn't, 'Oh it was all a bit complex and we didn't understand it', because there were not any overpayments, remarkably. Not one overpayment, but millions of dollars of underpayment. In the digital world there is an organisation called Hospo Voice which, in the definition of this bill, is not a registered trade union. They were advocating a boycott of George Calombaris' restaurants. Under this bill, if, for example, they called for a spot protest out the front of the restaurant: 'Let's actually let people know, and send a message that in a modern contemporary country where we accept basic rights and minimum wages and laws that are enforceable, that should be enforced in workplaces, let's have a protest.' All of a sudden George goes, 'Hang on, I am a bit worried about that, it is bad footage, I will close my restaurant.' That potentially falls under this legislation if those restaurants were in Tasmania, if that was an example here in Tasmania.

What is concerning is that in a bumbling, pathetic attempt to try to keep the unions happy, not one union is happy. You say you are about protecting workers, but not one union has lined up with you and said it is going to protect our jobs, not even the unions that work in the industries that you lined yourself up with. No-one is backing you on this. Your feeble attempt is to say we will include registered trade unions. Well, not all collective worker organisations are registered under the act. You have the Tasmanian public service, which is not registered under the federal act, and trade unions for the purpose of the definition.

Then you talk about 'protected action'. Let us face it, in Australia workers have the least rights of virtually any modern OECD country in terms of their ability to take industrial action. Protected action is a narrow moment in a narrow time, particularly around an enterprise agreement negotiation. If there has been an egregious decision by an employer to sack someone, the industrial action will not be protected by those workers, and the action they would take would be not necessarily industrial action in a contemporary sense, but would be a public protest to make people aware of what is going on, and would seek public support to put pressure on that company to make

a decision. Because you have been a little too clever by half, and you actually do not understand how workers organise in their unions or how unions organise. Your fumbling attempt to try to cover it all and say, it will be alright because we are looking after workers, is pathetic. You are making it worse.

There is a range of actions unions would take that would be brought into this legislation that would cause them problems. It is the threat that is implied in this legislation. Going back to the concept of power, it is okay if you can 'lawyer up'. It is okay if you can get the silks. It is okay if you can crowdfund some support. The working people potentially captured by this do not have that luxury.

There are moments where you think the power is not balanced, that the laws are too hard against working people, or people who seek to protest, and there are times when the pendulum is the other way. What you are seeking to do is take us back 50 years. This is unacceptable. There is no-one I talk to, once you explain the kind of actions that could potentially be included in this, who thinks it is a good thing. This is a dog of a bill. It is a shocker. You should hang your heads in shame. This bill does not achieve what you are hoping to achieve.

What it does is achieve fear and loathing in the community. Most of us do not think people should have a free rein and be able to jump onto equipment; we do not think that is fair. But if we are inconvenienced by five or 10 minutes because someone sits in an intersection who feels strongly about that, most people would accept that, and the current laws deal with it. Essentially what you are trying to do is criminalise something that is already criminalised, and you are making the penalties so severe, and the thresholds of proof and causation lower than what is comparable for the other side of the equation for business. The balance is fundamentally inadequate.

Before I run out of time, Mrs Rylah, how dare you pretend to speak for Eric Reece. This is outrageous. How dare you pretend. You invoke a Labor icon, a worker who probably organised sit-ins in mines, an action that was probably illegal, and maybe violent in some of the pickets of the AWU in the mines on the west coast over the years. How dare you invoke that man, a giant of the Tasmanian community, who lifted thousands of workers out of poverty: someone like you, to invoke his name to justify what is arguably close to - the word has been bandied around - a fascist bill. It is a bill that would screw down on working people: the people he made his life representing. Lifting people out of poverty, giving them decent jobs and building a modern Tasmanian economy through the Hydro. How dare you invoke him.

**Mr Tucker** interjecting.

**Mr O'BYRNE** - You can laugh, mate. You are only here by accident. I would not get too carried away yourself, because under these laws you would stupidly bumble in and fall foul of them anyway. If there is any bloke on that side who would fall foul of these laws it is probably you, because you do not understand what you are doing.

There is a submission, and the Leader of the Labor Party, Rebecca White, has gone through this, but TasCOSS - again not a radical organisation - is one of many organisations that has come forward and said this is just not going to cut it. The amendments are unnecessary. The bill impinges fundamental human rights. TasCOSS does not support the proposed amendments to the act. TasCOSS instead recommends the act be rescinded. These are not radical organisations.

Very few people support you. You talked to the industry people, and you talk about what we are trying to achieve. I think there is broad agreement on what we are trying to achieve - as is

demonstrated when other states take action to find ways to balance people's human rights and the ability for people to protest: the ability to have their voice heard in a democracy, but ensuring that that is balanced with making sure that people are safe in their workplace and can conduct their business. There are balances there.

We know you think you are not going to get it through. Either the upper House or the High Court is going to knock it off. As to the reason you are doing it, we have mentioned the upper House campaign, but also it is a smokescreen for your lack of activity. As an indication of a government's ability to run an agenda you look at bills that are introduced into the House of Assembly per year. This year you have knocked yourself out, you must be exhausted, because you have introduced 53 bills. Have a cup of tea and a lie down.

In election years, for the last five elections, the average has been 57 bills introduced into the House of Assembly. You cannot even reach that for a full year. In non-election years, the average since 2002 has been 80 bills introduced into the House of Assembly. Let us be fair. When Labor was in government, in non-election years our average since 2002 was 86 bills. The Liberal Party's is 61 bills, and this year it is 53. If you want just one illustration, 53 bills - lazy Liberals.

This is a smokescreen because you do not have a legislative agenda. That is why you are so desperate to get this stuff onto the books to give people a figleaf idea that you might be doing something and you might have a crack. You completely walk past the big issues. You are cutting the guts out of the public service. You have ambulances ramped in virtually every hospital across the state. You have bed block. You have people sick all over the state. If you actually spent more time focusing on your job and not creating fear and loathing with rubbish legislation like this, you might have some credibility in the community.

In closing, I quote Harry S Truman, former President of the United States who said:

Once a government is committed to the principle of silencing the voice of opposition, there is only one way to go, and that is down the path of increasingly repressive measures, until it becomes a source of terror to all its citizens and creates a country where everyone lives in fear.

This bill is about fear and loathing. This is about clamping down on dissent. It has nothing to do with working people. It has nothing to do with making workplaces safe. You have been exposed. We know you know in your heart of hearts that you are not going to get this through the upper House and, if you are lucky enough to do it, the High Court will kick you out again and you will waste taxpayers' money for your purely political purposes. You should hang your heads in shame because most Tasmanians are embarrassed by you.

[10.18 p.m.]

**Mr TUCKER** (Lyons) - Madam Speaker, I have been listening to the Opposition and it has become quite clear to me that the rural and regional divide of the city people is alive and well in this parliament. The latte-sipping elitists are alive and well on the opposition benches.

**Ms White** - I don't drink coffee. I take offence to that.

**Ms O'Byrne** - Also Guy lives on Elphin Road.

**Mr TUCKER** - You have to be quite clear to the Leader of the Opposition. We are proposing stronger trespassing laws with this bill.

**Ms O'Connor** - Only for business.

**Mr TUCKER** - Thank you, Ms O'Connor. We all know what this bill is about: the right of Tasmanians to go to work and run their businesses safely and free from frets and disruptions. We need to reinforce the law following an upsurge in business disruptions caused by organised actions across the country, much of it unfairly directed at farmers. The Workplaces (Protection from Protesters) Amendment Bill 2019 gives effect to a fundamental principle that our laws should protect people who are undertaking lawful business activity.

**Ms O'Connor** - It undermines one of the most fundamental principles of a democracy. That is what it does, Mr Tucker.

**Mr TUCKER** - We know you are a latte sipper and you do not understand.

**Ms O'Connor** - Actually I drink a triple-shot flat white.

**Madam SPEAKER** - Order. Excuse me, Mr Tucker. This is descending into mindless drivel. On that note, I remind everyone that we have another 16 potential speakers at 30 minutes each which will take us through to about 3 a.m. - yes, fabulous - and if this standard of debate continues, I will be getting very cranky shortly. I am now going to call a short break in the interests of safety here, until the ringing of the bells.

**Sitting suspended from 10.21 p.m. until 10.48 p.m.**

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

**Resumed from above.**

**Mr TUCKER** (Lyons) - Madam Speaker, the Workplaces (Protection from Protesters) Amendment Bill 2019 gives effect to the fundamental principle that our laws should protect people who are undertaking lawful business activities. This means that people should be able to earn a living without trespassers interfering with their work, threats being made in an effort to shut down their business, or roads being obstructed in order to stop their business operations. The Government is strongly committed to the right of people to protest but not at the expense of the right of workers to earn a living or the right of businesses to operate safely and free from interference and destruction.

The Labor Party is trying to portray this bill as an attack on unions and on the right to protest. The Greens are trying to persuade people that it is an attack on freedom of speech and the right to protest. As usual, they are in bed together and, as usual, they are dead wrong. In fact, it is part of a national response to a serious escalation in organised or coordinated attacks on businesses and, therefore, on the Australian economy.

We have seen a very significant increase across Australia in organised actions targeting business activity, including on farms, and the threat is very serious. I can think of one farm in the north-east that was attacked like this over two years and it was continual. In the end the people shut their business down because they put in an alarm system to stop the trespassing of these people and it would go off at 2 a.m. or 3 a.m. on them.

**Ms O'Connor** - Were they protesters?

**Mr TUCKER** - They were vegan protesters.

**Ms O'Connor** - Were they charged?

**Mr TUCKER** - No. It is hard to charge people.

**Ms O'Connor** - Are you making this up?

**Dr Woodruff** - I think so.

**Madam SPEAKER** - Order.

**Mr TUCKER** - No, I am not making it up. I am not a liar.

**Madam SPEAKER** - Who called you that?

**Mr TUCKER** - I said I am not a liar. I didn't call anyone that. I said I am not one, Madam Speaker. She was trying to imply and incite me.

The National Farmers Federation president, Fiona Simpson, warned of the impact on farmers. We have seen groups of 100 people clad in black uniforms, storming onto farms while streaming live on social media platforms. Their tactics are simple -

**Ms Butler** - In Tassie?

**Mr TUCKER** - No - to bully, threaten and intimidate. What happens on the mainland, Ms Butler, will come to Tasmania, trust me. Tasmanian Farmers and Graziers Association CEO Peter Skillern highlighted the concerns facing family farms. He said that farmers, as a rule, acknowledge and support the right of individuals to have their own views and philosophies of the world. However, we do not support anyone's right to impose their view on others. It is not the Australian way.

**Ms Butler** - That's what you're doing, imposing your view on others.

**Mr TUCKER** - No, we are not. The upsurge in these targeted actions follows the unleashing of a new activist philosophy that might be modelled on the shock-and-awe tactics employed in the Gulf War. In January we saw the publication by the Aussie Farms website of an interactive map listing the location and contact details of around 5000 farms and farm-related businesses across Australia. Almost 200 of those targeted farms are in Tasmania. Aussie Farms is a seriously misnamed organisation which appears to be dedicated to opposing all farming of farm animals for meat production. The website specifically encourages trespass by inviting people to obtain

photographs and footage of what they have chosen to declare as animal cruelty taken from inside farms and associated businesses.

Alongside Aussie Farms we have also seen an outbreak of extremism activism from a mob called Extinction Rebellion. The result has been a series of actions that have seriously disrupted our major cities, the businesses which process farm livestock, as well as directly targeting our farming and farming families. In March, about 100 of these animal activists stormed a feedlot at Millmerran, Queensland. In April, farmers and abattoirs from Victoria to Queensland were subjected to coordinated invasion by activists, many of them in the dead of night. When police were called to an abattoir at Warwick in Queensland they reportedly found 100 people protesting outside, with another 20 chained to equipment inside the works. In New South Wales, police were called at 2 a.m. to Southern Meats Abattoir at Goulburn. They again found activists chained to equipment. In Victoria there were coordinated actions at four abattoirs, again with a clear intention of disrupting business activity.

The Australian Meat Industry Council said the illegal protests put at risk the protesters themselves, hundreds of workers and thousands of animals. CEO Patrick Hutchinson said three of the targeted meatworks were members of the council. Mr Hutchinson said:

What we've seen here is a group of ideologically driven people flouting the law at the expense of businesses and employees doing the right thing completely lawfully.

What this amounts to is workers in regional and rural Australia being impacted by people who are not part of their communities. They come in, cause trouble and create images that are not representative of the work our members do. They damage a business's ability to operate and then they are gone.

People are entitled to their own views, but illegally entering facilities is not okay. It creates biosecurity risks. It leads to breaches of privacy -

**Ms O'Connor** - There are trespass laws to cover it.

**Mr TUCKER** - Yes, and you would have heard we are strengthening trespass laws if you listened to me in the first place -

**Ms O'Connor** - Only for business.

**Madam SPEAKER** - Order.

**Mr TUCKER** - It is potentially unsafe for activists and it puts jobs at risk in regional communities. Farmers are not immune from the new activists' agenda. They are quite clearly a target. I quote Fiona Simson, President of the National Farmer's Federation from *The Australian* of 9 April -

This brand of reckless criminal behaviour poses significant risks to the safety of our food, the welfare of the animals in these facilities, the safety of staff and the extremists themselves. That's not to mention the direct financial cost to these law-abiding, family-owned businesses.

Yesterday's attack followed a bombardment of activist trespass incidents on farms in recent months, spurred on by a publication of an online map that highlights farm locations and encourages extremists to take the law into their own hands.

We've seen groups of 100 people clad in black uniforms, storming onto farms while streaming live on social media platforms. Their tactics are simple: to bully, threaten and intimidate.

The Australian Government has introduced new national legislation with bipartisan support. The New South Wales and Queensland governments have moved to tighten their laws -

**Dr Broad** - Yes, trespass laws.

**Mr TUCKER** - and we have, too. We have strengthened our trespass laws with this bill, Dr Broad. I am pleased you have picked up on that. The Western Australian Government is developing a new law targeted at aggravated trespass impacting on agriculture production. The Victorian Legislative Council has established an inquiry into the impact of animal rights activism on Victoria agriculture. As part of its investigation, the committee invited submissions from the public. The submissions should convince anyone of the need to address the risks and cost of this new extreme activism. I will quote a selection of submissions. From the Diamond Valley Egg Farm, we are told that -

Bridgewater Poultry Farm Pty Ltd has experienced firsthand the damage Animal Rights Activists cause a business and the Agricultural industry.

- Activists targeted Bridgewater Poultry Farm earlier this year whilst the farm was under a Department of Environment and Primary Industries (DEPI) quarantine order due to the discovery of Salmonella Enteritidis (SE) brought onto the property through purchased eggs. (A normal industry practices.)
- Animal Activists breached the DEPI Quarantine directive.
- It is believed this trespassing indirectly/directly may have resulted in the spread of SE into areas of the farm which had previously been clear of the pathogen.
- There is also the potential risk by the trespassing activists to spread the pathogen to other farms and industries is high.
- Due to the activists moving from positive SE sheds to negative SE sheds, which may have spread SE a further 280,000 negative SE layers were required to be culled.
- This has meant the loss of the revenue for the next 12-15 months before the business can resume full trading.

...



**What has the Animal Rights activists trespassing meant to the business.**

- The loss of long-term major supply contracts in supermarkets and the foodservice industry.
- The loss of opportunities in the Export market.
- Loss of 75% of jobs currently with the potential of the business closing down.
- The payout of redundancies to these employees.
- The total culling of all livestock on the farm.
- Expensive clean-up costs running into millions of dollars.
- Stress and financial burden on the Employees and Employers.
- It will take approximately twelve to fifteen-months period to fully resume business activity.
- This doesn't mean securing major contacts lost, so new markets will have to be sort.

Mr Jarad Smith, Director of the Kia-Ora Piggery, said -

In 2015 we had our pigs let out from our piggery. The culprits weren't caught, so we can't identify them any more than to say they were trespassers on our property.

This caused a devastating amount of distress for our animals. They were removed from their safety, food, water and shelter.

We are trying to put these laws in as a deterrent to these people from doing these things.

This is an example of people who have no genuine understanding or experience with these animals, yet they think they know what's best. The only result these people achieved is causing the suffering of our pigs.

After the break-in our herd broke with a respiratory disease called Mycoplasma. There is no way of proving what caused this outbreak, but we remained free of significant disease challenge for nine years before this breach of our bio-security. The Mycoplasma has a negative effect on the welfare of our animals and creates a massive financial burden of over \$280,000 per year (vaccines \$80K, labour, vet & medicine \$100 K, loss of production well over \$100K). This affects the sustainability of our business that employs 50 people full time, and makes caring for our animals much harder.

The emotional toll on our family is hard to describe and impossible to measure. These people came onto our farm while my parents slept in their house 100m from the piggery.

a bit like the people in the north-east.

The invasive nature of what these people did left us all feeling violated and vulnerable. I've been anxious ever since, wondering when they'll be back. Every time I see a car heading down our road at night, I'm suspicious. I've gone in and driven around our piggeries in the middle of the night many times, because I'm worried about what might be happening. This is not what country life is about. We work hard and we care for our animals. We deserve to be able to sleep at night without worrying about activists terrorising our animals, families and livelihoods.

Thomas Hanrahan, Homebush Pastoral Company -

My name is Tom and my family run a dairy and a broiler chicken operation two hours south east of Melbourne.

The recent rise of animal activism has correlated directly in an increase in the mental health issues and farmers being mentally strained by the thought of farm invasion. The recent culmination of drought, high fodder prices, lack of water and now the threat of livestock theft, farm invasion and the abuse of agriculturalists has seen my father age ... and has an impact on my mother's mental health. Since the invasion of the Gippy Goat farm, my mother has elected to stay in Melbourne when she is faced with being home by herself out of fear. Either staying with family or renting a hotel room. The fact that people now feel unsafe in their own homes means that this has gone too far and it is time for the protections to be put in place and enforced to protect those who provide food and fibre for this country.

...

I personally respect the rights of people not to consume animal products and I absolutely respect the right of freedom of speech which these groups have expressed. I do not, however, believe that people have a right to enter private property under the falsity of 'liberation'.

**Dr Broad** - They don't, it is called trespass.

**Mr TUCKER** - We realise that, Dr Broad, but we are trying to deter these people from doing this, because the trespass laws are not working and I explained that to you about this.

**Members** interjecting.

**Madam SPEAKER** - All right. You have made the point.

**Mr TUCKER** -

I have seen these groups compare themselves to the civil rights movement in the United States during the 1960s and the 1970s, the only difference being the leaders of this movement discouraged theft, violence and any illegal activity to push their cause. The actions of these 'activists' are to the letter of law illegal. Their actions incite fear and hatred of people who conduct completely legal

businesses, which in this democracy is their given right. Farmers are continuously treated like criminals, yet have committed no crime. It is time for the law to protect hardworking Australians rather than allow these activists to run riot.

Ian Arney -

I have been involved with farming for almost 50 years ... In my opinion someone coming onto my farm, my workplace, is no different from me going into someone's home or workplace without invitation or authority.

**Dr Broad** - It is called trespass.

**Mr TUCKER** - Yes, and we are strengthening the trespass laws, but as we pointed out before it is about deterrents.

It shouldn't happen and it should be treated as a violation of an individual's right to feel safe and live without fear. Having personally experienced people illegally entering my property and stealing a variety of equipment and livestock, it has left me with a feeling of mistrust of anyone that now turns up unannounced.

My concern is for everyone involved, when someone enters onto a property, they are undermining the business activity and interfering and/or stealing livestock as Animal Liberationists have already done, that the situation becomes inflamed into one where person/s are hurt or killed. If this was to occur with the death of a serial activist who had appeared before our Judiciary and faced charges etc, that were so minimal that they weren't deterred from taking similar action again, who'd be responsible? In Victoria and Australia, we are reminded regularly of the chain of responsibility, and so, my question again is, who would be responsible for allowing serial offenders to reoffend? The Magistrate, who treated the previous offender and offences as being insignificant? Farms are a dangerous workplace and every time people come onto properties unannounced and disrupting the work practice, they face the risk of being hurt, and who will be held responsible? If a farm worker is injured because of the actions of an Animal Liberationist while performing their work duties, who will be held responsible? As an employer, do I now need a policy for my employees on 'what to do in the event of Animal Liberation protestors coming onto the property', or 'into the workplace', or 'interrupting a particular work role?' How ridiculous will it be if the situation is allowed to escalate before respect and consideration for each other becomes important again? Will it take a 'workplace or Farm Death' to occur before Politicians and our Legal system consider the current laws and application of the law regarding 'Trespass, Interrupting a workplace, Livestock Theft and Property Damage', especially with regard to Farming, as being insufficient and less than appropriate? I hope not.

This is one from a name withheld -

My greatest fear is that in the absence of organised civil support, both legal in the forms of laws and sentencing and operational in the form of police, that rural communities and farming communities in particular will feel they have to

organise themselves to ensure support is available in the event of farm invasion or trespass. ...

We do not want to create a situation here where a call out for help will bring dozens of locals in support to a farm invasion, with the potential for violent confrontation with so called activists. We need trust in the rule of law, and have laws worthy of that trust. Farming is a legal activity. As activism can be also. We all appreciate that civil disobedience is occasionally a weapon of the activist, in pursuit of some great causes. ... Mobs in pursuit of their causes and descending upon and violating the peace and the rights of individuals and families has a much less noble history, and is not to be tolerated.

Dennis Stringer -

If the behaviour of these activists is not stopped now, someone will take the law into their own hands and the results could be catastrophic.

That is the end of my quoted submissions from that report. These submissions reflect real examples from the real world. They should send a shiver up the spine of every member of this House. They underpin the call for action from Tasmanian farmers and the business community.

The Government's bill is supported by the TFGA, the TCCI, the FIAT, the Tasmanian Minerals, Manufacturing and Energy Council, the Tasmanian Seafood Industry Council and the Tasmanian Small Business Council.

The TFGA has said -

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

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

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

The Forest Industries Association of Tasmania said -

... there is no more fundamental right than the right of each person to undertake lawful work without being disrupted, impeded or harassed by others and for this reason Tasmania's forest industry will support the Tasmanian Government's legislation to support these rights.

...

We acknowledge the rights of people to protest ... but when these rights are used to trammel the rights of other people to lawfully and safely undertake their daily work functions it goes too far ...

...

... We urge the Tasmanian Parliament to pass these new laws ...

The Tasmanian Minerals, Manufacturing & Energy Council said -

Being able to earn an income and provide for yourself and your family from legal employment is a fundamental right of all Tasmanian workers.

...

TMEC looks forward to all members of Parliament ... to protect workers who want nothing more than to go about their jobs, earn an income and look after themselves and their family ...

The Tasmanian Chamber of Commerce and Industry said -

' ... TCCI supports absolutely the right of people to protest lawfully, but not to conduct economic terrorism ...

We have seen Vegan protesters invade abattoirs, forest protesters chained inside machinery - dangerous for both the protesters and those working trying to extricate them - and environmental protesters chaining themselves to wooden furniture in Tasmanian furniture stores.

'This is not fair, safe or easily managed under current legislation.

...

'Tasmanian business and their workers should be able to operate lawfully without trespassers interfering with their work.'

The Tasmanian Small Business Council said -

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

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

Labor does not understand business and that is why they are voting against this bill. Why are you not listening to the Tasmanian Chamber of Commerce and Industry, to the Small Business Council of Tasmania or the Tasmanian Farmers and Graziers Association? You will not listen to these groups that understand Tasmanian businesses and their needs. You want to support this legislation and you are ignorantly refusing to listen. You are proving in this way that you do not understand business.

Why is Ms White not supporting this? She, apparently, represents the same regional people in Lyons that I also represent. Is she happy to keep outsourcing to the city-based urban elite greenbloods in her party? Tasmanians deserve more from their elected officials, especially Labor politicians who claim to represent regional Tasmania. It is the Hodgman majority Liberal

Government that is protecting all Tasmanians' ability to work safely, without being stopped from doing so. That is what our bill is really about. Labor is proving by joining with the Greens, yet again, Dr Broad, to vote against this bill and that Tasmania risks another Labor-Greens deal. Your actions right here, right now are proving it. It is obvious that Ms White's much-publicised announcement of her split with the Greens through her state conference was one big, meaningless stunt.

**Ms O'Byrne** - At least she turns up. Where is your Premier?

**Mr TUCKER** - She really does turn up.

**Ms O'Byrne** - I beg your pardon? What did you say?

**Mr TUCKER** - She is not sitting in her seat, is she?

**Ms O'Byrne** - Oh, is that what it is about?

**Mr TUCKER** - Yes, that is what it is about, Ms O'Byrne. Did you mistake me? Tasmanians never want to go back to another job-destroying Labor-Greens deal and the massive damage that did to our economy, which went into recession. The Labor-Greens deal devastated our businesses, destroyed our confidence to hire people or to invest in new plant and equipment. With the uncertainty of a Labor-Greens government, Tasmanian businesses put their employment and investment decisions on hold because they saw the government as being too risky for business.

**Time expired.**

[11.15 p.m.]

**Dr BROAD** (Braddon) - Madam Speaker, the real issues with this legislation have been dealt with in previous contributions, so I will add my thoughts. The member talks about letting people down. When you draft legislation that is more than likely unconstitutional, again, and it is kicked out by the High Court, again, and there are no laws in place, you have let people down. This Government has made all these promises. Five years ago, they put together flawed legislation that we told you was unconstitutional. What did you do? You pushed ahead, you pushed it through parliament and it cost the state more than \$300 000, to be thrown out by the High Court, followed by five years with nothing in place. That is letting your people down. We have seen five years of stuff-ups and no action, which says it all about this Government. That is their pattern of behaviour.

The member who resumed his seat speaks of these pretty awful incidents on farms and what happened to that goat farm in Victoria was outrageous. Other incidents that have been discussed in other people's contributions are also outrageous. We do not support vegan protesters stealing baby goats and ruining people's businesses. What did these states do? Did they draft unconstitutional legislation that was thrown out by the High Court, wait around for five years and then amend that flawed legislation, more than likely to be thrown out by the High Court again? No, they did not do that. They strengthened the existing laws, like all the people who have already been quoted, the Law Society of Tasmania and so on. Why are you letting people down by drafting bills that are unconstitutional? We tell you they are unconstitutional and they are deemed to be so. What are you doing?

In other states they appropriately strengthen their legislation. Western Australia has not had their legislation thrown out by the High Court. Victoria does not have a High Court challenge pending. Why? They do work that is not unconstitutional. We have before us a bill of very doubtful constitutionality. How does that help the people you are so keen to protect? How does that help

the TFGA or the Small Business Council, when it is thrown out by the High Court? This is the problem with this Government. It is pig-headed and will not listen.

Why would you amend a flawed bill? Apparently, because it was an election promise. If there is nothing more pig-headed than amending a bill that has been thrown out by the High Court because it is an election promise, if that is not lazy, arrogant or both, it is very political. That is what this is all about. It is no coincidence that we are sitting here during the last sitting week of the year. The Government has had a terrible year. They have had ramping, massive issues at the hospital, there is no infrastructure funding going out the door, the Bridgewater bridge is back to square one, they have no agenda and they have \$1.1 billion of debt that is probably going to increase.

You have issues like those that cropped up today - you cannot deliver high-security irrigation water so what do you do? You create a massive distraction to take yourself into the long summer break so that you can go around saying, 'We are looking after you fellas, we are protecting your business', - until the High Court throws it out. You do not mention that bit. What you are doing is a massive stunt, a massive distraction, arrogantly amending a bill that has been thrown out by the High Court. Obviously, there are implied freedoms of free expression and political opinion, including peaceful protest. This is what the High Court has already ruled on. We can go through all the issues that bodies like the Law Reform Institute have highlighted and so on.

What you are actually doing here, once again, is playing into Bob Brown's hands. Bob Brown was the one who brought this to a head last time. I do not know how many donations he got out of the whole process, but he definitely got a bit of profile by taking these flawed laws, previous laws, to the High Court and winning. What you are doing now is playing into Bob Brown's hands. If this bill gets through parliament, and we have some doubt as to whether it will, what is it doing? Bob Brown is going to do something. He will be hanging out somewhere and making it difficult for the police or a business or whatever it is. They are actually very clever at working out ways to get themselves arrested. He did it at Lapoinya; who knows where it would be next. He will be jumping out of shrubbery somewhere, or whatever he is going to do, and he will get arrested. Then what will happen? It will go to court, he will get fined, and then he will challenge the fine. It will go to the High Court, and then all the Greens activists will fund a silk, or a silk will arrive who will donate his or her time. He will take it to the High Court and more than likely win.

Then what? Your record against Bob Brown will be two-nil. How will that be helping the constituents you are supposed to be protecting when you are two-nil down to Bob Brown? It is just outrageous, the stupidity of it all. You are playing into the messiah legend of Bob Brown in the Greens movement. You will give him another opportunity, give him the biggest platform in the country, you will give him massive fundraising opportunities, and what will you have? You will have more egg on your face. Then where will you go?

You will have to come back in here, maybe in another however many years time, maybe just before another election. We do see these things happen with election cycles. People have commented on that. We have upper House elections coming on. You want to be able to doorknock and say, 'We are protecting businesses.' You will go around with your little placards, 'I am protecting your business', and get a photo with all of those businesses. You will be able to go 'Labor-Greens, blah, blah, blah,' but what you are actually doing is letting people down.

You are using them, you are using their support, and you are letting them down. You are making this political. You brought it in on the last day and that is proof positive. What is your legacy for the year? What is the Government's legacy for the year? What is the thing that you can shine a spotlight on? It is very, very thin.

There is a lot of talk about the intention of the bill, and the way it will work. When you deal with legislation, you have to deal with the legislation that is before you, and who it will potentially apply to. We know that the way that this is drafted, it can cover virtually anybody, anywhere. The language in it is very general in its nature, and just about any part of Tasmania can trigger this legislation. I think the idea of 'impeding' and the way that is defined could bring in just about anybody. The worst thing is probably proposed section 7, which is: people must not issue a threat to impede carrying out a business.

This is what George Orwell described as a thought crime. Now you are actually criminalising people's thoughts. Just the intention to do something. If it can be argued in a court that you intended to do something, even if you did not, then that is a crime, so thought crimes have come to the fore. That is what this legislation does. It actually codifies thought crime.

**Ms Standen** - Four years jail for that?

**Dr BROAD** - Yes, up to four years jail. This bill is horrendous in so many ways. It does not do what it is supposed to do, that is the thing. It brings in everybody. This bill is going to be completely useless when the High Court throws it out.

The idea of awarding costs and so on has been dealt with quite extensively by my colleagues. The other issue is that protests can do good things. We have heard about bad things. When we are talking about malicious damage, trespass and things like that, we do not support that. But there are existing laws, and the argument can be put - and we have - that those laws can be strengthened, and that will act as a deterrent.

I am briefly going back to this idea of deterrents that Mr Tucker, the member for Lyons, talked about. He talks about people stealing pigs and so on, but did he know that in Tasmania's early settlement, it was a hanging offence to steal sheep? In Tasmania, if you got caught stealing sheep, you could be hanged. Do you think that actually stopped people stealing sheep? The answer is no. Even the death penalty was not a deterrent for stealing sheep. Sometimes the idea of deterrents, that if you put fines or jail time on the statutes, then all of a sudden a crime is going to end. We would not have any murder, or assaults, because there is a deterrent in place. I would like to strike down the thought that deterrents by themselves will stop all crime, because that is a fundamentally flawed concept.

Protests can do good things. I will highlight a few of these things. This potentially does not capture only workplace protests, or protests against businesses that you are friendly with. This could be potentially used by your Government, or a subsequent government with an even more fascist ideation.

We had an incident recently in Burnie, called 'storm the woodchip pile'. This was a Facebook event, created by high school student Alex Harmon, who told the *Advocate* the event was a bit of a laugh, and he was not sure if anybody would actually attend the event, which was to be held on a weekend. The event attracted more than 500 people, and 1000 more were interested in attending. People made comments like, 'I will bring a few shovels, there has to be something underneath it' and this all happened before the event was delayed. Tasmania Police said that while they appreciated the event might be a joke, they took threats about trespassing seriously. The inspector in charge of the Burnie division, Inspector Adrian Shadbolt, said that while the 'storm the woodchip pile' Facebook event may have been created and intended as a joke, the content had serious ramifications as it encouraged others to break the law.



With this law in place, the police actually have the power to go to all those people who indicated they might go along, and they could be criminalised. I am not saying that the police would do that. The Facebook event created by a high school student might be quite amusing, but the problem is, if this bill was interpreted in the extreme, and it could be, you could have that.

What happens if it was a Facebook event to organise a protest to shut down a business, and people actually did show up outside the business? They would be criminalised.

**Ms O'Connor** - As well as the organisers.

**Dr BROAD** - As well as the organisers, and potentially people who like that Facebook page. This is the issue we have. We have already heard about the minister, Mr Barnett, potentially being criminalised for his anti-abortion protests by blocking and impeding the member for Bass entering her workplace.

Historically, we have many incidents where protests created substantial and beneficial social change. I will talk about Rosa Parks and Martin Luther King. Lasting over a year, the Montgomery Bus Boycott was a protest campaign against racial segregation on the public transport system in Montgomery, Alabama. The protest began on 1 December 1955 after African-American Rosa Parks was arrested for refusing to give up her seat on a bus to a white person. The next day, Dr King proposed the city-wide boycott of public transportation at a church meeting. In March 1956, 90 defendants stood in wait in an ageing Greek Revival courthouse in Montgomery, Alabama. They faced the same charge, an obscure decades-old anti-union law making it a misdemeanour to plot, to interfere with a company's business - does this sound familiar? - without a just cause or legal excuse. Their offence? Boycotting the city's buses.

The boycott ended on 20 June 1956 after the Supreme Court ruled that the racial segregation of buses was unconstitutional. Does that sound familiar? Maybe there is a bit of a historical lesson in that for some people.

What that non-violent protest led to - Martin Luther King unfortunately was assassinated for his non-violent protests - but that non-violent protest led to amazing change that all those protesters can be proud of.

This bill criminalises activity like that. It can be used by a government to stifle dissent. Our Constitution says that political communication is protected. The pursuit of that purpose in a manner compatible with the maintenance of the system of representative and responsible government that the Constitution requires. The majority of the court upheld the right of political protest, on protest itself, and that is why Bob Brown won his case. I do not believe that you fixed those problems.

If we talk about what is happening in other places you might see some patterns developing here. There is a report from the *Washington Post* from 2014. The title of this news article is 'Meanwhile in Russia Putin passes law against protests':

Protesting on the streets of Moscow - or any other part of Russia, for that matter - will now not only cost a pretty penny, but also could land you behind bars, after Russian President Vladimir Putin on Tuesday signed a law into effect criminalizing repeated street protests.

If we had a Vladimir Putin elected here who became leader of a political party, we can all surmise which political party that might be. What do you think that somebody like Vladimir Putin would do with these laws as they are drafted? Do you think it would just be about vegan protests?

**Dr Woodruff** - What do you think Will Hodgman is going to do with these laws he drafted?

**Dr BROAD** - That is right. Understandably the laws were passed to limit and institute fines for protests, and leaders such as the opposition leader were put under house arrest or sent to prison. Putin also signed into law to increase prison time for people who had publicly called for anything that might violate the territorial integrity of the Russian Federation. If you just called for something then you can get thrown in jail. Individuals can now receive up to four years in prison instead of three, while appeals made via media or the internet can bring about a five-year prison term.

Congratulations. The thought crimes that you are bringing in have already been done in Russia. Putin made the point of saying on Tuesday during this report back in 2014 that he had no intention of 'cracking down to thwart forces that threatened the unity of our country. We will not do that under any circumstances', he said. You had to take his words for it that these nice laws that he brought in were going to be used nicely. He was not going to do anything really mean. That was back in 2014 and there has been a fair few incidents like that. That is Russia.

In 2013, this is probably a year before, new laws in Egypt effectively banned street protests. Egypt's military backed government had issued a law that all but banned street protesting. Criminalises a kind of free assembly and public expression that many Egyptians had cherished as the foundation of their new democracy after the 2011 ousting of President Hosni Mubarak. 'The starting point of the law is that the right to protest is a human right and must be given full care and attention', he said. This is the new President Hasim. 'It is just that practising this right must be met with a sense of responsibility so it will not damage security or terrorise or assault establishment'.

What happened after that point when these laws were put in place, I think they were used a bit more harshly than just putting people in jail. Let us put it that way.

In 2011, we are going back a couple of years before the Egyptian example, public frustration in Belarus over deepening economic crisis reached boiling point. The authoritarian regime of President Alexander Lukashenko had outlawed any political protest and police were cracking down any vocal expression of dissent.

That is the sort of thing these laws can be used for. The way that these laws are drafted, could they be used in the same manner as these despots and dictators and authoritarians in other countries? You could argue that, yes, they could be. How do you interpret the legislation?

We will move on to Saudi Arabia, which imposes a ban on all protests. This was in the wake of similar protests in other countries that led to pushes for democratic change -

All protests and marches are to be banned in Saudi Arabia ...

'Regulations in the kingdom forbid categorically all sorts of demonstrations, marches and sit-ins, as they contradict Islamic Sharia law and the values and traditions of Saudi society,' the Saudi interior ministry statement said.

You would probably be happy to assume that the current bill abides by Sharia law because it bans demonstrations, marches, sit-ins and so on: very happy about that. We have laws in place. People have been sent to jail for protesting in Tasmania. The Greens, via interjection, might correct me on some of the details. From what I remember, Nishant Datt and Ali Alishah both went to jail for protesting.

**Ms O'Connor** - They did. So did Bob Brown, Christine Milne and all the Franklin protesters.

**Dr BROAD** - I am going to speak specifically about these two individuals because they are more recent. Bob was arrested and went to jail for a few days. Ali did, and Nishant Datt did, too. Nishant Datt got three months with most of it suspended, two months suspended or something. Ali Alishah got three months and I am not sure how long he served. I might add that I am not aware of any other protest Nishant Datt and Ali Alishah have been involved in when they have come into conflict with anybody. The current laws in place have put people away.

We should go down the road of other states that have had issues with protests, disturbing businesses, doing lock-ons and things like that. The way the other states have dealt with it is much more sensible. It is by strengthening current laws. It is not trying to amend something that the High Court has turfed. That is a ridiculous notion; that you can put lipstick on the pig and hope it works out better next time. They say the definition of stupidity is to keep doing the same thing and hope you get a different result.

The Law Reform Institute and the Gilbert + Tobin Centre of Public Law from the University of New South Wales have done quite a good job of pulling apart this bill in some of the opening submissions. This is from the Centre for Public Law of the University of New South Wales -

First, despite the Bill's amendments to the Act, key provisions remain in breach of the implied freedom of political communication.

That is the first thing that many of these lawyers groups point out - the doubt about the constitutionality of this bill - but that does not seem to be a terribly big concern. We have not heard anything about legal advice. I am not sure if the minister will be talking about legal advice he has toward the constitutionality of it. Second, they noted that -

... even if the amended Act's provisions are not in breach of the implied freedom of political communication, a number of its provisions create criminal offences and provide for police powers that extend beyond the legitimate limits of criminal law in a liberal democracy.

If we want to compare ourselves to Russia, Belarus, Saudi Arabia -

**Ms O'Connor** - China.

**Dr BROAD** - Maybe China, I suppose, Egypt, all these bastions of human rights, then, sure, let us go ahead, but this is why we have a constitution and the implied right of political expression; it is one of the key things that protects us all. When it is thrown out by the High Court, this bill will not protect anybody or anything. It will be proof-positive of the stupidity of the Liberal Party and how they would much rather have the fight, they would much rather go to the summer period saying that they have shown us, the dastardly Opposition, that they are in charge and they are protecting people's rights and people are going to be able to go to work and so on. If it is successful in going through this place and the other place, it is only a matter of time before an activist gets themselves arrested and gets the pro bono silk to take it to the High Court and the Government will be up for costs again.

**Ms O'Connor** - The taxpayers will be.

**Dr BROAD** - The taxpayers will be, yes. That sort of money could be far better used for anybody else, because it targets protesters. There is a lack of clarity in this bill, such as the breadth

in the definition of 'impeding', 'carrying out a business activity' in the proposed new offence sections of 6(1), 6(2), 6(6) and 7. There is a lack of clarity as to whether a person who will be entering or remaining on a premises is not contravening the act of requirement, direction or notice imposed or issued under act in other sections. There is a lack of an exemption for offences in sections. It goes on, with the reversal of the onus of proof on whether conduct is occurring on business premises and with a failure to provide a clearer definition of 'business premises' so as to determine with greater clarity the operation of the offences in section 6.

That is why there are significant concerns with this. Despite the reassurances from the Liberal backbench about how this is almost very targeted and it is only going to impact all of those nasty people we do not like, the way that this bill is written, the generality of the definitions, means it could apply to just about anybody at any place as long as it impedes some business. You could be awarded, or you might have to cover the costs of that business not opening and so on and that has been dealt with in some detail.

Despite the protests that this is about business, it is all about politics. We have seen the Government behave like this before. When they come up to an election cycle, no doubt, if this one gets knocked off, they will bring it back in, maybe in late 2021, leading into another election so that they can run the scare campaigns again. They can put up the billboards. They can run all the media releases that are ready to go now, with the advisers' box hovering over the send button, send all, talking about Labor and the Greens or whatever you are going to write, the same thing as last time, recycling the same speeches and talking about the same issues. Then, in 2021, if this does not go through either this House or the other place, we will be back here again. All of the advisers will have to cut and paste from all of the speeches from this time and the last time.

I wish I had access to Turnitin, so I could see how much had been plagiarised from previous speeches because it would be hilarious, especially the contributions from the member for Lyons, John Tucker, and Mrs Rylah, the member for Braddon. I am sure I have heard those sentences before. It is almost as if the Liberal Party has done some coding, they have random sentences and they hit a button and it generates a speech based on all the previous speeches they have done. I might have a crack at doing one myself. We could probably play Liberal bingo like we used to do with Adam Brooks because he was very predictable. Mr Tucker is becoming a bit like that.

Despite what the Government says, this bill is going to let down the people that it pretends to support. It will be obvious to them after the second time that they are being used as political pawns. They should know because of the timing of this bill and that there is no way it can get through the upper House in time to apply until parliament comes back in March next year. They will know that they are being played and they are being used as pawns to prop up media conferences to beat up the Opposition. That is what this has come down to. It is all about politics. It is not about the policy. If it was, they would have taken the time to draft legislation like the other states, as they have quoted, that toughen up existing laws that act as a deterrent, apparently. That is what other states have done. Why did this state not do it? Because it is all about the politics. They made a promise that they were going to try to resuscitate a bill that had been thrown out by the High Court. How ridiculous is that - amending a bill that has been thrown out by the High Court. With that, I rest my case.

[11.45 p.m.]

**Dr WOODRUFF** (Franklin) - Madam Speaker, I am not surprised he wants to come to the end of this. It is painful, there is a certain level of repetition in this room and we will continue all night

if that is what it takes to make the point that thousands of Tasmanians have already made to us. The petition that was tabled today from Thursday -

**Ms O'Connor** - Thursday last week. There are now 2700 signatures against this legislation.

**Dr WOODRUFF** - There are 2700 signatures since Thursday last week which have already been lodged on an e-petition - that is less than one week. I think that would be a record in Tasmania. It demonstrates but a very small part of the level of passion in this state to uphold our rights. Tasmanians may not be aware of the detail of much of our law but everyone in their hearts at the most basic level, at the most barbecue conversation level, would understand some basic rights that Australians have always had. It is part of our history, it is part of our stories. I liked the contribution of Mr O'Byrne when he was talking about his grandmother reminding him that he always has the right to go out and hold up a placard.

As a child, I remember some part of me just knew that that was a possibility. If all else failed, I could go to the streets to make my voice known.

This is a bill which seeks to remove the rights that every reasonable Tasmanian would expect that they would have the ability to exercise if they find themselves in a situation where they have been diddled out of their pay, where they have been unfairly treated in a business, or where they are confronted with the enormity of the climate crisis that confronts all of us.

The young children who rallied - tens of thousands of them - in Tasmania a couple of months ago, understand that they have to take to the streets. They understand that peaceful protest is the only way to be heard and to get action on climate. The Extinction Rebellion activists and the Knitting Nannas are the members of no formal group but are people who come together to express their deep concern and anxiety at the lack of action on the biodiversity crisis that is unfolding on the climate heating which has a ticking clock that really only has minutes to go until midnight. In a figurative as well as literal way, here we are at 12 minutes to midnight, and that is about as close as we are as a human species to really approaching the edge of the cliff. We know this because the United Nations and the world scientists have told us this. We are coming to understand the gravity of what is confronting us as a community of people on this beautiful planet. With that understanding comes a level of desperation, a level of frustration, at governments that are failing to act.

We know and we see that more action, more peaceful protest, more activism will occur. That is exactly what governments around Australia and across the world are seeking to push back on. They want control over their populace on behalf of the corporations they represent. Political parties which have corporate interests that they are there to represent above and beyond all. Political parties are in danger of selling away, completely, the rights of Tasmanians in order to further the interests of corporations that seek to extract resources, regardless of whether they will imperil the survival of the humans who depend upon the intact biodiversity that they will trash.

We have protesters in Queensland, across Australia - including the wonderful Dr Bob Brown, and the fantastic people who accompanied him from Tasmania and joined with him in the Adani convoy that went across regional Australia and connected with communities of activists, ordinary everyday people, living in rural communities across New South Wales, Victoria and Queensland. That convoy was a perfect example that people are out in rural communities. The politicians who ought to be speaking for them are not doing their job.

Certainly, the Barnaby Joyces and the Michael McCormacks of this world are not speaking for people in drought-stricken Australia.

**Ms O'Connor** - God no, they are stealing their water.

**Dr WOODRUFF** - They are stealing their water and giving it to cotton farmers. They are handing over to the water of the Murray-Darling rivers to Cubbie Station. Meanwhile, farmers downstream get nothing, and worse, Aboriginal communities that have lived, protected and cared for the beautiful Murray-Darling rivers watch in grief as it dries up, as the trees die, as their birthing trees that have been responsible for bringing into life tens of thousands of generations of Aboriginal people along those areas, are dying, forever, lost.

That is a grief I cannot imagine. I do not think any one of us who has non-Indigenous history could understand that relationship with the country. That is disappearing. People are understanding that it is a loss that cannot be borne, and people are determined to get a response. That urgency means that people will take actions commensurate with the threat that they are facing, which is why we are seeing people - typically nurses, teachers, social workers, chemists, academics, grandparents, everyone - joining Extinction Rebellion. People from all walks of life.

A wonderful video was posted in England of a man, over 90 years old, who was involved in a Extinction Rebellion protest. It was beautiful to see how gentle the police officer was as he was arresting someone who was barely able to walk, and gently shepherding him into the back of the paddy wagon. The guy said, 'Yes, I am doing this for my kids, my grandkids and my great grandkids, because what else can I do?'

We have been here before with this horrible bill. We know why this Government is bringing it on. They can feel the pressure that is mounting in the Tasmanian community, just like governments elsewhere in Australia are feeling the pressure. Good on the Labor Party in Tasmania for standing against this bill, because it sure was not the case that their colleagues in Queensland stood in the same place. It has been Labor and Liberal parties across Australia that have started to bring in these bills.

This bill before us is the worst of the worst. After the Bob Brown and Jessica Hoyt case that went to the High Court, on behalf of all Tasmanians and all Australians, challenging the unconstitutionality of the last Workplaces (Protection from Protesters) Act 2014 - after that case was successfully decided in favour of the people, in favour of Bob Brown and Jessica Hoyt on behalf of the people, the Human Rights Law Centre in Melbourne put together a wonderful, very well researched publication called *Say It Loud: Protecting Protest in Australia*. They sent me and probably every other member of parliament a copy of this, to reaffirm the essential component that protest plays as a part of our democracy. The freedom of expression, the freedom of association, the freedom of assembly that enable protests to happen are an essential plank of our democracy.

They made the report, and they have determined 10 principles to guide lawmakers, governments, civil society and protesters on how to protect protest in Australia. It is worth reading the principles to this Government because they clearly do not understand them, and it would be worthwhile for them to recognise the principles which this bill is seeking to overturn. These are principles that all Tasmanians would understand and support intrinsically.

The first is that protest activities are protected by the Australian Constitution and international law. The second: any regulation of protests must be limited to what is necessary and proportionate.

The third: as far as possible, protestors should be able to choose how they protest. The fourth principle, laws affecting protests should be drafted as clearly and carefully as possible. The fifth: laws regulating protests should not rely on excessive police discretion, and where discretion is necessary, it should be properly guided by the law. The sixth principle: lawmakers and governments, including police, should take positive steps to promote freedoms of expression and assembly. Seven: notification procedures should facilitate, not restrict, peaceful protest. Eight: lawmakers and governments should not prohibit protest based on its message, except in narrow circumstances where that message causes harm to other people. Nine: other human rights of protesters must be respected including privacy, equality, and freedom from inhuman or degrading treatment. And the tenth principle: to protect protest in Australia is that the use of force by authorities should only occur in exceptional circumstances, and as a last resort.

We have a very proud history of protests leading to significant change in Australia. The reason that people protest is because of unjust circumstances, and their desire to seek restitution or justice or protection for the environment, or for people or other animals who are unable to speak for themselves. We have heard numbers of examples tonight of different protests that have had that effect, and I want to add a few more for *Hansard* that are important to recognise in the debate.

In addition to the important history of protest in securing the environmental beauties that we are so proud to hold, as custodians on behalf of all people on this planet, are the Franklin Dam activities, the Tamar Valley pulp mill which the member for Clark, the Leader of the Greens, Cassy O'Connor, talked about in detail before, the Wesley Vale protest, the recapturing of the beautiful Ralphs Bay on behalf of the people who lived there now and into the future. These are all wonderful, successful restorations of landscape for the intrinsic beauty of the animals and plants that exist there for our pleasure and enjoyment in future.

**And the House having continued to sit after 12 midnight -**

**Thursday 28 November 2019**

**Dr WOODRUFF** - In my past, I was involved in protests to protest against war. I remember being involved in the massive protests that swept Australia to stop John Howard taking Australia down the pathway to the Iraq war. We eventually determined that there were no weapons of mass destruction, which was the pretext to drag a whole nation to war and we are still in that war. We were sucked into a war in the Middle East, which was all about securing oil, and here we are still fighting over fossil fuels. What this country is doing by hardening against protesters is preparing for the future uprising that we are already seeing occurring against the end-stage extraction of oil and coal and gas by massive fossil fuel corporations.

We have seen the proposals for the Adani mine but, far greater than that, in the Beetaloo Basin, five times the amount of carbon would be emitted with the extraction of gas from the Beetaloo Basin. This is something we must prevent at all costs. If we do not do that, we are signing our own death warrants as a species. We do not have a choice unless we have a will to die and I do not, not now, anyway. I will do what I can to prolong my life and the lives of everyone I know and the all people I do not know because that is the human spirit, to want life and to want to give life to other people. Behind Protest is a sense of fairness and justice. We are entitled in the world. We have many opportunities. We should be opening the door to people who are less fortunate than ourselves and we should be keeping the door open for our own people who do not have the fortunes that we have, who demand their right to speak up against injustices in the workplace, through bad dealings with businesses and, fundamentally, when they see environmental wrongs.

The other great contribution was of the suffragettes. Thanks to the suffragettes there are many women in parliament. Here we are, benefiting from the work of those early women who were pilloried and attacked for being 'not of their sex', for not being feminine enough, for standing up and being offensive, for basically demanding to have control over their own lives and bodies. Women, until the late 1800s, were defined in law as chattels of men. We were objects that were owned by men in English law, running into the late 1800s. That is, not much longer than a century ago; women were owned. In many countries around the world, women still are owned. These things are not far away.

As a young woman, I went to protests for my right to choose my reproductive rights, my right to choose whether I were to keep a baby or have an abortion. That seems like a long time ago but we are still having those discussions today. We have to keep the opportunity, painful as it is, and I know people in this Chamber would have very different views on that topic but we must respect each other's right to voice our views. This bill would shut all that down. It would shut down every woman in this Chamber's right to protest for or against that particular topic. Reflect on that; every woman in this Chamber. We may have different views -

**Ms O'Byrne** - And Mr Barnett, he protested against the legislation.

**Dr WOODRUFF** - It is not about his body.

**Ms O'Byrne** - No, I'm just saying that he enjoyed the right to protest.

**Dr WOODRUFF** - On the topic of a woman's right to choose what happens to her body, for or against, this bill shuts that down. It is good to think about that. Every instance, not only the continual discussions about vegans in dark hoods. This is not about that. This is about this Government controlling the narrative, kicking up fear and loathing in the community and creating demons where there are people with kind hearts trying to bring to public discussion the urgency of animal cruelty, or the urgency of women who are still unable to get an abortion in the public health system in Tasmania.

Maybe we should have another protest about that because this Government has still not done anything about that. We had Reclaim the Night marches. Women went on the streets, in the dark, wearing whatever they wanted to and they did not necessarily ask for a permit, and why should they?

**Ms O'Connor** - 'Criminals'.

**Dr WOODRUFF** - Yes, 'criminals'. If they wanted to make an especially loud noise, stand on the road and get in the way of a few cars, it is off to jail with them for 18 months. If they got stropky and did it again, it would be four years.

Let us talk about what happens if you trespass on private property. If someone breaks into our house, what do they get? One year jail. What if they break in with a firearm, scare the bejesus out of you, the kids, the dog and every neighbour? Two years. The Knitting Nannas: if they come back after they have been arrested; four years. How is that reasonable? It is not reasonable. It is frightening in its lack of reason and it shows a level of madness in thinking.

I want to talk about what has happened with Aboriginal Australians. In 1972, four Aboriginal men put a beach umbrella outside parliament house in Canberra. That Aboriginal Tent Embassy has been there in some form or another ever since. That has created a conversation in Australia that



slowly, painfully, has moved us toward an understanding about so many issues, starting with Charles Perkins negotiating with Malcolm Fraser in 1976. As a result, because of that Aboriginal Tent Embassy provoking and enabling those conversations, that strong public debate, the Aboriginal Land Rights Act was passed in 1996.

There were huge protests that went on for decades about the horrific Stolen Generation, the horrible stories of families, Aboriginal children, stolen from mothers, fathers and communities, in 1988, when the *Bringing them Home* report was handed in, there were sorry days initiated every year from 26 May, the date of that report. In 2000, 250 000 people walked across the Sydney Harbour Bridge. That was an amazing moment. People in Australia were shocked and moved to their core. It still ground on. John Howard refused to bend to the weight of those people and the motion behind that.

Eventually, Australia and politicians listened, and finally in 2008 Kevin Rudd made a formal apology, noting the reality that white Australians had inflicted profound grief, suffering and loss to our fellow Indigenous Australians. That is only part of the road we need to travel in restitution, in recognition of dispossession and loss, and the genocide that was inflicted on Aboriginal Australia, and the requirement for a treaty and so many other things.

That is the movement that has enabled the public conversation and has put people into an uncomfortable place. Here we are today with a bill which is a joke, which has the constitutional experts of the country providing the best evidence that this is breaching our rights, and that it is likely to be unconstitutional if it goes back to the High Court.

The Attorney-General is not in here, but it is awfully embarrassing again, that she is in a Cabinet which was responsible for releasing the public consultation for this. On 26 January, Australia Day this year, during the fires, during a state emergency, this Government chose to release a consultation on such an important document. No government notices were issued. Press releases about it appeared to have been backdated on the website.

This is a bill which removes the majority of the operative and the incidental provisions from the underlying act, and according to Dr Gogarty, who wrote a response -

The amending provisions are extensive ... and effectively involve rewriting the legislation from the inside out.

If the Government was serious about doing its job, they should have thrown it out and written another version, but they purposefully have not done that. The inference from Dr Gogarty is that they purposefully have not done that to confuse people, to make it very difficult to understand. The public has been left with no ability to comment on such a highly complex amending bill.

There is no legal advice or other information that has been provided by the Government to explain why various provisions are being removed, why they are being amended, or why they have been inserted in response to the High Court's judgment. This is meant to be fixing it up, but actually it is all about obfuscation and making it difficult.

It is a fundamental rule of law, or principle, that the public is able to understand what rights and duties they have, and which of those rights and duties will be altered and taken away by law. Given the bill imposes criminal sanctions and modifies a range of common law freedoms - especially including the freedom of speech, the freedom of association and the freedom of

movement - clarity and accessibility in relation to this bill should have been central to its redrafting and to the consultation process. In actuality, the opposite has happened.

We are left with an amendment bill that is difficult to understand, and difficult to see how the provisions operate, and why they have been removed and replaced. Never mind, we are all doing our job over here, despite the fact that the Government has made it as hard as possible to investigate this bill. We will take all the time that is needed to go through it clause by clause, so it is crystal clear what a dog of a bill it actually is, because that is the work that must be done. If this Government thinks that they can just flick something out on Australia Day during the fires, wave their hands around for a few months and hope everyone goes to sleep, well forget it. It is not going to happen. There are 2700 people who have signed on to that e-petition now. If that is what it takes to make the Government happy, that they are whipping up fear and division, well they can feel happy - job done.

They obviously do not mind getting the heat on every single topic. They are getting the heat on their failure with the health system, the heat on the disaster in Risdon Prison. It is ballooning, it is going off, and we will give the heat on this bill for as long as it takes, until it is repealed.

[12.16 a.m.]

**Ms BUTLER** (Lyons) - Madam Speaker, I, like my colleagues, will not be supporting this bill. I support protections for businesses. We as a party support a strong economy grounded in the Hawke/Keating principles of economic reform with a social dividend. The social dividend is the aspect that this Government does not understand. I do not believe that the motivations of this Government are to protect businesses. In short, we have laws that already do this.

This is a sign of a government beginning to fall apart. You have had a shocking year. You know you are losing the respect of the people of Tasmania, and you are shifting so far to the right in a desperate attempt to maintain control. It is also a distraction from, frankly, an abysmal year in government in general. This is overreached. This bill is a grab at more social control, and in the hands of these people it is frightening.

The feedback that I and my colleagues constantly hear is that the community has real and burning grievances about growing inequality, risky job security and underemployment.

This Government seems to be hell-bent on causing divisions in our community, to continue to grow inequality, to leave one in five Tasmanians behind, to ignore that people are really struggling in our community. As a part of the united, dedicated, hardworking and common-valued people, Labor is indignant on behalf of all Tasmanians about the direction this Government is trying to take us all. We are angry on behalf of the people we represent. I consider our role as local members is to validate our community's anger about the disadvantages they face - be it homelessness, unemployment, poor literacy, poverty, growing violence, lower life expectancy or chronic illness. This bill represents another intrusion on the people of Tasmania's fundamental freedoms, and their ability to validate their own concerns through protests, speaking out or voicing their opinion.

This bill is demeaning to the Tasmanian business sector, because we know it is not about protecting businesses. This bill is not just about forest protesters and trade unions - that is the Government's spin. This bill is about all Tasmanians.

Most of us in this Chamber are involved in business, and to use business as a facade to impose limits on our freedom of speech is something we should also be angry about.

The core aim of this bill is to confine citizens' freedom of assembly and their right of political protest. This bill has removed all mention of its main target: protest and protesters. The complete removal of the actual political target of the bill means it now applies to all people in an almost indefinable range of activities.

This bill is reminiscent of the former Premier of Queensland, Mr Joh Bjelke-Petersen. In September 1977, Premier Bjelke-Petersen proclaimed -

The day of political street march is over. Anybody who holds a street march, spontaneous or otherwise, will know they're acting illegally. Don't bother applying for a march permit. You won't get one. That's government policy now.

In 1978, Joh Bjelke-Petersen had been premier for nearly a decade when signs emerged of an even more hard-line direction he was to adopt in the 1980s. The most obvious sign of this hard line was the ban on street marches, which grew out of anti-uranium protests, but the right to march quickly became the main issue for both the marchers and also the police. Not only did the ban interfere needlessly with the right or freedom of people to assemble, process and protest publicly, it also threatened law and order rather than preserving it. Bjelke-Petersen banned all street marches, leading to violent clashes between police and protestors and the arrest of more than 2000 people in 26 separate incidents. In a study of the effects of Joh Bjelke-Petersen's anti-protest laws by Frank Brennan, an Australia Jesuit priest, human rights lawyer and academic, quite conservative, actually, he states that -

If constitutional democracies are to be more than elected dictatorships, they must maintain legal and protected means for the citizens' expression of political discontent. It is facile to claim that the vote, access to a local member, and the availability of a free press are sufficient means. There are some political issues that prompt feelings of moral outrage in the citizenry. The legal and protected means must include means for the communication of such outrage. The most usual means for such communication are the public procession and assembly. A person's physical presence at a place or at an event is the most powerful means of expression for one believing in or committed to a particular cause, person, or collection of persons. In society, a public gathering of persons is the most powerful means for expression of solidarity, to the group and witness to those outside the group. It is to be expected that in relation to important political issues about which people feel moral outrage or concern, they will want to use the best and most usual form of expression and communication of that outrage or concern.

The United States Supreme Court has stated that -

'the right of the people peacefully to assemble for lawful purposes ... is, and always has been, one of the attributes of citizenship under a free government. It "derives its source" ... "from those laws whose authority is acknowledged by civilised man throughout the world". It is found where civilisation exists.'

It must be assumed that public protest will always be a possibility, and often an actuality in a constitutional democracy. Thus the public assembly and political procession must be accorded recognized places in the constitutional machinery.

This bill is, by all accounts, far too broad-sweeping. This is dangerous and not the direction I wish to see our beautiful state move. The uncertainty surrounding how this bill would be interpreted and implemented must not be ignored. I would like every member supporting this bill here today to consider how dearly they hold their right to speak out about issues they are not happy with. Do they want to create a Tasmania reminiscent of Queensland in the 1970s?

The practical application of this bill needs to be explored and I will provide practical examples of different groups in our community that this bill could be applied to. The state Government has selected the preferred site at Birralea Road, Westbury, in secrecy. The residents of Westbury were not asked what their views on it were before the decision was made. Many Westbury residents are angry about how this decision was made. Many Westbury residents are deeply dissatisfied with the sham of a consultation process offered by the state Government. Westbury residents may wish to exercise their constitutional right to freedom of political communication by protesting against this prison. If the state Government is reckless enough to push this proposal to the point of its construction -

- (a) many Westbury residents may threaten to impede the construction of the prison. By threatening to impede the construction of the prison these residents will commit an offence under section 7 of the amended act, for which they might be arrested.
- (b) many Westbury residents may hold a protest on Birralea Road at the access to the prison site. By holding such a protest these residents may potentially obstruct a public thoroughfare, thereby committing an offence under section 6 of the amended act, for which they might be arrested.

It is entirely foreseeable that Westbury residents will be caught by these laws and it is misleading to suggest otherwise. The 130 members of the Westbury Residents Anti-Prison Group regard these laws as draconian and designed to prevent even the quietest people in the smallest of towns from exercising their political rights. At one of our peaceful meetings on the town green the attendees decided to march to the local Town Hall and Council Chambers to hold up their handmade signs and voice their concerns about the community's exclusion from consultation and their opposition to having a maximum-security prison built next door to their village and industrial area. The protest was spontaneous, peaceful and inadvertently travelled past shops and a thoroughfare. Under these proposed laws, these people would have been charged. That is the practical application of these laws. Any act that affects business activities by way of trespass and obstruction is targeted.

I can give many examples of protest and people speaking out about wrongdoings. A royal commission into banking, the country's highest form of public inquiry, has exposed widespread wrongdoing in the industry. It exposed abuse and misconduct within Australia's banks and financial institutions, which were and still are, a lot of the time, driven by a culture of greed. The interim report condemned an industry, which it said valued profit over people and the Australian Government called the report 'a scathing assessment'. 'The report shined a very bright light on the poor behaviour of our financial sector', said the Treasurer, and that Australians expect and deserve better. Even though the federal Liberal Government initially resisted calls for the probe before conceding that a royal commission was a, "regrettable but necessary" action to restore public trust in the system'. The commission's inquiry came about because of protest. The protest group, which apparently began, was called Citizens for a Royal Commission into Corruption and they planned their protests. They used thoroughfares and protested outside of businesses, that is, banks. Under these draconian laws, those people would be charged.

These laws can curb free speech and the ability for people in our communities to raise concerns and take action. The uncertainty as to when, where and how people can voice their opposition will mean that the vast majority of people in our community will remain silent, as people who live in a dictatorship do. I am aghast that the penalties imposed in this proposed law are more severe than those in China and Russia. In a state with 120 000 people living in poverty and an under-resourced legal aid system, how are people charged under these laws meant to put up a legal defence? We have the highest recidivism in Australia, with a staggering 48 per cent of people incarcerated reoffending. How would our already underperforming corrections system cater to these outrageous laws and penalties?

The sentence for people charged under these laws is up to 21 years. I am aghast that this Government is even proceeding with this. There is making a stand for political purpose, but to flex and threaten a Joh Bjelke-Peterson-police-state culture on our beautiful island and on the people of our beautiful state beggars belief. I hope the people of Tasmania remember what you have tried to do and how you have threatened our democracy. I have other examples and one that was provided by Associate Professor Terese Henning, an expert in human rights, evidence law and criminal process. She stated -

You might refuse to leave your boss's office until he agrees to pay shortfalls in your wages. You may have queued for hours at a business, only to be told to come back another time. You refuse to do so, not wishing to repeat the experience all over again the next day. ... What this bill will do is make them indictable offences, regardless of the degree to which the conduct actually 'impedes' the operation of the business. ...

Human rights principles mandate that where laws encroach on human rights and fundamental freedoms they must be necessary, accessible and certain. There must be no other, less intrusive way to achieve their purpose. That is clearly not the case with this Bill. It is based on an open deception about its purpose, which is really about pursuing a policy of criminalising political protest.

Trespass and obstruction are already illegal under the Police Offences Act 1935 (Tas).

Dr Brendan Gogarty, Director of Clinical Legal Practice, UTAS, Senior Lecturer, Faculty of Law, barrister and solicitor states in his submission to the bill that -

The bill remains overly broad and excessive in scope. The act as a whole, but especially the definition of 'impeding', need to be revised to circumscribe the effect of the law to more reasonable proportionate temporal, geographic and causative limits.

In relation to my role as the shadow minister for Police, Fire and Emergency Management, I am concerned about police responsibilities and police directions in fulfilling their responsibilities and the lack of clarity and certainty police officers may face in interpreting the proposed slapstick anti-protest laws. Dr Gogarty states that -

The bill omits powers to direct, warn and move-on before arrest.

The removal of entire provisions from the anti-protest legislation has had the side effect of removing limitations on executive power, and therefore civil rights. It is unclear whether this was intentional.

Of particular concern is the entire removal of sections 8 & 11 [of the Workplace (Protection from Protesters) Act 2014] without replacement. These sections, amongst other things, allowed police to direct persons away from a 'business premises' or 'business access area' prior to arrest.

Whilst ss 8 & 11 of the anti-protest legislation were amongst the provisions struck down by the High Court, their invalidity was not a consequence of the subject matter of the directions, only the lack of clarity about when and where it could legitimately be used. In fact, the majority recognised the importance of police directions, not only as an aspect of procedural fairness, but also an important indicia of proportionality in respect of a law that burdened the implied freedom.

The amendment bill will impose significant criminal penalties for a broad range of activities, which may interfere to some degree with business, yet the bill provides no guidance on how the police are to determine whether a person intends to interfere with the business in such circumstances. Given that is the case, it would seem to be essential that a person be afforded the right to know they may be arrested and given a chance to move away from the zone where the offending behaviour is thought to be occurring. This would allow the individual to continue to engage in constitutionally-protected political expression within the limits of the law. Without it, our governments are relatively free to erode our rights and freedoms and this bill walks Tasmania another step away from respect for human rights and individual freedoms.

Why would a group of people desperate to hold onto power try to turn our beautiful, harmonious, usually tolerant and peaceful state into a late 1970s, early 1980s Bjelke-Petersen-style state? We have seen control, secrecy and a lack of consultation, and now this attempt to impede the human rights of Tasmanians. The scope of this bill is far too broad and we need to fight to maintain what we have. It may seem an insignificant step, but by such means are rights and freedoms slowly undermined.

[12.33 p.m.]

**Mr BARNETT** - Point of order, Madam Speaker. Madam Speaker, I move -

That the House be now adjourned.

**Ms O'BYRNE** - Point of order, Madam Speaker. The minister called a point of order, not to call an end to the debate. The point of order was granted because the debate is continuing. He did not have a legitimate point of order. If it was your intention to call Ms Dow, then you should do so. This is a flagrant attempt to leave because the poor little fellow is tuckered out. We said we would sit all night to get this done.

**Mr FERGUSON** - On the points of order that have been raised, it is worth drawing the House's attention. Under convention, the minister who has commenced the debate on the bill, standing, could be seen closing debate. The minister has attempted to use the sessional order that provides that a minister who has moved the bill for a debate can rise and move that the debate be adjourned without it being counted as closing the debate. That is a new sessional order, since the parliament was prorogued this year.

**Mr BARNETT** - Madam Speaker, on the point of order, it is Standing Order 129, adjournment of the debate.

**Dr WOODRUFF** - On the point of order, there has been a lot of conversation from members. I did not hear you speak or give the call to Mr Barnett. I saw three people jump and I believe Ms Dow jumped first. There has been a lot of conversation but we have not heard from you.

**Madam SPEAKER** - I am a bit disappointed because I was going to call Ms Dow, but because of the minister's place in the hierarchy, I allowed him to interrupt. I am disappointed, minister. In all fairness, I should give it to Ms Dow.

[12.35 a.m.]

**Ms DOW** (Braddon) - Madam Speaker, Tasmanian Labor does not support the Workplaces (Protection from Protesters) Amendment Bill 2019. Labor will not support laws that attack people's right to hold government to account. Bad legislation cannot be allowed to silence Tasmanians and legislation should not be so confusing or oppressing that it discourages people from standing up for their rights, freedom, places they care about, their values or each other.

We voted against the Workplaces (Protection from Protesters) Amendment Bill 2014 and we will vote against the amended bill again this morning, in 2019. In 2014, it was made clear that there were concerns about the original bill's constitutionality. A decision of the High Court held this original legislation was invalid because the provisions permissibly burden the implied freedom of political communication, contrary to the Commonwealth Constitution.

Much has been said tonight about agriculture and about the support of Government and opposition parties for the agricultural sector in Tasmania. I am a proud regional Tasmanian, a strong supporter and I am involved in the agricultural industry, so I understand the risks that enterprises undertake in getting involved in agriculture and I understand the significant contribution that agriculture makes to our economy, particularly across regional Tasmania.

The Government has not made it clear why they have chosen to amend this failed legislation in preference to introducing a new, clean bill or amendments to existing legislation, and/or strengthening existing legislation that would deliver on their stated intent, which they say is to protect workplaces from incursions. Much has been said about farm trespass law and legislation that has been introduced by other states. I ask the question of the Government: why have they not taken us down that path? I know the answer because this is not about the rights of farmers. This is about wedge politics and votes across regional Tasmania. That is pretty evident.

**Mr Tucker** - You know a lot about regional and rural Tasmanians.

**Madam SPEAKER** - Mr Tucker, that is not fair. She is a country person, after all. Thank you.

**Ms DOW** - Madam Speaker, it will not be news to anyone in this place that Tasmanian Labor believes that the right to peaceful protest is a fundamental part of our democracy and must be protected. I will read from the public statement of Unions Tasmania, which they gave on the Liberal Government's anti-protest laws on 21 November because it raises some important points -

The trade union movement is a movement built on protest.

Workplace rights and conditions that many Australians take for granted today - including equal pay, superannuation and workplace safety laws - were won because the union movement protested for them.

The Hodgman Liberal Government's latest anti-protest laws threaten the rights of community members to protest for positive change at a time when the Government is intent on silencing its critics, of which there are many.

These laws will also capture legitimate union activity, like nurses protesting about safe staffing levels or workers who have had to stop work on site because their workplace was unsafe.

It goes without saying that we have never supported action that endangers the health and safety of our members.

But these laws aren't really about workers.

If the Tasmanian Liberals really cared about workers, they'd do something about wage theft, or job security, or low wages. They would make sure their employees had a safe workplace by doing things like fixing the dangerous ramping situation at our public hospitals.

The only time the Hodgman Liberal Government cares about workers is when they're using them as cover for their political agenda, like they are here.

The Tasmanian union movement have opposed these laws, in their various forms, since they were first proposed in 2014.

We urge the Government to withdraw these laws, and if they don't, we need the Legislative Council to reject them.

Madam Speaker, to state that Labor does not support business and the growth of the Tasmanian economy is simply wrong. Some of us in this House are involved in small business and understand its significant contribution to our economy and the difference that it makes to the lives of working people. Contrary to what those on the other side say you can be a Labor member of parliament and support small business. To state we do not support the protection of working people is also simply wrong. We do not support any action including extreme activism that puts workers at harm or in danger. I believe in every worker's right to go to work, do their job safely and return home to their family safely each day or night. Labor is the proud party of working people, advocating for workers' rights and job security.

As I was preparing my contribution today I reflected on my first speech in this place where I said -

The Labor movement is built on the fight for fairness and justice for all working people.

I understand the importance of secure work because I can remember over the years the uncertainty of my dad's employment and the impact that this had on our family. As industry changed and the company's ethos towards its workforce changed, it was hard then and for many workers it is harder now.

I went on to thank my dad for instilling strong Labor values in me, values such as valuing every person, a strong sense of social justice and the importance of equality, and to always be standing up



for the wellbeing of others. These values are what I bring to this parliament and I believe strongly in standing up for what you believe in.

There is no doubt in my mind that the introduction of this legislation is designed to wedge the Labor Party. In fact, most of what the Government seeks to do in this place is motivated by politics and designed to take the heat off an embattled government after a very long year. This is a Government that wedges us in the parliament and a Government that seeks to divide and take away the rights of free speech and peaceful protests from our local communities. The Government has deliberately tabled the bill so that it cannot be introduced or debated by the upper House before March 2020. As others have said this lets the very people down that the Government say will benefit from this legislation. It is sad that the Government would use their legislative agenda in this way.

Workers and business rights will not be protected over the summer break. The Government knows that this amended bill will not be scrutinised by the upper House until at least March of next year and we also know that there are upper House elections around the corner and that this bill will be used during election campaigns.

A health crisis, ambulance ramping, growing inequality, a housing crisis, poor budget management, a pending fire season of which preparedness is questionable, looming net debt, skill shortages, high youth unemployment, the Westbury community up in arms, and the list goes on. This is the record and the legacy of this Government. Why isn't this Government spending its time working with business and industries, unions and communities to identify pathways to employment for all Tasmanians particularly regional Tasmanians rather than bringing this failed legislation again before this House? Why isn't this Government providing leadership on the provision of essential services that mean so much to the lives of every day Tasmanians and are fundamental to inclusive, socioeconomic growth across Tasmania rather than bringing this failed legislation before the House again?

It is my understanding that there were already a number of provisions under Tasmanian law to protect against illegal protest. This is highlighting both the submissions of the Tasmanian Law Reform Institute and Community Legal Centres in Tasmania. The Community Legal Centres submission of 3 March says,

We are strongly opposed to the *Workplaces (Protection from Protesters) Act 2014*. In our opinion, the Act is unnecessary with existing legislation already providing sufficient scope to punish illegal protest.

The Tasmanian Law Reform Institute in their submission of 3 March 2019 go on to say,

Given the range of existing offences to protect against trespass, property damage, disorderly conduct and other interferences that may affect businesses, we question whether the legislative approach adopted by the Bill is necessary or appropriate.

I know that many speakers have spoken from the submission from TasCOSS but I want to highlight their concerns in my contribution tonight because they are important and they provide some great examples of important change which has been brought about by the right to protest in Tasmania.

I will begin by saying I have two areas of concern with this bill. First the Government has not presented evidence that the amendments are necessary. The second and more fundamental concern is that the bill impinges on fundamental human rights, and its application could therefore have a detrimental effect on the ability of citizens to raise, and have addressed, fundamental issues of justice.

Freedom of assembly for the purposes of political expression is particularly important to people and groups in the community who struggle to have their voices heard in the political and legal realms. In addition, many of the traditional mechanisms of having one's voice heard, such as submissions on draft legislation or writing to members of parliament, depend on issues already on the legislative agenda. Where they are not, peaceful public protests enable citizens to raise issues of concern so that these might become matters to consider for legislators and policymakers.

There are Tasmanian examples of protests being viewed as disruptive, but ultimately the protests were seen as worthy and even as having made a significant contribution to the future of the state. For example, the human rights protests at Salamanca Market by gay and lesbian protesters resulted in arrests over disruption of public amenity and the business of other stallholders. These protests paved the way for significant gay and lesbian law reform in Tasmania.

Recently, the Tasmanian Government apologised to those it arrested, and a key player in these protests, Rodney Croome, is now seen as a champion of human rights and equality in the state.

A second example are the protests to save the Franklin River from being dammed. Protesters deliberately obstructed access to the site by Hydro workers as part of a strategy of civil disobedience. The river runs through what is now a World Heritage area that is the cornerstone of Tasmania's booming tourist industry.

A final example occurred in 2000 and involved a coalition of organisations, including TasCOSS, protesting outside the Executive Building. They argued that electricity concessions should be extended beyond pensioners to include health care cardholders who were on lower incomes than pensioners. As a result of that action, the Government agreed to grant the extension to the concessions.

In these examples, preventing or disrupting access to workplaces was a strategy of civil protest that produced outcomes most Tasmanians now believe are just and beneficial. TasCOSS believes that the proposed legislation could have the effect of suppressing activity by pro-social citizens that brings issues of social and environmental justice to the attention of the media and the public. Our state would be a weaker democracy as a result.

Their final recommendations are that TasCOSS does not support the proposed amendments to the act, and TasCOSS instead recommends that the act be rescinded.

In another submission, Unions Tasmania in their March submission raised the following concern in relation to the definition of public thoroughfares. This is a really important point:

Unions Tasmania holds concerns about the scope of the legislation and the potential for it to capture legitimate activity by union members.

They go on to say that it also covers public thoroughfares, including public places, streets, roads, footpaths, bridges and waterways. A union rally or a peaceful demonstration could potentially fall foul of this legislation. Collective action is the way many positive changes have

been achieved in our country. Such actions are important mechanisms in a representative democracy for people to have their voice heard.

I conclude my contribution by highlighting a couple of scenarios that have been mentioned by others, but are important nonetheless. I will begin with our health workers - all of those northern nurses who stood for months on end outside the Launceston General Hospital in their lunchbreaks protesting about their working conditions and advocating for more resources to better provide patient care in the accident and emergency department. What does this bill mean for them, and their ability to peacefully protest a matter of incredible public importance in a public thoroughfare? This is not clear.

What about the thousands of students and adults who participated in the recent Strike 4 Climate protests right around our state? What does this bill mean for their future peaceful protests around the state, their morale and their aspiration for the future of the next generations of Tasmanians?

Finally, what about the hundreds of people who rallied across the north-west in the Unlock Tasmania rallies? What about those local small business owners, industry leaders and impassioned members of the community who, in July 2013, marched down the main street in Smithton? They rallied to show their support for workers and their families at Ta Ann, in protest to an illegal protest at Ta Ann. What does this bill mean for their future right to peaceful protest in line with their values and beliefs?

My parliamentary colleague, Mrs Rylah, played a significant role in working with Unlock Tasmania as a candidate for the 2014 state election, joining with them and organising them in protest. She spoke about that experience earlier today in the House. In her contribution, she does not make it clear what this bill will mean for the future of groups like Unlock Tasmania and their right to political protest.

I have highlighted a few examples of protest across a broad spectrum of causes, and each are protest activities conducted in public thoroughfares, for the consideration of the House. I want the Government to outline how they intend to communicate the changes outlined in this bill, or do they think the threat of penalty would be enough? How will people know what they can or cannot do when it comes to peaceful protest in this state?

From the outset of my contribution today, I clearly stated that Tasmanian Labor does not support the Workplaces (Protection from Protesters) Amendment Bill 2019. Labor will not support laws that attack people's right to hold government to account and their democratic right to peaceful protest. Bad legislation cannot be allowed to silence Tasmanians, and legislation should not be so confusing or oppressing that it discourages people from standing up for their rights, freedom, places they care about, values, or each other.

We voted against the Workplaces (Protection from Protesters) Bill 2014, and today we will vote against the amended bill of 2019.

Madam Speaker, what is un-Tasmanian is the politics of this Liberal Government.

[12.52 a.m.]

**Ms HOUSTON** (Bass) - Madam Speaker, like my Labor colleagues, I will be opposing this bill. This is yet another piece of unnecessary legislation with a purely political motivation.

The suggestion made by those opposite that Labor does not support working people is both absurd and offensive. It is obvious that the bill limits the democratic rights of ordinary citizens and does nothing to protect workers in their workplace. The bill has been previously condemned by the High Court, and the amendments do nothing to improve the overall infringement on the right to protest, and ultimately the right to political communication.

The High Court of Australia says -

Today the High Court held invalid certain provisions of the *Workplaces (Protection from Protesters)* 2014 ... in their operation in respect to forestry land and business access areas relating to forestry land.

Various provisions of the Protesters Act prohibit 'protesters' - that is, persons engaging in conduct in furtherance of, or for the purposes of promoting awareness of or support for, 'an opinion, or belief, in respect of a political, environmental, social, cultural or economic issue' - from engaging in certain conduct on 'business premises' or 'business access areas'. 'Business premises' relevantly comprises 'forestry land', which includes land on which 'forest operations' have been carried out. 'Business access area' is defined as so much of an area of land, outside business premises, as is reasonably necessary to enable access to an entrance to, or to an exit from, business premises. Police officers may direct any person to leave or stay away from 'business premises' or 'business access areas' in certain circumstances under pain of arrest or criminal penalty.

The plaintiffs were present in the Lapoinya Forest in North West Tasmania when forest operations were being conducted there. The plaintiffs were each arrested and charged with offences under the Protesters Act in relation to their conduct in opposing the logging of part of a coupe in that forest. The charges against each plaintiff were not later pursued. It was not disputed that, but for directions made under the Protesters Act, and to the extent permitted by other laws, the plaintiffs would have gone back to the Lapoinya Forest for the purpose of raising public awareness of logging in that forest.

In the High Court, the plaintiffs challenged the validity of certain provisions of the Protesters Act on the basis that the Constitution protects freedom of political communication and that those provisions impermissibly burden that freedom.

A majority of the High Court held that, in their operation in respect of forestry land and business access areas relating to forestry land, the impugned provisions of the Protesters Act effectively burdened the implied freedom of political communication. A majority of the Court held that the Protesters Act pursued the legitimate purpose of protecting businesses and their operations by ensuring that protesters do not prevent, hinder or obstruct the carrying out of business activities on business premises. However, by majority, the Court held that the burden imposed by the impugned provisions on the implied freedom of political communication was impermissible because those provisions were not reasonably appropriate and adapted, or proportionate, to the pursuit of that purpose in a manner compatible with the maintenance of the system of representative and responsible government that the Constitution requires. A majority of the Court

therefore declared that the impugned provisions were invalid in their operation in respect of forestry land and related business access areas.

Madam Speaker, the right to protest is essential to a functioning democracy and is often the only access the vulnerable, disadvantaged, disenfranchised and dispossessed have to a political voice. One of the most distressing factors of this bill is the murkiness of the consequences of committing an offence. There was no clear indication of whether an offence would reach a certain threshold for an indictable offence and, therefore, one would have to be charged and prosecuted to know what that outcome would be. This lack of clarity has the effect of intimidating people and, therefore, potentially deterring them from participating in a lawful protest for fear of unknown consequences.

Another concern in this bill is the impact on unions. Unions protect the rights of workers, improve working conditions and ensure safer workplaces. Unions have successfully used protest over time to achieve these ends and it is apparent that this bill renders almost all industrial action unlawful, given that only lawful protest is one granted a permit. This bill will hurt unions and, therefore, it will hurt workers. It will also do nothing to make workplaces safer. If the Government truly wanted to improve workplace safety, there are numerous other ways to achieve this, such as amending current trespass laws. However, it is not only the unions that will be negatively impacted by this bill. It will impact nearly every form of protest.

The Community Legal Centre and TasCoss have both made submissions in relation to this bill and they have a lot to say about its impact. Community Legal Centres Tasmania say -

We are strongly opposed to the *Workplaces (Protection from Protesters) Act 2014* ('the Act'). In our opinion, the Act is unnecessary with existing legislation already providing sufficient scope to punish illegal protest. For example, under the *Police Offences Act 1935* (Tas), it is an offence to unlawfully enter land with the penalty for non-residential land being a fine of up to \$650 or a prison term not exceeding 6 months. Additionally, the *Police Offences Act 1935* (Tas) makes it an offence to destroy or injure property with the penalties being a fine not exceeding \$1,300 or a prison term not exceeding 12 months.

It should also be noted that the majority of the High Court strongly condemned the Act for impermissibly burdening the Constitution's implied freedom of political communication. In the majority's view, a compelling justification is required by legislatures where a heavy burden on the implied freedom of political communication is proposed. In our opinion, simply removing the word 'protester' from the Bill does not change its intent, which remains the prosecution of persons protesting. We would also note that no explanatory materials were provided with the draft Bill to justify the proposed amendments to the Act. Furthermore, the fact that in its history of operation, the Act was only used twice (against Bob Brown and Jessica Hoyt) indicates that the powers are unnecessary.

The Act also infringes on Australia's human rights obligations with three United Nations human rights experts having urged the Tasmanian Government 'to refrain from adopting legislation against protests that disrupt businesses'. Following the passing of the Bill into law the United Nations Special Rapporteur on the situation of human rights defenders 'conveyed to the Tasmanian government his concern

about the law, its implementation and deleterious impact on the freedom to peaceful assembly and human rights advocacy'.

We are also concerned that whilst some in our community may be able to understand the legislation and make an informed decision in relation to a particular activity, most will not, particularly as the Bill, if passed, is likely to lead to duplication with already existing legislation. For example, as well as proposed trespass and damage to property provisions in the Act already being contained in the *Police Offences Act 1935* (Tas), the Bill also replicates the obstructing police officer prohibition also contained in the *Police Offences Act 1935* (Tas).

In our opinion, if the Government's intention is to provide greater protections to business, the *Workplaces (Protection from Protesters) Act 2014* should be repealed and the maximum penalties available under the *Police Offences Act 1935* (Tas) for trespass, destroying or injuring property or obstructing police officers be reviewed.

TasCOSS made further comment on this -

Despite strong criticism regarding the Act's non-compliance with international human rights law, the legislation was passed in 2014.

In 2016, two Tasmanians were arrested under the laws. They later initiated proceedings in the High Court of Australia challenging the law. The basis of their challenge was that that Act infringed their implied freedom of political communication under the Australian Constitution. In October 2017, the High Court [ruled in their favour].

TasCOSS also talks about the Police Offences Act 1935 and that it contains the offences of trespass and property damage. Both of these summary offences have traditionally been used to protect businesses from criminal activity. Further protection for specific industries such as forestry are contained in the Forestry Management Act 2013, which empowers Forestry officials to exclude people whose presence or activities are likely to interfere with forest operations. Similar protections exist to protect maritime business operations and the mining industry. They go on to say -

The bill impinges fundamental human rights.

Although Australia does not a formal bill or charter protecting human rights, the Constitution does contain some limited rights protections. The High Court decision in the Brown case was a strong statement that peaceful protests are an important form of free political expression, and that the original legislation puts that free expression at risk. In addition, the UN High Commissioner of Human Rights expressed concern about the law's impact on the freedom of peaceful assembly and, as a result, human rights advocacy: 'The Government appeared to prioritise business interests over the democratic rights to peacefully protest or to the social dialogue about environmental protection'.

Freedom of assembly for the purpose of political expression is particularly important to people and groups in the community who struggle to have their

voices heard in the political and legal realm. In addition, many of the traditional mechanisms of having one's voice heard, such as submissions on draft legislation or writing to members of Parliament, depend on issues already being on the legislative agenda. Where they are not, peaceful public protests enable citizens to raise issues of concern so that they might become matters to consider for legislators and policymakers.

Everyone has a right to protest and it is often the only voice that disadvantaged and disenfranchised groups have, yet this Government seeks to stifle this voice. Aboriginal communities across Australia have exercised their right to protest over many decades for human rights, land rights, equality, justice and even the right to protest, itself.

The Wave Hill Station walk off in 1966 started as a union action over the appalling conditions for Aboriginal workers. Led by Vincent Lingiari, 200 Aboriginal workers walked off their station. This was a protest action that lasted seven years and led to the return of a portion of their traditional homelands and the passing of the very first legislation that allowed for Indigenous people to claim land title if they could establish traditional relationship to country.

Without the ability to protest, land rights may never have happened. In fact, in Tasmania even Aboriginal identity had to be fought for. The Tasmanian genocide was devastating, and the extinction was pervasive. The recognition of Tasmanian Aboriginal identity was a long, hard-fought battle.

#### **Quorum formed.**

**Ms HOUSTON** - Madam Speaker, I am particularly concerned about the impact of this bill on Aboriginal people, and my concerns were escalated after the information I received in the briefing on this bill. I asked in the briefing about business vehicles and whether, for example, a four-wheel-drive tour business that was driving over tracks that contained and led to Aboriginal cultural sites, and a person or persons piled rocks up on that track to block access and prevent damage to those cultural and heritage sites, would that be an offence? The answer was a very clear yes.

Therefore, there can be no doubt that this legislation will impact Aboriginal people, particularly and harshly. I wonder what the High Court will make of that. Aboriginal elder Rodney Dillon says:

As an Aboriginal person I do not want to see Aboriginal people locked up for protecting our sites and heritage.

I have no doubt that Aboriginal people will continue to protest, to protect hard-won rights to protest to protect cultural heritage sites, and to protest to stand against injustice. I believe that what this bill will achieve is the increased prosecution and incarceration of Aboriginal people. That is a shameful legacy for this Government.

[1.09 a.m.]

**Ms STANDEN** (Franklin) - Madam Speaker, at 1.10 a.m. I cannot say it gives me much pleasure at all to speak on this dreadful Workplaces (Protection from Protesters) Amendment Bill of 2019. But stand I will, and stand proudly with the Labor team, this day and every other day in order to protect the civil liberties of not only workers that this Government is purporting to defend, but all people in this great state.

I do not support this bill and I believe that the Workplaces (Protection from Protesters) Act 2014 that it seeks to amend is unnecessary. The bills are politically motivated and they represent dangerous infringements on civil liberties, undermining democracy. More than that, they seek to incite fear and division in the community. There is no doubt in my mind that the timing of this amendment bill is deliberate on the part of this Government, not just around the fact that patently it cannot be considered in the other place. Therefore, it will be sitting as a cloud over the Tasmanian people's head over the summer period as a deliberate opportunity for campaigning into the early new year. It is about inciting fear and division in the community as a smokescreen, a smokescreen for this Government's failures.

With 120 000 Tasmanians living in poverty, with 8000 households or nearly 19 000 people living in housing stress, there is no doubt in my mind that this Government is failing, and failing miserably, those who are most vulnerable in this state. There are more than 3300 families on the public housing waiting list, up from 2400 in 2014 when this Government took office, and that figure was the lowest in a decade.

Over the last five years - six now - this Government has managed to build barely 500 or so social housing dwellings of a target of 900 over that period. Yet in the four years of the last government before the Liberal Government took office, more than 2200 new social housing dwellings had been built. With a current demand of 11 000 new social and affordable houses, and a projected demand of 14 000 by 2036, clearly this Government's goals in relation to social housing to build barely 2000 within the term of this Affordable Housing Strategy is going to fall woefully short of need.

With more than 3300 families on the public housing waiting list and high priority applicants waiting on average 67 weeks - a year-and-a-half, or thereabouts, up from 20.6 weeks when this Government took office - there is nothing much to celebrate in relation to public housing. It is those lower income Tasmanians in the private rental market who are doing it hard. As we have seen today from the Rental Affordability Index Report from SGS Economics, rental increases are up 10 per cent per annum over the past three years in the greater Hobart area, and low income households are spending as much as 86 per cent of their income on rent in the greater Hobart area. That is if you are a single person on Newstart.

This is pushing people to the outer fringes of the city, away from jobs and critical infrastructure and 86 per cent is woefully scary. As you would know, the definition of housing stress is when more than 30 per cent of the household income is being spent on housing expenses for the lowest quintiles in the population.

In regional Tasmania, people are spending as much as 54 per cent of their household income. This is a scary indictment on this government's inaction to address housing affordability in this state. How can people get into, let alone stay in a job, or attend and stay engaged in educational training when they are being pushed to the fringes of cities when they are worried about keeping a roof over their heads, or indeed homeless, as 1600 plus Tasmanians are in this state every night throughout winter and at this time of year? They are being pushed out of housing as the high tourist peak season descends upon us and this Government refuses to act on short-stay accommodation within this state, putting more pressure on the housing situation.

This means there is less household income for heating, health care and for education. Just yesterday, there was a report of debt write-offs that have increased 34 per cent to over \$380 000 since 2015-16 which represents unpaid debts for school levies. These are people engaged in public



education who are finding it harder to meet the costs of a so-called free education and that is simply not the case.

When I was working at the Smith Family some years ago now, they undertook a yearly market basket survey of the costs for public education. By the time you take into account things like shoes, books, excursions and computing and internet expenses that are now an absolutely fundamental aspect of engagement in education, the minimum cost for so-called free education was from memory, around \$2000 a year, well beyond the means of the average household to meet.

Hobart is now the least affordable capital city, outstripping mainland capitals by some stretch. In the last quarter, according to the SGS Economics & Planning Report, the huge separation between Sydney and Hobart rental affordability is a frightening situation.

As a consequence of this frightening situation of rental affordability and housing insecurity, one in five Tasmanians have experience food insecurity in the past 12 months. That is a very high figure and this means that there are children, every day in this state, turning up to school without food in their bellies. There are single mums who are doing without food in order to ensure that their children and families have the basics.

There is a smokescreen here in this bill for the Government's failures and they go well beyond housing, to a hospital and ambulance system that is well on its knees: ambulance ramping, bed block, elective surgery waiting lists, record low spending on preventative health. Everywhere you look there are pressures in the hospital and ambulance system and professionals, whether they be doctors, nurses or paramedics, are speaking out against this government and receiving retribution for doing so. This Government refuses to properly fund the hospital and ambulance system within this state to ensure that Tasmanians have access to a proper health system. We have a fire service that is clearly under-prepared for this fire season that has begun early this year and a Government that has failed to act on AFAC reviews. The economic situation is going from bad to worse with the Treasurer basically admitting defeat and heading the state into more than \$1 billion of net debt over the coming years.

It is clearly a terrible situation and this Government is now resorting to reintroducing failed bills in the form of mandatory sentencing and now the Workplaces (Protection from Protesters) Amendment Bill in order to create that smokescreen, particularly over the summer break.

The Government says that this bill is about amending the act to protect the rights of workers and that the bill gives effect to a fundamental principle and that is that our laws should protect people who are undertaking lawful business activities. The Labor Party and I support safe working places for Tasmanians. We are a party for the workers. I was brought up with strong family values around working hard, about making a contribution to my community, respect for democracy and freedom of speech. My father, now retired, but a health professional, was self-employed and therefore a small business owner, I suppose you could say. Certainly, my family grew up with respect for working hard and for the values around lawful business activities.

This Workplaces (Protection from Protesters) Amendment Bill has received round criticism for not achieving the aims that it espouses and, in fact, threatening the very principles that it espouses to uphold. That is, around protection of the rights of workers and the principle that the law should protect people who are undertaking lawful business activities.

I will start an overview of an excellent opinion piece that appeared in now yesterday's *Mercury* newspaper from Jessica Munday, secretary of Unions Tasmania. She said:

The trade union movement is a movement built on protest.

Many of the important workplace rights and conditions that people take for granted these days - like equal pay, superannuation and workers compensation laws - were won because the union movement protested for them.

In 2014 when the Hodgman Government first introduced these laws, unionists stood on the steps of Tasmania's Parliament and opposed them. We joined other organisations who criticised the laws for being anti-democratic and so broad in their application that they would capture legitimate protest activity.

She said:

The right to protest is critical to a health democracy. We are opposing these laws -

This is Unions Tasmania opposing these laws:

... again, because the issues still remain.

Unions Tasmania said:

We drew the Government's attention to the flaws in the law the first time around and the risk they could capture legitimate union activity. They've largely ignored these warnings so we can only assume that it isn't sloppy drafting, but deliberate construction.

She said:

Union members protest about a wide range of issues that aren't just in the interests of workers, but are in the public interest or the best interests of their clients or patients ...

These laws threaten the right to protest at a time when the Government is intent on silencing its critics, of which there are many ...

The Government says these laws are about workers, but that is just a smokescreen.

Jessica Munday says:

The union movement has never supported action by protesters that endangers the health and safety of our members at work. We never have and we never will. But there are already a range of laws in place to deal with that sort of activity without the need for broad anti-protest laws.

She says that:

If the Tasmanian Liberals really cared about workers they'd do something about wage theft, or job security, or low wages. The only time the Hodgman Liberal

Government cares about workers is when they're using them as cover for their political agenda. There are lots of things the Government could do in the interests of workers - but these laws certainly aren't one of them.

Tasmania has a long tradition of protest dating back to early settlement. From suffragettes to Aboriginal rights, the Franklin Dam, climate strike and LGBTI rights, activists have a long and proud history of protesting. More recently, there are nurses protesting for days at the LGH. I personally have been involved in a number of rallies and protests over the years. In fact, if it was not for those suffragettes I would not be standing in this place, I daresay.

I have been involved in numerous gay rights protests around marriage equality in particular. If I had been brave enough back in the day, I would have joined Rodney Croome down at Salamanca. I am not sure how old I would have been or whether I identified as part of the LGBTI community at that time. I do not think I did. It was a time of awakening awareness and this is the importance of getting our laws right in these areas so that our young people can see the importance of engagement in a healthy democracy. I well remember having the 'No Dams' green triangle sticker on my schoolbag even as a primary school student and I probably barely knew what it was. It awakened my awareness to civil rights and to healthy democracy, to peaceful protest in our community. It is an important part of our democracy and we saw that in action recently with more than 15 000 children, families, workers and unions, all coming together at Salamanca for the climate strike.

Imagine if this law had been enacted at that time. What would that have meant? Basically, the entire Salamanca precinct, a two or three block area, was shut down for an hour-and-a-half or so and as I participated in that rally there was a peaceful, joyous and determined air to the protest that day. I did not see businesses flocking out on the street beating people away so as to protect their businesses and their shop fronts. In fact, I think they welcomed the additional traffic that day - 15 000 people in that area. Imagine if these laws had been enacted whether it would even be possible to have some kind of a class action emerging from protests of that sort.

On 23 July 2000, I will never forget being amongst the estimated 25 000 people walking across the Derwent Bridge for the Walk for Reconciliation in Hobart. Again, whether I participated in that activity or whether I intended to participate, under these laws I would be in threat of a hefty fine, if not being thrown in jail. If these laws had been enacted, not only would I not be in parliament, thanks to the actions of those brave suffragettes, but I probably would not be in this place because of the jail time that I would have attracted over my lifetime of protest activity. Whether it be candlelight vigils for Eurydice Dixon, participating in women's reproductive rights rallies of various kinds over the years, or even with health workers back in the day when I worked at the coalface as it were at the North West Regional Hospital, my activities in relation to union and other protest activities are too numerous to outline here.

I cannot believe this Government is hell-bent on introducing this amendment bill when the act of 2014 was found by the High Court to be unconstitutional, and at a cost to taxpayers of, I think, some \$350 000.

So many submissions I have read, in consideration of this bill, raise doubt as to the constitutionality of this bill. It is not as though the Government has not had time to consider this. Consultation on the exposure draft, as others have said, was released on Australia Day of this year under the very threat of forest fires. Submissions closed in March and yet it has been introduced in just the last sitting week, knowing that the upper House will not be considering the bill.

This bill seeks to restrict rights and to punish behaviours irrespective of any analysis of the expected efficacy of these punishments, the impact on personal rights or the constitutionality.

A range of experts have provided submissions outlining their concerns on the bill. They have said that there are existing laws already under which people can be prosecuted. They have said the bill is confusing, inconsistent and difficult to interpret. They say that the bill would leave uncertainty as to its application and that it establishes the new offence of threatening to interfere with a business; however, it provides no definition or clarity on the thresholds of what constitutes a threat.

I will briefly outline some of the concerns outlined in submissions.

Associate Professor Terese Henning, the Director of the Tasmanian Law Reform Institute, outlines concerns regarding necessity, clarity of scope, threatening to impede, police discretion and the move-on powers and discretions. She says that in relation to necessity, the offences under the bill largely duplicate existing offences under the Police Offences Act 1935, the Criminal Code, the Forest Management Act 2014 and at common law. She says the legislation would appear to breach fundamental human rights principles that incursions on rights must be necessary. She says the effect of the bill is to impose higher penalties for existing offences, potentially breaching the human rights principles of proportionality, clarity and certainty, which renders them arbitrary incursions on rights.

Given the range of existing offences to protect against trespass, property damage, disorderly conduct and other interferences that may affect businesses, the Tasmanian Law Reform Institute questions whether the legislative approach adopted by the bill is necessary or appropriate.

In relation to clarity of scope, she says it is important that laws regulating protest activities and the freedoms attached to such activities are clear and can be easily understood by protesters or those considering protest action, business owners and police offenders.

The Bill as drafted is difficult to follow, and the amended legislation will fail to fully address concerns raised by the High Court regarding lack of clarity regarding its application.

In relation to threatening to impede, Associate Professor Henning says -

Given the difficulty in establishing intent in this circumstance, and without any requirement that a business activity is actually impeded, this offence (and associated penalty) is disproportionate and unwarranted.

Further, this provision does not conform to foundational principles of the criminal law in that it criminalises intent without requiring that intent to be manifest in actual consequences.

In relation to police discretion, the TLRI say -

... many of the activities that would satisfy an offence under the Bill will also be offences under other legislation. However, the penalties imposed for the same activities will differ markedly depending on which legislation a person is found to be offending against. The discretion as to which charges are laid will fall to

police officers, and may not be applied consistently. ... It introduces a clear element of arbitrariness ...

In relation to move-on powers and directions, Associate Professor Henning says -

The High Court was critical of the lack of clarity around when directions could lawfully be given, but did not mandate the removal of the move-on powers.

The Bill removes the tiered approach of requiring directions to be given before an arrest can be made.

...

Without consideration of the issues outlined above ... [the act of 2014] would remain overly punitive and impose disproportionate and unnecessary restrictions on freedom of political communication. The likelihood that the legislation does not resolve the problems identified by the High Court in relation to its earlier iteration, in addition to the human rights problems identified above, mean that it could be open to challenge on constitutional grounds and for non-compliance with human rights.

Others have outlined the contributions by TasCOSS and its two recommendations that TasCOSS does not support the proposed amendments to the act and instead recommends the act to be rescinded. It outlines a range of examples including human rights protests at Salamanca Market and a number of protests that have paved the way for gay and lesbian law reform in Tasmania. If laws like this amendment bill were to be enacted, how that would never have come into effect.

Unions Tasmania outline concerns about the scope of the legislation and the potential for it to capture legitimate activity by union members. They talk about the exclusions for industrial action as not being sufficient. They say the bill remains too broad such that it could still capture union members engaged in legitimate union activity, for example, meeting on a work site where workers have ceased to work to address or discuss safety issues, but which does not meet the very narrow definition of protected industrial action under the Fair Work Act 2009.

They talk about the definition of 'business premises' covering public thoroughfares, including public places, streets, roads, footpaths and bridges in the legislation, and that a union rally or a peaceful demonstration could potentially fall foul of this legislation. Collective action is the way many positive changes have been achieved in our country. Such actions are important mechanisms in representative democracy for people to have their voice heard. Unions Tasmania supports the rights of people to protest on issues, but they say they do not support protests that 'endanger the lives of our members wherever and whatever industry they are in'.

Unions Tasmania say, 'We want protest actions to occur safely, but as this legislation is currently written, safe, legitimate activity by union members risks being captured by this bill'.

Benedict Bartl of Community Legal Centres of Tasmania says they are strongly opposed to the act. In their opinion, they say the act is unnecessary with existing legislation already providing sufficient scope to punish illegal protests. They say that the act infringes on Australia's human rights obligations. They say that whilst some in our community may be able to understand the legislation, most will not and that is important. They say with the Government's intent around protections for businesses, if that is the true intent, the act should be repealed and the maximum

penalties under the Police Offences Act for trespass, destroying or injuring property or obstructing police officers should be reviewed. They recommend a number of amendments on thoroughfare obstruction, threats, police direction, and balancing the rights to assemble peacefully with the protection of business activities.

Dr Brendan Gogarty of the Faculty of Law at UTAS simply says -

The bill ... remains problematic in scope, balance and approach. It would have been preferable to draft the bill afresh, rather than attempting such a significant amendment. Alternatively, given the ineffective nature of the previous legislation, the expense involved in conceiving, drafting and defending it, and its erosion of fundamental constitutional and civil rights, the bill should be dropped altogether.

He has included a lot, hasn't he?

The comments conclude by saying:

Notwithstanding the dropping of reference to protesters, the functional impact of the bill remains the same - as a deterrent to protest activity, including peaceful political protest. It is too broadly cast, too limited in its consideration of civil and political rights and too harsh in its penalties. The amendment bill should be dropped or entirely rewritten.

I conclude by simply stating that I do not support this bill. Labor in Tasmania does not support this bill. We believe that the Workplaces (Protection from Protesters) Act 2014 it seeks to amend are unnecessary, politically motivated and dangerous infringements on civil liberties, undermining democracy, inciting fear and division in the community and designed as a political smokescreen for this Government's failures for over 120 000 Tasmanians living in poverty, more than 8000 households living in housing stress, a failing hospital and ambulance system that is on its knees, a Fire Service that is clearly underprepared and a state that is headed to more than \$1 billion in net debt. I will not support this bill today or any day.

[1.40 a.m.]

**Mr BARNETT** (Lyons - Minister for Primary Industries and Water) - Madam Speaker, in summing up, I want to acknowledge the contributions of members in this place. I have listened very carefully -

**Members** interjecting.

**Madam SPEAKER** - Order, please.

**Mr BARNETT** - Madam Speaker, it is very hard to hear myself in this place through the interjections from the other side. I have listened carefully -

**Ms O'BYRNE** - Point of order, Madam Speaker; it is more of a point of clarification. Is the minister expecting us to believe that not one of his Government ministers is going to stand here and back in this draconian legislation or that he has not organised for Ms Ogilvie to be out of the room?

**Ms ARCHER** - Point of order, Madam Speaker. There is no such thing as a point of clarification in this House and there never has been.

**Madam SPEAKER** - No point of order, no point of clarification, but the minister does have the call.

**Mr BARNETT** - Thank you very much, Madam Speaker. As I was saying, I have listened carefully to the contributions and it is very clear to me and anybody who has been listening that the Labor contributions are simply following the Greens. They are clearly a fledgling chapter of the Greens movement. They have used the same arguments, they have quoted the same community groups and the same lawyers, every single time and the same unions. They have handed down the same speeches and it has been ad nauseam throughout the debate.

I will reiterate the Government's purpose in bringing this bill and that is the commitment to ensuring Tasmanians can go to work and to run their businesses safely and freely, free from threats, from disruption -

**Members** interjecting.

**Madam SPEAKER** - Order. I am asking everyone to behave, otherwise I might have to invoke standing order 117.

**Mr BARNETT** - Thank you, Madam Speaker. The Government is strongly committed to freedom of speech and the right for people to protest about matters on which they feel very strongly. However, we do not believe the right to protest should extinguish the right of workers to earn a living, or the right of business to operate safely and free from intentional interference.

The bill gives the effect of a fundamental principle in law, and that is that our laws should protect people who are undertaking lawful business activities. The bill does not target workers; it protects them. It does not target protests or protesters. It is aimed at people who breach the trespass or obstruction provisions with a deliberate intention to impede business activity.

We have brought this bill to the Tasmanian people on two occasions and they have said yes, we support your efforts. Not only that, we have the backing of the business community employing some 200 000 Tasmanians - that is the backing that we have regarding support from the business community.

I will specifically mention the disgraceful reflection by the member for Denison, Ms O'Connor, on the business leaders who highlighted the need for the bill. The claim that they represent only the top end of town -

**Ms O'CONNOR** - Point of order, Madam Speaker. The minister has just wilfully misrepresented what I said about the Tasmanian Chamber of Commerce and Industry. They could not give a single example of why this bill was necessary, not one.

**Ms Archer** - You have had your contribution.

**Ms O'Connor** - You're not the Speaker anymore, Elise.

**Madam SPEAKER** - It is not a point of order.

**Mr BARNETT** - I quote from the Leader of the Greens. In her reference to the business leaders she said they were 'a bunch of middle-aged white blokes'. Frankly, that demonstrates a total lack of respect and it is unbecoming in this parliament.

For the record, we had the farmers, the foresters, the fishers, the miners and business, small, medium and large, all backing this. Yes, four in five jobs in Tasmania represented some 200 000 jobs across the state. Frankly, we have the backing of that business community. Why is Labor so out of step with the rest of Australia and their colleagues on the mainland? Their colleagues in Canberra backed a bipartisan bill by the coalition government and they backed it in. This is a Tasmanian Labor Party that is out of step: out of step with Queensland Labor, out of step with Victorian Labor, out of step with Western Australian Labor. Similar legislation has been passed in New South Wales. Tasmanian Labor is breaking ranks because they are following their Greens mates in Tasmania. They are a fledgling branch of the green movement. That is what the Labor Party has become. You have given up on your values that you held decades ago.

**Ms O'CONNOR** - Madam Speaker, point of order. We have been here debating all day in good faith. My understanding of a ministerial response to a second reading debate is that the minister responds to the series of questions that were asked by people who contributed to the debate. Multiple questions were asked by members today and he has not gone near any one of them - not one.

**Madam SPEAKER** - It would be nice if he answered the questions but he does not have to.

**Mr BARNETT** - Let me reflect on the allegations made by those opposite. One, that the bill silences dissent. False. People remain free to protest about whatever they like provided they do not do so with the intention to impede business and lawful business activity.

Second, they say it will prevent nurses from protesting outside a hospital. That is clearly false. The act does not apply to hospitals. In addition, will it prevent people from protesting outside Parliament House? The answer is no; another falsity that has been peddled by those on the opposition benches. There is no evidence of any intention to impede business activity from those protesting on the Parliament House lawns.

What about those you say are prevented from protesting about the northern prison? Clearly that is also false. People can walk down the streets of Westbury and express their views. That is simply scaremongering. It is simply not true. What about action on climate change? Likewise, false. Of course they can. There is no evidence of trespass with intent to impede business activity and only trespass carries a jail sentence under the bill.

So many of those allegations that have been thrown at the Government from the other side are false. What about preventing union action in support of their members? That is another allegation that is false.

With respect to the assertion by the Leader of the Greens that the bill represents 'early onset fascism', that is both wrong and appallingly insensitive to the suffering of the millions who died at the hands of the real fascists in the 1930s and 1940s, so it demeans the rights of workers and businesses that the bill is designed to protect.

**Dr Woodruff** - It started in 1928.



**Madam SPEAKER** - Order.

**Mr BARNETT** - It was well put forward by those on this side of the House during the debate. I will conclude by saying that the bill seeks to implement the fundamental principle -

**Ms O'BYRNE** - Point of order, Madam Speaker. The advice that you have received is that the minister does not have to answer any questions. Can I draw your attention to the fact that in all of my time here and, I would hazard a guess, in all the time of every member of this parliament in this place, there has never been a time when legislation has been debated, when questions have been asked in the second reading speech, that the minister has been asked to respond to, that the minister has not genuinely responded to those?

Before you take advice, whilst it is not a requirement it is custom and practice of this House that the matters that were raised within the debate are genuinely fair and reasonably addressed by the minister without that kind of political spin. The advisers have stayed here for that purpose. If they are not here to assist him to answer those questions then why have we been sitting here since early today if the minister was going to treat this House and its forms with such contempt?

**Madam SPEAKER** - That is not a point of order. I cannot compel the minister. I stress that Standing Order 117 will be invoked if there is not some more calmness in this parliament.

**Mr BARNETT** - Thank you very much, Madam Speaker. As I was saying, there is a fundamental principle that while people are free to protest, our laws should protect lawful business activities and the right of Tasmanians to go to work, free of intervention and obstruction. If passed, it would only apply to actions which affect, or are intended to affect, the lawful rights of others. The bill will not impact on peaceful protests on Parliament House lawns, as I have indicated, nor will it have any implications for lawful union activity.

The bill does not stop anyone speaking out or raising community concerns. The amendments contained in the bill will not capture people who inadvertently impede business activity and the Government is committed to ensuring that Tasmanians can go to work and run their business in a safe manner free from threats free from disruption. The bill delivers on this commitment.

I commend the bill to the House.

**Question - That the bill be now read the second time.**

**The House divided.**

AYES 13

Ms Archer  
Mr Barnett  
Ms Courtney  
Mr Ferguson  
Mr Gutwein  
Mr Hodgman  
Mr Jaensch  
Ms Ogilvie  
Mrs Petrusma

NOES 11

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

Mr Rockliff  
Mrs Rylah (Teller)  
Mr Shelton  
Mr Tucker

Ms White  
Dr Woodruff

**Bill read the second time**

[2.02 a.m.]

**Mr BARNETT** (Lyons - Minister for Primary Industries and Water) - Madam Speaker, in accordance with Standing Order 129, I move -

That the debate be adjourned and resumed tomorrow.

**Ms O'BYRNE** (Bass) - On the adjournment matter that has been moved by Mr Barnett, you have to be kidding. What has played itself out today? You are pathetic, you are so committed to your legislation that the Premier, the Deputy Premier, ministers Mr Jaensch, Ms Courtney, Mr Gutwein, Ms Archer and Mr Shelton, unsurprisingly, are incapable of coming in here and defending this shonky legislation. You have no guts, no stamina, and no commitment. You are the ones who said this bill was so important that it had to be passed by this House, so important that we would sit all night because you were all going to back it in - and none of your ministers did.

Mr Ferguson as Leader of Government Business is up. The rest of you, what was the point? What is the point of making us sit here all night if you are not prepared to finish this bill tonight? It makes proof of the lie that you told the industries that you were able to deliver on the concerns they had. You deliberately produced one of the dodgiest, shonkiest bits of legislation that you know will be challenged. You deliberately waited until Thursday of last week to table it so that we could not debate it until tonight. Now you have deliberately adjourned the House to make it even more impossible.

If you are genuinely committed to this legislation, and it is a seven-minute debate - minister, before you leave, we are still debating your motion. There is a 35-minute debate on your adjourning, you -

**Mr Ferguson** - You do not get to tell people what to do.

**Ms O'BYRNE** - There is a 35-minute debate on you adjourning. You can walk out -

**Ms Archer** - Look, he has been here all night and he -

**Ms O'BYRNE** - Well, it is his legislation, he should stay here. He has moved a motion to adjourn it and then flees the Chamber, along with Ms Ogilvie, I note.

The debate before the House now is a 35-minute debate on whether we should adjourn the matter before the House. That is what the debate is now, and you know that, Ms Archer, because you were Speaker once. You know what the process is.

**Ms Archer** - I am not allowed to talk.

**Ms O'BYRNE** - You can get up and talk now. There is a 35-minute debate. Get up and defend the position of your Government. Get up and defend it anytime you want.

This Government has crafted legislation that it knows will either fail upstairs or fail in the High Court. This Government has crafted the time of this legislation to ensure that it cannot be debated before the parliament rises this year. This Government has created the situation where the industry it has promised to support, it has made commitments to, cannot possibly have delivery of the protections that you promised. You have lied to the industry, you have lied to the community, you have lied to this House, and you all stand condemned.

We do not support the adjournment of this debate right now. If you have the courage of your convictions of this bill, then you will stand here and you will stay all night to finish it. If you had the courage to deliver on it, you would do that. You are not because you have all suddenly realised that you have all been part of this ridiculous game. You must have all known that you crafted a piece of legislation that was undeliverable, and that you positioned it in a time frame that was undeliverable so that you could have a fight. You would rather have the fight than fix the problem.

We have told you that if you withdrew this legislation, we would work with you on genuinely addressing the concerns that industries have. The reality is that you do not want to fix the issues that industries have. You would rather have this sit for years to come.

When the bill came to this House in 2014, you knew that it would fail. The bill got knocked off by the High Court. The process of response you have had to it is to create another bill that is destined to fail. You do not want to solve the problem because the fight is more important to you than the outcome. You might think that your stakeholders are going to say, 'Hasn't the Government done a wonderful job, I'm so pleased. Look at the wonderful work they've done bringing in this legislation.' But they are not the fools you take them for. They know that you have set them up to have a war for the summer. They know that you have set them up for another process in the upper House that will potentially fail. They know that you have set them for potentially going to the High Court. They know that you have set them up to never deliver on the commitments that you made to them.

**Dr Broad** - Another five years.

**Ms O'BYRNE** - Another five years of not resolving it because fighting it is more important than fixing it. You quite seriously beggar belief. This flaccid, incompetent Government really should stand condemned. You should be debating out this bill tonight but to be honest, if you genuinely thought it was good legislation, you would not have tabled it last Thursday.

**Ms O'Connor** - And we would have heard from the Premier.

**Ms O'BYRNE** - And we would have heard from the Premier. He would have acted in it. You would not have tabled it last Thursday, you would have tabled it in time for it to have passed this House and gone to the upper House and had a chance of being passed up there.

You set the industry up for failure. You dishonest, deceitful, terrible human beings. How could you do that to the people who stood outside with you, despite their reservations, despite the fact they thought you might be being a bit political? You have set them up. They do not get a resolution out of this because you will not deliver one.

Madam Speaker, I do not know what tonight was all about. This Government has made us sit until after 2 o'clock in the morning, at additional cost to the taxpayer for the staff who have had to stay with us. I notice some members have their staff here as well. Many people have stayed here tonight. Everyone is going to start tomorrow morning a little tired - probably harder for the

ministers and that might be why they are not speaking tonight. A bit tired, a bit worried about question time. You have made us sit here for something you do not even want to finish. At this rate you will not get it finished tomorrow night either because the minister's appalling summing-up guarantees that we are going to be spending quite some time in Committee on this. We will have question after question after question.

Quite clearly, the minister is incapable of answering them because they are the same questions we put in the briefing that could not be answered. They are the questions we put to the minister during the debate, which he failed to answer there. It is clear that when we go into Committee, he will be unable to answer those questions. The reason he cannot answer those questions is that the legislation is flawed. The legislation is too broad. It attempts to codify something in such a broad way that we will not know until people are in court whether they are safe to protest.

The legislation that this House has passed into the second reading silences the voice of Tasmanians because the only people who will be allowed to protest are the people the Government gives a permit to. I tell you, Mrs Rylah, that you will get your permit again next time. You know who will not? Unions. You know who will not? Anybody in the community who opposes Government because you do not protect the rights of unions and workers. You stand condemned.

**Time expired.**

## **ADJOURNMENT**

[2.08 a.m.]

**Mr FERGUSON** (Bass - Leader of Government Business) - Madam Speaker, to assist the House, I have taken advice that the motion before the Chair is not really relevant because there is no question before the Chair to adjourn. I believe it is out of order and I move -

That the House do now adjourn.

## **Right to Protest Legislation**

[2.09 a.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Madam Speaker, what a farce tonight has turned into.

I have been in this place for 11 years, as I remind people every now and again, and never once have I seen a minister of the Crown get up after a second reading contribution from so many members in this House and so many questions asked by us on behalf of the people we represent, on behalf of people with serious and weighty legal expertise, on behalf of the Tasmanian Council of Social Services and on behalf of Unions Tasmania. It is a glaring demonstration of what a nasty joke this piece of legislation is.

The contempt with which the Liberals hold this place that you can have members in this place go through the legislation with considerable rigour. The Attorney-General, who has fled the Chamber, earlier accused members from the Greens and Labor of filibustering. Obviously she was not watching.

**Madam SPEAKER** - Ms O'Connor, I have advice that you are not allowed to reflect on the bill because you have not gone into Committee.

**Ms O'CONNOR** - Thank you. I can reflect on what a political farce we have had to endure in this place today. The resources of this parliament, the apparatus of the state, have been misused and manipulated for base political purposes. It is a sign of how little substance this amendment bill has that today the Premier did not show his face and the Deputy Premier was nowhere to be seen. The Leader of Government Business would saunter in every now and then to see how the debate was going. He has no stamina, wants to go nigh-nighs. The Treasurer did not put in an appearance all day, as far as I can remember. The Attorney-General, the first law officer of this land, was undoubtedly handed a copy of the Solicitor-General's advice in relation to the matter that we were discussing earlier. We did see Mr Barnett a fair bit. Mr Shelton was barely to be seen.

The support for the matter we were discussing earlier has come from the likes of Mr Tucker and Mrs Rylah who had their speeches written for them. There is no doubt about that. They laid out falsehood after falsehood. It is a farce. You came in here and you told manifest untruths. It was a lame performance from the Government today. The best they could do was wheel out the two Dorotheas.

Not one minister got behind Mr Barnett today. Not one. They ran a mile. Obviously the Attorney-General did not want to hear what the Gilbert + Tobin Centre, or Dr Brendan Gogarty said, or the Tasmania Law Reform Institute or Community Legal Centres Tasmania or Civil Liberties Tasmania. The Attorney-General, the first law officer of the land, had no interest in hearing the legal opinion of this legislation. Did you say, Ms Standen, that she knows better? She does know better, apparently. Like mandatory minimum sentencing this is good law.

The most confronting episode today happened in this place about 10 minutes ago when there was a vote and a member who was elected on Labor votes came in here, without having contributed on the bill, and voted with the Liberals to make Tasmania a police state. It is breathtaking in its betrayal of the people of Clark. It is breathtaking in its contempt of the legal profession. Here we are, having fought all day to defend democracy in Tasmania and everyday Tasmanians, without seeing the Attorney-General and with a member who did not make a contribution, betray her constituents.

Tomorrow we will go into Committee and go through every word, every clause. We will have to bring forward the submissions which have been ignored by the Government and the questions that came out of those submissions that we sought to have the minister answer.

Dr Woodruff and I will be here, if necessary, at this time on Friday morning so that we can properly scrutinise this legislation. The accusation of filibustering that came from the Attorney-General is galling when every day some limp piece of legislation is brought on for debate here. We had a conga-line of Dorotheas filibustering their way through an incredibly tedious piece of legislation.

The best the Leader of Government Business and Mrs Rylah can do here is to make cute little jokes about the other side of the House. This legislation was demolished today. It was demolished on expert testimony and submissions. The Attorney-General could not defend it. Your minister implied that the Solicitor-General was cool with it, but I do not think so. What a disgrace and an abuse of power and the apparatus of the state, which you people manipulate on a daily basis.

**Time expired.**

## **Veronica Corstorphine - Tribute**

[2.17 a.m.]

**Ms O'BYRNE** (Bass) - Madam Speaker, I rise to ask the House to pause at the end of the day, which was not as long as I expected it to be given the lack of stamina of members opposite.

I pause today to note the passing of Veronica Corstorphine. Veronica was a Labor Party member in Launceston who died recently. I shall not go into the terms of her death due to the police investigation, other than to note that she cannot be defined by the manner of her death but by her incredible life. An activist, a humanitarian, a unionist and a Labor fighter, she would have been horrified by the legislation that has been pushed through this House today. The right to protest was something that Veronica held very dear. The right to have your voice heard, like ordinary people to have their voices heard, was always very important to Veronica.

Vee was a force to be reckoned with. She was passionate for social justice, fiercely independent, incredibly stubborn and seemingly indestructible. It is hard to imagine the fire that burned in her so brightly has been extinguished. She campaigned for Labor for over 50 years, predominantly in Queensland and in most recent years in Bass. She always gave more than she ever took from the party. She always gave more to everything that she did. She was a lawyer, an educator. She was mentoring a number of university PhD students. She was a student of European history who was currently studying at Oxford. She was fluent in French and able to curse quite fluently in Gaelic. She volunteered for many organisations. She was often working shifts at the City Mission, where she would be giving fashion advice and assembling ensembles for people from the clothes at City Mission to ensure that they got the absolute best outcomes.

She would recently say to people, 'Oh lassie, people are dull, so dull right now, in this time, this space, this egomaniac and selfish world in which we currently live'. She found that we had become so narrow, so unkind, so shallow. We are all grieving very much for the loss of Veronica. She was smart, she was sophisticated, she was seriously tough.

I extend my sympathies to her extended family and to her closest Labor friends, Justin and Shannon, who spoke so eloquently at the wake we held recently for Veronica. The broader Labor family in Bass and across Tasmania will miss her dreadfully. We will miss her wit, her strength, her hard work. We loved her. We will miss her, but all of us are so much better for having known her. Vale, Vee. We will continue to fight for justice and kindness in your name.

**Members** - Hear, hear.

## **Northern Regional Prison**

[2.20 a.m.]

**Ms BUTLER** (Lyons) - Madam Speaker, I rise on the adjournment with a letter I have received from Heather Donaldson of Westbury. Heather has written to me to say -

Hi Jen,

Two weeks ago I took our Council petition to the Acting GM, Jonathan Harmey (nice man). It has 700 signatures and about 50 on a second petition. At the Council meeting it was decided they would send it on to the Government.

Apparently, Jonathan has sent it to the Prison Project Team to be included in the socio-economic study for the prison. I believe it needs to be noted in Parliament.

I will read this letter to you. It is dated 14 November 2019 -

Heather Donaldson  
200 Ritchie Street  
Westbury Tasmania 7303

Dear Heather,

Petition received by Council 12 November 2019.

Thank you for meeting with me on 11 November. Council considered the complying petition on 12 November 2019, which I counted to have 695 signatories. The receipt of the petition will be recorded in our Minutes as follows:

Petition 3: We oppose the construction of a new prison so close to Westbury. This petition is compliant with the requirements of the Local Government Act 1993. The petition included 695 signatories.

Action: While there is not a specific action requested of Council in the petition, the purpose is a clear opposition to the state Government's preferred site for their northern prison project, being the Valley Central industrial area north of Westbury. The petition will be provided to the state Government to be included in the community consultation process currently being undertaken by the state Government.

I am writing to confirm that I have now sent this petition and the second petition with a smaller number of signatories to the state Government's contacts provided for the northern prison project consultation.

Yours sincerely,

Johnathan Harmey  
Acting General Manager  
Meander Valley Council

### **Priorities of Government**

[2.22 a.m.]

**Dr WOODRUFF** (Franklin) - Madam Speaker, we have spent the best part of this evening wasting parliament's time on a divisive, fearmongering bill that was designed to waste our time.

**Madam SPEAKER** - Sorry, you are not allowed to reflect on the bill.

**Dr WOODRUFF** - I am reflecting on the time that we have been spending. I will not reflect on the detail of the bill. This week in parliament with the Liberals shows where their priorities

really are. We have spent days and days debating bills that have been presented not once, not twice, but three times to this place when it is clear that reintroducing them again will not pass this place and it will not pass the other place.

Here we are, with the Government, making decisions that demonstrate where the priorities are and the priorities are not with the needs of Tasmanians. They are with the needs of the Liberal Party to deflect from their gross failures of Government in five and a half years, such as the disastrous state of the health system, although Mr Ferguson has now removed himself from that stench and passed the buck on to somebody else, and the problems remain. They might change the minister, but their method of approach to gouging money out of the public health system and diverting resources from the state to the private sector is tried and tested and we can see where it is heading us in Tasmania. It is heading us into dark and dangerous waters.

It is not surprising that we are debating one of the most vindictive and grossest attacks on human rights and our right to freedom of assembly, freedom of communication and freedom of protest. Instead, what should the Government be doing? They should at least be doing what they have put in their own agenda for this year. Building Your Future, according to the Liberals, had a number of things they were going to do, come hell or high water. What I want to talk about, the most important thing that should be the first priority for this Government, is taking action on climate change. Where is the state climate act?

The Climate Change (State Action) Act 2008 was due to come back here by September, at the latest. I asked the minister about this in budget Estimates and she promised it would be here in the spring session of parliament. It was not and it is not here today. There is one more chance for the Liberals to table the Climate Change (State Action) Act, tomorrow, but that leaves no time for us to debate it. It means there will be no action on the already pathetically weak stance that this Government takes on action to reduce omissions and prepare us to adapt for the realities of the climate heating that is occurring.

They have left it no time because it is not the priority of this Government. They would rather spend our time in here talking about pointless bills that are designed to whip up fear and peddle false truths that mandatory minimum sentences, for example, will have any effect on the impact of assaults on frontline workers or on the reality of abuse of children by paedophiles. We have wasted time in here when what we should have been doing is looking at the amendments that must be made to the Climate Change (State Action) Act.

This is an abrogation of their responsibilities to the young people who are looking for leadership and guidance. It is also an incredibly bad form of governance. It is really scary when this Liberal Government so consciously refuses to talk about the things that people most want to have action on. Along with the failure to deliver on their promise of the Climate Change (State Action) Act, they have also failed to provide any legislation on major projects.

This is a funny football that the Liberals have been kicking around since 2014. They went to the 2014 election with the promise to introduce major projects legislation and they introduced a draft bill in October 2017. The community went ballistic. It was a disaster, a total attack on community right to have a say and a total removal of powers of investigation and assessment by the appropriate authorities, instead handing all of those powers to the minister. In response to the outrage before the state election last year, the minister released a second version of that in January, which was somewhat improved, with a promise. The minister, Peter Gutwein, promised that the bill would be redrafted to allow very high buildings being able to be declared major projects. Well,



you know what happens with the promises of Peter Gutwein; they are not worth the paper they are written on. In this case, it may not even have been written on paper.

We still have the axe hanging over the head of residents who were seriously concerned about the Fragrance Group's super-high skyscraper buildings that are proposed for Hobart and Launceston, and the fast-tracking potential of major projects legislation. Mr Gutwein promised that building heights would not exceed what planning schemes currently have listed and that they could not be called in as major projects. We want to know, we want to see that legislation and it is another thing that has not been done.

### **Flickering Memories High Tea**

[2.29 a.m.]

**Ms DOW** (Braddon) - Madam Speaker, a couple of Sundays ago I attended the Flickering Memories high tea with my Mum at Ridgley Primary School, and what a fabulous Sunday afternoon outing it was. Attended by over 300 people, the event was an outstanding success and raised much-needed funds for vouchers and support bags at the local cancer centre for those experiencing financial hardship during their treatment. I thank everyone involved in organising this important community event, from the cooks in the kitchen to those who sought sponsorship or organised guest speakers, as \$15 000 dollars was raised this year.

I want to conclude my contribution this evening by reflecting on the history of this event, which has now been held for the last six years, and pay tribute to the dream of two amazing local women, Virginia Stevens and Sue Radford. I read from an excerpt in a memory book which was circulated on the day -

#### **Flickering Memories**

Our dream was real and happening. What started as a high tea for ten of our friends to honour our mothers, Margaret, Maggie and Dorothy Doll, in raising awareness of ovarian cancer and breast cancer, and ended in 150 of our very special family and friends joining us. Virginia and I have been friends for 43 years. Thank you for your love and support in making our dream come true. I am sure that our mums are smiling with pride.

Thank you, Sue and Virginia, for this selfless act of generosity for the last six years, which you undertake each year to make a significant contribution to the lives of many in our community. Thank you for an enjoyable afternoon, congratulations on the large amount of money fundraised again this year, and my thanks once again to everyone involved in the Flickering Memories high tea and the contribution that you make to the lives and wellbeing of others within our local communities.

**The House adjourned at 2.31 a.m.**