

Tuesday 29 October 2019

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

MATTER OF INDULGENCE

Correction of Record - Engagement of Consultants

Mr FERGUSON (Bass - Minister for Infrastructure and Transport) - Madam Speaker, on indulgence, I would like to take this opportunity to correct the record on an answer I gave on our previous sitting day.

In response to a question without notice I advised that consultants were not engaged in the drafting of the draft 30-year infrastructure strategy. I am now aware that this was not correct, although it was my belief at the time. I understand there was consultant work to support the 30- year strategy in its development phase commissioned prior to my appointment in this portfolio. I wrongly believed the work was all done by our team at Infrastructure Tasmania.

Mine was an honest mistake. However, I apologise to the House. I corrected the public record through the media as soon as I became aware and undertook to correct the parliamentary record at my first opportunity, as is our custom with unintentional errors.

QUESTIONS

Royal Hobart Hospital - Mental Health Beds

Ms WHITE question to MINISTER for HEALTH, Ms COURTNEY

[10.03 a.m.]

The Coroner's Court has heard harrowing evidence about the circumstances that led to a man taking his own life in the toilet of the Royal Hobart Hospital emergency department while waiting for a bed. In sworn evidence an ambulance paramedic said it was not uncommon to wait up to 10 hours with a patient at the emergency department, which means that their ambulance is parked outside the hospital unable to respond to emergencies. There have been unacceptable instances of patients with mental ill health forced to wait seven days in the emergency department before they can get a bed.

Are you willing to be open and transparent enough to say that these things and these circumstances are plainly unacceptable? Your predecessor, the failed former health minister, cut the number of mental health beds at the Royal Hobart Hospital and did not make provisions to increase them in the new hospital, meaning there still will not be enough beds once the new Royal development comes on line. Will you finally listen to the advice of clinicians and increase the number of acute mental health beds at the Royal Hobart Hospital to stop patients dying while they are waiting for the care that they need? What are you actually going to do to stop this from happening again?

ANSWER

Madam Speaker, I thank the member for the question. It is a very important issue and I am pleased to provide an update to the House.

The Government is focused on delivering better mental health care for Tasmanians through our \$104 million mental health plan, with more beds, more community-based support, and more support for people and staff. We know that emergency departments are not the best places for people experiencing an acute case of mental ill health. That is why we are implementing the hospital avoidance program. This is a new service model based on the recommendations of the Integration Taskforce report finalised earlier this year, which will deliver improved and better integrated mental health care for those who find themselves in the ED or other clinical settings. Importantly, it will feature GP out-of-hours assistance, expanded crisis response and centre-based alternatives to the ED for assessment and treatment 24/7 as well as expanded adult community mental health services.

The Government has already responded to increased mental health pressure in our community with six new beds at Tolosa Street and individual packages of care made available through Baptcare as well as more than 100 community based mental health beds that we fund.

The new Mental Health Hospital in the Home services commenced this year on the advice of Tasmania's chief psychiatrist. It is reducing hospital admissions at the Royal Hobart Hospital with a positive impact on patient flow. This service allows people in an acute phase of mental illness, who otherwise may have had to have been admitted to hospital, to now receive intensive, evidence-based support in a more comfortable home environment.

Over the long term, we are opening 44 new beds at the Royal next year. This will include a new six-bed mental health assessment unit, allowing about 2500 more Tasmanians to get the care they need each year. Other initiatives to address patient flow and ramping include additional funding in the 2019-20 Budget and the implementation of a new community rapid response service and the implementation of the Access Solutions plan.

With regard to the individual case that was mentioned by the member, as minister and as a Government, we send our best to Mr Lattimer's loved ones and his family. Our thoughts go out to him. I assure the House and the Tasmanian community that patient safety is always the THS's top priority.

There have been a number of processes and care changes to improve safety of mental health patients in the ED but there is always more to do.

Northern Regional Prison - Alternative Sites

Ms WHITE question to MINISTER for CORRECTIONS, Ms ARCHER

[10.07 a.m.]

The people of Westbury were blindsided when you announced you would build a maximum-security prison on their doorstep. They do not believe it is the right site for a prison and the Labor Party agrees with them. The mayor of the Meander Valley, Wayne Johnston, has unfairly suffered the consequences of the botched consultation process for your maximum-security Westbury prison. He has been forced to front angry community members while you have been missing in action.

Yesterday, the mayor revealed that he had gone over your head to implore the Premier to release the list of the nine other short-listed sites. He also asked you to explain clearly and publicly why Westbury was selected as the preferred site. Will you agree to Mr Johnson's request and release the list of the nine short-listed areas? Will you finally tell the people of Westbury why you picked their historic town as the preferred site for the prison?

ANSWER

Madam Speaker, I thank the member for her question. It gives me an opportunity to clarify a few things. The other side is very good at whipping up fear in a community, as we have seen on a number of occasions across a number of issues of importance.

Ms O'Byrne - It is not our fault that your plan is scary.

Madam SPEAKER - Order, please.

Ms ARCHER - What was that from the Deputy Leader of the Opposition?

Ms O'Byrne - It is not our fault that your plan is frightening people.

Madam SPEAKER - Order, please. Can I please have order and discipline?

Ms ARCHER - As we can see from that interjection, they are very good at being critical but they clearly have no plan in this area. They certainly do not have any policy on corrections.

I will make it clear to this House, to members opposite, and to all Tasmanians that we are working our way through a process for the new regional prison. Direct community consultation has always been at the forefront of this process. When we called for expressions of interest, councils from the northern region were specifically invited to identify sites -

Members interjecting.

Madam SPEAKER - Order. Warnings will start from this moment forward.

Ms ARCHER - Thank you, Madam Speaker. This is very important because there is a complete lack of understanding from those opposite -

Mr O'Byrne - Of consultation, yes.

Madam SPEAKER - Mr O'Byrne, warning one.

Ms ARCHER - who are misrepresenting the facts in the media and it is being repeated. When we called for expressions of interest, councils from the north and north-west regions were specifically invited to identify sites, either publicly or privately owned, and submit them, with some choosing to do so.

Ms O'Byrne - So it is the council's fault.

Madam SPEAKER - Ms O'Byrne, warning one.

Ms ARCHER - Community consultation could not begin until a preferred site was determined to be able to consult on. All it is is a preferred site. This is the very start of a process.

Dr Broad interjecting.

Madam SPEAKER - Dr Broad, one.

Ms O'Byrne interjecting.

Madam SPEAKER - Two, Ms O'Byrne.

Members interjecting.

Madam SPEAKER - I wish I knew who that was because you would have got one too.

Ms ARCHER - Madam Speaker, we recognise and have always recognised that the announcement of the preferred site near the Valley Central industrial precinct outside of Westbury has raised questions in the community. We want to work with them to answer them. I want to make it clear again that this is the preferred site on which we are consulting and we are listening to community feedback. However, there is a lot of misinformation being spread in the Meander community, particularly by the Labor Party, and we are keen to address concerns and dispel any mistruths.

The residents and businesses of Meander Valley can be assured we are listening and responding to their concerns. We believe the project will be a positive for the broader region. We will be working closely with them. More than 4000 pamphlets have been distributed across Westbury, Exton, Hagley and surrounding districts.

Members interjecting.

Madam SPEAKER - Order, please.

Ms ARCHER - All residents in the Meander Valley area are welcome to attend the advertised community drop-in sessions -

Ms White - Are you going to go?

Madam SPEAKER - Leader of the Opposition, one.

Ms ARCHER - and/or provide direct feedback to the project team and the Government.

I also want to make it clear that the Government has followed all required procurement processes for the preferred site. This standard process has included commercial-in-confidence negotiations with private landowners to ensure we can obtain the best outcome for taxpayers.

It is important to note that the EOI process was a targeted expression of interest process calling for the nomination of potential sites for the northern prison. That closed in November 2018. This included writing to all north and north-west councils to identify sites. On 28 October, on *ABC Mornings*, the mayor of Meander Valley stated and confirmed that the council helped proponents in the region with their EOI applications. I also note that the council passed a motion welcoming a

prison in their municipality. It stands to reason that in that area a prison development would be a welcome development. We are at the -

Ms WHITE - Point of order, Madam Speaker. I ask you to draw the minister's attention to the question which is to ask her to release the other nine short-listed sites so there can be appropriate and proper community consultation, not this sham of consultation she claims.

Madam SPEAKER - Is that standing order 45?

Ms WHITE - Yes, it is.

Madam SPEAKER - Thank you. I am afraid it is out of order, but I will ask the Attorney-General to direct her attention to the question.

Ms ARCHER - Madam Speaker, as I made clear in the debate in the last session, and I do not want to reflect on that, it is fact that I did answer that question by stating earlier that we went through a process. It is important to have commercial-in-confidence. You are dealing with private landowners who are putting up sites. You do not simply go out to consultation on a site that has been put up in an expression of interest process that may not be suitable at all. All submissions made via the targeted EOI process were subject to commercial-in-confidence assessment and negotiations.

Mr Hodgman interjecting.

Madam SPEAKER - Order, Premier.

Ms ARCHER - As such, confidentiality must be maintained while the consultation continues and while negotiations continue.

It is stated in the expression of interest application that all documents and information provided by a proponent as part of their EOI submission is recognised as being provided commercial-in-confidence and must accordingly be stored securely and held in-confidence except to the extent that disclosure is appropriately required for audit or legal purposes.

That is why all the applications cannot and should not be released. Those opposite should know this type of agreement is common practice in dealing with property negotiations, both private and commercial, and has long been standard practice within all governments.

Out-of-Home Care - Monitoring and Oversight

Ms O'CONNOR question to MINISTER for HUMAN SERVICES, Mr JAENSCH

[10.15 a.m.]

Can you explain to the House why almost three years after the Safe Pathways scandal and subsequent strong recommendations from the then Commissioner for Children and Young People, Mark Morrissey, there is still no effective monitoring and oversight of children in out-of-home care as identified by the current commissioner in her damning report yesterday?

Out-of-home care in Tasmania remains recklessly unregulated five-and-a-half years after the Liberal Party took government. Do you acknowledge this is placing already highly vulnerable children and young people further at risk? When will you have in place oversight and monitoring of children in out-of-home care?

ANSWER

Madam Speaker, I thank the member for her question. I thank the Commissioner for Children and Young People for her report on Tasmania's out-of-home care system. It was the Hodgman Liberal Government that, on coming to office, increased the powers and the independence of the Commissioner for Children and Young People to be reporting directly to the parliament and to undertake own motion investigations as well.

It was the Hodgman Liberal Government that provided \$1 million over four years in the 2017- 18 Budget for the commissioner to develop and implement an independent out-of-home care monitoring framework and program, the first report of which has now been released.

I welcome the commissioner's report. This is what we need to keep our policies and our delivery of policies and management in out-of-home care on track and aligned to the best interests of children and young people in our care, and best practice in Australia and overseas. I welcome the commissioner's findings that the Government's policies and reforms are the right ones, they are on track, and that our plans to reform the child care system in Tasmania are valuable and needed and should continue.

Ms O'Connor - Five-and-a-half years.

Madam SPEAKER - Ms O'Connor, warning one.

Mr JAENSCH - It is entirely disingenuous for the member to characterise this as a 'damning report'. I will quote the Commissioner for Children and Young People directly saying -

I acknowledge that work currently underway in the Department of Communities Tasmania, Department of Health and the Department of Justice is directly relevant to the recommendations I make in this report. My recommendations are not intended to amount to a new reform agenda - rather, they are designed to strengthen the foundations of our out-of-home care system. In this way I hope to contribute to the current significant reform agenda underway in our child safety system more broadly, a reform agenda which I support.

It is my strong view that we are at a pivotal point -

Ms O'CONNOR - Point of order, Madam Speaker. Standing order 45, relevance. While the minister might like to praise himself up on this issue the fact is he has not answered the question about why there is no monitoring and oversight of children in out-of-home care. He is excuse-making. It is outrageous. I ask you, please, to direct him to the question, on behalf of those kids.

Madam SPEAKER - Thank you. As you know that is not a point of order. I ask the minister to address the issue.

Mr JAENSCH - It is outrageous for the member who just resumed her seat to be characterising this as a damning report. I think she is lying about what this report contains and what the -

Ms O'CONNOR - Madam Speaker, I take strong personal offence to that. I am not lying. I have read the report from cover to cover. It is damning and the minister should acknowledge that. The language is careful, but it is damning nonetheless.

Madam SPEAKER - I remind the House that language does matter and we need to be mindful of how we call out other people's actions. This is a very sensitive issue. I would like the minister to withdraw that if he could, please.

Mr JAENSCH - Madam Speaker, I am happy to withdraw my unparliamentary language. I point out that I believe the member has chosen to misrepresent and mischaracterise the Commissioner for Children and Young People's findings in overview in this report. In my response I am choosing not to characterise but to quote directly the commissioner's own words.

Ms O'CONNOR - Point of order, Madam Speaker. The last part of the question was, can the minister tell the House when there will be in place oversight and monitoring of individual children in out-of-home care?

Madam SPEAKER - As you know, that is not a point of order, and I need to grant the minister, for those two points of order, at least another minute.

Mr JAENSCH - Thank you, Madam Speaker. I would like to continue to put on the record the commissioner's overview of the report and her intentions. She says:

In this way I hope to contribute to the current significant reform agenda underway in our child safety system more broadly, a reform agenda which I support. It is my strong view that we are at a pivotal point in the reform process, a point at which previous successive reform processes have failed, and that we must now push, invest, and plan ahead positively to achieve a better child safety system for our children and young people.

In relation to regulation, oversight and accountability in the system, I further note the commissioner's comments that:

I acknowledge that the Government of Tasmania has already commenced work to strengthen the quality and accountability of the out-of-home care system. The Quality and Continuous Improvement Framework for out-of-home care is under development and the Government is progressing implementation of recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, which are relevant to the quality, safety -

Ms O'Connor - You're a disgrace.

Madam SPEAKER - Ms O'Connor, that is not helpful.

Mr JAENSCH -

... and accountability of the Tasmanian out-of-home care system.

...

These reform initiatives are, in my opinion, critical to ensuring that Tasmania has a robust and accountable out-of-home care system which promotes the wellbeing of children and young people.

Madam Speaker, we are working on all fronts through a range of complex reforms. We have substantially reformed the intake component of our child safety system and are working now with the sector on reform of the out-of-home care system and have established a wellbeing framework as well to measure it against. We have increased the powers of the Commissioner for Children and Young People. We are working with the Commonwealth and other jurisdictions to ensure that the ChildSafe organisation's framework is reflected here as well -

Ms O'Connor - You haven't even signed up to it.

Madam SPEAKER - Ms O'Connor, warning two.

Mr JAENSCH - As the commissioner points out, there is more work to do but we are on track. We do have a plan; we have a better and bigger plan than the government we replaced. We are fixing the child safety system that they left us and we are delivering on our plan.

Jobs Bus Initiative - Glenorchy Area

Ms OGILVIE question to PREMIER, Mr HODGMAN

[10.22 a.m.]

There are people in Glenorchy in desperate need of work. We know that the unemployment rate there is 13.2 per cent. I have been out consulting broadly and there are jobs to be had in other areas and great employers willing to give jobs to these jobseekers. However, a lack of transport for shift work, geographically dispersed work and early morning starts are real and impenetrable barriers. We need to remove these barriers. The Jobs Bus initiative your Government already operates has supported jobseekers in other areas and could be expanded to help other Tasmanians, so will you please fund a Jobs Bus for Glenorchy?

ANSWER

Madam Speaker, I thank the member for the excellent question and again ask myself, why on Earth would Labor not want her? No doubt it will be the best question we get from those opposite. You are right. There are more opportunities now for jobseekers in this state, with 15 000 more jobs created. We have another report out this week confirming the strength in Tasmania's economy, the confidence in Tasmania's business sector and they are investing and employing. There are 1600 more businesses now than when we first came into government and we want to support them to get the skills they need and the people they need, into these increasing workplace opportunities now presented by that strong economy and a confident business community.

As I have acknowledged, there are some pockets where our unemployment rate is a lot higher than we would like. It is still a lot lower than under the Labor-Greens government. We would like to continue to work collaboratively, as we do, through the project you have mentioned, with TasCOSS and the TCCI on an innovative pilot program that has been delivering great outcomes in

the Derwent Valley, Sorell, north-east and west coast regions, with \$1.5 million in funding made available to community organisations and local projects.

I advise the House that, to date, it has facilitated more than 614 employment and training-related outcomes, 553 training-related, of which 87 are apprenticeships or traineeships and 61 job-related. The trial Jobs Bus in the Derwent Valley, which supports jobseekers getting to seasonal work or employment or training opportunities, has been well received in that community through the great work of TasCOSS and the TCCI in this innovative program, which is all part of our strategic growth agenda and we are going to be doing a lot more off the back of what are successful trials. The Derwent Valley Jobs Bus transported 448 passengers and 714 were transported from the south-east region on their journeys to work, training or community services. This model is government working with the non-government sector, with the community services sector and business and industry, to help break down one of the biggest impediments to getting to work, and that is transport, to which the member has referred.

I will take on board the submission by the member for Clark and have it assessed under this framework with the appropriate officials and the Government to determine where we can make the best impact, because we want it to happen right across our state. There are areas of high priority and we want to support people, particularly in regional and remote areas, but we should never forget those in our cities as well who have similar challenges. I look forward to continuing to work with TasCOSS and the TCCI on this whole-of-government strategic growth approach that we are now applying to more effectively deal with some of the impediments to getting to work that the member has outlined. I look forward to working with the member on those as well.

Tasmanian Economy - Long-Term Plan

Mrs RYLAH question to PREMIER, Mr HODGMAN

[10.27 a.m.]

Can you update the House on how the Hodgman majority Liberal Government is delivering our long-term plan to grow Tasmania's economy, and is the Premier aware of any alternative approaches?

ANSWER

Madam Speaker, I thank the member for the excellent question. It is a story of progress that is continuing and it is important that we update the House on all we are doing to support what is one of the strongest economies in the country.

Another national report card by independent experts, not the glass half-empty armchair critics opposite, has confirmed this week that our plan to keep our economy strong is working. There is no serious alternative. Labor has no plan. You do not know what they stand for and they simply cannot be trusted.

The CommSec State of the States report confirmed the best result of economic performance for a decade, and our economic growth rate of 19.3 per cent higher than its long-term average. Our plan is to create the best possible conditions for our businesses to have the confidence to invest, to employ more, to seek new markets, to back our competitive strengths as we are doing, and to invest in job-creating infrastructure that will support thousands more jobs. Under our plan Tasmanian

businesses exporting their products have hit record levels; in fact, 34.1 per cent higher today than the year when we first came into government.

We are building more homes and under our plan, supporting the hottest property and building and construction sector in the country. It is working and we are leading on housing and investment measures, as confirmed in this report. Under our plan 15 000 more Tasmanians are employed now than when we came into government, working in the strongest business conditions and with the strongest levels of business confidence in the country.

Making sure our economy continues to remain strong is a priority and always has been for this Government. It is not a revelation to us that our economy is very important, as is our budget management, to ensure we can invest more into frontline services such as education, for example. There will be 113 additional teachers offered permanent employment to commence in term 1 of next year. We will employ more police officers that were cut when Mr O'Byrne was the minister, invest in our hospitals and our rural health infrastructure, and invest in the infrastructure that our growing state needs. The Budget shows 10 000 more jobs likely to be created because of this massive infrastructure investment that we are delivering.

In terms of alternatives, the shadow treasurer has recently acknowledged that they do not have one. They have still not developed a plan after half a decade in opposition. No alternative budget - they have not done the work to date to develop such a thing. No plan for our economy. The only plan they have -

Mr O'Byrne interjecting.

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

Mr HODGMAN - is to talk our economy down. That is the only plan that Mr O'Byrne has - to talk our economy down or, perhaps I accept, to talk himself up, which only damages Ms White. When he was the economic development minister in the Labor-Greens government under this very same report that was released this week, Labor ranked dead last across the measures. When he released his economic development plan, which has had more attention in this place over the last few weeks than it ever got, as a minister David O'Byrne boasted it was a blueprint to achieve a bright and prosperous economic future for the state. It was only a matter of months -

Mr O'Byrne - And now you are basking in that work.

Madam SPEAKER - Order, Mr O'Byrne.

Mr HODGMAN - that the Tasmanian economy actually slipped into recession under that blueprint for a prosperous economic future. He blames the GST but no other state went into recession as that time: just the one that had a Labor-Greens government and David O'Byrne as its economic development minister. No attempts, no efforts by the Opposition and Mr O'Byrne to rewrite history, 'one op-ed' at a time, or to try to airbrush Labor's appalling record off the economy will deny these facts.

We will continue to remind people because the performance of our economy which we have turned around under this Government is far too serious to be trusted to Labor. You cannot trust them with the economy. You cannot trust them on anything because you do not even know what

they stand for and, I know we will get more questions on the prison today, and I hope we are able to remind the House of the various positions that the Labor Party have had on the northern prison.

They cannot stand for something and as they say, if you do not stand for something you will fall for anything, and it is a fact with this lot. We will not let Tasmanians fall for this lot. We have come too far. There is much more to do. Our economy is one of the best performing in the country and it has happened under this Government.

Northern Regional Prison - Attendance of Minister at Rally

Ms BUTLER question to MINISTER for CORRECTIONS, Ms ARCHER

[10.32 a.m.]

On Saturday, hundreds of Westbury residents rallied in opposition to your plan to build a maximum security prison on the doorstep of their historic town. These people are desperate to have their voices heard because you have so badly botched the consultation process. Alarming, the mayor, Mr Johnston, said yesterday that your botched consultation process was actually an improvement on what was originally planned. We raised early on with the state Government that the proposed consultation was not good enough. We got them there earlier than they were planning. Rather than fronting the community you have been hiding behind expensive consultants. Why did you not attend the meeting?

ANSWER

Madam Speaker, I thank the member for her question because it gives me another chance to correct the mistruths that she has been peddling in the Meander region.

First, she says it is a maximum security prison. I have clarified on a number of occasions that the perimeter is maximum security. It is needed for the safety of the community, but all classifications will be catered for within -

Mr O'Byrne interjecting.

Madam SPEAKER - Mr O'Byrne, that is warning two-and-three-quarters. The next time you are out.

Ms ARCHER - the prison complex. That is maximum, that is medium, that is minimum, that is remandees, that is women's prison. It will fully cater for rehabilitation programs, training programs, education - something which Labor scrapped on the Risdon site with the scrapping of TasTAFE which we are reinstating on the site.

Some members opposite know that I had a longstanding personal commitment which prevented me from attending the rally on Saturday. It was a significant personal commitment. I do not feel that I need to explain a family commitment in relation to that but I assure the community could I have been there I would have. I have always planned to visit the community and will visit the community to hear their concerns and feedback.

In the meantime, only Ms Butler attended the rally for Labor on Saturday. We had two of our local members there. Ms White wanted to do the glossy media the day before -

Members interjecting.

Madam SPEAKER - Order. If this is such an important issue, which I believe it is to the community, we owe it to community to have a sensible, grown-up debate about it and not all this bickering across the Chamber. Please be mindful of that. Please resume.

Ms ARCHER - Thank you, Madam Speaker. As I was saying, Labor is very good at turning up for a media opportunity but not when it counts themselves.

Some Labor members know what prevented me from being there on Saturday. I am sorry that I could not be there. Two of our local Liberal Lyons MPs were there and I thank them for their attendance on the day and for speaking to the crowd and for listening to their concerns, as we have done throughout this process.

For more than two years, Labor has treated the residents of northern Tasmania as irrelevant and largely ignored them. Now they are scrambling to spread misinformation and scare local communities about the preferred site for the new northern regional prison. The real question here is, where would Labor put a new northern prison?

Members interjecting.

Madam SPEAKER - Order.

Mr Hodgman - You are so clever.

Madam SPEAKER - Order, Premier.

Ms ARCHER - The time has come for the Labor leader, Ms White, to make clear Labor's position on the new northern prison. It is not good enough to say they would not put it on that particular site. Do they support -

Members interjecting.

Madam SPEAKER - Order. The Attorney-General is going to get a whole extra minute to explain this and she will be heard in silence. As Dr Broad knows, the first squeak, that person goes out the door whether they have had a number of warnings or not. Please resume, minister.

Ms ARCHER - Thank you, Madam Speaker. Do they even support a new prison for northern Tasmania? If they do not support the preferred site, where exactly would Labor build a new prison? Labor MPs are happy to run this constant scare campaign throughout Westbury and spread fear and spread the mistruths. You have seen all the information but still say it is purely maximum security just to scare communities -

Ms O'CONNOR - Point of order, Madam Speaker, Standing Order 48. I respect that you have given the minister another minute, but it is not only another minute to spend the whole time smashing into Labor. The question was to the minister and to indulge her another minute with only politics is disrespectful to this House on the minister's part.

Madam SPEAKER - With all due respect, that is not a point of order. The issue is very serious to the community and she should be heard, and I have asked, in silence. Thank you.

Ms ARCHER - Thank you, Madam Speaker. It is important because this is entirely factual. In May 2017, Ms White and Labor announced a woefully inadequate \$40 million commitment to build a northern prison. Our commitment is \$270 million. I do not know how they came up with \$40 million. It is grossly inadequate. In January 2018, Ms White and Labor performed their first back-flip on the northern prison, instead trying to fool locals that they would somehow renovate the Launceston Reception Centre, which is grossly inadequate and ageing.

A few weeks ago, Ms Butler, who seems to be the fly-in fly-out member for Lyons, said on radio, 'We do agree there should be a northern prison'. I note this morning she was asked to substantiate a wild claim that eight out of 10 people in Westbury were against the prison. I wonder how she gets this. It is making this stuff up.

To make matters worse, on 30 September this year, Labor's corrections spokesperson, Ms Haddad, said in the media that she had no problem with the Westbury location.

Ms Haddad - Rubbish.

Ms ARCHER - No, it is not rubbish. We have the quote, only to be contradicted -

Ms Haddad - It is not what I said. I said we were listening to the people of the Westbury community.

Madam SPEAKER - Order, Ms Haddad. Do not fall for it.

Ms ARCHER - It was a doorstep media interview in Hobart on 30 September 2019. She was contradicted by her leader three days later.

Member Suspended
Member for Clark - Ms Haddad

Ms Haddad - That is such a misrepresentation of the truth. That is a horrible misrepresentation.

Madam SPEAKER - Ms Haddad, I am sorry, but you will have to leave the Chamber. You can come back at the end of question time.

Ms Haddad withdrew.

Ms ARCHER - How can Labor be taken seriously? It is an incompetent display of no less than five policy reversals on the one prison.

Ms WHITE - Point of order, Madam Speaker. I seek your clarification. I understand your decision. However, the minister has been inciting interjections, making claims about a member in a statement that were incorrect. The member was simply defending herself. I ask that you give consideration to that. I am not sure whether you are able to reconsider the decision to eject Ms Haddad. However, given the inciting of the interjection it was grossly unfair.

Madam SPEAKER - Thank you very much for your opinion. That is not a point of order. I did make it very, very clear that anyone who interrupted would be leaving. I cannot have my authority challenged. I gave Ms Haddad a couple of goes before I asked her to leave. That is to set an example to all of you.

I ask Ms Archer to wind up. Please, inciting? We are all grown-ups. You do not have to bite.

Ms O'CONNOR - On the point of order, Madam Speaker. It is important that we are able to defend ourselves if someone is telling untruths about us, or smearing us in this place. That is why incitement does lead to interjection and clearly punishment. I wanted to place that on the record.

Madam SPEAKER - Yes, thank you very much. Your point is noted, but I still think you are a bit above that. Thank you.

Ms ARCHER - Thank you, Madam Speaker. I was not inciting. This is all factual. This is all on the record. This is all in the media, stated publicly. I am not coming in here and making up these statements. It is factual. I will wind up, and thank you for the latitude.

Ms O'Connor - Sit down.

Ms ARCHER - I will not be told by members to sit down. If you disagree with what I say come in on the adjournment, have a spray. This shows that when you go close to the bone, when Labor has no plan, no policy, they simply cannot hack it.

Ashley Youth Detention Centre - Custodial Inspector's Report - Redactions

Ms O'CONNOR question to the MINISTER for HUMAN SERVICES, Mr JAENSCH

[10.42 a.m.]

In the last sitting of parliament, you tabled a report about the Ashley Youth Detention Centre. Do you remember that report? Just checking.

This report outlined a range of deeply concerning issues at the centre. Some of the most politically damaging content was blacked out. When asked by the media the next day who was responsible for these redactions, you denied any responsibility. In the Westminster system you are responsible. Were you telling the truth? Or, will you now confirm it was your office that directed the independent Custodial Inspector to redact a damning report into Ashley?

ANSWER

Madam Speaker, I thank the member for her question. Like the last question I answered, I am proud to say it was the Hodgman Liberal Government that established the Custodial Inspector as an independent statutory officer with responsibilities including regular inspections and reporting to ensure that our facilities are meeting relevant standards so we can ensure that our facilities, management and reforms are continuously improving.

The member who raised the question is correct. In the last sitting of parliament I tabled the report of the Custodial Inspector. I tabled the report as it was provided to me by the Office of the

Custodial Inspector. Prior to that I had been provided with a briefing and a copy of an unredacted report. The redactions in the report were the redactions provided by the Custodial Inspector.

There has been considerable reporting, interest and fascination with these redactions. As anyone who has looked into them and read the reports on them will note, in those cases the material that was publicised around the redacted sections, in most regard, goes to matters of security: technical matters around the way that the Ashley Youth Detention Centre is configured and the purpose -

Ms O'CONNOR - Point of order, Madam Speaker. I am hoping to save the minister from himself, perversely. I listened very carefully. The question is, did your office ask the Custodial Inspector to redact that report?

Madam SPEAKER - That is not a point of order.

Ms O'CONNOR - It is a point of order.

Madam SPEAKER - I have heard the question, thank you.

Mr JAENSCH - I am advised that the redactions in the report were made by the Custodial Inspector in consultation with the Department of Communities Tasmania.

Ms O'Connor - Right, but did your office direct the redactions?

Mr JAENSCH - Madam Speaker, I have given my answer to that question and I want to be very clear -

Members interjecting.

Madam SPEAKER - Order. Could I have some order here, please?

Mr JAENSCH - Anybody who has viewed the matters that were in the redacted sections of the report, and I caution those who are publicising those further, will see that they are more to do with the security of the facility, the people who work in it, and the people who are detained in it, than they are about any aspects of Government policy. What they will also note, if they have actually read the report, is that of the 38 recommendations all but four have been supported. Because the report was based on an inspection that occurred in February 2018, by the time of the tabling of the report, the vast majority of those recommended actions were underway or they had been completed.

Ms O'CONNOR - Point of order, Madam Speaker, and with the greatest respect to you, and I do apologise, but it is very important that we get to the truth. Minister, did your office direct that report to be redacted?

Madam SPEAKER - It is not a point of order. Please continue.

Mr JAENSCH - Thank you, Madam Speaker. I had answered that question. What I find deeply distasteful and irresponsible is the characterisation, in particular by the Greens, of what this report is and what it is not. In particular, Dr Woodruff comes out of the blocks saying, 'This is shocking and scandalous', and drawing connections with shades of Don Dale in Tasmania. She said

how vital it is that the Government acts with urgency, spreading fear and characterising this as a situation akin to that covered in the ABC *Four Corners* reports on the Don Dale facility in the Northern Territory.

There are parents and families of young people on remand and who are detainees in the Ashley facility, and when they hear, in the media, comments from someone who has had access to this report and its detail and recommendations in it, including those that were redacted, and to characterise that this report -

Ms O'CONNOR - Madam Speaker, point of order. We are in the Westminster system and the question was really simple: did Mr Jaensch's office direct the independent Custodial Inspector to redact that report? You have not answered it; you know you have not answered it. You have been tricky with language.

Madam SPEAKER - That is not a point of order. We are now getting to a few frivolous ones. You know the limitations of that standing order. Please proceed, minister.

Mr JAENSCH - Madam Speaker, to those concerned citizens out there who are genuinely interested in the welfare and the wellbeing of the young people in the Ashley Youth Detention Centre, we are changing it from being a prison-like environment to a therapeutic environment. We have a plan. We are investing \$7.3 million into a therapeutic redesign of that facility. Members who follow the news will note that last weekend we advertised for a project manager for that job and for an architect to finalise the parameters. We expect the construction will commence in -

Ms O'Connor - So the answer is, 'Yes, your office asked for the redactions'.

Mr JAENSCH - Madam Speaker, what I want to do is, in terms of the overall findings and outcomes of the report, put into the record the Custodial Inspector's own comments on the issue. The Custodial Inspector, Mr Richard Connock, said in his media release on the release of the report that -

... the treatment of young people at AYDC was satisfactory as were the conditions and facilities of the detention centre.

The management of, and interactions with, young people by AYDC staff was observed at inspection to be positive and conducted with respect and politeness. Cleanliness is kept to a high standard and facilities are well maintained ...

AYDC's daily routine also places high importance on education and programs tailored to each individual addressing rehabilitation and development skills and also providing life skills. Notably, lockdowns for extended periods are rare in the facility ...

The report contained 38 recommendations for the Department of Communities Tasmania to address. Only four of those have not been directly supported. The Custodial Inspector's findings and those comments in particular reflect that we are turning Ashley Youth Detention Centre into a child-centred therapeutic facility. We have a plan for the Ashley Youth Detention Centre. We are investing \$7.3 million. We care about the kids who are in care there. We are making it less like a prison and more like a facility that can return them to productive lives and we are getting on with it.

Madam SPEAKER - Before I take any more questions, we are running behind and we have a lot of questions still to go. I ask the questioners to be sharper and the Government to be quicker too.

Sporting Facilities and Amenities for Women

Mr TUCKER question to MINISTER for SPORT and RECREATION, Mr ROCKLIFF

[10.50 a.m.]

Can you update the House on how the Hodgman majority Liberal Government is delivering on our commitment to improving sporting facilities and amenities for women and girls across the state?

ANSWER

Madam Speaker, I thank the member for his question. As we all know, participating in sport is key to establishing lifelong healthy habits and has a range of individual and social benefits, including improving physical and mental health, fostering social skills and developing teamwork and leadership skills. The Tasmanian Government is committed to increasing opportunities for women and girls to participate in all levels of sport. As a government we want to increase women's and girls' participation in sport by removing one of the biggest barriers, and that is poor and inadequate facilities that have failed to keep pace with the dramatic increase recently in women's and girls' participation across a number of sports.

The Hodgman Liberal Government has committed \$10 million over two years for the Levelling the Playing Field grants program to upgrade sports facilities for women and girls. This is by far the largest per capita investment in women's and girls' facilities by any state or territory government and I am proud to say it demonstrates the Government's commitment to women's sport. Funding of \$4.65 million was provided in 2018-19 to 21 projects throughout the state to upgrade or develop change rooms and amenities to cater to the growing number of female participants in a range of sports. Grants were provided to build new or upgrade existing facilities to support female participation, including change rooms, lockers, toilets, shower facilities and other amenities. Applications with matching dollar-for-dollar funding from facility owners such as councils and those with additional cofunding from the relevant sporting codes were considered more favourably.

It is my pleasure to announce today that we have recently notified the successful applicants for round 2 of the Levelling the Playing Field program. Fourteen projects have received a total of \$5.3 million in state government funding that, when combined with the matching contributions of the facility owners, whether they be councils or state sporting organisations, will see more than \$11 million invested in upgrading or building new facilities that will facilitate increased participation for women and girls in particular. From Devonport and Port Sorell in the north-west to the Huon Valley in the south, facilities across Tasmania have benefited from our co-investment with facility owners. I would like to congratulate all the successful applicants and thank them for their partnership in this program over the last two years. We are extremely proud of what we have and will achieve with this program and so should they be proud.

The Hodgman Government has a long-term plan that we are developing and we are delivering it. Prior to the 2018 election we promised we would commit \$10 million over two years to leverage more than \$20 million investment across the state in women's and girls' sporting facilities, and we have delivered. I thank my predecessors, the Premier and the Honourable Jacquie Petrusma. I was

not asked about any alternatives so I can simply say I know the shadow minister for sport would enthusiastically embrace this opportunity for people. It took a little while for him to get on board the NBL Blitz. There was a bit of negativity around there but it was great to see him enjoying himself at one of the games recently.

Northern Regional Prison - Westbury Community Issues

Ms BUTLER question to MINISTER for CORRECTIONS, Ms ARCHER

[10.54 a.m.]

The maximum security Westbury prison has been shrouded in your Government's trademark secrecy and lack of transparency. As a result of your botched consultation, the community of Westbury has made it abundantly clear that it does not want a maximum security prison on their doorstep. Labor has listened to the community and we agree Westbury is not the most appropriate site for this facility. You have paid a consultant \$115 000 to front community concerns while you have gone to ground. You have belittled concerned community members and claimed they have been peddling misinformation about the project.

Ms Archer - No, I think you are.

Madam SPEAKER - Order.

Ms BUTLER - What exactly do you claim the people of Westbury have got wrong when it comes to your botched plan to build a maximum security prison in their village?

ANSWER

Madam Speaker, I believe that the member, as she was walking away, said 'in their village'. That is part of the misinformation she is spreading because she does not get her facts straight.

I could read out a Q&A in relation to the question that has just been asked of me. I am not going to because it is quite lengthy but it goes to some detail in addressing some of the concerns and issues. For example, one of the concerns is that undesirable people will move into Westbury to be close to family members in the prison. I reject the proposition that because someone has a relative or close associate in prison that automatically makes them a criminal. I am not saying that, but that is one of the things that needs to be clarified and has been clarified in the Q&A.

Ms Butler - I never said that.

Madam SPEAKER - Order.

Ms ARCHER - I was asked what types of things are being peddled and these are some of the issues that are coming out. We are very happy to address and allay those types of concerns. People have other real concerns about whether a prison would cause property prices to decrease. The evidence we have is that it does not. The Q&A addresses all of that. I encourage the member opposite to read this document and take it on board instead of peddling this sort of information that is just not true. She should be a responsible member of this House and not spread misinformation.

I find it quite galling that those opposite can come in here and say that they do not want a particular site without having a position of their own. They never have a position on anything but to oppose and spread fear. It is very easy to do that. Congratulations. You do not have to have a policy; you just have to criticise. What you have done in the process is make yourselves look very silly because your spokesperson, who is supposed to be across the issue, contradicted Labor's position and said that she had no problem with the Westbury location. We are left wondering what Labor's position is. I note the Leader of the Opposition has been very tricky with her words in relation to this.

In relation to a consultant, it is not unusual for consultants to be used and Labor should know, because they used government consultancies throughout their long term in government, particularly during the Labor-Greens time. In 2013-14, \$28 million was spent on consultants -

Opposition members interjecting.

Madam SPEAKER - Order.

Ms ARCHER - which is \$4 million more than we spent in 2017-18.

Ms White - Four weeks and you haven't even been there.

Madam SPEAKER - Order, Ms White - warning two.

Ms ARCHER - Over the first term of this Government 30 per cent less was spent on consultants than in Labor government's last term, so to come in here and say we have left it up to consultants is not true. We have not left it up to consultants. I have confirmed our local members have been listening and attending regular drop-in sessions. I fully intend visiting Westbury myself; I have already been up there once and intend to visit the area again. It is very easy to criticise, knowing that I could not be there on the weekend, and try to take advantage of that instance. I have explained that to the House. I say to the Westbury residents that we are listening to their concerns. We will be addressing their concerns and I look forward to hearing from them, as I have been, and responding to their concerns and will continue to do so.

Rural Health Care

Mrs RYLAH question to MINISTER for HEALTH, Ms COURTNEY

[10.59 a.m.]

Can you update the House on how the Hodgman majority Liberal Government is delivering our long-term plan to invest even more in rural health care in Tasmania, and of great interest to all Tasmanians, is the minister aware of any alternative plan?

ANSWER

Madam Speaker, I thank the member for her question. The Hodgman Liberal Government has a strong commitment to quality health care for Tasmanians living in rural and regional communities. That is why we are backing them with our \$15 million Rural Hospital and Ambulance Station Upgrade Fund because we know how important these facilities are for local communities. This is an important commitment we took to last year's state election which we are now delivering. This fund is expected to create around 180 jobs to deliver much-needed infrastructure upgrades for hospitals, ambulance stations and community health centres across Tasmania. Our infrastructure

plan will support even more jobs into the future as we increase the capacity of our community health system to deliver regional services.

I am pleased to advise the House that close to \$7 million of the fund has already been allocated to a range of projects, as diverse as replacement of windows, upgrading physiotherapy areas and improving carpark.

Some of the projects either planned or underway now include:

- \$500 000 for heating, ventilation and air-conditioning upgrades of the Devonport Community Health Centre;
- \$238 000 for a range of upgrades at Deloraine District Hospital, including a new recreation area, physiotherapy space improvements, and a kitchen upgrade;
- \$340 000 for the Campbell Town Hospital, including an upgrade for nurse's accommodation and a new modern medical oxygen system in the emergency area;
- \$700 000 at the New Norfolk District Hospital for important electrical infrastructure upgrades and the installation of a modern nurse call system; and
- \$600 000 to improve the water supply at the Tasman Multi-Purpose Services Centre.

These are real projects with real benefits, delivering work to local firms for building better infrastructure for our communities and are on top of a host of other crucial regional capital projects that we are getting on with, like the brand-new St Helens Hospital, the Midlands Multi-Purpose Centre redevelopment and Stage 2 of the King Island Hospital redevelopment.

These are the regional communities that Labor has failed time and again. When in government, the other side - Labor - tried to close regional hospitals and they also ruined regional economies. We saw what they did to the forestry industry when David O'Byrne was in government: more than 4000 hardworking Tasmanians within forestry thrown out of jobs. If that was not enough, they trashed the budget, ripping half a billion dollars out of health and sacking a nurse a day. Tasmanians know what happens under a Labor government.

The member asked about alternative plans and I have to say that is a wanting question because Tasmanians are wondering, after five-and-a-half years in opposition, what is Labor's plan? They stand for nothing. During the 2018 election campaign, the Opposition Leader spent a lot of time talking about health being their number one priority with seven plans that they took at that time and then she walked away from that portfolio. That side should stand condemned. They do not have a policy; they do not have an alternative budget. They have no plans, no policy, they stand for nothing and cannot be trusted.

Northern Regional Prison - Support for Location

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

[11.03 a.m.]

Last week you acknowledged that community concerns about the proposed maximum security Westbury prison were legitimate. Despite this, you failed to front the community meeting on

Saturday to stand shoulder to shoulder with your constituents. Have you discussed your concerns with the minister? As the minister -

Mr FERGUSON - Point of order, Madam Speaker. The point of order is that the member can ask a question of a minister as it relates to their portfolio responsibilities and she is addressing her question on this to the minister for primary industries.

Mr O'BYRNE - On the point of order, I can understand why the Leader of Government Business would be trying to run a protection racket for Mr Barnett for not fronting at the meeting, but the question is yet to be completed.

Madam SPEAKER - We have this interesting dilemma where providing your question ends up asking the right minister it is in order. If it does not it is out of order.

Ms BUTLER - Thank you. I will start the question again.

Minister, last week you acknowledged that community concerns about the proposed maximum security prison at Westbury were legitimate. Despite this you failed to front the community meeting on Saturday to stand shoulder to shoulder with your constituents. As the Minister for Primary Industries and Water have you discussed your concerns with neighbouring farmers and agricultural industries? Do you support Westbury as the site for a maximum security prison?

ANSWER

Madam Speaker, I thank the member for her question. I totally support the position of the Hodgman Liberal Government with respect to the northern regional prison.

Northern Regional Prison - Alternative Locations

Ms BUTLER question to the MINISTER for LOCAL GOVERNMENT, Mr SHELTON

[11.06 a.m.]

The Mayor of the Meander Valley has been made the scapegoat for your Government's botched maximum security Westbury prison. As the Minister for Local Government are you listening to Mr Johnston's calls for the full list of nine alternative sites to be publicly released? How can you justify your Government's secrecy which is creating unnecessary conflict and division in the community that you represent?

ANSWER

Madam Speaker, I thank the member very much for her question. Yes, I was there and I fully support the Hodgman Liberal Government's position on the northern prison.

Tasmanian Economy - CommSec Report

Mr TUCKER question to TREASURER, Mr GUTWEIN

[11.07 a.m.]

Can you update the House on how the Hodgman majority Liberal Government is delivering on our long-term plan as evidenced by recent economic results? Are you aware of any alternative plans?

ANSWER

Madam Speaker, I thank Mr Tucker for his question and his interest in this very important matter. I also support our position on the northern prison, if you are going to get around all of the ministers.

Tasmania's economy is surging ahead. The Government's long-term plan is working. CommSec's State of the States report out yesterday now ranks our economy second out of all of the economies across the country. CommSec said yesterday:

Tasmania has edged up in the performance rankings, overtaking NSW in the second position.

Our best result in 10 years and our economy goes from strength to strength. In the last 12 months we were the fastest growing economy in the country and now, on a 10-year average, we are closing in on New South Wales. I noted that Saul Eslake was in the media yesterday commenting on the CommSec report and Tasmania's new economic performance. Mr Eslake said:

It is a relatively uncommon thing to occur. In fact, Tasmania's new performance has really occurred over the last five or six years.

Spot on and I concur, what a coincidence, the last five or six years.

CommSec reports that Tasmania is leading the nation on relative population growth with a growth rate now more than doubling the 10-year average. Housing starts, equipment investment and also vehicle sales is where the state is strongest. To build more houses for Tasmanians is a goal that the Government has set out to do, for obvious reasons. That is exactly what the report says that the Government is doing: to support businesses to invest so they can gear up and create jobs. And it is working: 15 000 new jobs have been created and we are seeing this all around the state. In fact, in all of the 29 Tasmanian local council areas the unemployment rate is lower under this government.

It is the fastest growing economy in the country and confidence levels are high. We have the highest confidence levels in business conditions across the nation. Last week the leading ratings agency, Standard & Poor's Global, came out with its credit rating for Tasmania. It said that Tasmania's experienced management team and exceptional liquidity coverage continues to underpin the state's credit worthiness. They expect Tasmania will maintain its solid fiscal position. It said that the stable outlook reflects their expectation that Tasmania's strong operating position will offset its larger capital program spend and they expect the state's debt level to remain low compared to its peers which is exactly what we said when we brought down the Budget. This year, for the fourth year in a row, we will deliver another net operating surplus. We continue to budget for a balanced Budget to ensure that we have the flexibility to respond to emerging pressures and the confidence to ensure that Tasmanians know that we will keep our commitments and we will deliver.

I was asked whether there are any alternatives. On this side of the House the plan is working. Tasmanians are more confident. Our economy is growing. Investment is flowing and, importantly, jobs are being created.

That side of the House does not have a plan. After half a decade they have not been able to come up with a plan. I took the opportunity to revisit the CommSec State of the States report when Mr O'Byrne was the economic development minister. I will quote from the October and July 2013 reports, which were six to seven years past the global economic financial crisis. It said, Tasmania remains locked at the bottom of the Australian economic performance table. Tasmania lags all other economies on all eight indicators. If I go to the next month, what does the next report say? Tasmania, yet again, remains locked at the bottom of the Australian economic performance table and Tasmania lags all other economies on all eight indicators.

Nothing if not consistent. He took us to the bottom and he held us there when he was economic development minister, unlike what is occurring at the moment where we are leading the country. We are confident, we are attracting investment, and we are creating jobs. Under the former economic development minister, who has conceded they have no plan at all, 10 000 jobs were lost, and the economy went into recession. Tasmanians were leaving the state in droves. The outcome of that? They sacked a nurse a day for nine months. When he was police minister he sacked more than 100 police officers. The unemployment rate was more than 8 per cent. When they were in government they had no plan other than to take us to the bottom. Now they are in opposition they have no plan at all.

This side of the House, in contrast, has a long-term plan that is delivering. It is delivering investment. It is delivering confidence. Importantly it is delivering jobs.

Northern Regional Prison - Support for the Location

Ms WHITE question to PREMIER, Mr HODGMAN

[11.14 a.m.]

It is clear you have lost the support of the Westbury community over your plans to build a maximum security prison on their doorstep. The minister, Elise Archer, has badly botched the consultation process by refusing to front the community and hiding behind expensive consultants. Meanwhile, you have been completely silent on this project. If you are truly listening to the community will you abandon your plans for the maximum security Westbury prison site and find a more suitable location?

ANSWER

Madam Speaker, I thank the current Leader of the Opposition for the question. I note there has been a lot of interest in who was at the meeting, the rally, on the weekend. I note that the Labor member for Lyons, Rebecca White, apparently was not there and nor was the shadow corrections minister, Ella Haddad. It is a little rich for them to criticise who from this side went to this rally. For the Leader of the Opposition, the most vacuous of opposition leaders this state could have, to say that we have been quiet on this policy, we took it to the election. We were so quiet about it that we took it to the Tasmanian people and said we will deliver a prison for the north of the state because that is what it needs. It is nonsense for the Leader of the Opposition to say the Government has been quiet on this. We took it to an election because the state needs it.

The other nonsense we hear from them is this is a do-nothing Government. When we make a decision about something that requires some political courage - to build a new prison in the north

of the state because it is needed - they go missing when the question is asked of them what they would do differently.

Opposition members interjecting.

Madam SPEAKER - Order. We are so close to the finish, please.

Ms WHITE - Point of order, Madam Speaker. Standing Order 45, relevance. I ask you to draw the Premier's attention to the question, which is whether he supports Westbury as the site for the prison. The community demands to know what the Premier of this state thinks.

Madam SPEAKER - Leader of the Opposition, you know that is not a point of order. Please proceed, Premier.

Mr HODGMAN - Of course I and the Government support the decision that has been arrived at through a process that has determined a preferred site for the northern prison. It is arrant nonsense for the Leader of the Opposition to challenge us on this matter when it is she who has been silent and Labor has, as is often the case, tried to walk both sides of the street. They are sitting on the fence on this issue, in this instance a razor wire fence. It must be uncomfortable.

With the Labor Party you do not know what they stand for. They cannot be trusted. They have a dozen positions on a range of matters, including this one. We have heard from the Attorney-General how one day they supported a prison in Westbury and then they did not. They support a prison in the north then they do not. They say that they are going to build one and then con the Tasmanian people by saying they could just refurbish the northern remand centre. You cannot take them seriously on a matter such as this.

We will ensure that we continue to consult and engage with the community. We understand concerns and we are responding to them. A decision on a preferred site has been made through an appropriate process. It is one we stand by because Tasmania needs it.

Also of interest to us, other than rank political opportunism which is all we get from this spineless and shallow Opposition that stands for nothing under Leader Rebecca White, is that this northern prison will improve access to justice for people who need it. About 46 per cent of the prison population comes from the north or north-west coast. That is often not helpful to their rehabilitation. It deprives their relatives and friends from the opportunity to visit. It is an unconnected justice system that would be better served by having a modern contemporary facility in the north of the state. That is why we are committed to doing it.

It is all care and no responsibility over there, but our justice system needs it. It will provide greater access to justice and greater effectiveness in our justice system. This is a \$350 million investment into our prison infrastructure, and \$270 million into this. It will support economic opportunity in the north of the state, something the Opposition is not good on. It does not understand the economy. It does not understand the importance of our infrastructure investment, nor the economic benefits that will come from it.

Once again, they are opposing economic development opportunities for the north the state. If you are so serious about standing up for your community you would at least have an eye on the economic opportunities as well as the improvements to our justice system.

No-one can be fooled by this Opposition party which is so spineless it tries to walk both sides of the street on an issue. You do not know what Labor stands for. The Leader of the Opposition has a list as long as my arm of policy positions they have taken and then changed when the political heat comes on. That might be an enjoyable thing to be able to do in opposition but we are accepting the responsibility of government and making the decisions. We will work with the local community about it and we are all agreed that our justice system needs a northern prison.

Time expired.

PETITION

Kettering to Woodbridge - Slow Vehicle Turnout Lane

Mrs Petrusma presented a presented a petition signed by approximately 200 citizens of Tasmania praying that the House urge the Government to take immediate action to construct at least one slow vehicle turnout between Kettering and Woodbridge and a further two between Woodbridge and Middleton.

Petition received.

TABLED PAPERS

Public Works Committee - Tasman Highway and Great Eastern Drive Improvements

Mrs Rylah presented a report from the Public Works Committee on the Tasman Highway and Great Eastern Drive improvements, together with the evidence received and the transcript of evidence.

Report received and printed.

Public Accounts Committee - Review of Auditor General's Report No 1 of 2013-14

Mr Tucker presented a report of the Parliamentary Standing Committee of Public Accounts - Review of Auditor General's Report No 1 of 2013-14 - Fraud Control in Local Government.

Report received.

Subordinate Legislation Committee - Annual Report 2018-19

Ms Standen presented the annual report of the Parliamentary Standing Committee on Subordinate Legislation for 2018-19.

Report received.

TEACHERS REGISTRATION AMENDMENT BILL 2019 (No. 50)

First Reading

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

**MINES WORK HEALTH AND SAFETY (SUPPLEMENTARY REQUIREMENTS)
AMENDMENT BILL 2019 (No. 48)**

First Reading

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

MATTER OF PUBLIC IMPORTANCE

Northern Prison

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

That the House take note of the following matter: a northern prison.

I have been in Westbury recently. I was there on Friday talking to residents at the 180th birthday for the Westbury Primary School, which should have been a happy occasion. However, when I walked into that school ground and spoke to some residents and asked how they were, people were breaking down in tears. They are stressed about what is happening in their local community and worried about the lack of information this Government is providing with respect to their preferred site for a northern maximum-security prison at Westbury. They are feeling completely ignored and dismayed at the way this matter has been handled by the Government.

The Premier today said that the community was basically consulted because they took this as a commitment to the last election. The arrogance of a statement like that is extraordinary, particularly given the clear concern expressed by that community, not just on Saturday when they held a public meeting, but throughout the weeks preceding that. The tin ear of the Government is well and truly on display here where they seem to be completely oblivious to the legitimate concerns the community has.

One of the ministers on the front bench, Guy Barnett, broke ranks earlier in the week, saying that the concerns were legitimate, but then he comes into this House and does not acknowledge those issues. He blatantly says that he supports the Government's decision to identify Westbury as the preferred site. Even though, apparently, he has been to the consultation, he did not show up on Saturday to hear the concerns of those hundreds of residents, but he has spoken to some residents in that community. The tin ear and arrogance of this Government is on display today, where they have backed in the Westbury site, which is clearly not suitable.

The community is very upset about this and even the community members who have felt unsure and are not necessarily for or against the prison, have stated very clearly that they feel this Government is riding roughshod over them and treating them without consideration, acting in secrecy, not sharing information and that this could happen anywhere. In fact there are nine other sites that this Government will not come clean with the community about, nine other sites that they also short-listed. The minister said she will not release those and as part of the explanation for that said that she cannot go out and talk about sites that are not suitable. The question I have, then, is why were they short-listed? Sites would only have been short-listed if they met certain criteria and therefore the community should know.

The community is absolutely right when it calls your Government out because you have done this back to front. You do not announce that you are going to do something and announce a preferred site for something and then say, 'Oh, we are going to consult with you'. The minister held a press conference, made a statement and has not gone back. That was four weeks ago. You might not have been able to attend on Saturday, but what happened to the last four weeks? Where have you been? The community is telling me, and I have spoken to a number of them, that they do not know why Westbury has been chosen. This Government has not told them.

There are residents who live adjacent to the site that has been identified who found out about this through the media. The industrial site at Westbury is adjacent and some of that land is part of the site that has been identified by the Government as its preferred site. The businesses that operate there have not been consulted. There are people in the town who have been so outraged by this that they have now started a group called the Westbury Region Against the Prison. They incorporated on Saturday. More than 100 people joined that group straight off the bat. They have been working incredibly hard. I reference some of the comments that they have made.

Organiser, Heather Donaldson said the group had been strongly encouraged by the public support at the rally. They said that the key message to come out of the rally was that many locals wanted the state Government to reveal the other nine sites that had been considered for the prison. The Government today again refused to provide that. What is it hiding? Other residents said at the gathering at the Town Hall on Saturday that the community would need to start fundraising immediately to pay for the consultants it would engage to help make the case against the Government's proposal. Westbury local, Linda Poulton, who is also a solicitor, said, 'We need the Government to know that we have the wherewithal to fight this until the end'.

The Government needs to listen properly to the community. Business owner Heather Donaldson said -

The thing that we hate most about this is that nobody asked us if we wanted this. We were completely blindsided. It would have been nice if we had been asked at the beginning. Tourism-based businesses depend on this village staying as it is and we will fight this until the end.

Resident and local store owner Eve Robson said -

People were just devastated by the Government's proposal. This is just a beautiful village. Why would you want to put a prison so close to it.

The Government says it is listening, that it will respond, yet today, when asked very clearly whether it agreed Westbury was an inappropriate site, members said they disagreed, that they think that Westbury is the most appropriate location for the prison. The member for Lyons, Mark Shelton, the member for Lyons, Guy Barnett, the Premier, Will Hodgman, all said that, as did the Treasurer, Peter Gutwein. They all support the decision to identify Westbury as the preferred site for that prison.

What is the point of the consultation the Government is now embarking on, as flawed as it is, if they are not going to listen to the concerns of the community, if they are not going to consider an alternative site given the clear demonstration from members of the Westbury community that they do not want this prison in their town?

The Government has not made the case for why Westbury is the preferred location. All it has done is put a glossy brochure into people's letterboxes after the minister made the announcement, saying that consultation would occur in September. People received that pamphlet in October. The process has been flawed and the Government should abandon Westbury as a site for the prison.

Time expired.

[11.34 a.m.]

Ms BUTLER (Lyons) - Madam Deputy Speaker, I am pleased that we have an opportunity to talk about this. This is not about Labor-Liberal. This is about a community standing up to a Government. We are supporting that community. That is what this has always been. You do not understand that because you have absolutely no connection with your community. If you did you would understand that you must take people with you. You must consult people. You must give them a voice and the ability to have a say in the direction they want their community to move in. You have even accused them of fearmongering and peddling mistruths. All you have done is denigrated that community even more. You have absolutely denigrated them, calling them NIMBYs, saying that they are scaremongering and fearmongering -

Ms ARCHER - Point of order, Madam Deputy Speaker. The member needs to be very careful with the allegations. She stands up during matters of importance and other contributions in this place and puts words into people's mouths. I ask that she remain factual and not just make stuff up. I will respond, but she cannot make stuff up.

Madam DEPUTY SPEAKER - That is not a point of order. The member will continue.

Ms BUTLER - I walked into Westbury with my eyes wide open after you made your announcement. It was curious that on the day of your announcement, I was at the opening of an event in Campbell Town with Guy Barnett, Mr Tucker and a few other people. Mr Barnett was not at your announcement. It was a \$270 million investment in the north of Lyons and Mr Barnett was not at your announcement. He was with me at an event. He did not have a speaking engagement; another Liberal person was speaking. When I saw it on the television that night, I thought, where was Mr Barnett? Then I thought, where was Mr Shelton? This was curious because this is a \$270 million investment in the north of Lyons; it is a really big investment. Where is he if this is so good?

I started doorknocking. I walked in with my eyes wide open. I wanted to not only speak with the loud voices, I also wanted to speak to the quieter voices. I doorknocked and doorknocked. I spoke to people as they were getting into their cars, I went to supermarkets, I went to the fish and chip shop, I went to the second-hand shop, the hardware shop, the cafes. Overwhelmingly, I kept getting the same response from people. I was not putting anything into their minds. They were speaking to me because that is what we do as representatives: we represent our community.

You have excluded a whole community from having a say in how they want their community to be. You have even disputed people such as world-leading economist Saul Eslake. Your Government has said, this will not affect your property prices. Saul Eslake said, this will lead to a decrease in property prices in this region. For some reason that was not good enough for you. You have completely botched this process with the community. Table the other nine sites. Let the community have a say in their future. Have some respect for the people of Tasmania. Do not treat them like they are children. People's voices are valid and you must remember that.

You cannot sit here in your ivory tower and pretend to know anything about those people. You call me 'fly in and fly out'. I have been there almost daily for the past month. I have spoken to many people. You flew in, you made an announcement, and you have not been back since. That has been a month. That is a long time. You turn up and make an announcement, you produce a glossy brochure, you pay a consultant. At one of the fact sessions, a community member said to your consultant, 'Would you want this in your back yard?' and he said, 'No, I would not'. Your own consultants are telling community members that they would not like it in their backyard. Would you like it in your backyard? Would you like that put on you and you have no say, you have no way of even voicing your opinion because when you do, you are accused of scaremongering or fearmongering or nimbyism?

You must empower people otherwise they will never trust you. They do not trust you over this because you have been so secretive. You guys know this is botched. You must know this is botched. The town hall holds 500 people and there were people who could not get in the door on Saturday, and that was organised by the community. It was a community-run event. That was nothing to do with us. All we do is support the community.

The thing they are most concerned about is the fact that this could happen anywhere in Tasmania. You can drop a bomb on any community and when they say, 'I'm not happy about this', and ask questions then you say it is fearmongering, it is secrecy. It is not good enough. You must respect the people you are meant to represent. That is your job. You are a government. There are nine other sites. Find those northern sites and please include your community in your consultation. Bring people with you. They want you to govern. They want you to take responsibility. They want to be involved in decision-making processes. They want to know if they have invested in their property that is going to be worth a certain amount of money. They do not want to find out on the news the next night that there is going to be a maximum-security prison next to their home. Some people bought a property across the road from the site the day before you announced it. You must consult.

Time expired.

[11.41 a.m.]

Ms ARCHER (Clark - Minister for Corrections) - Madam Deputy Speaker, I am happy to stand up and defend. What a load of complete nonsense. The member comes in here and accuses me of calling the community all sorts of things. I have never called the community NIMBYs. I have never said that anybody in the Westbury community is the one spreading the mistruths.

Ms Butler - Scaremongering? They're your words, not mine.

Madam DEPUTY SPEAKER - Order, Ms Butler.

Ms ARCHER - It is the member for Lyons, Ms Butler, who is doing this. Where was Ms Butler and where were the members when the Labor-Greens government tried to shut the Westbury Primary School?

Ms Butler - Oh, you're not going there. You do know people are watching you right now? Be very careful. This community is very cross.

Ms ARCHER - You talk about caring about a community. We care about communities, too. We are listening. As I said in question time today, you cannot consult until you have a preferred site. What if we got 100 expressions of interest? Would you want me to release 100?

Opposition members interjecting.

Madam DEPUTY SPEAKER - Order. Let the member make her contribution.

Ms ARCHER - The Leader of the Opposition said that we should release all 10 sites. Eleven were submitted as part of the expressions of interest process. One was withdrawn at the start. One sold during the process, one later withdrew and many were deemed unsuitable. Why would you put it out in the community when they are deemed unsuitable? Why would you put the cart before the horse?

Ms WHITE - Point of order, Madam Deputy Speaker. I believe the minister might have revealed that she has inadvertently misled the community. She said there were 10 sites shortlisted. Now she is providing further information so the minister should reflect on when she has misled and if she should correct the record.

Ms ARCHER - Madam Deputy Speaker, I have never said the shortlist was 10. I have always said in this House that we received in total 11 expressions of interest, one of which was withdrawn, totalling 10. That is not the shortlist, and I have never said that and I will stand by that. You can trawl through *Hansard*. It just proves that Labor makes stuff up and you cannot trust them. They do not have their own plan so they want to come in here and spread these mistruths.

I want to make it clear that we are working through a process for a new northern regional prison. Direct community consultation has always been at the forefront of this process. We will not be bullied or pressured into releasing any commercial-in-confidence documents while community consultation on the preferred site is continuing. I cannot emphasise enough that community consultation could not begin until a preferred site was determined to consult on with the community.

Ms White seems to think she has landed on something there but they can go back and check the records. I have always said in this House the total number received and for them to somehow now think that that was the shortlist, it was not. During my contribution in the last session I repeated that as well. I want to make that clear.

I also want to make it clear that there is a lot of misinformation being spread by the member for Lyons, Ms Butler. She has just confirmed that in here because she stands up here and makes stuff up, and says that I have called people this, that and the other and that I have called people NIMBYs. During this whole process I do not think that word has even come out of my mouth until today, so to make those sorts of allegations just smacks of sheer desperation to jump on this issue and play on people's fears and concerns.

This Government is listening to the community about those concerns and it is the reason for the question and answer document to respond to those major concerns that have been coming out from the community in relation to property valuations and whatnot. I have never come out and criticised Saul Eslake for having an opinion. That is his opinion. Many property experts, consultants, financial experts have their opinions and, guess what? They differ on some topics.

What we have put in the Q&A is our response to what other communities who have had a new modern facility built in recent years have experienced, what type of impact that has had on their communities in terms of economic benefits, jobs and property prices, and to dispel the myths that criminals move into the area. We have tried to address all of those sorts of issues. We are addressing these concerns.

Local members may criticise me for not attending their local community, but our local members have been consulting with the Westbury community. They have been out doorknocking and attending drop-in sessions. As I have said, I fully intend to go to Westbury. I have stated on the record that I had a personal family commitment on the weekend which I could not change and that is why I was not at the rally.

I must say, though, I really hope that during this consultation process that people can remain respectful of each other. From the footage I saw I thought it was unfortunate that our members were not even able to fully state what they were there to state. Opinions differ on things and I ask people to remain respectful. I have remained respectful and that is not hard, because that is how we have been consulting with the community.

There is one member in this place, however, who tries to put words into my mouth and tries to allege that I have said all sorts of things about the community, and I want on the record - and I hope the media picks this up - that I have not called the community NIMBYs. I have not called them anything of that nature. I am listening to their concerns and we are responding to those concerns.

Time expired.

[11.48 a.m.]

Dr WOODRUFF (Franklin) - Madam Deputy Speaker, it is interesting listening to both Labor and Liberal members utterly failing their communities. It is sad to hear the tone of this debate, which totally misses the point that what is good for Tasmania is putting money into restorative justice. The fact that the Liberal Party is pushing to spend \$170 million at minimum, with \$40 million a year in recurrent operating costs at minimum on housing yet more prisoners, is an admission of devastating failure on their part. Their tough-on-crime policies are seeing the Risdon Prison Complex bursting at the seams. The number of people there has dramatically increased.

I note a media release I talked about in November 2016, three years ago now. At that time there were 470 people on average a day, but by 2016 it had blown out to 550 a day. I do not have the latest numbers now, but it is certainly the case that it is much higher than that.

This is what has happened under the Liberal Government's policies which have been relentlessly cruel and punitive, withdrawing money from successful services like the Reintegration of Ex-Offenders - REO - program which they cut in the first year they came in. They cut a program being run by the Salvation Army, REO, that cost a mere \$260 000 a year at the time. It saved more than \$1 million. It ensured that people who left the Risdon Prison complex and other parts of the prison system in Tasmania were being housed and supported to reintegrate with their community so that the road blocks in their life could be removed and they could find jobs and deal with drug addiction and reintegrate in society. That successful program, REO, was defunded. This was despite the fact that by the time the Liberals defunded it, it was successfully reducing the rates of reoffending of people going through that program to zero per cent.

Meanwhile, the rate of reoffending has gone up, year on year. Recidivism has gone up, year on year, under the Liberal Government. The Greens corrections minister, Mr Nick McKim had seen the rate of reoffending in Tasmania go down under his good policies and operation of the Risdon prison complex. Not only that, the rates of serious assaults were going down: assaults from staff to prisoners, from prisoners to staff and from prisoners to prisoners. Instead what is happening now is that they are going up. This is a failed approach. It has been a litany of five-and-a-half years of failure and the fact that both the Labor and the Liberal parties are committed to a northern prison is shame on both of them.

It is an indication of how woefully out of step they are with successful models that are being employed by other jurisdictions that provide for safer communities. They provide for people to be able to recover from drug addiction so that they do not reoffend, so that they do not steal, so that there is less violent crime in the community and so that families can come back together again, families who have suffered abuse and trauma and living in poverty. Those are the families most at risk of circumstances that lead to offending. They are the ones that need our support. They do not need us to make a decision, this Government to make a decision, to spend \$170 million on building a prison to lock up more people.

In Westbury, we have a community that has not been consulted. That is not surprising. This Government never consults. It just decides and then it cooks up a faux consultation process, as occurs on every issue. I am deeply sympathetic and concerned on behalf of the Westbury residents that they are not being listened to. I doubt they will be listened to. The evidence of the Government in every other portfolio area is that community residents are not listened to. The Government makes a decision behind closed doors, employs a consultant at vast expense to go off and design something, and then they will go ahead, regardless of the community concerns.

We need to be looking at what is happening in Ashley. Ashley Youth Detention Centre in Deloraine is a detention centre for young people which must be closed because it fails on every measure. The custodial youth inspector's report made that abundantly clear. Issues to do with isolation, the use of force, manifestly inadequate security practices at the prison all point to a totally failed model of rehabilitation for those young people. That should be closed and what we have is 50 beds in a prison which is sitting there, already accepted by a community, and already functioning in a place in the north.

Why is the Government not looking into closing down Ashley? Why does the Government not put the money into rehabilitation for young people, put the money into supporting people who are leaving the Risdon prison complex so that they do not reoffend? Put that operational \$40 million a year into supporting people with proper drug treatment programs.

There are 50 beds: they are already sitting there. There is already a prison. You have already spent the money. This is how we should be investigating the issues for people in the north, not inflicting a prison where people do not want it.

Time expired.

[11.55 a.m.]

Mr SHELTON (Lyons - Minister for Police, Fire and Emergency Management) - Madam Deputy Speaker, I reiterate that I fully support the Government's position on the northern regional prison. I support the Minister for Corrections and the processes she has put in place through

consultation. I support the process that highlighted the Westbury area and the Westbury site as the preferred site. It is the preferred site.

There is no mistaking that there is a lot of misinformation being spread in our Meander Valley community, particularly by the Labor Party. I am keen to address the concerns and dispel some of these mistruths. Whipping up fear is not a policy and members opposite should think about forming some policies rather than scaring the community. Ms Butler has an issue with the truth and that also comes when she has mentioned already today and almost every day for the last month she had been in Westbury. Two weeks of that month we have been in parliament so I cannot quite see how she has been there every day.

I was there with Ms Butler in the hall, and as Ms Butler is aware, I spent a fair bit of time up the front of the hall and had an opportunity to take a bit of a count. Ms Butler comes up with 500. If you squeezed everybody into the hall that is what you would fit. If you have ever taken notice of the number on a lift, you certainly cannot get that number in a lift when you look at it. I did a count in the rows and there were 16 or 17 people sitting in the rows and those rows were 16 or 17 deep. There were some people around the sides, as she said, but my tally does not get anywhere near 500 people. If there were around the 250 mark, that would pull it up. Maybe a few more.

Doubling the number does not matter for Ms Butler. It is irrelevant when it comes to that. What Ms Butler has done in the past, and we are reiterating the point, is put out media releases saying volunteer firefighters would not have face masks and then she doubled-down with the claim they would not have them for the next six months, even though firefighters were telling you Ms Butler, that you were wrong. I quote from a firefighter who put up a post about what firefighters are saying about Ms Butler, 'I suggest the Labor Party members stop playing politics and get their facts right and stop trying to create division'. That is what the community thinks about your approach, Ms Butler.

Enough about the struggles Ms Butler has with the truth. We need to get onto this issue. The residents and businesses of Meander Valley can be assured that we are listening. I have been in the Westbury area talking to people and responding to that and I have, as a suggestion has been put, been talking to the Attorney-General about the issue. We are one in working this issue through.

The project has some positives for the broader region. We are working closely with the community to ensure that the outcome for the entire community is the right outcome. John Tucker and I represented the Government at the rally on Saturday, as already stated, and we were making it clear to the community that we are feeding back that information. It is important from the consultation point of view that whether the feedback is positive or negative - and I have received both sides of the arguments - it is vital that during this early consultation stage we accept both the negatives and the positives from this project.

The feedback I have received from people is that they are very appreciative that we are out there and engaged with the people. Mr Tucker and I had people come up to us after the rally on Saturday who shook our hands and said thanks for being here.

I am informed by the outcomes of the assessment from the department that provided the Government with the shortlist of potential suitable sites identifying if they were suitable or not suitable for the development of the northern regional prison, having considered their suitability against the criteria. They were assessed against nine criteria. The first one was good access to services, including community-based legal, welfare, education, health and training, supporting the

onsite programs with a broad range of services essential to the operation of adequate correctional facility. The second was good access to and from the north and north-west courts within the prison transport journey time of approximately two hours, and the site has good access to safe roads. The third criterion was good access for the police for law enforcement purposes within the facility and in relation to ongoing investigations.

The fourth was access for relatives and friends. As we know, if we are looking at a northern prison and you have Launceston and the Burnie area and the coastal area and you are trying to find a site, the preferred site must fit in a range that is in the middle so that people, children, relations to inmates, have access. As to this issue about how they will come and live in the town, the reason you need good access is so that people can stay where they live and still travel and visit inmates. There is no need to live in the town if they have access.

The fifth criterion is access for staff. This relates to access and the range of staff you need. You need correctional workers, cleaners, people in the laundry, cooks. That is a big outcome for the Meander Valley area and the Westbury area specifically because of the jobs and the economic benefit.

Time expired.

Matter noted.

POISONS AMENDMENT BILL 2019 (No. 45)

Second Reading

[12.03 p.m.]

Ms COURTNEY (Bass - Minister for Health - 2R) - Madam Deputy Speaker, I move -

That the bill be now read the second time.

This bill amends the Poisons Act 1971 to deliver on the Government's commitment to ban the sale and display of ice pipes by retailers and wholesalers.

We know that crystal methamphetamine, or ice, is one of the most dangerous drug scourges to face Australia. It is considered to be more potent, more dangerous and more addictive than other illegal drugs.

The National Drug Strategy Household Survey and the national wastewater analysis program confirm that while cannabis remains the most commonly used illicit drug in Tasmania, the misuse of methamphetamine is of great concern. This is a very important issue in our community, which is why we committed to strengthening Tasmania's response to the problems posed by all drugs in our society, with a particular focus on ice.

All Tasmanians deserve to live in safety and free from the harms of drugs, and this bill is another step towards delivering on our commitment to protect our community. We know that the current law sends a mixed message where the drug is illegal, but the paraphernalia used to consume it has been available for purchase in some retailers, with no specific powers to prevent it. Ice pipes are pipes made of glass or other materials and are commonly used for smoking ice and other drugs

such as crack cocaine. Our commitment and this bill will fix this contradiction, and will restrict access to this method by banning the sale of ice pipes through retail and wholesale stores and outlets.

Like many other jurisdictions, Tasmania has generic drug paraphernalia possession offences. However, currently only Tasmania and Western Australia do not have specific offences relating to restricting or prohibiting ice pipes in retail or wholesale settings. These amendments will therefore better align our laws regarding illicit drugs and provide for quick and decisive action to limit the visibility of ice pipes to the general public. This will serve to help reduce the uptake of illicit activities by people purchasing the pipes for the intent of smoking ice. Banning the sale of ice pipes will also reinforce the very strong message to Tasmanians that the illegal use of ice is highly addictive, dangerous to people's health and will further discourage its use.

I will now turn to the specific provisions of the bill. The key amendment is the introduction of an offence for anyone found to be selling an ice pipe in a shop, or in connection with a shop. Due to the broad definition of 'selling' in the principal act, the offence also captures sales by wholesale or retail stores, as well as the display and possession of ice pipes with the intent to sell. The wide range of retail sales will mean that these devices will no longer be able to be displayed or sold at market stalls, booths, vehicles, as well as traditional bricks-and-mortar shops.

The specific reference of sales 'in connection with a shop' has also been included, so that a person cannot escape the offence by displaying or selling ice pipes outside the business premises. By making the display and sale of ice pipes illegal, they will not be out on display and readily available, which only serves to 'normalise' the devices as everyday retail items. This will address the somewhat confusing message to the community - and to young Tasmanians in particular - that while it is illegal to possess or smoke ice and other illicit substances, it is currently okay to display and sell equipment for which its primary use is that purpose.

The definition for 'ice pipes' is based on the scope of similar offences from other jurisdictions. The focus is on a device that is capable of being used for the inhalation of fumes from heating a controlled drug in a crystal or powder form. This targets ice specifically, but also applies to other drugs that can be smoked in ice pipes, like crack cocaine.

The definitions of 'ice pipe' and 'shop' are broad enough to ensure effective enforcement of the provisions by police officers and inspectors as appointed under the Poisons Act. The scope of the definitions includes any additions or exclusions of particular types of shops or devices provided for in regulations.

This new offence will incur a maximum penalty of 100 penalty units, which currently equates to a maximum fine of \$16 800. The high level of the penalty is in line with other jurisdictions and reflects the seriousness attributed to the offence of selling these devices. The amendments also retain the power to issue on-the-spot infringement notices for offences. Infringement penalties will be prescribed in the regulations.

It is important to note that the amendments include a defence. That is, a defence applies if a person charged proves that the ice pipe is designed primarily for a purpose other than administering a controlled drug. In order to use the defence, it is up to the person charged with the offence to provide further evidence to show the primary design and use of the device is for another purpose. However, it will not be enough for a retailer to simply claim by an oral or written disclaimer that an object meeting the definition of 'ice pipe' is designed or intended for some other use.

The bill includes similar enforcement provisions for police officers and inspectors in line with existing powers under the act. This includes powers relating to entry to a shop, inspection, and seizure of devices by police officers and inspectors. There is also a requirement for the return of anything seized if the reason for its seizure no longer exists. This ensures that seized things are returned if the police officer or inspector determines they are not ice pipes. In addition, where a person is found guilty of the offence, or taken to have been convicted after issue of an infringement notice, there is power for the court or secretary of the department to direct that the ice pipes are destroyed.

In addition to the new offence relating to ice pipes, the bill increases the penalty for the current drug paraphernalia possession offence in the act from 20 penalty units to 50 penalty units. This increase will address a current inconsistency and bring the penalty into line with the similar offence under the Misuse of Drugs Act 2001.

This bill delivers on an important election commitment by this Government to tackle the serious and insidious public health impacts caused by the presence of ice and crystal methamphetamine in our community. We know the significant harm and costs this drug has on individuals, their families and the broader Tasmanian community. The introduction of this ban will restrict the very small number of unscrupulous retailers who currently display and sell these devices, and go a long way to changing the views held by some that smoking methamphetamines is acceptable.

I commend the bill to the House.

[12.10 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Madam Deputy Speaker, I indicate that the Labor Party will not be opposing this bill. I thank the minister's office for providing the briefing to our shadow minister for health, Sarah Lovell. She provided me with some assistance in contributing to the debate in the House today. I understand from the briefing that discussion was had with respect to the impact on drug use and the potential for use of other methods and, interestingly, was referred to a Victorian parliamentary inquiry from 2014. I was hoping, minister, in your summing up you might be able to provide some evidence to this House with respect to what that inquiry showed.

My understanding is that it demonstrated that there is no data that demonstrates that there has been an increase in other methods of delivery from the banning of the sale of these devices. Western Australia and Tasmania are the only other states in the country that do not have legislation that bans the sale of these devices. It is confusing for the people of Tasmania when they are told that they are not legally able to use these devices yet they are displayed for sale. It is entirely appropriate for consistency that they not be displayed for sale and they not be available for purchase in Tasmania.

I know from speaking to members of my electorate, and particularly families in some of the regional communities, that the prevalence of ice is still very problematic and the consumption and use of ice is still quite high. It causes extraordinary concern and alarm for families, especially when they have a loved one who is a user and who has an addiction. This is why it is important that the Government has drug diversion programs in place and supports the people who have identified that they do have an addiction and that they are seeking help for detox.

There are insufficient beds available for people and the wait is far too long. There are some terrific programs that operate across the state to support people who are seeking to recover from addiction but it can be very hard for them to do that when they are required to wait for treatment services. In line with this initiative introduced by the minister in the House today to ban the sale of

these devices, it is also incumbent upon the Government to think about the reasons people are using drugs in the first place; how we can prevent the uptake, particularly of illicit drugs in our community by those who are using them; and how we can support them into recovery and rehabilitation once they have acknowledged that they have a problem and they want to stop using drugs.

We need to treat drug use as a health issue. We cannot ban it out of existence.

Dr Woodruff - This is what this bill does. This flies in the face of harm reduction. When did the Labor Party stop supporting harm reduction?

Ms WHITE - Madam Deputy Speaker, the member for Franklin will have her opportunity to make a contribution. However, there are incredible inconsistencies right now in Tasmania where people are regarded as acting unlawfully if they use an ice pipe yet they are still displayed for sale. It is entirely appropriate that they be banned from sale. The evidence that I have seen from the inquiry in Victoria clearly demonstrates that there is no data that demonstrates that there has been an increase in other methods of delivery. I do not want to see young kids in our state exposed to those sort of devices when they are going with their parents into shopping centres and asking questions about what those things might be used for.

Dr Woodruff - Well ban pornography, ban a whole lot of stuff we see. You do not like children seeing stuff. It is tough.

Madam DEPUTY SPEAKER - Order. The member will have her turn to make a contribution. I ask that you allow the Leader of the Opposition to make her contribution in peace and quiet please.

Ms WHITE - The Greens are showing themselves for the extreme party that they are with the interjections from the member. If they support the sale of crack pipes -

Dr Woodruff - Three decades of Australia policy healthcare.

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

Ms WHITE - to children in Tasmania then you have completely lost your way. I know from former question times in this place that that member asked the Government to provide for free crack pipes to Tasmanians. Give me a break. That is not the kind of Tasmania that I want to live in, or that I want my child to grow up in. The people of Tasmania should see the Greens for what they are and that is an extreme radical party that is trying to push drug paraphernalia on young children.

Dr WOODRUFF - Madam Deputy Speaker, point of order. The member on her feet should understand that is completely untrue. The Greens did not suggest that at all. She is trying to besmirch me. I did not say that we should be delivering crack pipes. That is completely untrue. I reported evidence from Vancouver showing that it has a health benefit. That does not mean that it is -

Madam DEPUTY SPEAKER - Order. The member will be able to make that point in her own contribution very soon.

Ms WHITE - I will go back and look at the record because my recollection is that when the question was asked, the member asked the Government to give consideration to that Canadian model, rather than -

Dr Woodruff - To investigate options.

Madam DEPUTY SPEAKER - Order.

Ms WHITE - Yes, you asked the Government to give consideration to the Canadian model. You have just proved it. You said, investigate options such as giving out for free crack pipes to Tasmanian people. You have just confirmed how extreme and radical the Greens party is. We will not be supporting the amendments or the position that has been proposed the Greens. It is outrageous to think that would be appropriate. We will not be opposing the Government's amendment because it is inconsistent that now in Tasmania people can buy a device like this from a retail outlet and as soon as it is in their possession they are in possession of an illegal item. Therefore, it can be for sale which is entirely legal and as soon as they purchase it, they are acting unlawfully. That is entirely inconsistent for them, and entirely inconsistent in terms of how our laws are applied. For the sake of sensible law, we should make sure that is remedied and this amendment seeks to do that.

We will not be opposing this bill. The Greens have been exposed for the radical party they truly are and I look forward to this matter being concluded quickly. However, I expect the Greens will want to hold it up and grandstand.

[12.17 p.m.]

Dr WOODRUFF (Franklin) - Madam Deputy Speaker, I am not surprised that the Leader of the Labor Party sat down so quickly. It must be very shameful to have to wallow in the words that she forced herself to say. I find it deeply concerning that a party like the Labor Party is now appearing to go backwards on every single important health policy that the Labor Party appeared to have been championing for decades.

It is deeply uncomfortable to be in a Chamber with two parties, the Labor and the Liberal parties, who are now turning their backs on harm reduction as the method of responding to people who are addicted to illicit drugs: deeply uncomfortable to see how both of these parties are wrestling each other to the bottom of the pit to be tough on drugs. As though it will work. As though it is the right approach to communities that are suffering from addiction to crystal methamphetamine. Unbelievable.

I understand that Ms Courtney would introduce such a ludicrous bill because it will have the opposite effect to the one that she is proposing it will have. It is disgraceful that we have a health minister introducing this bill. This is the bottom of the pit as far as I am concerned. This is being introduced by a health minister who has not provided a shred of evidence that this is going to increase anything, any health benefit for a person who is addicted to ice. Unbelievable. Where is the evidence?

Ms Haddad - Ice use is a health issue. Drug use is a health issue.

Dr WOODRUFF - Where is any information, Ms Haddad? Where is there any information that this bill is going to have any positive health benefit for the communities that are suffering from drug addiction in Tasmania?

Ms Haddad - You are mixed up there. Drug use is a health issue.

Dr WOODRUFF - The poor communities: intergenerational poverty, no drug treatment programs in their area, no access to social workers, to psychologists, to psychiatrists, to drug treatments, because there is nobody in their area. There is insufficient support for people in community health in Tasmania. If a parent had a child who was suffering from a drug addiction of any sort, I am confident that they could not, in a timely fashion, get access to drug treatment services in the north-west, in the south or the east of Tasmania. I am quite confident they would struggle. I know this as the member for Franklin, because I speak to people in the community in the south who cannot access drug treatment services. It is simply the case.

Madam Deputy Speaker, what you, what the Health minister and the Liberal Party clearly do not understand is the causal relationship here. It is not the availability of ice pipes that leads people to become addicted to ice. It is addiction that leads people to buy ice. That is the problem. It is addiction. This is not dealing with addiction, and this is the point we got to 35 years ago in Australia when needle and syringe exchanges were brought in, because people understood at that point that harm reduction was the only way we could get out of this situation, by focusing on health and not focusing on demonising people addicted to an illicit drug. This is about demonising people and communities and failing them by pointing the finger at people who are addicted to drugs.

This is what Greg Barns made clear when we asked him. I would like to hear from the minister who she spoke to about this and what they said. Who were the stakeholders? Which drug and alcohol agencies did she speak to? Which drug treatment support agencies did she speak to? Which charities who have to deal with people who are addicted to drugs did she speak to? What did they say about this bill? What did Anglicare say? What did the Salvation Army say? What did all the people who are doing the hard work, the charities who are doing good work looking after people addicted to drugs, say about this bill? What did they say about what the Health minister should be doing to support people who are addicted to drugs in regional communities in Tasmania? I bet they did not say, 'Yes, we really need this amendment to the Poisons Act'. I am quite confident they would not have said that because it will not have the effect that the minister likes to pretend it will.

Mr Greg Barns, barrister and member of the Australian Lawyers Alliance - who recently, I note, received an award for his outstanding contributions to free speech and democracy and defending the people who others least want to defend but he does that work fearlessly - said that, in his view, this bill would do nothing to reduce the supply and use of ice. Prohibition of the sale of pipes or possession of them simply sends them to the black market, as well as all the other black markets that this Government is responsible for creating and sustaining, the criminal syndicates that this Government is responsible for sustaining, through their failed approach to managing drug addiction. This will just add to the list of things that can go into the black market.

Good on you, Minister for Health, for adding something else to the list that criminal marketers will be able to peddle to people. Instead of people having some part of their life that might not be demonised, good on you for adding to the list of things that criminal syndicates can flog to people who are desperate. When was the recent policy that you provided to support people to move out of addiction? Where are those policies?

Gino Vumbaca from Harm Reduction Australia pointed to the serious concerns about the risk of the transmission of communicable diseases. If ice pipes become scarce, which is the purpose of this bill, that is what will happen; if you remove the legal supply of ice pipes, they will then not become available. That will not stop addicted people from seeking to smoke ice. Despite the fact

that might be what people would like, that will not stop them, so they have two other options available to them. They can either choose injection as the method of administration of ice or they can share somebody else's pipe. The evidence tells us that both of those methods will increase the risk of the transmission of infectious diseases.

The serious issues to do with addiction and injection go much further than the transmission of infectious diseases. Not only does it lead to the possibility of a much higher risk of a person overdosing from use of the drug, it leads to the possibility of other serious health effects such as the collapse of people's veins, but fundamentally, the perverse outcome is that it leads to much higher rates of addiction. A person may have tried ice by smoking it and decided they do not want to use it again, but if they try it for the first time by injecting, by golly, the risk of them becoming addicted to that drug becomes far higher.

The perverse outcome of banning the sale of ice pipes is that it will increase the rate of sharing of ice smoking pipes and increase the likelihood of people injecting and passing on diseases such as hepatitis C and HIV between communities of people, enhancing the level of misery not only of the individual people but putting at risk the community of people they live within. That is how communicable diseases work. They survive by moving between populations of people, so they will not stop with that person. That risk is then passed on to the whole community. Where one person in the community is infected with hepatitis C or HIV, the risks then flow out from that person to other people in that community.

What are we doing, Madam Deputy Speaker? Why are we having this conversation? It is 2019. I was working in Canberra in 1982 when the Family Planning Association was handing out needles and syringes and handing out condoms. We learned this stuff. We were the country that led the world in response to the AIDS epidemic. We were the country that got awards around the world 10 to 20 years later because we brought down the rates of HIV and hepatitis C faster and more effectively than any other country in the world. That was because the federal government took an immediate response to the HIV-AIDS crisis and recognised that in order to stop it, we had to not take a punitive approach to the use of illicit drugs - heroin at the time in particular - because it was transmitting HIV and hepatitis C through that injecting heroin-using community.

We had to put aside our moralising or our views about the best way to encourage people to support them out of illicit drug addiction or even to discourage them from starting in the first place. We recognise there is a diversity of views on that issue but it is the position of the Greens to continue to build on the great health policy we have had for over 37 years and it is so disappointing to hear both the Liberal and the Labor parties, because I think it was Neil Blewett at the time who brought that in. It is an incredibly respected and effective policy that is still in place.

In Tasmania, as in every other Australian state, we have needle and syringe exchanges. Where is this Government heading with its health policy? Is the next bill going to ban needle and syringe exchanges? It is the same issue. You have a tool, it could be a syringe, but it is an ice pipe, as it turns out. We could be banning the sale of syringes in chemists because they could be used to inject illicit drugs. Is that the next step?

Mr Shelton - What are you arguing? Are you arguing that ice pipes can be used to smoke tobacco or something?

Dr WOODRUFF - Is that the next step? What is going on here? Is this virtue signalling to certain sectors of the community that the Liberals are trying to sucker some extra votes from? Is this the Labor Party jumping on the band wagon?

Mr Shelton - What else can an ice pipe be used for?

Madam DEPUTY SPEAKER - Order.

Dr WOODRUFF - Is this all about telling the north-west you are solving the rates of ice addiction? Are you saying, 'Look at how good we are and let us demonise the Greens at the same time'? We do not care. We can cop it. We have had it for decades from the Labor and Liberal parties. The Exclusive Brethren attack the Greens, saying we are going to do lots of awful things to their children. It has not happened. We are still here. We are the party that listens to science. We are the party that listens to health policy, despite that the Liberal and Labor parties in federal government have brought in these policies. We will defend them for them because they have forgotten how to do it in Tasmania. The Labor Party and the Liberal Party have forgotten how to defend their forebears and the excellent harm reduction health policy that has been in place. We are not going to stop doing that.

Mr Vumbaca from Harm Reduction Australia has been the backbone of pill testing. His evidence shows it saves lives. Education is better than getting sniffer dogs to frighten children who swallow heaps of pills and then end up dying in tragic circumstances when they should be enjoying dancing at a music festival. The coroner in New South Wales is finding there are tragic avoidable deaths that we can do something about. We can do it in Tasmania.

Mr Vumbaca and others in the ACT have shown slowly and patiently through the evidence of a more enlightened government in the ACT that harm reduction works because it saves lives. Education reduces the level of illicit drugs that get taken. The more you give people real information instead of hiding it and making it seem a little revolutionary, the more people are likely to not want to put that stuff in their bodies. They choose to throw it in the bin, as we have seen when there is pill testing at festivals. They throw it in the bin because the information shows them that it is dangerous. It could kill them. That is what we could be doing in Tasmania. That is the sort of health policy that will help stop young people dying at festivals. Gino Vumbaca shared with us his concerns about this bill, pointing out that people are more likely to share pipes when they are smoking if they do not have their own ice pipes. That means they will be sharing saliva. If their lips are cracked, which is not uncommon after people are addicted to ice, then the possibility of blood being shared is real and it is a significant risk. If they have an infectious disease then there is the risk that will be transmitted. He says it is a bit like banning glasses and expecting people will stop drinking. People are going to use another means.

We did not hear that there was any support. The Alcohol, Tobacco and other Drugs Council provided information and made the point that they understand the motivation in wanting to curb the harm associated with ice addiction but that this is not the way to go about it. They do not agree that crystal methamphetamine is more potent, more dangerous and more addictive than other legal drugs. Minister, maybe you should have talked to them before you made that statement in your second reading speech. It is clearly not supported by the evidence. I am sure it makes a good headline. Dr Nicole Lee in 2015 said -

The dependence potential of any drug depends on a number of factors including the drug itself, who is using it and how it is used.

She said to be wary of language that may unintentionally create fear and the potential for negative consequences that can result.

Dr Jackie Hallam for the Alcohol, Tobacco and other Drugs Council of Tasmania said -

We also suspect that despite the proposed changes people will continue to use and access smoking devices in other ways.

They do not think it is going to have an effect. The other ways they refer to are the other ways I have already mentioned - sharing smoking pipes or injecting. They are the two other methods that the Australian Department of Health lists as possible uses of administration of crystal methamphetamines.

I return to the paper I mentioned the other day that the Leader of the Opposition, Ms White, indirectly referred to before. It is from the public health journal at BioMed Central and it details the declining rates of health problems that were associated with crack smoking during the expansion of crack pipe distribution in Vancouver, Canada. There were two prospective cohort studies of community recruited people who inject drugs in Vancouver. They looked at the impact of crack pipe distribution services on the rates of health problems associated with crack smoking in Vancouver. They undertook to expand crack pipe distribution services and found that this reduced health problems from smoking crack. It also reduced the transmission of infectious diseases.

We are not supporting that as a method in Tasmania. We merely note that it has been used successfully elsewhere. What that research study makes clear is that the availability of a safe smoking pipe is far safer for a person who is addicted to ice than is sharing a pipe with somebody else who has an infectious disease or is injecting the drug, which would be the two other options that they would be forced to take with this bill removing the sale of smoking pipes in Tasmania.

I understand that the Government is not interested in the evidence here. I understand that this is a moralistic position and I understand that it comes from a principle of feeling that people ought to just stop. I implore you, minister, to move past your kind of moralising on this issue and to understand that the reason that we have done so well in Australia by not having huge numbers of people who are infected with HIV, much larger numbers of people infected with hepatitis C, is because we took the approach that we did with harm reduction. It is the same issue as needle and syringe exchanges. It is the same issue and as distasteful as you might feel about the use of the drug ice or heroin, people who are addicted to those drugs are both far more likely to be able to recover with safe health if they have not been sharing somebody else's needle or they have not been sharing somebody else's crack pipes.

Surely we want people to recover from drug addiction. Is that not what we want? We want people to recover from drug addiction. When they recover we want them to be healthy, to not have an infectious disease, to not have severe damage that they have done to their body, or to their veins through injecting drugs. These are all things which are avoidable, should be avoidable, but they will not be avoided by banning the sale of ice pipes anywhere in Tasmania. We are very disappointed that the Labor Party is supporting this bill. It is really unpleasant to see that the member for Lyons who was once a great spokesperson on preventative health has now ditched that in a shameful attempt to avoid an uncomfortable headline and we have to be better than that.

The Greens will suffer whatever headlines you want to throw at us because we know that we have the weight of the last 35 years of Australian health policy behind us. It is a pretty comfortable

place to stand. It is not a radical thing we are proposing; just simply doing what harm reduction policy in Australia has shown is effective and what other countries are showing is effective. This is an even more retrograde step than you already have, given that all personal drug use of illicit drugs is criminalised in Tasmania.

So many other countries in the world are removing criminal penalties for personal illicit drug use and lo, they are finding amazing public safety outcomes, amazing public health outcomes, amazing community development outcomes as a result of that legal change.

Portugal is a country which is so often looked at because before the global financial crisis it made that very brave decision to decriminalise all illicit drugs for personal drug use and to put the money into policing the trafficking of drugs and to pushing down on criminal syndicates. It seems that the Liberals are less concerned with pushing down on criminal syndicates and creating black markets than they are on demonising individuals who are struggling with addiction.

Portugal persisted with their policy, through the global financial crisis in a very difficult time, when every other country was ditching a lot of health policies, any sort of community development. Money was tight. Portugal persisted with their policy and what they have found, and proved, is that a decade on from that they have lower rates of crime in their community, lower rates of theft, lower rates of serious assault, and lower rates of illicit drug use. That is what happens when people have the space. When they are not being attacked and demonised, they can deal with their addiction. Portugal put the money they saved into therapeutic drug programs and people there recovered from drug addiction.

The evidence is there. The United States is doing it in many states. They have decriminalised marijuana for personal drug use in many states. We can take this position in Tasmania if we look at illicit drug use through a health lens. We will then get these fantastic outcomes in our community too.

We will keep talking about this because more people are coming behind us and coming to understand. Ex-barristers, ex-police commissioners are all standing with the Greens. Health bodies around Australia are united on calling for governments to decriminalise drugs for personal use and to understand that that is going to be the best thing for the regional communities in Tasmania, as it is for the rest of Australia.

[12.46 p.m.]

Mr ROCKLIFF (Braddon - Minister for Mental Health and Wellbeing) - Madam Deputy speaker, I support the Minister for Health and the bill before us today. I have been very interested in the discussion that has taken place. As part of my role as the Minister for Mental Health and Wellbeing, it is good for me to be reacquainted with the alcohol and drug sector, as I was familiar with it a number of years ago in the mid to late 1990s, as I recall, as a member of the Board of Youth and Family Focus, which is now Youth and Family Community Connections. The Burnie Community Connections combined with Youth and Family Focus, based in Devonport, to create one organisation. I was president of that Youth and Family Focus for a couple of years.

I recall some discussion in the community back then about needle availability programs. At the time we had our needle availability site which we moved into a particular place in Devonport and that caused some concern amongst local businesses and residents. I was defending that position of our organisation. It was the right decision to make and it was great to be reacquainted with Youth and Family and Community Connections just recently at the Alcohol, Tobacco and other Drugs

Council Tasmania in Evandale. As Minister for Mental Health and Wellbeing, I made the point there about the great work that many organisations do right across Tasmania when it comes to helping fight addiction, and supporting people to live a healthy life.

It is unfortunate, but probably no great surprise, and it is a challenge we have that the prevalence of alcohol, tobacco and other drug problems are higher on average in Tasmania compared to the rest of Australia. Nationally, the estimate of burden of disease arising from ATOD use is around 16 per cent, and it is probably around 20 per cent in this state.

It will also be of no surprise that legal drug issues - that is alcohol and tobacco - are of prime concern in Tasmania. Under the Tasmanian Health Service, alcohol and drug services are managed statewide, with services located in Hobart, Launceston and Ulverstone. I commend the non-government sector for the work they do. Also, I commend those within the Government sector for the great work they do when it comes to supporting people through their addiction and providing every opportunity to remove themselves from addiction and live healthy and productive lives.

In my time as Minister for Mental Health and Wellbeing I have had the opportunity to meet and listen to a number of people and community organisations across Tasmania, working in the alcohol and drug services around our state, as well as some clients who have provided me with their personal insights of the sector and their personal reflections on their addiction. This includes not only the Department of Health and the THS alcohol and drug service staff but also community organisations with whom I have met, such as City Mission, the team at Missiondale at Evandale and the Salvation Army's Bridge Program team at Ulverstone. I really enjoyed that visit. They were part of a statewide program to raise awareness when it comes to alcohol, tobacco and other drugs in terms of the crane program, the paper cranes that were made there. You made a crane in Ulverstone and it was part of 4000 produced across Tasmania with the aim of highlighting the very real issues and awareness that is needed in this area.

I have also met with a number of the team and spoken at the sector's peak representative body, the Alcohol, Tobacco and Other Drugs Council at their AGM in September. I have had a few meetings with Alison Lai and commend her passion in this area. I have had a great deal of insight and gathered a lot of information when it comes to the issues that confront us as individuals, as a community and families and what ways we can reduce the prevalence and impact that we feel and see daily in terms of individuals, families, friends and communities more broadly. I am very appreciative of that and am keen to meet more of those in the sector and will continue to do so.

All of these visits and meetings have given me a greater appreciation of sometimes what is very difficult work for the alcohol and drug service staff in what they do on a daily basis, providing care, hope and growing resilience, and I commend them for that as very compassionate and caring individuals to those who seek help. I value the services and contributions of the sector and I am sure everyone in this House does.

We acknowledge the sector as crucial in managing and supporting people who use alcohol or drugs and supporting their families as well. We recognise this and have provided more funding through recent budgets. This increased investment will go a long way to helping these vulnerable Tasmanians. Last November our Government announced a new beds across the state for alcohol and drug rehabilitation. We provided an extra \$6 million over three years as part of our re-election plan and this is providing a total of 31 more community-based alcohol and drug rehabilitation beds.

City Mission and the Salvation Army, two great organisations, successfully tendered to provide this mix of short and longer-stay residential rehabilitation, after-care, ambulatory and non-medical withdrawal management services around the state, and this was in addition to the Salvation Army's terrific 12-bed residential rehabilitation service in Ulverstone that opened in 2015 and the existing 12 beds provided by them at the Bridge centre in the south.

We also have additional funding of \$100 000 over two years to trial a 24-hour, seven day a week, 10-bed residential rehabilitation program for women. This is run by Pathways Tasmania. The Velocity Transformations women's program is modelled on the men's as it already operates. This funding is on top of the recurrent annual funding from the Government of \$91 000 for the Velocity Transformations men's programs to support a 12-bed residential facility for men aged over 18. This will take the total number of alcohol and drug residential rehabilitation beds across the state to more than 100.

Of course the sector is more than just about beds. There are other services and programs funded that are run through a broad range of community service organisations, and these are not only focused on helping those who require treatment but also to provide education programs at local community level. These include Holyoake Tasmania's Restore counselling and education service, illicit drug diversion programs, the Link, our youth health services, youth alcohol and drug treatment program, and the Alcohol and Drug Foundation's Good Sports and Healthy Minds program.

There are a number of reports produced regularly that gauge alcohol and drug use by the state, and nationally these figures can be surprising but can provide state and national governments with information required to help guide policy and legislation to address matters of concern. Of note, the National Wastewater Drug Monitoring Program report was recently released. This is produced by the Australian Criminal Intelligence Commission and is intended to be used to inform on criminal activity of licit and illicit drug consumption, particularly methylamphetamine or ice. In terms of licit drugs, the report shows that alcohol and nicotine remain the highest consumed substances in Australia, including Tasmania.

In relation to illicit drugs, ice continues to be the most consumed illicit drug tested in Australia, I am informed, and while the rates in Tasmania have historically been low, there has been a steady increase in both capital city and regional consumption since the April 2018 report. The regional consumption remains below the national average, with approximately 38 doses per 1000 people per day, but the capital city site measure has gone above this for the first time in the National Waste Water Drug Monitoring Program's history with a rate of approximately 40 doses, so we have work to do.

Similar trends are occurring in other states, such as Victoria, Queensland, the Australian Capital Territory and New South Wales, and this is concerning but also a very good reason to do all we can to reduce the prevalence of ice and we must do everything possible, including harm minimisation and measures such as this legislation as well.

Madam Deputy Speaker, in an ideal world, we want to keep people well and thriving in their communities, and prevent individuals from needing intensive programs. Comorbidity is not uncommon amongst clients using the services in this sector and that is why other services provided by the sector are vital, whether they be education-focused, supporting people before or after residential rehabilitation, or working with our young people or families. This is all important, but there is a body of work that is being done right now as part of the recommendations of the Mental

Health Southern Integration Task Force report. Part of that recommendation was looking at the review of Child and Adolescent Mental Health Services. Alongside that is the reform agenda for the alcohol and drug sector in Tasmania, and this is being developed to ensure all Tasmanians affected by alcohol, tobacco and other drugs have timely access to a seamless and integrated service system similar to what we have been aiming to do to better meet the mental health needs in our community through the Mental Health Southern Integration Task Force.

I am advised that the Department of Health will have the final draft provided to me in the very near future and I respect that these discussions can be confronting for some, but it is really important that we do all we can, and I look forward to that very important body of work and a future discussion when it comes to improving alcohol, tobacco and other drugs services across Tasmania, so we can support Tasmanians in need, Tasmanians with addictive behaviours who are addicted to such substances, so they can live healthy and very productive lives within our community.

[12.59 p.m.]

Mr SHELTON (Lyons - Minister for Police, Fire and Emergency Management) - Madam Deputy Speaker, I rise this afternoon to make my contribution to the bill.

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

POISONS AMENDMENT BILL 2019 (No. 45)

Second Reading

[2.30 p.m.]

Mr SHELTON (Lyons - Minister for Police, Fire and Emergency Management) - Madam Deputy Speaker, I will start again.

The reality is that possessing and taking illicit drugs is illegal and so it shall remain under this Government. While cannabis remains the most commonly used illicit drug in Tasmania, ice is of great concern. It is more potent, more dangerous and more addictive than any other illegal drug. We might go through that again and there may be some people who might say this one is that, but from a general perspective ice is of very much greater concern: more potent, more dangerous and more addictive than any other illicit drug.

Dr Woodruff - No, Mr Shelton. You did not listen to the Alcohol, Tobacco and other Drugs Council. They dispute that. Please be truthful when you speak in this place.

Madam SPEAKER - Order.

Mr SHELTON - There are some statements and the reality is that it is a very dangerous drug. It is a very addictive drug and it is dangerous to the users.

The Hodgman Liberal Government has set a target for Tasmania to have the lowest use of ice of any state by 2022. This is why we are committed to strengthening Tasmania's response to the problems posed by all drugs in our society with a particular focus on ice. We know that the current law sends a mixed message where the drug is illegal but the paraphernalia to use and consume it is available for purchase in some retailers with no specific powers to prevent it.

The bill delivers on an important election commitment by this Government to tackle the serious and insidious impact that illicit drugs have on our community.

I will now talk about the fantastic work that Tasmania Police does in partnership with other law enforcement jurisdictions and agencies to disrupt, investigate and prosecute persons involved in the manufacture, supply and distribution of illicit drugs. Over the last five years, Tasmania Police has recorded an increase in the number of serious drugs offenders charged with offences relating to ice. This year, Tasmania Police conducted some significant operations to help cut and disrupt the supply and distribution of illicit drugs and make Tasmania a safer place.

Operation Monet was a significant and complex investigation that involved the Southern District Drug Investigation Services and the Serious Organised Crime Division. Tasmania Police targeted a criminal syndicate responsible for the importation and distribution of illicit drugs into Tasmania. The collaborative investigation, supported by other law enforcement jurisdictions and agencies, resulted in the seizure of more than \$2.7 million worth of illicit drugs and 31 arrests were made including a number of offenders extradited from New South Wales. More than 40 search warrants were executed and cash, firearms and trafficable quantities of ice, MDMA and cocaine were seized. Criminal associations and relationships were critically impacted as a result of these investigations.

The correlation between drugs, firearms and crime provides the foundation for Operation Gold in Tasmania Police Southern District. The operation focused on a local criminal syndicate responsible for the distribution of illicit drugs, firearms, trafficking and offences involving violence and crime property. Seven individuals were charged with trafficking in a controlled substance and a number of additional charges were laid, including firearms trafficking. Activities of well-established criminal syndicates were disrupted, with firearms, illicit substances and cash being seized.

The Tasmania Police Western District ran Operation Silver which concentrated on the activities of members and associates of the Bandidos outlaw motorcycle gang who were involved in committing numerous crimes including the distribution of illicit drugs, assault, stealing and firearms offences. Illicit drugs, property, firearms and cash were seized by police. Twenty-six people were charged with a range of offences, significantly disrupting the outlaw motorcycle gang's activities in the area.

The Tasmania Police Northern District conducted Operation Alert to target the drug network including importation, dealing and criminal networks of one main offender. Police searches located significant quantities of illicit drugs and stolen property including firearms, motor vehicles, motorcycles, boats and trailers. This investigation resulted in several people being charged with indictable offences and identified other distributors with the drug networks and linkages to outlaw motorcycle gangs.

In 2018-19, Tasmania Police recorded 351 serious drug offenders. Of these serious drug offenders, 37 per cent had ice or a derivative. Tasmania Police also recorded 2612 non-serious drug offenders.

The Tasmania Police has a statewide drug detection with dogs located in each district command. This enables drug detections to regularly occur on the *Spirit of Tasmania* arrivals, which is an identified gateway to importation of illicit drugs to Tasmania. Tasmanian mail, air and sea gateways are acknowledged as exploited for the importation of illicit drugs into the state.

Availability of resources, relevant intelligence and the volume of mail and cargo transiting Tasmanian borders, provide challenges to the ongoing successful disruption to the supply of illicit drugs via these gateways.

We know the significant harm and cost that misuse of drugs and abuse of illicit drugs has on individuals, their families and the broader Tasmanian community. Dr Woodruff and the Greens must now try to explain why they would never endorse the sale of paraphernalia linked to the insidious drugs that are causing significant damage in our communities, especially in our regions.

Dr Woodruff - I spoke for 30 minutes. I hope I made the point. Maybe you need to listen harder.

Madam SPEAKER - Order, Dr Woodruff.

Dr Woodruff - I repeated myself quite a few times.

Madam SPEAKER - Order, Dr Woodruff.

Mr SHELTON - It is appalling that the Greens would stoop so low as to criticise our plan to ban the display and sale of ice pipes. Nothing Dr Woodruff has stated shows how providing taxpayer funded drug paraphernalia, which is currently illegal to possess in Tasmania under existing drug-related offences, would result in harm minimisation or better health outcomes. No Australian jurisdiction makes ice pipes available to users, with the 2014 Victorian parliamentary inquiry finding that there was not yet sufficient evidence to demonstrate the efficacy of this approach.

Dr Woodruff has tried to conflate the two issues: the preventative action that we need to take to make sure that our kids and grandkids are exposed to less drugs on the street and less drugs being imported into Tasmania, with the health issues of those people already addicted to drugs. We want to make sure Tasmanians have a relatively safe place for children to grow up in and not be exposed to as many drugs as they would be if they were more available, and if the police were not able to do the work that they do.

Dr Woodruff - You are wasting their time by making them chase people, search people and punish people who have personal levels of drug use. What a waste of police resources. It should go into criminal syndicates and trafficking.

Mr SHELTON - Dr Woodruff, what I have been talking about is the disruption of the criminal gangs that are profiting from the drugs that target our children. We have to break that import and distribution model.

Dr Woodruff - That is right. Focus on them for a change. Yes, agreed. Get on with it and stop chasing people who use personal levels of cannabis.

Madam SPEAKER - Order, Dr Woodruff.

Dr Woodruff - It is crazy.

Madam SPEAKER - Dr Woodruff, you are entitled to your opinion, but you have to argue it at the appropriate time and you have had your turn.

Mr SHELTON - When illicit drugs are illegal and you allow retail outlets to sell an ice pipe it sends a conflicting message to the community, to our youth. That is why we need this legislation.

Dr Woodruff - Are you going to withdraw syringes from chemists?

Mr SHELTON - This serves to demonstrate how dangerous the Greens can be to Tasmanians' health, safety and the Tasmanian way of life. The Hodgman Liberal Government has a strong commitment to -

Dr Woodruff - Stop selling rollie papers then.

Madam SPEAKER - Dr Woodruff, one more outburst and I will have to ask you to leave.

Mr SHELTON - strengthen Tasmania's response to the problem posed by illicit drugs in our society, in particular when it comes to ice. This bill will fix the contradiction and will restrict the access to this method by banning the sale of ice pipes through retail and wholesale stores and outlets. Every Tasmanian deserves to live in a safe environment free from the impacts of crime. We make no apologies for taking strong and decisive action to protect our communities from the shocking damage posed by all illicit drugs in our society.

I am aware of a property inhabited by a young mum and a couple of kids. She was renting this property and was visited by people who were using ice. What they tell me is, if a rental property has no light globes in it, it is an indication ice has been used in that property. When this drug is used within a property it is absorbed by timber surfaces. You cannot just wash the walls and get rid of the contamination of the drug. All the floor coverings and the timber that was exposed to ice had to be removed from this property before it could be rented out again. And there were also little kids running around inside that property.

Ms O'Connor - Is this by a private company that makes a lot of money out of scaring people about contaminants in their home?

Mr SHELTON - I am only stating the fact.

Ms O'Connor - I am just checking.

Madam SPEAKER - Through the Chair, please.

Mr SHELTON - This is happening in the community at the moment for people using ice within a confined space, within a house: the light fittings absorb it.

Dr Woodruff - Is this third-hand information?

Ms O'Connor - Properties are making huge amounts of money out of this.

Madam SPEAKER - Through the Chair, please.

Dr Woodruff - Is this independently verified?

Mr SHELTON - It is independently tested. There are people out there testing.

Dr Woodruff - By independent business people making money from it. It would be interesting to see more detail.

Madam SPEAKER - Order, Dr Woodruff.

Mr SHELTON - The residue stays around. We go crook about young mums smoking with kids in cars.

Dr Woodruff - It is a scary thought - young mums.

Mr SHELTON - I should say young women who are smoking while they are pregnant. Both parents smoking around their children is a detriment to them. In our society these drugs are a curse. You cannot totally isolate yourself from them and we need to make sure that our police force and society are doing all they can to protect our young people and make these drugs less available. We need to do all we can to protect our young people as they grow up and explore life. This bill goes a little way down that track.

I compliment our amazing police force on what they do every day. There is no doubt that individuals on ice can end up in hospital and when they are high you simply do not know what is going to happen. There is no logic around it. Our police put themselves in that place every day, protecting our society, protecting our children. I thank them for all they do.

[2.47 p.m.]

Mrs RYLAH (Braddon) - Madam Speaker, I support the bill. We know the use of drugs, illicit alcohol, tobacco, illicit drugs and pharmaceuticals cause significant harm to individuals, families and the community. The health harms include increased risk of injury and deaths, cancers, cardiovascular diseases, liver cirrhosis, mental health problems and shortened life expectancy.

It also includes economic harms such as health, hospital, law enforcement and justice costs, decreased productivity, associated criminal activity, reinforcement of marginalisation and disadvantage, domestic and family violence, and child protection issues. Alcohol and other drugs are also associated with social and health determinants such as discrimination, unemployment, homelessness, poverty and family violence and breakdown. It is for these reasons the Hodgman majority Liberal Government is committed to reducing the supply, demand and harms associated with ice.

The new legislation will introduce the power for health inspectors and Tasmania Police to issue on-the-spot fines to any retailer or wholesaler found to be selling or displaying the devices. The changes will also provide enforcement powers related to seizure and destruction of devices found by police or inspectors. This bill delivers on the election commitment to strengthen Tasmania's response to the serious problems that are posed by the use of illicit substances, in particular ice. We are listening to the concerns of communities. We make no apologies for wanting to address and eradicate the serious scourge affecting our community, not normalise it, which is why we have a target to have the lowest use of crystal methamphetamine of any state by 2022. Latest available illicit drug data shows Tasmania has the second-highest usage of ice of all states, which leads not just to increased crime but also increased pressure on other services including our health services and emergency departments.

The Government does not support decriminalisation of illicit drugs and has stated we will take a holistic approach to reducing the use of ice, including focusing on the supply chain and drug

traffickers while providing health support and rehabilitation for users. That is why we are taking clear action to better align our laws regarding illicit drugs and reinforcement and sending a very strong message to Tasmanians that the use of drugs is illegal, highly addictive and dangerous to health, and to further discourage its use.

All Tasmanians deserve to live in safety and free from the harm of drugs and this bill is another important step towards delivering our commitment to protect our community and the Tasmanian way of life. The latest data shows that Tasmania is not immune to the impacts of crystal methamphetamine use. The three-yearly National Drug Strategy Household Survey which tracks the self-reported use of alcohol and other illicit drug usage demonstrates that the patterns of use in Tasmania are similar to what is being experienced across the nation, with all jurisdictions reporting an increase in the use of ice. It shows that ice use is the second most prevalent illicit drug used in Tasmania, at around 5 per cent, following cannabis at over 12 per cent. The survey shows that nationally 6.3 per cent or 1.3 million Australians over the age of 14 have used methamphetamine in their lifetime.

Data from the 2018 Illicit Drug Reporting System indicates that around four in five Tasmanian participants reported using methamphetamine, including ice, in the last six months, with one-third of respondents saying ice was their drug of choice. The prevalence is also recorded to be higher in regional areas, with the recent 2018 data from the National Wastewater Drug Monitoring Program finding that average consumption of methamphetamine in Tasmanian regional areas was higher than in the capital city and metropolitan areas.

However, it is not just ice that is of concern in Tasmania. The Australian Criminal Intelligence Commission has recently released a national wastewater drug monitoring program report based on testing at 52 sites around the country. Seven sites in Tasmania were subjected to testing on 13 different substances. The data found oxycodone and fentanyl consumption has risen notably in Tasmania, particularly in regional areas. Both these drugs can be smoked through the use of pipes as well as ingested, injected or snorted.

In 2014 Smithton was highlighted in national media as a hotspot for crystal methamphetamine or ice addiction. Two years later, a group of young people all under the age of 19 produced a documentary, *Two Trains*, to be used in schools as an educational tool. This powerful documentary featured local stories about drug addiction and recovery. On the night of the launch of the film in Smithton more than 120 people came to watch the show, many of whom shared stories of ice use affecting their personal lives in a discussion after the film. One person stated that he witnessed firsthand the spread of the drug through his social network in north-west Tasmania. He stated:

I was probably the generation that ice hit just coming out of college, early adulthood. A lot of my mates went down with it. I think the means of administration, the fact you can smoke it as opposed to inject it through a needle, broke down barriers of fear and it got through the stigma and people just started using it.

Dr Woodruff - So why are you introducing a policy that's going to increase injection, Mrs Rylah?

Mrs RYLAH - Nationally, addiction to ice has fuelled -

Dr Woodruff - Why? Your very own argument. That is the reason why not to do this.

Madam SPEAKER - Dr Woodruff, this is your final warning.

Mrs RYLAH - Nationally, addiction to ice has fuelled the spread of bikie gangs and international crime syndicates. Ice is the strongest form of methamphetamine and is most commonly injected or smoked by users. Smoking or snorting ice carries a risk of contracting a bloodborne virus via blood-to-blood contact, from cracked lips or nasal bleeding, and is more addictive than most other forms of drug use. Ice addiction can come at a cost to a person's mental and physical health, general self-care routines, cause financial hardship, social isolation, agitation, mood swings and psychosis. Long-term use can cause anxiety and depression and damage to the central nervous system. Ice use also lowers inhibitions and increases sexual desire. Repeated and frequent use of ice can cause significant, irreversible neurobiological effects. Ice psychosis is characterised by paranoid delusions, hallucinations and bizarre, aggressive and violent behaviours, and we are all aware of those.

The sheer multiplicity of the drug's harm derived from pipe use for ice include increased excessive violence and homicide, increase in HIV linked with high-risk sexual behaviour, severe decrease in oral health and pulmonary complications. It disproportionately negatively affects minority groups, including those suffering with mental ill health, the indigenous, young, uneducated and poor.

Madam Speaker, there is no safe level of drug use. The Greens' criticism of our plan to ban the sale of ice pipes in Tasmania will go down as one of the all-time shockers. Their claims that banning the sale of ice pipes is a bad decision shows how dangerous the Greens can be to protecting Tasmania's health, safety and the Tasmanian way of life. The Greens have forgotten illicit drug-taking of any sort is illegal. It is ludicrous to be saying to our young people that taking ice is illegal and dangerous but we are going to defend the sale of ice pipes so you can continue to smoke it.

Ms O'Connor - It is ludicrous to tell them just to say 'no'.

Madam SPEAKER - Order, Ms O'Connor.

Mrs RYLAH - That further inculcates in the minds of young people that if you smoke ice and do not inject it, all will be well.

The Hodgman Liberal Government recognises the significant impact that this insidious drug has on local communities, which is why the ban on the sale of ice pipes is just another action in the number of other initiatives towards harm minimisation and rehabilitation and support. Over \$20 million is provided for drug and alcohol support each year, including acute services, community-based support and residential rehabilitation beds.

In 2018 we delivered \$6 million over three years for 31 additional residential rehabilitation beds across all regions, which represents the biggest increase in drug and alcohol treatment this state has ever funded, and will take the total number of community-based residential rehabilitation beds to more than 100. This is in addition to funding of over \$1 million for community service providers, including \$870 000 over two years to the Australian Drug Foundation's Good Sports and Healthy Minds Program; \$100 000 a year for two years to Pathways Tasmania to include a residential rehabilitation program specifically for women; and \$50 000 for two years to Holyoake's Gottawanna Program.

The Bridge program in Ulverstone currently operates a residential facility in which 12 beds are offered, with an additional three beds for transitional care. The centre provides holistic rehabilitation, including the maintenance of a community garden, men's shed and gymnasium. It is a fantastic centre and very well worthwhile a visit. At Sulphur Creek there is Serenity House, which is a sobering-up and place of safety facility. This program offers time-out communal living under the support and supervision of trained staff. The centre provides rehabilitation, a non-medical sobering unit and alternative support for anyone found by police affected by the consumption of alcohol, drugs or a combination of both, and likely to cause harm to themselves or others.

The Hodgman Liberal Government has been committed to meeting this key area of need and providing more services for Tasmanians battling alcohol and drug addiction. We are not alone in our efforts. Our efforts to reduce the prevalence of ice use and resulting harm to the Tasmanian community supports the important work being undertaken at the national level through the National Ice Action Strategy and the National Drug Strategy. The National Ice Action Strategy was developed by the Commonwealth with the states and territories and was endorsed by COAG in 2015. The Ice Action Strategy forms part of the overarching National Drug Strategy, which is now in its seventh iteration since being developed in 1985. Australia's National Drug Strategy provides the national framework to identify national priorities and guide government action in partnership with service providers and the community which is underpinned by a harm minimisation objective.

As part of the strategy announcements, the federal government also committed to providing almost \$300 million over four years to improve the treatment, after care, education, prevention, support and community engagement to tackle the use of ice. This funding included \$24.9 million to provide resources, information and support to help families and communities; \$241.5 million for the delivery of further treatment services to be commissioned through the primary health networks at the regional level; \$13 million to introduce new Medicare benefits scheme addiction medicine specialists' items; and \$18.8 million to enhance the evidence base, including new guidelines and improving the quality of data and research.

Additional activity to be undertaken through the National Ice Action Strategy includes \$15 million into a national drugs campaign and \$15 million to enhance existing law enforcement efforts to disrupt the supply of ice. State and territory actions provide local support for these actions through the development of alcohol and other drugs strategies, plans and inquiries including those specifically targeting the supply, demand and impact of methamphetamine and/or crystal methamphetamine use.

Tasmania received \$5 million under the National Ice Action Strategy commissioned through Primary Health Tasmania. This includes funding to Anglicare; Youth, Family & Community Connections, that have already been mentioned today, and the South East Tasmanian Aboriginal Corporation to provide screening, brief intervention, counselling, case management and after care services. Also, to the South East Tasmanian Aboriginal Corporation to provide family support, workforce education and training to enhance safe and appropriate care for Aboriginal and Torres Strait islanders peoples.

I will now address Dr Woodruff's farcical claims. Tasmanian ice users already have the option of injecting through Government-funded needle and syringe program outlets in the north-west, the south and in the north, particularly on the north-west in Burnie and in Devonport. The data from the Illicit Drug Reporting System, IDRS 2018, shows a rise in recent use - in the last six months - of crystal methamphetamine among people who inject drugs, from 39 per cent in 2010 to 75 per cent in 2018.

Dr Woodruff - That is right. It is very addictive when you inject.

Mrs RYLAH - This rise has occurred when needle and syringe programs are in place nationwide.

Member Suspended
Member for Franklin - Dr Woodruff

Dr Woodruff - That is why you do not want to make it worse.

Madam SPEAKER - Dr Woodruff, I have to ask you to leave the House. I know it is disappointing because you have a very strong opinion on this subject but I have repeatedly asked that you not interject.

Dr Woodruff - Madam Speaker, the member should be honest when she is speaking. She is being very dishonest.

Ms O'Connor - How long for, Madam Speaker?

Madam SPEAKER - How about you come in at the end of this debate. Does that allow her to vote?

Ms O'Connor - It is Dr Woodruff's bill.

Madam SPEAKER - You can still come in to vote and it is your bill, yes, but you have had loads of warnings. I have tried really hard to keep you here so please do not reflect on the Speaker.

Dr Woodruff withdrew.

Mrs RYLAH - Added to this, the banning of pipes does not directly translate to a rise in the use of syringes, as smoking ice represents only one possibility for consumption. Ice is a crystalline form of methamphetamine hydrochloride, producing a smokable form, but its original powdered form can be snorted, ingested or injected, that is, not smoked. The evidence suggests a hit from smoking ice results in an immediate high, compared to a high from injecting ice which takes 15 to 30 seconds to occur. All of us who understand conditioning, know that the more immediate the reward, the faster the change in behaviour, i.e. the potential addiction.

Smoking ice is particularly insidious on this ground alone. Likewise, neither will banning ice pipes necessarily increase drug-related risks, including death, as this does occur through ingestion, inhalation or injecting. The 2016 National Drug Strategy Household Survey reported the number of individuals smoking ice has increased from 19 per cent to 42 per cent of all ice users. Smoking ice is increasing dramatically. Among those who use methamphetamine, ice is becoming a more popular form of drug.

Multiple data sources also indicate harm related to ice use is increasing in Australia. This data should encourage policy that continues to encourage decreasing levels of meth demand and not fund the means to make its use more attractive and accessible.

Dr Woodruff's desperate attempt to conflate the banning of ice pipes with decreasing drug treatment is either ignorant or a deliberate misrepresentation. Allowing greater access to illicit ice paraphernalia does nothing to treat the cause of ice addiction. Her contention is a total conflation of the facts.

Neither does Dr Woodruff's taxpayer-funded ice pipes address the broader harms that go beyond personal immediate harms and include the fragmentation and distress caused to families and communities. This distortion is achieved because the increase of taxpayer-funded ice pipes only focus attention on reducing harms within a very narrow defined range, limited to drug overdose and disease transmission from smoking ice.

I note the report Dr Woodruff cites for successful government programs supplying ice pipes in Vancouver, Canada, has the largest open drug scene and that is part of the process of drug normalisation. The Greens' drug harm-focused reduction as a policy priority does nothing to decrease drug addiction but would exponentially add to an expanding list of their proposed government services and products to assist drug users to stay on drugs, not exit use of them.

Ms O'Connor - Have you been to Portugal or any country that has a proper drug policy?

Mrs RYLAH - This raises the real point behind Dr Woodruff's claims as all of these attempts form a series of steady steps to gradually but surely lead toward drug use normalisation and the ensuring decriminalisation and legislation sought by pro-drug advocates. Dr Woodruff and the Greens -

Ms O'CONNOR - Point of order, Madam Speaker. Mrs Rylah has misled the House. It is not pro-drug advocates who are pushing for an evidence-based policy; it is health advocates who look at the evidence. You should tell the truth in this place, through you, Madam Speaker.

Madam SPEAKER - Thank you. That is not a point of order.

Ms O'Connor - Mrs Rylah did mislead.

Mrs RYLAH - Dr Woodruff and the Greens must now explain to Tasmanians why they could even think of endorsing the sale of paraphernalia linked to this insidious drug that is causing so much damage within our communities.

The Hodgman Liberal Government has a strong commitment to protect our communities, particularly our young people, by strengthening Tasmania's response to the multiple problems posed by illicit drugs in our society and particularly ice. The Government does not support decriminalisation of illicit drugs and has stated we will take a holistic approach to reducing the use of ice, including focusing on the supply chain and drug traffickers while providing health support and rehabilitation for users.

I commend the minister for bringing forward this important legislation today and I support this bill.

[3.10 p.m.]

Ms COURTNEY (Bass - Minister for Health) - Madam Speaker, I thank all members for their contributions to the bill. Mrs Rylah, I thought yours was a very good contribution, so I appreciate that.

Ms White in her contribution touched on a number of issues and I will try to address and work through those. Ms White discussed the Victorian inquiry findings, so I will go through those. The 2014 *Inquiry into the Supply and Use of Methamphetamines, particularly 'Ice', in Victoria*, was a broad investigation into the harms associated with the drug and the impact it is having on individuals, families and communities. As a result of the work, the Parliamentary Law Reform Drugs and Crime Prevention Committee made 54 recommendations to the Victorian parliament which resulted in the development of the state's Ice Action Plan.

The comprehensive evidence-based findings related to a number of key areas, including a focus on education, prevention and early intervention through support for programs, initiatives and resources that promote resilience and reduce risk for young people; reducing the supply, manufacture and distribution of ice by enhancing Victoria's drug laws through ongoing collaboration with other jurisdictions; reducing the impact of ice on individuals, families and communities through support for early intervention and drug treatment services; working together for better outcomes by facilitating local community action; and strengthening the evidence base by supporting the effective use of data, identifying and progressing research priorities and ongoing monitoring and evaluation of policies and programs.

However, as articulated in the committee's final report, harm reduction is a concept that attracts a great deal of misunderstanding and even hostility, particularly in an area as contentious as approaches to minimise the harms associated with crystal methamphetamine. This stems from the fact that harm reduction would appear to mean different things to different people. A key finding by the committee was that there is a great need in any harm-minimisation framework to balance appropriately targeted public education that outlines the motives, rationales and processes of harm minimisation with the necessity to address any inadvertent normalisation of drug use that tolerant harm-reduction actions might result in. Despite some stakeholders suggesting that the Victorian ban on the sale of ice pipes should be reversed, the committee did not agree with these representations as there was insufficient evidence to support those positions.

I hope that provides the background for the member. There were some other aspects that she also referred to in terms of things the Government is doing. Quite a few were outlined in a lot of detail by the minister, Mr Rockliff, and I will go through a few of those in summary but considering his portfolio responsibility he gave quite an extensive summary, so I will not repeat those into *Hansard*.

I back up Ms White's comments with regard to Dr Woodruff's position regarding ice pipes. From 17 October, *Hansard* has Dr Woodruff saying:

A program in Vancouver, Canada, for example, distributes crack pipes in a similar fashion to our needle and syringe exchange program. That has resulted in a significant decline in health problems associated with smoking crack.

How can you justify this decision as Minister for Health? Will you back down from tabling that bill and instead commit to rolling out a health program similar to the one that is working to save lives ...?

I concur with you about Dr Woodruff's comments.

Ms O'Connor - It's so sweet the way you two can agree with each other on regressive social policy, isn't it? Like pill testing, for example?

Madam SPEAKER - Order, Ms O'Connor.

Ms White - She claimed she'd never said it, Cassy - that's the point.

Ms COURTNEY - That is what we were coming to. Dr Woodruff claimed through several interjections to Ms White's contribution that she had not said it. At the time I did not have the *Hansard* available to me, but I have since found it.

Ms O'Connor - But you're both agreeing on it not being good policy?

Ms White - We can agree that she misled the House.

Madam SPEAKER - Order.

Ms COURTNEY - I want to put on the record that it was said and that was their stated position. We can go into - and I am sure we have already - why I disagree with Dr Woodruff's position but I wanted to clarify that it was said by Dr Woodruff. I am disturbed by Dr Woodruff's position with regard to the impact it can have on communities and the messages it sends, particularly to young people. I want to make that very clear.

In Dr Woodruff's wide-ranging contribution, it was disappointing that on a bill such as this which is targeted, she conflated it with a whole lot of other aspects of harm minimisation policy and around fear in the community. I thought that was unfortunate. It was also asserted by Dr Woodruff that the Government had rejected harm minimisation through our tough-on-crime approach. In response to that I want to make it clear and put it on the record that the Department of Health, as well as police, have established evidence-based harm minimisation measures and these will continue in parallel with the bill, which is limited to banning the retail supply of ice pipes. That is, the bill does not impact on health measures such as health education and diversion of ice users to health services. Possession of drug paraphernalia being devices intended for administration of controlled drugs is already illegal in Tasmania. The bill's focus is to provide an effective enforcement regime for ice pipes in retail or wholesale settings that would affect only a handful of retailers or wholesalers rather than drug users, so we are targeting the retailers themselves.

The current Tasmanian Government's harm minimisation approach will continue to encourage diversion of users. There is good evidence for harm minimisation through needle and syringe programs, as was outlined by Mrs Rylah, for people who use injecting drugs, which is one of the Government's approaches. There is not yet convincing evidence that bans on retail supply of ice pipes lead to health impacts and most Australian jurisdictions have favoured the benefits of clear retail bans. In addition, in drafting the bill the department did make inquiries of all Australian jurisdictions that had banned ice pipes about the adverse implications and no concerns were raised about the retail bans. Some of the important aspects around this issue are that ice is unfortunately already both commonly injected or smoked, depending on a user's habits and preferences, and ice pipes are already available in limited supply, with the main area being identified as a handful of tobacconists across the state. This is a targeted approach and its core purpose is seeking to ensure that we do not normalise using ice pipes.

There is no persuasive evidence that there are any harms from banning the sale of ice pipes, such as promoting injecting use. A causative link between the retail bans and injecting rates or other harms has not been established. It is easy to come in here and say lots of things and argue a

point in sometimes a very convincing way, but a causative link between the retail ban and injecting rates and other harm has not been established.

I was also interested in Dr Woodruff's comparison to the ACT approach and her quite complimentary views with regard to the ACT. I make it clear that the ACT, like most other jurisdictions, has a similar prohibition on the sale of ice pipes. Dr Woodruff has failed to recognise that and that prohibition in the retail setting does not impede on the harm minimisation things that I have already outlined and the minister also outlined in his contribution.

In Dr Woodruff's comments about injecting rates, I am advised that before the ACT introduced its legislation to ban ice pipes in 2008 it was noted by a parliamentary committee that injecting rates were already increasing in the territory, so that was already happening in that location. The committee was concerned by the conflicting messages that the legal sale of drug paraphernalia has on the community, in particular young, first-time users or those experimenting with illicit substances for the first time.

That was found in an ACT parliamentary committee. That has been echoed by Ms White in her contribution about the message it sends to young people and people who are considering using for the first time. We want to make sure we are not sending mixed messages about the ease of using illicit substances. The committee in the ACT concluded that banning the sale of these devices could be effective in deterring first-time users. The Greens member in the ACT supported the 2015 ACT bill, which introduced the ban on the sale of drug paraphernalia. I want to put that on the record considering Dr Woodruff's praise of the ACT. The Greens member in his contribution agreed that it is problematic to allow the open sale of ice pipes as it weakens the message to people that ice is an extremely dangerous and harmful drug. I want to make that clear regarding the ACT's approach and the comments made about its committee.

There was also a question from Dr Woodruff on consultation. There was targeted consultation with retail bodies such as the Pharmacy Guild, the Tasmanian Pharmacy Authority, the Law Society and the Bar Association as well as a number of organisations including the Alcohol, Tobacco and Other Drugs Council Tasmania, the Australian Retailers Association, the Tasmanian Small Business Council, the Tasmania Chamber of Commerce and Industry, The Tasmanian Council of Social Services, the Link Youth Health Service, Holyoake Tasmania, Drug Education Network, Anglicare, St Helens Private Hospital, The Hobart Clinic, the Australian Medical Association and the Police Association of Tasmania.

In terms of consultation, we took this policy to the election so it was a very clear part of our policy platform. As far as I am aware in the 18 months between the election and now we have not received representations about this policy, so we clearly consulted with the people of Tasmania as well as those organisations. This is bringing us into line with other jurisdictions.

The comments I have made about committees in other jurisdictions have included members from across the political spectrum. The causative link between banning of ice pipes and further harm has not been made. This is not being done in isolation. It is being done in collaboration with the significant work done by both the police, the Department of Health and Mr Rockliff with regard to drug diversion, drug therapy and ensuring we are keeping Tasmanians safe.

The reason we are here, which has been touched on by a number of members, is the significant harm that methamphetamines can cause people and their loved ones. Since this bill has been tabled I have been approached by a number of people who have commended the Government on this bill.

The people who have approached me have personal stories of people that they love. Some of these people have died, some of them have suffered significant harm and have struggled to recover their previous capacity.

These representations are from a broad range of people, some people you would not have expected. It is nice that people have done that. It shows the broad desire there is in the community and the understanding of the negative impact of methamphetamine, how it can take a grip on an individual, on a family, on a community. We have seen that around Tasmania and the challenges facing those people. The Government wants to do everything it can. This is a very targeted bill. It will have specific powers on banning of ice pipes and being able to seize and destroy. This is part of a broader suite of policing and health measures that this Government has. Illicit substances can have an enormous impact. This is why we went to the election with this commitment.

Like many jurisdictions Tasmania has generic drug paraphernalia possession offences but we are only one of two jurisdictions that does not have offences relating to restricting or prohibiting retailing or wholesaling ice pipes. That is why we want to take this clear action. We want to send a very clear message to Tasmanians and particularly young people that methamphetamine is illegal, highly addictive and dangerous. We want to keep Tasmanians safe and healthy. They deserve to live safely and free from the harm of drugs. This is one more step.

The current law sends mixed messages where the drug is illegal but the paraphernalia used to consume it has been available in some retailers without a specific power to prevent it. This will fix that contradiction and allow officers to take action. The bill introduces powers for inspectors as well as Tasmania Police to issue the fines as well as being able to confiscate and destroy devices.

I will touch on some things outlined by the Deputy Premier because it is important to understand the full suite of things being done to support Tasmanians suffering from substance abuse. It is important to understand that we are committed to helping minimise the harm of alcohol and drug use. We know the harm it causes people, communities and businesses and this is why we are providing an extra \$6 million over three years for 31 more community based alcohol and drug rehabilitation beds across the state. This includes in the north west where we have seen an extra 12 beds opened since January this year through the delivery of the new \$4.2 million dedicated rehabilitation services facility. This extra capacity will increase the total number of alcohol and drug residential rehabilitation beds across the state to more than 100. We know that engaging and working with the sector is a critical part of our plan to improve health outcomes for Tasmanians, which includes managing and supporting people who use alcohol and drugs, as well as their families and loved ones.

City Mission and the Salvation Army successfully tendered to provide the mix of short and longer stay residential rehabilitation aftercare and ambulatory and non-medical withdrawal management services around the state. There are many other services and programs outlined by my colleagues that are funded by the Government that run through a range of community service organisations. They are focused at not only treatment and supporting those with substance abuse challenges but also education programs in the local community. These include Holyoake Tasmania's counselling and education services and illicit drug diversion programs, the Link Youth Health Service's youth alcohol and drug treatment program and the Alcohol and Drug Foundation's Good Sports Healthy Minds program.

I encourage all members to support this bill. I am pleased that the Labor Party will not be opposing it. I thank members for their contributions. There were some very thoughtful

contributions. I also thank the department for the preparation of this bill. I know that sometimes the smallest bills that end up producing some of the biggest conundrums in terms of legislation. I thank them for the work they have done to be able to deliver this in line with the Hodgman Liberal Government's election commitment, and I commend the bill to the House.

Bill read the second time.

Bill read the third time.

NEIGHBOURHOOD DISPUTES ABOUT PLANTS AMENDMENT BILL 2019 (No. 35)

Second Reading

Resumed from 17 October 2019 (page 89)

Ms HADDAD (Clark) - Madam Speaker, I had briefly commenced my contribution on this bill when we adjourned last sitting week, so I will start from the beginning of my contribution. It was about a minute-and-a-half.

As I was saying when we discussed this bill, the Opposition will be supporting the Neighbourhood Disputes About Plants Amendment Bill 2019. As the minister explained in her second reading contribution, the scheme that this bill is amending, the Neighbourhood Disputes About Plants Act 2017, commenced operation some years ago. It was an initiative implemented and driven by the former Attorney-General, the late Dr Vanessa Goodwin. Originally, it arose from some constituent issues that came to her attention in her role as a local member of parliament for Pembroke. Once introduced, the scheme addressed a gap in legislation that existed prior to that act coming into force, specifically around the lack of redress available to people in Tasmania for disputes about plants that relate to sunlight and views.

As I said, it has been in operation for some time and it is not unusual with new schemes like this for some small amendments to be needed once a scheme is up and running and in operation. That is precisely what this bill will do, by introducing an enforcement provision, which has been requested by stakeholders using the scheme, and also clarifying rights to enter land.

I thought it was worth reflecting on the original bill and the background work that went into establishing the scheme as it now exists. It came from a specific conflict over a hedge that ran along the boundary between two suburban properties in the electorate of Pembroke, as I mentioned. The residents of one of those properties complained that the height of the hedge obstructed sunlight to their dwelling and blocked their view. There was an attempt to negotiate a solution with the neighbouring home owner, but those attempts were unsuccessful. At the time there was no suitable mechanism for resolution through local government, state government, or the legal system through common law.

That property owner contacted their local member of parliament, Dr Vanessa Goodwin, who took up the issue on their behalf. Once a light was shone on some of those issues involving neighbourhood disputes around plants and vegetation impacting on people's views and light, a further 21 instances of residents reporting problems with neighbouring trees or hedges were uncovered across several southern municipalities. That resulted in Dr Vanessa Goodwin bringing

a motion to the Legislative Council in May 2012, and that motion was supported, and then a reference was made to the Tasmanian Law Reform Institute, which conducted a very thorough investigation, not only of the law as it stood at the time in Tasmania in terms of members of the community being able to seek resolution to disputes with neighbours around plants and vegetation, but also looked at how other states and jurisdictions dealt with similar issues when they occur.

First, the Law Reform Institute looked at the current law at the time. They noted, as the then minister did, that there were limited options available to property owners who were in dispute over trees or hedges on their neighbour's land that were obstructing access to sunlight or views. They said that those very limited options - and they were indeed limited - but also, in most cases, they were unlikely to provide a satisfactory resolution to the problem.

Of those options that existed, one was easements, which are a right enjoyed by a person with regard to the land of another person. The problem with trying to enforce rights of that kind using that legal tool is that easements are considered to attach to the land. They are registered on land titles and they bind a future owner. However, an easement created in that way would most likely be dependent on the grant by one landowner to another, rather than establishing an inherent right. While two neighbours might agree to keep a hedge at a certain height during their tenure of that land, few people would be likely to grant an interest in land that would bind their land in perpetuity; in other words, once the property was sold to a subsequent or future owner. Easements, while they were an option, they were not one that would be likely to result in a resolution.

Restrictive covenants was another avenue that was available prior to the act but, again, was not one that was deemed suitable. When the Law Reform Institute looked at how restrictive covenants might be applied to people's rights to views and sunlight, they noted that the law does not recognise easements such as a right to a view. Such rights may be acquired by a restrictive covenant, but while a restrictive covenant may protect access to sunlight or a view, it would be based upon an agreement between two landowners in the first instance and it would be unlikely to yield a principled and satisfactory long-term solution for all landowners. Again, it was not something that would give a clear right of action to a neighbour.

Prior to this act and scheme being in place, actions would sometimes be taken in nuisance. Nuisance can provide a remedy to someone who is experiencing an interference from a neighbour's trees or other vegetation in some circumstances and they are quite specific:

- (1) a neighbour's tree or other vegetation is interfering with the use or enjoyment of land;
- (2) a neighbour's tree or other vegetation is causing physical damage to the land, including to buildings and other features on the land; or
- (3) a neighbour's tree or other vegetation is encroaching on the land.

Those are quite specific instances where an action in nuisance might give rise to a solution, but as the Law Reform Institute noted, it often would not do so because in relation to trees and hedges that block the access of sunlight or views, there are a number of reasons why it was unlikely that an action in nuisance would be suitable in those instances. One of those was that courts did not traditionally recognise that aesthetic views, such as unobstructed or pleasing views, were a legal right of landowners.

They also looked at the law of abatement, which allows an affected property owner to enter a property on which the infringement is occurring and remedy a situation. However, the courts had held that abatement was a remedy that the law did not favour and that abatement would only be justified where absolutely necessary. In other words, things would have to be fairly dire for abatement to be a secure course of action for a neighbour to pursue when dealing with a neighbourhood dispute about vegetation on their land.

They also noted that in limited circumstances, that statutory remedy might facilitate removal of the obstruction created by a tree or a hedge and that there were a number of statutes that in some way did touch on problems created by hedges and other vegetation. Generally, these statutory remedies enabled responsible authorities to deal with hedges that constituted nuisance or a fire hazard or which posed a danger to road users.

While some statutory remedies touched on the dangers or issues that trees, hedges or vegetation might cause between neighbours, they were in those limited circumstances that did not recognise neighbouring rights to views and sunlight.

They also touched on alternative dispute resolution and as the constituent who first came forward to Dr Vanessa Goodwin indicated, there had been an attempt at negotiating an outcome although it was unsuccessful. The Law Reform Institute's work looked at alternative dispute resolution and noted that neighbours can attempt to mediate an issue instead of using formal court processes. That could occur informally by talking to a neighbour, or sending letters to identify issues and seeking an agreeable remedy by using other formal mediation services which involve experts assisting by parties to reach an agreement.

Ultimately the scheme that the Government implemented and the Law Reform Institute recommended did recommend there should be a strong focus on alternative dispute resolution. It is encouraging to see that in the short time the scheme has operated there is an indication that alternative dispute resolution has been accessed and has been successful. That is demonstrated by the fact that there have been 18 applications filed in the tribunal as at August of this year. Of those, a significant proportion, 11 applications, had been withdrawn prior to hearing and no formal orders had been sought by the tribunal. That indicates that hopefully those 11 applications were withdrawn as a result of successful alternative dispute resolution.

On looking at those several options that landowners might have had prior to this scheme coming into force, the Law Reform Institute concluded that it is evident landowners would usually only have an access to a remedy when an easement or a restrictive covenant already exists or is of such a type that access to sunlight and/or a view is protected, and that is unlikely to be the case. Therefore, an owner who is aggrieved would probably have no tangible remedy unless the adjoining property owner is willing to negotiate a solution to maintain the tree or hedge to an agreed level.

As a result of that investigation and analysis, they concluded that the current law was inadequate at the time and there was a need for reform. They noted that at that time there was a lack of appropriate and cost-effective solutions for landowners who find themselves in a dispute with a neighbour over trees or hedges and, while there are several options at common law which I have just outlined, they are unlikely to provide a satisfactory outcome. In terms of access to sunlight, which is increasingly important as more people become interested in realising the benefits of solar energy, a neighbouring landowner can grant an easement or agree to a restrictive covenant that provides access of light. However, these options rely on a neighbour's goodwill, which may

not always be forthcoming. Further, an easement cannot be granted to protect a view, so that one would only have been able to be available to protect access to sunlight.

The law of nuisance can in some circumstances provide a remedy for someone who has suffered damage due to a neighbour's tree or where a tree is encroaching upon his or her land. However, an action in nuisance where interference with access to sunlight is alleged would face several challenges in both a legal and practical sense, including the time and expense involved in pursuing such an action.

After they analysed Tasmania's law at the time, they looked at what happened at the time in other jurisdictions and that work also informed their final recommendations. The recommendations of the TLRI included a recommendation that the Government look at a Victorian-style model and that any scheme introduced should have a primary focus on alternative dispute resolution. They also recommended that the Resource Management and Planning Appeal Tribunal has the jurisdiction to hear and determine disputes.

After that research was concluded they made a number of recommendations, first of all that parties be required to engage in some form of alternative dispute resolution in relation to the dispute in line with current court and tribunal practices before a matter can progress to hearing. They also recommended that the jurisdiction to hear disputes should be the Resource Management and Planning Appeal Tribunal, but if legislation were implemented, it should include a requirement that an applicant has made reasonable attempts to resolve the tree or hedge dispute before the court or tribunal may make an order in respect of that tree or hedge, and that any obstruction by the tree or hedge in question of sunlight or a view must be severe before intervention is warranted. They also recommended that malicious intent in the planting or non-maintenance of a tree or hedge should not be a requirement or consideration for consideration by the tribunal.

The scheme was implemented based on those recommendations. As of August this year, as the minister outlined in her second reading speech, there had been 18 applications filed, with 11 withdrawn, indicating that the alternative dispute resolution elements of the scheme are working well. However, users of the new scheme have identified improvements and those improvements are being made by way of this legislation that we are now debating.

First of all, this bill inserts new enforcement provisions to allow the Resource Management and Planning Appeal Tribunal to make an order if it is satisfied that the original order has not been complied with in the time specified in that order. This change will allow the affected landholder or their employee, agent or contractor to carry out the work and to recover as a debt from the defaulting party the reasonable expenses incurred in carrying out the work and the costs of the application.

The bill also makes provision for the affected landholder to make relevant application and for the tribunal chairperson to waive, reduce or refund all or part of the application fee if the chairperson is satisfied that paying it may cause financial hardship to that person. The bill also inserts a specific offence and penalty provision for failing to comply with an order of the tribunal.

The bill makes a second major change, which is clarification of notice requirements around entering land. The bill clarifies that the current requirement to provide at least seven days notice of the intention to enter land to perform work under the act does not apply to a notice given under the branch removal notice provisions. This change is necessary because it is currently unclear whether the person is required to provide seven days notice or 24 hours notice to the other person. This bill clarifies that and also clarifies that the requirement to provide at least seven days notice of the

intention to enter land to perform work does not apply in circumstances where the tribunal makes an interim order. This exception is necessary because interim orders can only be made in situations where there is immediate risk of injury to persons or property.

The bill makes a third change, which is expanding consideration of matters by the tribunal. It provides that the tribunal may take into account any other matter that it considers relevant when it is determining whether the parties have made reasonable attempts to resolve disputes. Under the act, the tribunal is required to be satisfied that reasonable attempts to resolve the matter have been made by the parties before making it hear a matter, but in deciding this the tribunal may only take into account certain matters. The act requires an independent review of the operation of the act be carried out as soon as practicable after 1 December 2021.

The bill makes these amendments to improve the operation of the scheme as introduced by the former minister in 2017. I note that the enforcement provisions are similar to those recommended in the Queensland Law Reform Commission's review of the Queensland legislation that is similar to this, which their Neighbourhood Disputes (Dividing Fences and Trees) Act 2011, and note the Tasmanian act was largely modelled on those Queensland laws. In some ways we have been able to benefit as a state from the review the Queensland government has conducted into their similar scheme. I note that an independent review of the Tasmanian act will also be carried out as soon as practicable after 1 December 2021.

It makes sense, as I said at the commencement of my contribution, to make these changes now because they have been identified, they are non-controversial and they will improve the operation of the scheme.

I will conclude by reiterating the Opposition's support for the existing scheme and for the simple changes made in this bill. I thank the minister, and through the minister, I thank her office and department for the briefing that I received prior to the bill coming on for debate last sitting week.

I look forward to this amended scheme, once amended by this act, continuing to provide some surety and some comfort to residents around Tasmania of being able to deal with disputes around plants, trees, hedges and other vegetation between their properties in a harmonious and peaceful as possible way, without having to resort to the unsatisfactory common law mechanisms that were deemed unsuitable at the time prior to the commencement of this original scheme.

[3.51 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, the Greens will be supporting the amendments to the Neighbourhood Disputes About Plants Bill that was debated and subsequently passed in 2017. That was the fruition of work at the time that Dr Vanessa Goodwin had done and put in train. That was a substantial bill. It is good to see that some of the details of implementation subsequent to that bill passing, and obviously subsequent to the Resource Management and Planning Appeal Tribunal applications and the compliance or non-compliance of those applications. This gives us an opportunity to sort out those things once it has been in action for about 18 months.

It is good to see that some of those things are getting fixed up because those loopholes are very expensive for people. For a person who is the aggrieved party where a party to a tribunal ruling has been ordered to take an action, if they do not comply with the order and they fail to take the action then the aggrieved party, the person who sought to take the case in the first place, has no recourse

other than to initiate legal proceedings themselves. This is expensive, time consuming and unnecessary.

It actually would be difficult to have to go through the administration involved anyway, I would expect, in order for the tribunal to take action on a defaulting party for failing to comply with an order of the tribunal. Part of that would involve the neighbour of the person who has been given an order, presumably making a connection with the tribunal. They would have to take an action and be active in that space.

Neighbourhood disputes are stressful and can lead to amazing acts of anger, even aggression and sometimes violence. In my life I have been amazed to see the impact of living in close quarters with a neighbour - not myself - but I have seen the experiences of other people who seemingly get absurdly affected by dogs barking, by cars being washed in driveways and water running onto their garden; just by the actions of living in close proximity to other people. It can become very tedious and trying, depending on what is happening in your life. If parties have gone through a process with the planning tribunal and a decision has been made, an order has been made to remove plants, then clearly it is better if those things get sorted out sooner rather than later.

It seems that this will make it very clear that an order must be complied with in a particular time period. That is good. It has an end in sight. It is also welcome to hear that there is an opportunity for the tribunal to waive, reduce or refund the application fee for a person who is in financial hardship who makes a case against a neighbour and so that they are not unduly financially straitened by having to go through that process.

We also support the requirement, the ability, of the tribunal to exact a penalty if a person fails to comply with the order of the tribunal. That is obviously part of the story. The amendment which clarifies that branch removal can be undertaken, that a neighbour must give 24-hours' notice instead of seven days notice when they are removing a branch, is an important clarification. One week is a long time in advance to have to give notice and 24 hours seems quite reasonable in all the circumstances you can imagine especially if it is an order that has been made.

I can see that the amendment that provides that the tribunal can take into account any other matters that the tribunal considers relevant when determining whether the parties have made reasonable attempts to resolve disputes, gives more latitude to the wisdom of the tribunal members and the circumstances of the case in terms of the members of the tribunal making a decision about whether parties have made reasonable attempts to resolve the disputes or not.

There is clearly a vast range of reasons why people fall into disputes. The reasons that plants may need to be removed are many and varied because they involve not only amenity but safety and the safe functioning of properties and the effective functioning of properties. It is clearly going to be the case that individual circumstances will be quite different and it is appropriate that the tribunal can make reasonable attempts.

On behalf of the Greens, I am happy to say that we support these amendments and the enabling of the compliance with the tribunal's rulings and an opportunity for people to have fines reduced if they are in hardship situations. We sincerely hope that this does not have to get used very often.

[3.58 p.m.]

Ms OGILVIE (Clark) - Madam Speaker, I recognise the work of former attorney-general, Dr Vanessa Goodwin. I was in parliament when she first framed up this response to what has been

a seemingly intractable problem with plant life. Whilst I was not here when the bill passed I was able to follow it in the media and the general discussion about it. Obviously, it was well received in the community and I know she had done a lot of work on it. It was a bit of a passion project for her so it is good to see that these bills and this reform can come to fruition.

It is also good to see that there is some monitoring that goes on about the implementation of acts and, where necessary, they are able to bounce back to this Chamber for improvement. In this case, I know that it is actually a very slight improvement. Congratulations are due to everyone who has worked on the original bill and also the amendments that have come through that we are focused on here today.

Dr Goodwin identified a substantial gap in the statutory regime that relates to how people get along with each other as neighbours. I am sure we have all had issues over the years, whether it is to do with noise or other nuisances, such as water flow, plants, animals, the sorts of things that are not necessarily within the control of a human, and things can escape. Under common law, torts such as nuisance and trespass are a blunt instrument you can use. The difficulty with trying to seek redress through those mechanisms through the courts is that it is time-consuming, expensive and risky. You do not know exactly what the outcome will be. Not many people actually get to that stage.

That is the gap that was identified. It is entirely appropriate for this House to turn its mind to ensuring that there is a more cost-effective and efficient scheme that has the capacity to encourage neighbours to come together and try to resolve disputes or concerns in a timely fashion and perhaps prior to taking any steps which this legislation has framed out for resolving those sorts of disputes.

The mechanisms in the act are fairly straightforward. The amendment bill we have here today relates to how to improve some of those mechanisms. I support the amendment bill and also encourage people who may be watching or listening or referring to this debate at a later stage to focus on the different kinds of dispute resolution mechanisms that our state and our overarching legal framework in this state can afford to people, which include of course statutory opportunities, but also just getting together, speaking to the neighbour and trying to resolve things, as we have always done as good Tasmanians in this place.

I reflect on Dr Woodruff's comments and I think she is right that we all have an example of somebody, a friend or perhaps even neighbours, where things have become seemingly intractable with these sorts of problems. I have a very large oak tree on a not-so-large block and it drops stuff everywhere. I worry about that, but we have the council come and lop limbs off regularly to make sure it does not interfere with the electricity wires. I love it, it is precious to me and I do not want anything on it touched. The kids have loved to climb in it for years and years, but we live in a society where there has to be a bit of give and take for everyone. We all have these issues.

Part of the challenge has been - and those in the law would know - that fencing disputes are obviously a good area of work that a young lawyer will be presented with. Neighbours have fights over fencing and who pays? The fence falls down, it is too big, or it is in the wrong spot, encroaching on another person's title. Those sorts of things are very relevant and it is the small things in our daily lives that can cause such concern. Similar issues can happen with plants and hedges. When you plant a hedge it can effectively become a fence. That is part of the gap in the law that I think Dr Goodwin identified. Trees and hedges - who would have thought it would be so difficult sometimes and so contentious? What is mine is mine and thou shalt not come over the borderline.

The other thing is that we live in the most beautiful state in Australia and our views are very precious to us. When it comes to purchasing property, if somebody has bought with a particular view in mind and suddenly trees are either planted or allowed to grow and become a barrier to the enjoyment of that property, at least there is some mechanism by which the parties can get together to try to resolve this. I certainly do not want to put the lawyers out of work and it is always good to consult, but it is even better if issues can be resolved between the people as we go about our daily lives.

I am generally for the codification of common law and the filling of gaps in this way. I believe it is more of the sort of work we could do in this House. We have this balance between the common law and statutory law or legislation. I always feel that the common law, whilst it has such a depth of history to it that goes right back to England, it is only once you get to court - or perhaps even get the judgment out of court - where you really understand what your rights are refined down to the finest degree.

With statutes and legislation, we have an opportunity to be proactive. I have seen a number of times with legislation where clauses are able to be inserted that gives them a proactive capacity for authorities or aggrieved parties - or it could be police or any number of other organisations - to proactively engage on issues, and that is a helpful thing to do. There are other areas of law which are emerging, such as this one that Dr Goodwin identified earlier, which could be untangled through our court system and common law system, the system of precedent that we have, but might be much better off solved with an act that captures the corpus of that law.

Animal law is one of those emerging areas, as is environmental law, plastics - there are reams and reams of it and no doubt I will be pestering the Attorney-General with my views about what we should be focusing on next and perhaps bring you some ideas that could be worked upon. I am also very much taken with the idea of resolution of disputes in a multitude of ways but also want to lay it on the record that the best way to resolve a dispute is to actually try to resolve it yourself. If you are able to sit down, get to the table, have a cup of tea together and try to come up with solutions that work, that is a really great place to start.

I am on the record previously saying this but I will say it again: I am quite concerned about the impact of social media on our ability to live together and be able to resolve disputes. The nastiness that can occur on social media is beyond anything a decent society should put up with. I know there is some feeling in this House and across both Chambers, across all of the benches, that it is a new phenomenon that is making life hard for everybody in every element. Nobody wants to infringe upon free speech but there are standards by which, as a good and decent community and as a society with integrity, we should adhere to. I worry that even these small sorts of disputes such as the dog barking, the hedge falling over, the tree encroaching, the sunlight disappearing - even these small triggers - can create a flame mentality and where people are easily able to find other people's home addresses that can be quite frightening for those on the receiving end of that stuff. That is a concern overarching everything else we do. I am not sure if we are able to easily resolve that because it is something that every nation is grappling with in the same way we are.

I support the bill and congratulate everybody who has worked on it and, in particular, note with deep admiration and respect the work of Dr Goodwin, who is no longer with us. Dr Goodwin was a friend of mine at law school and I am sure others have had that relationship as well. I thank everybody who has worked on the bill. It is very practical and sensible and we should do more of this sort of law reform.

[4.09 p.m.]

Mrs RYLAH (Braddon) - Madam Speaker, I am pleased to support this bill. I will start by quoting from *The Letters of William Blake* in 1799, where he said:

The tree which moves some to tears of joy is in the eyes of others only a green thing which stands in the way.

That is true particularly in urban areas, where neighbours are often totally opposed to the view about a particular tree, hedge or tree line, sometimes to the point of obsession. Everyone has their own opinion about trees. Tree lovers say that their trees provide privacy and are peaceful to look at. Others say that trees belong in a park or in the bush and not in a backyard. Next door neighbours may say that trees growing on the other side of the fence need to be kept pruned, or in some cases removed because they cause damage. There is a large gap in these points of views. They are contentious, they cause angst, and can cause community division. They need a codification to smooth the process and procedures and not clog up our courts.

On 1 December 2017, the Neighbourhood Disputes About Plants Act 2017 came into force. This initiative addressed a gap in the legislation specifically to the lack of redress available for disputes relating to sunlight and views. A number of minor technical and operational issues have been identified since and this bill makes those minor amendments regarding dispute resolution and remedies. These issues are addressed in this amendment bill prior to the fourth-year anniversary of the review being undertaken because they are timely and needed for community members, right now. I congratulate the Attorney-General for bringing this forward.

A key feature of the 2017 act is that the Resource Management and Planning Appeal Tribunal - RMPAT - has jurisdiction to hear and determine disputes about plants on neighbouring land. RMPAT is also receiving applications which it is processing in accordance with the act.

The neighbourhood disputes act established a cost-effective, efficient and accessible statutory scheme for the resolution of neighbourhood disputes relating to plants. It delivered on an important policy commitment given by the Government.

A neighbour's trees may block sunlight or views and may also cause physical damage, for example, by tree roots that damage a neighbour's drainage system, paths or driveways, or in cases where there are encroachments such as overhanging tree branches. Disputes about the impact of trees and hedges on neighbouring properties were regularly raised by community leaders and representatives before this act came into play.

Back in 2012, as has been alluded to by other speakers this afternoon, in the other place the late Dr Vanessa Goodwin moved a motion noting the problem caused by trees or hedges which obstruct the views or sunlight of neighbouring residences and the lack of redress available to the person whose view or sunlight was restricted. This is a common and universal problem. Similar schemes in other Australian jurisdictions provide for the resolution of neighbourhood disputes relating to vegetation, in particular the New South Wales Trees (Disputes Between Neighbours) Act 2006, the Queensland Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 and the New Zealand Property Law Act 2007, Part 6, have introduced statutory schemes to resolve such disputes. However, the act is largely modelled on the provisions of the Queensland act.

The key features of the 2017 act include defined key terms, including owner, affected land, and who is a party in relation to an application.

Encouraging informal dispute resolutions before formal dispute resolutions is possible provides for RMPAT to have jurisdictions to hear and determine disputes; specifies which plants are covered by the bill and those which are not; outlines the informal and formal dispute resolution processes; reinstates the common law right of abatement, and provides the property owners whose rights have been infringed, may seek or rely on self-help remedies of abatement. This remedy enables the affected property owner to cut any branches that encroach onto his or her property and to return them to the owner or to enter the property on which the infringement is occurring and remedy the situation.

The act lists those entities that have been deemed to be landowners and who therefore may have responsibilities for a plant. The act also makes it clear it does not apply to some plants or excluded land. These exclusions are largely consistent with the types of land excluded under the Boundary Fences Act and under similar laws in New South Wales and Queensland.

The act clarifies substantial ongoing and unreasonable interference with the use and enjoyment of affected land may be caused if sunlight to a window of a building or a solar panel or a skylight on a roof of a building is severely obstructed. Substantial, ongoing and unreasonable interference may also be caused if a view from a dwelling on the affected land is severely obstructed. An additional requirement in respect of views is that the plant must be at least 2.5 metres high and the view must have existed when the owner took possession of the affected land.

I now turn to the 2019 bill. While the act contains a provision which enables RMPAT to make orders in respect of disputes, it is also an offence under the contempt provisions of section 33 of the Resource Management and Planning Appeals Tribunal Act 1933 for a person to fail to comply with an order of the Tribunal.

The act does not have specific enforcement provisions for orders made under the act. To address this, today's bill inserts specific provisions to allow the Tribunal to make an order if it is satisfied that the original order has not been complied with in the time specified in the order. This will allow the affected landowner or their employee, agent or contractor to carry out the work and to recover as a debt from the defaulting party, the reasonable expenses incurred in carrying out the work and the costs of the application.

The bill makes provisions for the affected landholder to make the relevant application and for the Tribunal chairperson to waive, reduce or refund all or part of the application fee if the chairperson is satisfied that paying it may cause financial hardship to that person.

This bill inserts a specific offence and penalty provision for failing to comply with an order of the RMPAT. The penalty provision is a fine not exceeding 100 penalty units, which is currently approximately \$16 800. This penalty needs to be sufficiently high so as to be a disincentive for the owner of the offending plant to ignore the order.

The new enforcement provisions are similar to the enforcement provisions which were recommended in the Queensland Law Reform Commission's review of Queensland's Neighbourhood Disputes (Dividing Fences and Trees) Act 2011. The Tasmanian act is largely modelled on those laws.

The current branch removal notice provisions already require the person who intends to perform work on another person's property to provide at least 24 hours' notice to another person. It is unclear whether the person is required to provide seven days' notice or 24 hours' notice to the

other person. This bill clarifies that the requirement to provide at least seven days' notice of the intention to enter land to perform work does not apply in circumstances where the Tribunal has made an interim order. This exception is necessary because interim orders can only be made in situations where there is an immediate risk of injury to persons or property.

The bill provides that the tribunal may take into account any other matter that the tribunal considers relevant when it is determining whether parties have made reasonable attempts to resolve disputes. It should be noted that currently under the act, the tribunal is required to be satisfied that reasonable attempts to resolve the matter have been made by the parties before it may hear a matter but in deciding this, the tribunal may take into account certain matters. The amendment is desirable because it will give the tribunal more flexibility in deciding what matters are relevant when determining whether the parties have been reasonable to resolve a dispute.

The proposed amendments will further improve the operation of the Neighbourhood Disputes About Plants Act.

In providing some background regarding problem trees and access to sunlight and views, it was referred to the Tasmanian Law Reform Institute for its consideration. In 2016 the TLRI released a final report No 21, Problem Trees and Hedges Access to Sunlight and Views. The report noted that the law of private nuisance did not or does not recognise at that time, a view or access to light as something that should be protected and its application is limited to cases where a neighbour's tree causes physical damage to the land or encroaches onto the neighbouring land. The TLRI was of the opinion that:

The loss of sunlight or a view, or both, can have serious negative consequences for those affected.

It was because of this that intervention was justified. The TLRI further focused on the obstruction caused by trees or hedges to sunlight or view. However, it was considered sensible for the statutory scheme to also address matters that would otherwise be dealt with under a common law and nuisance action so as to provide a more efficient and cost-effective means of resolving the disputes where trees, hedges and vegetation are affecting a person's ability to enjoy or use the land.

This bill addresses instances in three types of cases where a neighbour's tree may block sunlight or view, where a tree may cause damage to a neighbour's drainage system or driveway, or where it may encroach on another's property due to overhanging branches. This bill clarifies that substantial ongoing and unreasonable interference with use and enjoyment of the affected land may be caused if sunlight to a window or a building or a solar panel, as noted earlier, or skylight on a roof of a building is severely obstructed.

Under this bill, the tribunal is required to consider a range of factors when assessing whether there is severe obstruction to a view, including the nature and the extent of the view that is obstructed and the uses to which that part of the dwelling is put. The report further notes that discord between neighbours can disrupt the whole community and the lack of legal solutions may result in the person affected taking potentially illegal action to resolve the situation.

I now wish to turn to the formal and informal dispute resolution. Generally, neighbours are able to deal with issues and disputes that arise in relation to problematic trees, hedges and other vegetation in a reasonable and amicable manner. However, as many speakers have noted, there are many situations where, in the absence of a satisfactory solution, the disputes may become

irresolvable. Importantly, and because it is desirable to have friendly, peaceful and cohesive communities, the bill includes a number of revisions which are designed to encourage neighbours to attempt to resolve disputes by informal means before going down the path to a more formal dispute resolution. The bill outlines the steps to try to resolve the situation informally.

The tribunal is required to consider whether reasonable attempts have been made by the relevant parties to resolve the matter through any of these informal dispute resolution processes. If an owner of the plant is concerned that the proposed work may affect the health or structural stability of the plant or the safety of land or persons on the land, the tribunal may take this into account. Where the informal dispute resolution process has failed and is otherwise not applicable because of the sections provided for in this bill, the bill sets out a formal dispute resolution process.

The Hodgman Liberal Government recognises the value which is placed on plants by the broader community. It clarifies that an order that requires the removal or destruction of a living plant is not to be made by the tribunal unless the tribunal is satisfied that the purpose of the application could not be obtained in any other way. Essentially, this provision recognises that the removal or the destruction of a plant should occur as a last resort.

The provisions of the bill strike the right balance between the interests of plant owners and their neighbours who are affected by their plants. Most importantly, the bill will provide welcome relief for many members of the community who have intractable disputes over plants with their neighbours and facilitate the operations of the tribunal. I also remember Dr Vanessa Goodwin and this important work that she did and I support the bill.

[4.24 p.m.]

Mrs PETRUSMA (Franklin) - Madam Speaker, it is a pleasure to speak on the Neighbourhood Disputes About Plants Amendment Bill 2019. I note it is to make some minor technical and operational amendments to the Neighbourhood Disputes About Plants Act 2017 which commenced operation on 1 December 2017. This act addressed a gap in legislation that existed at the time, specifically the lack of redress that was available for disputes about claims that relate to sunlight and views and also provided for all other neighbourhood disputes relating to plans to be dealt with under the same cost effective, efficient and accessible statutory scheme.

I note in the Attorney-General's general speech that since commencement of the act, and as at 7 August 2019, a total of 18 applications had been filed with the Resource Management and Planning Approval Tribunal. Of those, a significant proportion, 11 applications, had been withdrawn prior to hearing and no formal orders have been sought from the tribunal. In fact, in many cases the parties have engaged in negotiations between themselves or as a result of formal mediation processes with action having been taken to resolve the matters in dispute. As the Attorney-General has outlined, this suggests that the act is working as it was intended. I acknowledge that the Neighbourhood Disputes About Plants Act 2017 delivered on an important policy commitment made by this Government.

In my contribution today, I also want to reflect on the fact - as have other members in this House - that it was our much missed and much beloved Liberal member for Pembroke and our former attorney-general, Dr Vanessa Goodwin MLC, who first initiated and raised this issue in a motion that she moved in the Legislative Council in May 2012. She also referred this issue to the Tasmanian Law Reform Institute which agreed to examine and provide recommendations to help address this issue because sadly, at the time, it was the experience of far too many Tasmanians that the laws were not adequate in resolving disputes about trees and hedges which impact on

neighbouring properties. This was why Dr Goodwin became a strong and very passionate champion about this issue.

Dr Goodwin's motion on 15 May 2012 specifically noted the problems caused by trees or hedges which obstruct the views or sunlight of neighbouring residents and the lack of redress available to these residents whose enjoyment of their property was reduced due to the presence of trees or hedges on a neighbouring property which blocked their sunlight or views. Likewise, this motion also noted that there was also a need to recognise, on the other hand, the right of a resident to establish and maintain a garden on their own property which may include the use of trees and hedges to provide some form of privacy screen.

Back in 2011 and 2012 I was heavily involved in this issue with Dr Goodwin because Dr Goodwin's electorate of Pembroke is on Hobart's eastern shore and is a substantial part of my own electorate of Franklin. I visited a number of the properties with Dr Goodwin at the time to hear first-hand from residents and to see why they genuinely had such strong concerns.

I remember very well Dr Goodwin's commitment to those, mainly seniors, who were at a great loss and to be honest, quite traumatised. We saw a lot of tears and it was a very emotional time when we went to visit these seniors about the effect that next door neighbours' trees and hedges could have on their mental health as well as their physical health. At the time, we needed to get a resolution because they were so terrified and fearful about pushing the issue any further.

I remember one time when we went to see the most amazing woman. She was 98 at the time and she called herself a recycled teenager because she was not only campaigning on trees, she was campaigning for better bus services and quite a few issues. She took us to her property and you could see the difference. She had been in her house on the eastern shore for something like 56 years at that stage. There were not many other houses around and through time the trees had grown up quite significantly and not only blocked her view at the front but also were blocking the sunlight coming into her house. She lived to be 103. This legislation came in not long after she passed away. Unfortunately, it was a bit too late for her. I have never forgotten the impact that these trees and hedges had on her.

I applauded Dr Goodwin at the time for championing this issue. I know that it was first raised with Vanessa in September 2011 by another eastern shore couple whose view of the River Derwent from their living room was being obstructed by their neighbour's hedge of pittosporum. At the time this couple purchased the property the hedge was approximately the same size as the neighbour's house. Since then it steadily increased in height until it blocked their view and access to sunlight. The couple were unable to persuade the neighbour to trim the hedge and Clarence Council was also unable to assist with this issue. Ironically, at the time all the properties in the street were subject to a restrictive covenant which provided that their dwellings were not to exceed a height of 3.6 metres above ground level to protect the views, but this did not afford any protection against hedges.

As Dr Goodwin outlined in parliament, this couple did some research on the issue and discovered there was legislation at the time in New South Wales and the United Kingdom to deal with disputes between neighbours over trees. Now we have other states such as Queensland as well that have embraced the legislation.

Dr Goodwin then wrote to the attorney-general and minister for environment, Parks and heritage at the time about this issue, referring him to the other legislation. At the time it was very complex. I acknowledge that for the government at the time it was hard to work out what to do

with this issue as well, because there was no easy answer. The minister at the time responded that the problem Dr Goodwin raised related to planning and that he had likewise referred the correspondence to the minister for planning at the time.

Dr Goodwin received a response from the minister for planning in February 2012, but this was in his capacity as minister for primary industries and water, with the response that if the hedge acts as a fence between the two properties it is a boundary fence and the Boundary Fences Act 1908 would apply. He also stated that while the act does not specifically deal with control of the height of hedges, it does deal with the repair of a boundary fence, including a live hedge. The letter quoted relevant sections of the act dealing with repairs to boundary fences and the ability to recover half of the cost of repair. The minister's letter concluded with the following paragraphs:

It should be noted that the common law does not recognise the right to a view. However, a view could be protected, as neighbours can enter into restrictive covenant under which it is agreed that no building above a nominated height will take place. As with most private disputes involving neighbours, the matter is best addressed by the neighbours dealing successfully with the matter themselves.

He asked the Recorder of Titles to consider whether the Boundary Fences Act 1908 should include controls over the height of hedges that are boundary fences when that act is next reviewed. Unfortunately, at the time, this response was unable to provide much comfort to the constituents as the hedge bordering their property was actually planted in front of the boundary fence, so the relevant sections quoted in the letter did not apply to them.

I remember well that Dr Goodwin at the time took the issue further by exploring whether other eastern shore residents had also experienced difficulties with problem hedges with an article then published in the March *Eastern Shore Sun*, which she outlined in parliament generated a number of responses. The issue was then picked up by ABC Radio with an interview with Ryk Goddard generating additional responses, and an article in the *Mercury* on 21 April 2012 resulted in even more responses. Dr Goodwin then visited many of the people who contacted her. As I said before, I visited some of these properties as well and we took photos of the alleged problem trees or hedges, or the residents provided photos as well.

Not surprisingly, given that the media at the time had been concentrated in southern Tasmania all the respondents were from Hobart and surrounding suburbs, including from Clarence, Brighton, Sorell, Hobart, Glenorchy, and in my own electorate of Kingborough and the Huon Valley. For the record I would like to outline some of the examples Dr Goodwin provided in the upper House in a motion because it shows, and today in some cases it is still, what people experience.

One example was a Glenorchy resident who had a problem with two pine trees that stood approximately 14 metres along the back fence. The trees hung over two garden sheds which needed to be repaired and painted, but the trees needed to first be cut back to enable this to occur. The resident was frustrated that the neighbour had not contributed towards the cost of removing the overhanging branches.

The next example was a Clarence resident who had a problem with a large blackwood tree overhanging his property, which reduced the effectiveness of his solar panels. The tree was also difficult to prune because it was so tall and there was a fear it would become unstable if bits were chopped off. The resident had already had to remove five blackwood trees from his own property

as the large tree had self-seeded. The roots from the tree were also inhibiting the growth of his trees.

The next example is a Kingborough resident who had a constant battle to maintain their view due to trees on neighbouring properties. For the past 30 years they had to do or pay for most of the trimming removal work themselves. They stated that: We now live in a situation where we are held to ransom, too frightened to say anything to our neighbours in case they plant more trees to deliberately cut off our view.

Example four was a Clarence resident, who stated that the view from her house was disappearing daily due to a hedge of conifers right on the boundary. Offers to share the cost of trimming these back did little to encourage action. The resident stated:

I now have one very small window of view compared to what we had when we first moved in and, to add insult to injury, she quite happily boasts what a lovely view she gets from her house. I like the trees and the shade and privacy they provide, but they would still do all these things if they were six to eight feet shorter. It is incredibly frustrating to have no power to compel her to take some action.

The next example was another Clarence resident. A neighbour planted a row of trees along the boundary fence which affected her view and only trimmed them after she had requested him three times to do so. Now the property is for sale she is concerned that the new owner may refuse to trim the trees or make her pay for the cost of the trimming.

Example six was a Hobart resident. A neighbour had planted a row of pine trees which eliminated the sun to her apartment. She was considering moving as a result.

Example seven was a Kingborough resident who lived in front of a 10-acre property which used to be slashed regularly but was then neglected. Two huge trees were wreaking havoc on adjacent properties, were dangerous in rough weather due to overhanging limbs, and leaves were blocking the drains.

Example eight was a Hobart resident who lost six hours of sunlight daily due to overgrowth of the neighbours trees 30 to 40 feet high. He suffered from depression due to lack of access to sunlight.

Example nine was a cluster of Kingborough residents affected by large gum trees on a neighbouring property. One resident had been told not to bother installing solar panels unless the trees were cut back. Another resident lived next to a very large gum tree and was frightened that it would drop a limb or fall on the house in strong winds.

Example 10 was another Hobart resident. His former neighbour planted fir trees, a gum tree and others along the boundary fence. The trees then blocked out his view. He stated: Unfortunately I lost my wife 15 years ago. We had no family and it is a lonely existence when one cannot enjoy the remainder of one's time with an outlook or a view.

Example 11 was a cluster of Clarence residents affected by a neighbour who had planted eucalyptus trees along the back fence. Views and sunlight were obstructed. One neighbour who

had had his house on the market had been advised that its sale price would be reduced because of the trees blocking the view.

Example 12 were Brighton residents who built their home nearly 19 years ago. About three years ago the neighbours planted six conifers that are now as high as the roof of the house. The neighbours refuse to trim the trees and the residents were losing the natural light into their kitchen, bedrooms and bathroom which all face that side of the house.

Example 13 was another Clarence resident who purchased a property because of the views of the mountain, River Derwent and Government House. She used to pay for the hedge on a neighbouring property to be trimmed to maintain her view, but the new neighbour refused to let her trim it. She stated that the hedge will take away all her view and sun from the living rooms, leaving her with a wall of green. The house is her only asset and she was very worried about it being devalued. She was thinking of selling and hoped the neighbour would let her trim the hedge before she sells. She said, 'This is a drastic step but there is no other option open to me and I cannot stand the stress of it'.

Example 14 was again Clarence residents, where the neighbour had planted trees along the boundary line which are now as high as the house and block out the sun to the kitchen where they spent a lot of time. They had lived in the house for 51 years and now only get about half an hour of sun in the morning.

Example 15, Clarence residents, where two *Cypress leylandii* trees planted close to the boundary fence about 10 years ago have grown to more than 10 metres. They block out most of the sun to the residents' garden over the winter months and also intrude onto the garden as they are planted so close to the fence. The neighbour has refused to trim or remove the trees, even when the resident offered to help with the cost.

Example 16, Clarence residents: their view of the River Derwent and Mt Wellington are blocked by trees in a neighbouring property. The trees are also impacting on sunlight and devaluing the residents' house.

Example 17, Kingborough resident: the neighbour has planted a dozen blue gums a metre from the fence line. The trees are obstructing the resident's view of the River Derwent. The perverse situation was that the resident's property has a restrictive covenant on it to restrict the height of his building to protect other people's views.

Example 18, Sorell resident, had two hedges of pittosporum on either side of his property. One has been manicured and the other has not. He estimated that he would lose a quarter of his view in the next few months if the hedge grows. His neighbour is reluctant to allow the hedges to be trimmed and also, due to the height of the hedges and the resident's age, it is becoming more difficult for him to trim them, even with the neighbour's permission.

Example 19, a Clarence resident: her neighbour has a pittosporum in their backyard which obstructs her view of the Tasman Bridge and Mt Wellington. The neighbour has also planted two fast-growing trees in the side boundary which are blocking her sun. The neighbour has an uninterrupted view and 100 per cent full winter sun. She stated, 'It has caused me so much distress that I cannot approach them about the trees anymore as I think I may say something I will regret and therefore develop a poor relationship with them'.

A final example is number 20, a Glenorchy resident. One resident was concerned about a large gumtree which was right next to her bedroom window. She lies awake on windy nights worried about it dropping branches on her house. The residents next door to her are losing sunlight due to a row of trees which have formed a hedge along the same boundary fence as the gumtree.

All these examples of Dr Goodwin's helped to illustrate the extent of the problem and why this legislation was necessary and why this legislation is still necessary today. It may be easy for some people to dismiss these trees and hedges as a minor issue but in reality, these sorts of neighbour disputes can cause a great deal of stress. The loss of amenity can impact on people's quality of life.

Dr Goodwin made it clear that she had nothing against trees or hedges and she completely understood why people plant them to create a privacy screen. The key issue was to try to live in harmony with one's neighbours and to try to balance competing interests. Dr Goodwin reflected on how it is suggested that sometimes neighbours plant trees or hedges out of spite over some falling out with their neighbour or broader dissatisfaction with the subdivision, for example. While this may have resulted in the use of the term 'spite hedges' to refer to some cases where hedges are causing obstruction, as she said this sort of motivation is unlikely to be present in every problem tree or hedge case. Sometimes, trees and hedges are innocently planted by residents who have no idea how tall they will grow or how to manage them. In other cases, the desire for privacy is so strong that the idea of any compromise by trimming the hedge is completely dismissed.

Regardless of what the motivation is, as Dr Goodwin stated, it is not reasonable to expect a neighbour to lie awake on a windy night worrying about whether the large gumtree next door is going to fall down or drop a large limb on their house. As she said, it is also not reasonable to have a tree so large that it blocks off the neighbour's sunlight, increases their heating costs and renders their solar panels ineffective. Similarly, letting a hedge grow beyond what is reasonably necessary to provide privacy to the extent that it blocks off the neighbour's view and/or sunlight is simply not fair.

At the time Dr Goodwin also sought the assistance of local councils. She discussed this at the time with the mayor of Clarence who confirmed that councils did have limited powers to intervene in such disputes. While councils do have some power to take abatement action where large trees pose a threat to people and/or property, they are powerless to deal with complaints based around amenity issues such as access to sunlight and views.

What appeared to be needed was a mechanism to help resolve neighbour disputes over trees and hedges which reduced the neighbour's enjoyment of their property and potentially increased their heating costs or devalued their property and that such a mechanism needed to be able to balance the rights of the property owner who wishes to maintain a privacy screen or who has had a well-established garden but it is objected to by a new neighbour.

Dr Goodwin stated at the time that while neighbours could pursue a remedy through the court and rely on the common law, this can involve considerable expense with the outcome uncertain. Such action will generally only exacerbate the tensions between neighbours. On the other hand, introduction of a legislative mechanism, as in New South Wales, the United Kingdom and also now in Queensland, may make it more likely that neighbours will be able to resolve disputes between themselves as there will be a clear avenue of dispute resolution and a greater understanding of what rights will be protected.

In New South Wales, the legislation that was introduced into 2006 was preceded by an inquiry into a range of issues affecting neighbours. When Vanessa looked at the United Kingdom legislation and the New South Wales legislation, she noted that both acts provided potential options for reform and provided mechanisms to resolve disputes between neighbours. Both provided for last resort mechanisms with the expectation that neighbours will try to resolve these matters between themselves first.

Trees can lead to a range of difficulties between neighbours. Disputes may arise over encroaching branches or intruding tree roots which can lead to structural damage to buildings, fences and retaining walls, and interference with sewerage and drainage pipes. Leaves can enter a neighbour's yard and cause particular problems for swimming pool owners. Falling branches have the potential to cause serious personal injury or property damage. Trees may simply obstruct a view or the passage of light, leading to a loss of amenity or damage, such as damp foundations and walls, or they may obstruct sunlight to solar energy collection devices.

Against all of these potential problems must be weighed the aesthetic value of trees, the legitimate interest of occupiers in planting trees to gain privacy and the general but not absolute right of the landowners to use their land as they see fit. Moreover, the growing community concern with the environment reveals a greater commitment to tree planting and preservation in both urban and rural areas. That is why Dr Goodwin was very passionate that the Government needed to identify a civil mechanism to resolve disputes between neighbours which involved competing interests concerning trees and hedges.

I would like to acknowledge the support of other MLCs back in 2012 for Dr Goodwin's motion. I would like to refer to some of their supportive comments. While Dr Goodwin had only received concerns from people based more in the south, other MLCs throughout the state made mention at the time of how they had likewise seen it in their electorates.

I will stick to the south for the moment. Jim Wilkinson noted that he fully supported the motion because over the previous month he had had concerns raised with him in relation to trees after a person purchased a property in Kingborough with a view over the water. There was a dispute with the neighbour and the neighbour had planted some pittosporums, which grew quickly. Suddenly the view these people had was taken up by these trees, probably around five to 10 metres from the window that used to look out over the water. As he said -

... you ask, 'What do you do?' ... 'you can cut off the offending parts of the tree that come onto your property, and you can throw them over the fence for the owners of the tree to get rid of.' Whatever the case, it is going to cause a neighbourhood dispute. There is no real mechanism to sort out that dispute if the neighbour wants to play hardball, and that often occurs.

On more than one occasion, a person has come to me for legal advice about a huge tree on a boundary that is overhanging their yard. The yard is wet in winter because no sunlight gets to it. Further, the tree drops leaves or twigs or whatever, on their roof and that causes problems with the spout. The neighbours do not want to get rid of the tree and they do everything they can to stop my clients from getting rid of it. They go to the council but the council say they cannot do much about the problem. ...

There is not much you can do. If you go to court, and you have an argument and it is going to cost. People know that. They know that it is going to cost a certain amount of money that some of them cannot afford. Some of them are pensioners. They ask what can they do. They do not want to go to court; they do not want to be bedevilled with the problems of the legal system at their age, so they just sit there and bear it.

There was an old gentleman down in Kingston who kindly used to allow me to put a sign on his property. He had this huge gum tree overgrowing the property. We tried to help him with that but again it was going to take quite a deal of time to do it. The other side did not want to play ball and in the end he told us to forget about it.

I turn to the trees. I googled 'neighbour disputes relating to trees' and anyone who googles that can see there are a number of areas where you can pick up these tree disputes. The first one ...

Disputes over neighbours' trees have become more and more common because the Tree Act has profoundly changed the law on tree disputes between neighbours. There is no minimum height requirement, except for hedges which obstruct sunlight to a window of a dwelling or obstruct a view from a dwelling.

...

It just goes on, and it goes on with the lack of any ability, in Tasmania, to properly solve an issue. Anyone who goes to a legal practice in relation to matters like this realises they have a fight on their hands, and they realise that it is going to cost them money and a great deal of anxiety from the start to the finish, and they may not win.

Anyone who goes to council normally is told there is not much the council can do. If there was legislation to assist neighbours to resolve their issues, matters could be dealt with more readily. That, as I understand it, is what the honourable member is asking for in her motion. I fully support the motion. I believe there are a number of people out there who would support it. I believe that anyone who is offended by the problems in relation to hedges or trees would certainly applaud the motion because it is a way out for them. It is a way they can understand what the law would allow them to do and whether they would be successful if they brought an action.

...

I believe that legislation that enables a neighbour to properly address the matter is going to save a great deal of angst in our community. I fully support the motion. I believe it will put an end to suggestions like driving copper nails into trees, or using Roundup.

That is what happens in the end because people are totally frustrated with what is going on. We do not want that to happen because it is only going to cause more angst between neighbours.

I commend the Attorney-General for bringing this bill forward.

I remind members of the House that in honour of Dr Vanessa Goodwin we have now put in place a special scholarship at the University of Tasmania for students entering year four or five of a Bachelor of Laws or combined law degree or final year of a criminology major in semester one 2020. The Dr Vanessa Goodwin Law Reform Scholarship is targeted at students with a demonstrated interest in law reform as part of a partnership between the Tasmanian Government and the University of Tasmania. This is because Vanessa was an exceptional student with a Doctorate in Criminology and was highly respected by the legal profession and the broader community for her dedication to law reform, particularly prisoner rehabilitation. Vanessa's passion for law reform and social justice underpins the focus of the scholarship, which includes a research internship with the Tasmanian Law Reform Institute and is a fitting tribute to her legacy and also the history of this bill before us today. It was because of the work of the TLRI, as well as Dr Goodwin, that we have this bill before us today.

The Hodgman Liberal Government is also proud to support the scholarship with a \$60 000 contribution to help nurture the next generation of legal minds in Tasmania. The closing date for that scholarship is 31 October, two days from today. If anyone knows of any law students who address criteria to please encourage them to apply for that scholarship. They have two days to apply. It is a fitting scholarship in honour of Dr Vanessa Goodwin.

[4.54 p.m.]

Mr TUCKER (Lyons) - Madam Speaker, I rise to speak on the important amendments to the Neighbourhood Disputes About Plants Bill. On 1 December 2017, the Neighbourhood Disputes About Plants Act 2017 commenced operation. The key features of the 2017 bill included providing for the Resource Management and Planning Appeal Tribunal to have jurisdiction to hear and determine disputes, encouraging informal dispute resolution before formal dispute resolution, where possible; outlining the informal and formal dispute resolution processes; reinstating the common law right of abatement and outlining the rights and responsibility of land owners in respect to vegetation.

In general, neighbours are able to deal with issues or disputes that arise in relation to problem trees, hedges or other vegetation in a reasonable manner. However, there are circumstances where such disputes may be irresolvable and in the absence of a satisfactory solution, anger and frustration between neighbours may become entrenched.

You only have to listen in this Chamber to hear how disputes over trees can get quite ugly and we are not even neighbours. Disputes about the impact of trees and hedges on neighbouring properties are regularly raised with community leaders.

In 2012 in the Legislative Council, the late Dr Vanessa Goodwin, moved a motion noting the problem caused by trees or hedges which obstruct the views or sunlight of neighbouring residents and the lack of redress available to the person whose views or sunlight are restricted. The matter was also referred to the Tasmanian Law Reform Institute for its consideration.

In January 2016, the TLRI released its final report number 21, Problem Trees and Hedges, Access to Sunlight and Views. I am sure we have all had those issues. The report noted that the law of private nuisance does not recognise a view or access to light as something that should be protected. Its application is limited to cases where a neighbour's tree causes physical damage to the land or encroaches onto the neighbouring land. The TLRI was of the opinion that the loss of sunlight or a view, or both, can have serious negative consequences for those affected and because of this, intervention was justified.

The TLRI report focused on the obstruction caused by trees or hedges to sunlight or a view. However, it was considered sensible for the statutory scheme to also address matters that would otherwise be dealt with under common law nuisance action so as to provide a more efficient and cost-effective means of resolving disputes where trees, hedges and vegetation were affecting a person's ability to use or enjoy their land.

Similar schemes in other Australian jurisdictions provide for the resolution of neighbourhood disputes relating to vegetation. In particular, the New South Wales Trees Disputes Between Neighbours Act 2006; the Queensland Neighbourhood Disputes Dividing Fences and Trees Act 2011, the Queensland act; then the New Zealand Property Law Act 2007, Part 6, sub-part 4, have introduced statutory schemes to resolve such disputes. However, the bill largely models the provisions of the Queensland act.

On 14 October 2016 a consultation draft of the bill was released for public comment and sent to government agencies, local government, the legal profession and the wider community. The bill generated much public interest and approximately 50 submissions were received from stakeholders. Almost all submissions were either strongly supportive of the proposed legislation or supported the legislation more broadly but proposed minor changes to the scope of the scheme.

The bill struck the right balance between the rights of plant owners and the rights of affected landholders. The 2019 bill, albeit while the act contains provisions which enable the Resource Management and Planning Appeal Tribunal to make orders in respect of disputes, it is also an offence under the contempt provisions of section 33 of the Resource Management and Planning Appeal Tribunal Act 1993 for a person to fail to comply with an order of the tribunal. The act does not have specific enforcement provisions for orders made under the act.

To address this deficit, the bill inserts specific provisions to allow the tribunal to make an order. If it is satisfied that the original order has not been complied with within the time specified in the order, this fresh order will allow the affected landholder, or their employee, agent or contractor, to carry out the work and to recover as a debt from the defaulting party, the reasonable expenses incurred in carrying out the work and the cost of the application.

The bill also makes provision for the affected landholder to make the relevant application and for the tribunal chairperson to waive, reduce or refund all or part of the application fee if the chairperson is satisfied that paying it may cause financial hardship to that person. In order to ensure that there is no incentive for defaulting parties to disregard an order made by the tribunal, the bill also inserts a specific offence and penalty provision for failing to comply with an order of the tribunal.

The bill also inserts a specific offence and penalty provision for failing to comply with an order of the RMPAT. The penalty provision is a fine not exceeding 100 penalty units, which is currently approximately \$16 800. This penalty needs to be sufficiently high so as to be a disincentive for the

owner of the offending plant to ignore the order. These new enforcement provisions are similar to the enforcement provisions recommended in the Queensland Law Reform Commission's Review of the Queensland Neighbourhood Disputes (Dividing Fences and Trees) Act 2011. The Tasmanian act is largely modelled on those laws.

The bill also clarifies that the current requirement to provide at least seven days notice of the intention to enter land to perform work under the act does not apply to a notice given under the branch removal notice provisions or where an interim order is made to the tribunal. This change is necessary because the branch removal notice provisions already require the person who intends to perform work on another person's property to provide at least 24 hours notice to another person and it is unclear whether the person is required to provide seven days notice or 24 hours notice to the other person.

The bill also clarifies that the requirement to provide at least seven days notice of the intention to enter land to perform work does not apply in circumstances where the tribunal makes an interim order. This exception is necessary, as interim orders can only be made in situations where there is an immediate risk of injury to persons or property.

The bill also provides that the tribunal may take into account any other matter the tribunal considers relevant when it is determining whether parties have made reasonable attempts to resolve disputes. It should be noted that currently under the act the tribunal is required to be satisfied that reasonable attempts to resolve the matter have been made by the parties before it may hear a matter, but in deciding this the tribunal may only take into account certain matters. This amendment is desirable because it will give the tribunal more flexibility in deciding what matters are relevant when determining whether parties have made reasonable attempts to resolve a dispute.

The act also requires an independent review of the operation of the act to be carried out as soon as practicable after 1 December 2021. The independent review will ensure that all relevant issues, including the threshold test for redress, are more fully considered following consultation with a broad range of stakeholders. I hope that all members of parliament will consider these amendments, as I, for one, am proud to have done just that and confirm that I support these minor amendments. I am confident that these proposed amendments will further improve the operation of the Neighbourhood Disputes About Plants Act. They are important to ensure more efficiency and more importantly, to address a gap in the legislation.

[5.04 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Madam Deputy Speaker, I thank members for their contributions. I was going to crack a bad joke, like who would have thought this topic would be such fertile ground? I have done it now. It is slightly after 5 o'clock and I do my best work after then.

In all seriousness, this is an important issue. We know from many constituents that those issues that are closest to home, and this is one of them, certainly get people revved up. Having spent some time in local government before being elected to this place, I can guarantee that these are very real issues out there. One of my very first constituent issues was a neighbourhood dispute about a hedge and they are not or never used to be issues that were easy to resolve because you could not really do anything but suggest the parties get together themselves without a formal mechanism, and we all know that in the heightened sense of emotion that cannot be possible in some circumstances often by the time it gets to our offices it will have reached that level of angst that the parties really

cannot get together in the same room very easily, so it needs that independent person conciliating or mediating such a meeting.

This legislation, as we know, was an initiative of the late Dr Vanessa Goodwin in her opposition days and then seeing it through to government as a minister. It is very satisfying when you get to do that and actually see something through, and I know that Vanessa was very proud of this. It may not be the most exciting, scintillating piece of law reform but it is really important for the peace of mind of many people living in neighbourhoods and living close to each other, because as members have said in their contributions - I think it was Dr Woodruff - when you live in close proximity to each other you can easily create noise and nuisances and that sort of thing that creates conflict. It happens and they are not easy to resolve.

Dr Woodruff - It happens even with mild-mannered people. They just really lose it.

Ms ARCHER - Exactly. Normally mild-mannered people, you are quite right, get to a point where it becomes so aggravating there is just no seeing the wood for the trees - sorry. If I come out with a third one just throw something at me.

In any event, I will address a few issues but I also want to point out that in her contribution, the member for Franklin, Mrs Petrusma, mentioned the scholarship and I wanted to note that the late Dr Vanessa Goodwin's estate also made a significant contribution to that scholarship. It is very much a partnership between private donors, Vanessa's estate, UTAS, the TLRI and of course the Government's contribution that Mrs Petrusma mentioned. I was looking behind me, Madam Deputy Speaker, and you are there in the Chair. I want to mention that because the estate has been very generous and it is, as has been said, a very fitting memorial for the work of Vanessa and will continue to benefit future students in that law reform area.

I wanted to address a few issues. I know that Ms Haddad mentioned the issue of the law of nuisance and certainly reflected on those laws and I agree with that, because it is not always adequate in these circumstances. An action in private nuisance may arise where there has been a substantial and unreasonable interference in the use and enjoyment of land. Generally, action is limited to situations where there is physical damage encroachment or interference with the use and enjoyment of land and also a nuisance is not complete until there is damage. Before that point there is only the potentiality of a nuisance.

In the case of Robson and Leischke, that principle was enunciated, but an injunction can be obtained to prevent a nuisance. This requires proof that the apprehended damage is imminent or likely to occur in the near future and will be very substantial, almost irreparable.

The courts have been reluctant to recognise that an action in nuisance can be used to protect access to light. The courts also do not recognise that aesthetic values like an unobstructed or pleasing view can be protected through the law of nuisance. There was the gap in the law. Other requirements are that a person must have title to sue. The interference must be to the detriment of the rights of the person and the interference must be substantial and unreasonable. The remedy may be damages or an injunction.

Costs in terms of time and money of bringing a civil action in nuisance are often prohibitive. It can be a very expensive way of proceeding and this simply would not be a viable option for many people. When you think about a neighbourhood dispute, for all intents and purposes, it should

otherwise be able to be resolved by discussion. I accept that always cannot occur but if we talk about in principle, then it is a very costly exercise to have to go down that particular path.

There is the common law right of abatement which provides that the property owner whose rights have been infringed may seek to rely on the self-help remedy of abatement. This remedy allows the affected property owner to cut any branches that encroach onto his or her property. These sorts of issues are not easily resolvable without significant cost by taking it to court.

Dr Woodruff mentioned application fees and although there was not a specific question, I will address that. The principal act provides that an application is to be accompanied by a fee, if one is prescribed. This is 208 fee units, which is currently \$336.96. This fee is consistent with the current fees for lodging an appeal with the tribunal for various other matters. Although this is not an insubstantial amount by way of a fee, you can see the significant difference between going to court, having representation and the like and only have an application fee. This amendment bill allows for, in certain circumstances, the tribunal to waive that fee as well for an applicant. If the chairperson, for example, believes that paying a fee may cause financial hardship to a person, they may waive, reduce or refund all or part of the fee. This feature will ensure that the scheme is accessible to the broader public. I am pleased that we have been able to make that amendment.

The beauty about seeing how an act operates and why we have in this one that it will be reviewed in the year 2021, is to see how it is working and what amendments might need to occur. These amendments have come about as a result of the tribunal identifying things that need to occur to improve the effectiveness and operation of the act, rather than waiting until that review period. It makes sense that these amendments be made now for reasons that members have observed. It makes the operation of the act far more effective, efficient and fair. For example, waiving a fee in whole or in part is a much fairer system for some and I am sure will be received very well.

There is also a fee to search the data base and that is 15 fee units, which is currently \$24.30, so again, that is quite an affordable rate.

Section 37 deals with the database of audits to be kept. In order to ensure that relevant information is accessible to the broader community, a publicly available database containing details of order and applications is maintained under the act by the tribunal. It is important that these things are easily obtainable by members of the public.

Details of orders include the terms of the order, when the order takes effect, when any work is required to be carried out and who is required to carry out the work, and details of applications are also included on the database.

Information must be updated by the tribunal within 14 days after an order variation or revocation of an order is made. Information can be obtained on payment of a prescribed fee, as I referred to above, currently \$24.30. That makes it more efficient and accessible in the public interest and those affected in the vicinity to monitor these orders and proceedings. That is something that will be welcomed by the public.

The Resource Management Planning Appeal Tribunal website has information available about the scheme, including practice directions and application form templates. The Department of Justice website also has information available which includes an overview of the scheme, information about the information and formal dispute resolution processes, responsibilities of parties where property is sold, information about insurance and where to obtain further legal advice

and links to the legislation. Members of the public can go to either of those sites and obtain access to that information. The Legal Aid Commission of Tasmania also has a fact sheet and questions and answers available on its website. Just giving Legal Aid and community centres a plug. They are a very good first point of call on these types of matters.

As a law student I spent time in community legal centres on their call lines or on nights where members of the public are free to go in and get advice. Quite often, your first matter will be a dispute of this nature. It is a classic type of dispute for which people will seek advice from community legal centres. It is not only a good thing to cut your teeth on when you are a young practitioner or a would-be-practitioner, it teaches you a lot about the practicalities of the law and what lies ahead in dispute resolution and navigating your way around the system.

The Legal Aid Commission has a phone line and a service where you can chat online. Members of the public can make those initial inquiries. Legal Aid is always only too happy to refer them to information available either through the tribunal or if any further advice is required and legal aid might not be applicable to such a case.

There is help and assistance available for people. I just wanted to note those important facts and issues coming out of this amendment bill.

I commend members of the House for supporting this very practical amendment bill and members generally for their contributions and sharing their stories, and sharing their stories about how this came about with the late Dr Vanessa Goodwin and her work. I thank the department for their work on this. It has been ongoing for quite some time. It is quite complex legislation. It was not an easy one to initially draft. Looking at this again, it refreshes your memory on the significant body of work that went into producing the initial bill and the continued work that has gone on with this amendment process. Then there will be a review during 2021.

With that, Madam Deputy Speaker, I again thank the department, my staff, and members for their contributions. I commend the bill to the House.

Bill read the second time.

Bill read the third time.

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

Second Reading

[5.20 p.m.]

Mr GUTWEIN (Bass - Treasurer - 2R) - Madam Deputy Speaker, I move -

That the bill be now read the second time.

In 2013, a strategic review was undertaken into the former Retirement Benefits Fund to identify the most appropriate means to provide superannuation services to public sector employees and members of the Retirement Benefits Fund into the future. The reform of public sector superannuation had a number of key objectives, including to protect the interests of members;

minimise the financial risk to the Government; and ensure the efficient and effective provision of Government superannuation services in the future.

In June 2016, the Public Sector Superannuation Reform Act received royal assent and this legislation:

- provided for a new default fund to be selected for Tasmanian public sector employees;
- provided for the transfer of Tasmanian Accumulation Scheme accounts from RBF to Tasplan;
- created a Superannuation Commission of up to three persons; and
- provided for the ongoing member administration and investment management services of the defined benefit schemes by the Superannuation Commission.

In April 2017, the RBF's Tasmanian Accumulation Scheme accounts were transferred to Tasplan, with administration of the defined benefit schemes being managed by the Superannuation Commission. These reforms have proven to be successful, with positive feedback from members and employee associations.

There are currently five defined benefit sub-funds. These are:

- the Retirement Benefits Fund Defined Benefit (Contributory) Scheme;
- the State Fire Service Superannuation Scheme;
- the Tasmania Ambulance Service Superannuation Scheme;
- the Parliamentary Retiring Benefits Fund; and
- the Parliamentary Superannuation Fund.

Since the commencement of the new framework, a number of matters have been identified to improve the efficiency and effectiveness of the new arrangements. It is therefore proposed to amend the Public Sector Superannuation Reform Act to more effectively support the administration arrangements for public sector superannuation in Tasmania.

Currently, the Public Sector Superannuation Reform Act provides that the Superannuation Commission must comply with the Heads of Government Agreement in relation to superannuation. The effect of this drafting is to place a higher obligation on the commission to comply with the principles of the agreement than the obligations of the state as a party to the agreement. This includes reporting and compliance responsibilities to APRA, which are not considered to be relevant in the context of a government-guaranteed defined benefit scheme.

It is noted that the states and territories are required to conform with the principles of the Heads of Government Agreement to the best of their endeavours and ensure that members' accrued benefits in exempt public sector superannuation schemes are protected.

It is therefore proposed to amend the functions and powers of the Superannuation Commission to provide that the commission must have regard to the Heads of Government Agreement rather than adhere to strict compliance, which is the intent of the agreement in respect of exempt public sector superannuation schemes.

It is further proposed to amend the Public Sector Superannuation Reform Act to facilitate the closure of the Tasmanian Government Insurance Office Reserve Account. The TGIO Reserve Account was established in 1993 following the sale of TGIO. Currently, there is only one active former TGIO member with a compulsory preservation account and 12 members with life pensions. As there is only one active member, the cost of maintaining the account in terms of administration fees and charges outweighs any benefit from having separate accounts. Further, as the legislation requires the Government to guarantee the payment of pensions, there is no reason that TGIO pensions could not be managed on the same basis as other RBF pensions.

It is therefore proposed to amend the Public Sector Superannuation Act to facilitate the closure of the TGIO Reserve Account and to provide for the balance of the Reserve Account to be returned to the Public Account. The employer share of benefits would be met by the Government on an emerging cost basis, as with the RBF Defined Benefit Scheme. This change will have no impact on the remaining members' benefits and entitlements.

The Public Sector Superannuation Reform Act currently provides that the Superannuation Commission must ensure that proper accounts and records of the transactions and affairs of the commission are kept, as well as any other records that sufficiently explain the financial operations and position of the commission.

It was intended that as part of the implementation of the structural reforms, Treasury would undertake the accounting functions on behalf of the Superannuation Commission, including the preparation of financial statements in accordance with the Audit Act 2008 as the 'accountable authority' for the commission. This bill provides that the secretary of the Department of Treasury and Finance is the accountable authority of the Superannuation Commission for the purposes of financial reporting pursuant to section 14 of the Audit Act 2008.

Following the commencement of the new arrangements, a number of issues have arisen with some of the definitions in the Public Sector Superannuation Reform Act. Amendment to the definitions of 'agency' and 'agency manager' is required to ensure that the definitions capture government business enterprises within the meaning of the Government Business Enterprises Act 1995.

In addition, the definition of 'salary' is required to be amended to correct a drafting anomaly to ensure that it includes only 'payments made in lieu of notice on the termination of employment' rather than all payments made on the termination of employment. This will ensure consistency with ATO Ruling SGR/2009/2 that specifies that termination payments in lieu of notice are included as ordinary time earnings.

The current definition of 'salary' is broader than intended and encompasses all other payments that may be payable on the termination of employment, such as employment termination payments, which are specifically excluded from the meaning of ordinary time earnings under the ATO ruling. This amendment will be required to have effect retrospectively from 31 March 2016.

It is also proposed to incorporate the Tasmanian Ambulance Service Superannuation Scheme Trust Deed and the State Fire Commission Superannuation Scheme Trust Deed in the Public Sector Superannuation Reform Regulations.

The trust deeds, as currently drafted, duplicate provisions prescribed in the act and regulations, as well as contain a number of drafting errors and anomalies. In addition, each time there is an

amendment to the regulations, the trust deeds also require amendment to ensure that they remain consistent.

As part of the amendments to incorporate the trust deeds in the regulations, it is proposed to include a provision to provide that regulations must not be made unless the relevant unions have been consulted. This will include consultation on any amendment, revocation or substitution of the provisions. This is consistent with the current requirement regarding amendment to the trust deeds. No changes are proposed to the benefits and entitlements under either of these schemes.

In addition to the amendments to the Public Sector Superannuation Reform Act, the Public Sector Superannuation Reform Regulations will also be amended to:

- amend the definition of 'salary' to exclude allowances paid in lieu of a motor vehicle, with the effect that such an allowance would not be taken into account in determining future superannuation benefits;
- include terminal illness as a condition of early release, with the Superannuation Commission to determine whether a contributor is suffering from a terminal medical condition in line with the circumstances prescribed in the Superannuation Industry Supervision Regulations 1994 of the Australian Government;
- allow the Superannuation Commission to pay an additional lump sum benefit to a contributor who has retired on the grounds of total and permanent incapacity, consistent with the existing provisions for the early release of benefits on compassionate grounds;
- clarify that the Superannuation Commission must periodically determine whether an interim invalidity pensioner who has not attained his or her preservation age is eligible to continue to receive the whole or part of his or her interim invalidity benefit;
- allow the Superannuation Commission to reduce or suspend an interim invalidity pension in certain circumstances - this amendment will give the Superannuation Commission the discretion to reduce or suspend an interim invalidity pension where an invalidity pensioner is engaged in any business or occupation on his or her own account or is undertaking gainful employment, as well as in the situation where the pensioner has recovered from his or her bodily infirmity, physical incapacity or mental illness so as to be able to undertake gainful employment;
- introduce a new 'interim surviving partner pension' to allow a surviving partner of a pensioner to be paid an interim pension immediately following the death of the member-partner, where the member-partner had a reversionary life pension;
- provide greater clarity to the Superannuation Commission and scheme members in the determination of surviving partners by amending the test for the determination of surviving partners to allow the commission to determine a person to be a surviving partner in the case where a spouse of a fund member is not living with the fund member due to medical or other care reasons;

- ensure that the Superannuation Commission cannot allow a person to become a contributor to the defined benefit schemes through claiming lost rights by extending the operation of subregulation 101(3), which prevents the commission from enabling a person who is not a State Service employee from becoming a contributor to include current State Service employees;
- allow the Superannuation Commission to deduct, from a pension payable under the regulations, bank fees associated with the payment of that pension to an overseas bank account, as well as other associated fees and charges as determined by the commission. This will ensure that the higher costs associated with the payment of pensions to overseas bank accounts as well as any other special arrangements as elected by a member can be recovered from the pension paid to that member, rather than being paid from the assets of the fund; and
- incorporate the relevant provisions of the trust deeds for the Tasmanian Ambulance and State Fire Commission superannuation schemes. It is not proposed to change any of the benefit entitlements or the design of either of the schemes.

An extensive process of consultation has been undertaken with all relevant stakeholders, including unions and employee associations. Stakeholder comments are supportive of the bill.

I commend this bill to the House.

[5.31 p.m.]

Mr O'BYRNE (Franklin) - Madam Deputy Speaker, this is an amendment bill designed to resolve a number of issues that have come forward to the Government with the operation of the original bill passed in this parliament in 2016, extended from a review that commenced under the previous Labor government around the review of the Retirement Benefits Fund.

To be honest, when you are dealing with superannuation with such an important part of a worker's life in terms of their ability to retire with a level of certainty, with a level of dignity, any issue or any bill regarding matters relating to the payment or the organisation, structure or the approach of government to superannuation is keenly looked at, and rightly so. We know that not only for the private sector, but for public sector workers, the superannuation system in Australia has produced a range of economic security in retirement, allowing people to retire earlier than some would normally have done had they not had the benefit of paying into superannuation. Any piece of legislation is keenly viewed and assessed by those who will be impacted by it.

Clearly, in the Treasurer's contribution, the second reading speech, a number of matters have been raised. A lot of the matters go to the commonsense in terms of dealing with, particularly the TGIO fund, and how you manage that. It is pretty clear this bill really needs to be read in conjunction with regulations. Unfortunately, those regulations are not yet drafted. There are a couple of questions and a couple of things I want to put on the record that the minister may seek to respond to, but also that we would like to put on the record.

Minister, in your second reading speech you talked about the Superannuation Commission, particularly in the change from having regard to, rather than strict compliance to, the Heads of Government Agreement. You articulated the reasons for that and in your second reading speech you give an example of why that is important. I ask the Treasurer to expand on that in relation to the kinds of broader issues that may be included in that to allow the commission to perform its

functions appropriately to ensure that - and underpinning this legislation as per the previous legislation - it is not the intent of the Government to reduce an entitlement or to injure a person in the financial sense. This is in relation to their ability to pay in, to receive the benefit of the superannuation payment as been paid by the Government.

In addition to the amendments, in the first part of your second reading speech you referred to a number of regulations that will be amended. A number of these are sensible and go to an efficient functioning of the superannuation entitlement, or a benefit, and as put down in the ATO ruling SGR 2009(2) in terms of clarifying what is ordinary time earnings. That is a principle that a number of superannuation funds, both publicly and privately, have had to define through industrial awards.

A number of the amendments that you will seek to make which will be given effect through the regulations are sensible and allow flexibility. Clearly there are circumstances that may or may not have arisen in the operation since the legislation has been in, since 2016. A number of provisions, particularly the introduction of a new interim surviving partner pension to allow a surviving partner of a pension to be paid an interim pension immediately following the death of the member partner where the member partner has a reversionary life pension. That is a sensible addition and that goes to the equity, particularly when a person has lost their partner. A range of existing financial arrangements may be interrupted and being able to have that new interim measure in the regulations will ease what will be a most difficult time for that person, so that is a sensible addition.

We have not seen the regulations and I am working on the assumption that many of these matters will be negotiated through the regulations or made clear through the regs. In terms of the amendments that you refer to, what will be the mechanism to either appeal or dispute a decision of the commission as it relates to, and in particular some of the issues that you have outlined in your second reading speech?

I suppose more broadly, and you may comfort me by words around, 'it will absolutely be within the regulations and there will be a clear dispute resolution process'. It is important that if a person is on the negative end of the decision that the commission makes, it should be crystal clear about what rights they have to seek redress or what rights and process. That is something that is consistent and would be familiar with a range of superannuation bodies where decisions are made and, at the end of the day, there is redress in the courts, but could you articulate that as well.

Broadly speaking, there is some retrospectivity which we are nervous about but we understand that it was an unintended outcome of the drafting. Therefore, the retrospectivity back to 31 March 2016 is consistent with the parent legislation so on that basis we do agree. Obviously, there is a nervousness about retrospectivity.

I thank the Treasurer for allowing his officers to brief me. In the briefing, I asked if usually when something around retrospectivity occurs, particularly when it comes to an entitlement, if there has been a claim or an incident which has given rise to that. Is there an example your officers were not aware of that? Maybe upon asking that question they may have been able to find that. Did they find this anomaly as a part of the review or was there an issue raised which has given rise to the need to amend? Can you make that clarification?

I will echo the sentiments I raised earlier around the concern we have of not being able to see the regulations at the same time. I do that in the context of your last sentence, minister, where you say, 'an extensive process of consultation has been undertaken with all relevant stakeholders,

including unions and employee associations. Stakeholder comments are supportive of the bill'. I raise a couple of questions in relation to that. I contacted the Community and Public Sector Union around the time I received my briefing from the department and the secretary of that organisation was not aware of this bill. The original bill was sent to a different union to the CPSU, the federal group, who after a period of time, subsequently copied it and sent it through to the correct union, the Community and Public Sector Union state branch, Mr Lynch's union. When he received it, he raised questions and there was a discussion around 'once the regulations are drafted, we will have a conversation about that'.

Of most of the unions I spoke to, their concern and focus is on the regulations. Whilst this is essentially an enabling bill to allow those regulations to be resolved, there is a number of concerns from those unions around the consultation process. They were written to by the secretary of the department in April. There was a meeting in late August where they were informed that the legislation and regulations being able to be read in conjunction would be consulted upon and that would give them the full picture of not only the enabling act but also the regulations.

I know the regulations can be consulted on but when this was on the blue today, I contacted those unions who have not heard from your department since that August meeting. They contacted the department today and again were given assurances that once the regulations are drafted, they would be consulted, but they were given the commitment that the bill and the regulations could be consulted jointly because from the perspective of those unions, they should be read in conjunction.

This Government does not have a good track record on consultation. The Westbury prison is a prime example of that. You letterboxed a flyer on 1 October saying you were consulting in September and you have basically made the decision. That is not consulting. That is notifying of a decision. There is a very big difference to that. I understand your commitment and it is clearly in the second reading speech. The secretary of the department contacted the unions earlier this year, but in discussions the unions made it clear that they would like to see the bill and the regulations concurrently. That was a commitment given and it has not been followed through.

Given your track record on consultation with unions, particularly given the last public sector wages dispute, which was pretty ordinary, we are supportive of this bill but only on the basis - and the caveat is pretty heavily laid on - that you have to genuinely consult with unions. We will foreshadow that if the unions are not happy with the regulations, we will take the necessary steps to support them in ensuring that no worker will be worse off by the introduction of this bill.

We have seen over many years conservative governments give the commitment that no workers will be worse off and we know how that plays out. We have seen it time and again, particularly from your side of the Chamber.

Mr Gutwein - Nurses, eight or nine months, 109 policemen.

Mr O'BYRNE - Seriously, is that all you have?

Mr Gutwein - At the end of the day at least we are employing them, not sacking them.

Mr O'BYRNE - When you say natural attrition, is that sacking people? You are going through that right now. You are dealing with natural attrition in the Health department. We did not sack one police officer. You call them policemen, we call them police officers.

Mr Gutwein - Well police officers. There were 109 less.

Mr O'BYRNE - We did not sack one. There was an issue around natural attrition. Again, you are on your feet with the current cuts you are expecting of the department and saying 'We will deal with it through vacancy control and natural attrition in the Health department'. That is code for sacking, so do not be all pious about the fact that you come to the table with clean hands on the issue of sacking. When you say we sacked nurses and we sacked police -

Mr Gutwein - The simple fact was there were 109 fewer police officers. That's not a bad effort.

Mr O'BYRNE - We did not sack them. It is semantics.

Mr Gutwein - You downsized the Police Service.

Mr O'BYRNE - Through you, Mr Deputy Speaker, you know what the word 'sacking' means and there was not one police officer that was terminated under a Labor government. There was a natural attrition process, which is what you are applying in Health, in nurses. What is good for the goose is good for the gander. You have had four years in this spot to get away with that, but no longer, mate.

My concern is that whilst in the words of the second reading speech you have committed to 'extensive consultation', one union did not even get the bill. It was sent to a different union who had to pass it on. Two unions, the United Firefighters Union and the Health and Community Services Union on behalf of the ambulance workers, have identified and flagged a lack of consultation to date and a lack of following up on a commitment that was given to them, so we are very concerned about this.

We provide broad support for the intent behind the bill to resolve this but that is heavily weighted against the assurance that should be given to those union officials representing the workers who will be impacted by this that there will not be a reduction in conditions or a reduction in the benefits that have been hitherto negotiated under previous agreements and previous legislation.

With that, I have put a couple of questions on the record and I hope the minister will be able to respond to that and give me some confidence there will be an exception to the rule about how they consult with Tasmanians.

[5.46 p.m.]

Ms OGILVIE (Clark) - Mr Deputy Speaker, I will make some broad comments in relation to the bill we have before us which is an amending bill. I do not believe I was in the House when the original legislation went through and I must say I certainly have not been inundated with lobbying on this matter.

I want to raise a few issues more generally in relation to superannuation and how we handle it and the government's responsibility to provide some leadership across superannuation given its capacity and also given the number of people the government employs.

I will take it as read that the amendments, which seem to be fairly straightforward, are more administrative in nature, but I am particularly interested in making sure that the relationship between

defined benefit schemes and accumulation schemes is accurately translated when they are coming in under new trustees, which I understand is one of the things that may occur in this act.

It is a very little known and well-hidden fact of my very interesting journey that I have through legal life that I started as a superannuation lawyer in Canberra back in the Keating days when the Superannuation Commission was being established, so I have a little bit of old knowledge, Treasurer.

Mr Gutwein - You couldn't possibly be that old.

Ms OGILVIE - I love it when you say that - do it again. I was just a babe in arms back then. Back in the day it was my first job as a graduate recruit and I went from there to Allens Arthur Robinson also as a superannuation lawyer.

The complexity of the industry and the complexity of the legislation, both state and federal, around this now is overwhelming for mere mortals. We have now in Tasmania a much larger retired population. I have been lobbied a lot by retired public servants in relation to the cost of living and the capping of their ability to enjoy their lives because they are living within a limited and defined budget. There are certainly some concerns out there and I place on the record that I have been consulting and listening to them.

The biggest challenge we have before us, though - and this is something I have spoken about in this House many times and am also passionate about - is women's superannuation. I call on the Government to provide some really good thought leadership around this and take on board your responsibility not just as employers contributing to superannuation funds but also to provide the leadership that is desperately required, both at a state and federal level, to even up the tally in an economic sense, so that women who have been in and out of the workforce with caring responsibilities and also who generally also get paid a bit less in similar roles, are able to retire in confidence and with sufficient money to sustain their lifestyles.

We know this is a major issue. It is a major problem in Australia and elsewhere. Other countries have started to address it. It is not good enough to say women who are out of the workforce are not accumulating superannuation money and there is this distinct or Chinese wall between those two parts of economic activity that women contribute. We have dealt with this in other areas of the law - personal injuries law for example. If a woman is injured we are able to quantify the value of her contribution if it was purely a caring role. Again, aim to quantify that and address that and make the right compensation.

From an economic perspective we are able to value that contribution. We are going to need to address the false dichotomy between being in an office or being at home. Paul Keating recently said an overhaul is required. I understand there is a major federal inquiry. It is my intention to make a submission to that inquiry. The bill before us is fairly administrative. I would like to reiterate and underscore the desire of many women. Many of the mums I speak to, about my age, my generation, are very worried about retiring without sufficient superannuation. Things go wrong all the time in relation to that.

The question I will ask the minister is about the interplay between advanced care planning and the nomination of beneficiaries in the schemes. I notice we have five sub-funds which sit under the same trust deed. Does the beneficiary nomination process sit within the sub-funds, or does it sit at that head deed level? I am concerned there is now a high degree of flexibility for the trustee to

make determinations in relation to paying some money to widowers during the process of sorting out where the benefits of the fund go. Also the interplay between that and advanced care planning, which needs to be regulated but is currently unregulated. That is a technical question. I will be interested to understand more about that particular issue.

[5.53 p.m.]

Mrs RYLAH (Braddon) - Mr Deputy Speaker, I support this bill. Tasmanians can be assured that under the Hodgman Liberal majority Government public sector superannuation is being well-managed. Superannuation and the corollary federal retirement income policy, is complex but essential for one's security in retirement. This Government's 2016 reforms changed the way that public sector superannuation will be managed in Tasmania. In April 2017 the RBF Tasmanian Accumulation Fund accounts were transferred to Tasplan with administration of the five defined benefits schemes being the RBF contributory scheme, the state fire, state ambulance, and the two parliamentary schemes of the retirement benefits fund and parliamentary super all transferred. All these are being managed by the Superannuation Commission.

From an historical perspective it was defined benefits schemes which were the first form of superannuation in Australia. As far back as the 1960s they were the exclusive domain of governments and some privileged and large corporations. I know from my electorate there were APPM and Tioxide in Burnie, which both had exceptionally good schemes for their members. Both these schemes were closed to members and the pensions were commuted for good reasons. The good reasons are that defined benefits schemes are incredibly complex to manage and today this bill continues solving the issues which the remaining Tasmanian Government closed defined benefits schemes pose.

In 2016 the Tasmanian public sector superannuation fund reforms have proven to be successful, with positive feedback from members and employee associations. In fact, in the year just passed, Tasplan Super was in the top five superannuation funds in the country for member returns. This is good news for Tasplan, a Tasmanian member-owned fund. Tasplan has currently \$9.5 billion of funds under management with investments directly in Tasmanian assets accounting for nearly 5 per cent of the total fund assets, according to their latest annual report.

Further, Tasplan is Tasmania's largest private sector organisation and is managed through a board, a management team and service providers offering a predominantly fund of funds style of portfolio.

This fund management style spreads risk, can reduce operating costs and smooth returns for members. Research firm Chant West recently rated Tasplan as the fifth best performing growth fund for 2018-19. Tasplan has reduced its administration fees in the last year, contrary and against the trend of many large and corporate funds, which have increased fees nationally. Tasplan is achieving competitive fees and strong returns for members. This is good news for Tasmanian public superannuants who have their superannuation with Tasplan.

The reforms to our public sector superannuation in this state have helped strengthen those members' interests, but also the finance and insurance service industries. The finance and insurance industry contributes around 8 per cent to the Tasmanian economy. This has grown since the reforms were completed, which is a great outcome. I would like to see this sector continue to expand because I believe it is a great strength in our state.

All of this shows that Tasmania's Government changes to our public sector funds have resulted in the management of public sector superannuation sensibly, responsibly and in the interests of public sector workers but, more broadly, in the benefit of the Tasmanian community, creating jobs and opportunities. It will enable our expertise to shine.

I turn to the current bill. Since these ground-breaking reforms, a number of matters have been identified to improve the efficiency and effectiveness of the new arrangements. The current bill before the House amends the Public Sector Superannuation Reform Act to more effectively support the administration arrangements for public sector superannuation in Tasmania. The bill reduces red tape. As one example, currently the commission must comply with the heads of government agreement relating to superannuation in Australia, but this places a higher obligation on the commission, the administrator, than the obligations of the state which is a party to the agreement. This is not necessary in a government guaranteed defined benefit fund and results in unnecessary costs in administration.

The recent confirmation of our AA credit rating by Standard & Poor's reinforces the strong position of Tasmania under the Hodgman Liberal Government's fiscal management. We have come a long way from the dark days of rating downgrades and threats to the state under what Labor and the Greens left for us to fix.

Back to the superannuation changes. There are many other examples but I will not go into them here. The Treasurer has outlined the changes in his second reading speech. The key point is that member benefits and entitlements are maintained throughout and proper accounts and records of the transactions and affairs of the commission are kept with the secretary of the Department of Treasury and Finance as the accountable authority of the commission.

Superannuation is important as it creates the assets from which we can generate an income to support us in retirement, which is now more than one-third of your life, on average. Your superannuation is important. In some limited cases, superannuation can also help you in the case of illness, injury or disability if you accept to have those covers.

I have seen amazing benefits and also tragic outcomes, where people have not had or have not taken cover. The bottom line is everyone needs to know their superannuation.

Debate adjourned.

ADJOURNMENT

Total Fire Ban - Southern Tasmania

[6.00 p.m.]

Mr SHELTON (Lyons - Minister for Police, Fire and Emergency Management) - Madam Speaker, I rise to inform the House of some information they may already know. Tasmania Fire Service declared a total fire ban today for the south of Tasmania. As members of parliament who attended the Chief Fire Officer's recent fire season briefing last session would know, he indicated that bushfires in Tasmania in October are quite common and driven by strong equinox winds and warmer temperatures this time of the year.

Current weather predictions provided by the Bureau of Meteorology indicate very high fire danger ratings for several districts tomorrow, with a dry air mass and windy conditions predicted across the south and the south-east of the state. There is actually a couple of fires burning today in Scamander and Lachlan, with some smoke haze across Hobart.

In advance of today's total fire ban, Tasmania Fire Service and Parks and Wildlife Service established an incident management team at Cambridge. This is business as usual for our fire agencies. At all times Tasmanians need to remain vigilant and heed the advice from the Tasmania Fire Service, with our best bushfire defence always being preparedness.

It is important that Tasmanians living in bushfire-prone areas know and practice their bushfire survival plans and prepare their properties by removing flammable materials from their yards and gutters.

I thank our firefighters for the tremendous work they do. I have every confidence in the Tasmania Fire Service, as we all should take notice and listen to the advice of the experts, including the Chief Fire Officer.

Lachlan - Fire Threat

Total Fire Ban - Southern Tasmania

[6.02 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, I was going to speak on the smoke that we can smell in the Chamber right now. Although the minister is trying to put some comforting words into this situation, the level of wind is deeply concerning and I do not think he has really stated the level of severe threat that communities around Lachlan are facing right now. The Fire Service has an emergency alert. There are a substantial number of personnel already there fighting those fires and resources are heading that way. It is the case that Moss Beds Road and Top Swamp Road are under heavy smoke, houses are under threat now according to the Tasmania Fire Service and they say there is a high risk in that area.

There is a total fire ban in the south today and the TFS, as of an hour and a half ago, are confronting 20 fires around the state. Their predictions are that on Thursday the conditions will be far worse because the winds are stronger. We hope that tonight with the cooling and a bit of rain that the conditions may abate somewhat but they cannot change the reality, which the minister and his Government fails to discuss, which is that these are normal conditions. This is not a normal spring. There are not normal conditions -

Mr Shelton - If you had turned up you would have listened to what the Chief Fire Officer had to say.

Ms O'Connor - I beg your pardon? We had representatives there for a 20-minute briefing.

Madam SPEAKER - Order, through the Chair, please.

Dr WOODRUFF - It is not quite common to have conditions like this. In fact, the only other time the Hobart City Council manager mentioned that these conditions have been seen, in at least the living memory of people in Hobart, was before the 1967 bushfire season. John Fisher, the Hobart City Council and bushland manager, said that today. There is right now at UTAS a series

of experts from the Fire Service, if they are available - they may well be unable to attend that public discussion - and fire ecologist, Alex - I do not remember his surname, from overseas - who is here right now and they are talking about the extraordinary situation. They know the reality of the climate emergency that we are in. These are not normal conditions.

The winter we have just been through has not had -

Mr Shelton - So you're more of an expert than the Chief Fire Officer.

Madam SPEAKER - Mr Shelton, please.

Dr WOODRUFF - I listened to the words of Mike Brown, the previous Chief Fire Commissioner, as he stood at the global climate strike on 20 September and talked to the 20 000 people who were there, and you did not turn up to listen. If you had listened to Mike Brown he would have you understand this is a climate emergency, we are in a climate breakdown, this is not normal and it will continue to not be normal. We do not respond in an emergency with BAU, or business as usual.

This is not the normal way to respond to an emergency. It is very serious and I hope that this Government comes into this place tomorrow and tells us where the resources are that were promised to respond to the review. How much money has been put towards bushfire prevention in Tasmania? How much money has been put towards the Tasmania Fire Service and the volunteers who are out there today and will be there probably every day between now and we do not know when, fighting fires in Tasmania?

Come on, we have to wake up. This is not just the equinox and the normal warm and windy conditions for this time of year. That is not what is going on here. It is orange outside and it is windy. We can smell bushfire smoke in this Chamber but it is nothing like what people in Lachlan are experiencing. We have had Professor David Bowman warn us about the threat to Hobart from fires like this starting under just these winds, rocketing along Mt Wellington, funnelling through along the Derwent River catchment area into Hobart. The Lord Mayor of Hobart, Anna Reynolds, today said she cannot guarantee the city will get through the season unscathed. It is good to hear a leader be real about what is going on and thank you to her for being real.

If only we could get those sorts of words from this Government. Just accept what is going on. You cannot do everything. We are not expecting you to have an answer. There are not answers to some of these things. It is not easy, but we need recognition. We need people to hear the reality of what is going on so they can confront it with the right response. We are a community. We will work together. We have to confront this together and we need leaders who will speak the truth.

Launceston Chamber of Commerce Business Excellence Awards

[6.07 p.m.]

Mr FERGUSON (Bass - Minister for Infrastructure and Transport) - Madam Speaker, I rise tonight on two subjects of great importance to the community of Bass. I start by commending the business community of Launceston and the broader region of northern Tasmania who just last weekend celebrated the Launceston Chamber of Commerce Business Excellence Awards. There was a record turnout. The Hotel Grand Chancellor convention room was full, with 430 attendees.

In the time I have it is only possible for me to mention briefly each of the award winners and I want to do that. Before doing so I acknowledge on behalf of the Government and as the minister with responsibility for supporting business, both big and small in our state, and commend our business community. These are the people who risk their own private capital. They make a huge investment of their energy, ideas and time and it is often their families who are doing that. They are employing Tasmanians and keeping food on families' tables around the state and they themselves are building a better life for the people of our state.

I congratulate all the nominees and finalists but in particular the winners of the award categories. In Building Communities, Harvest Launceston; for Design Excellence, ARTAS Architects; for Environmental Excellence, Star Theatre; for Excellence in Agribusiness, Casalinga Gourmet Meats; for Excellence in Community Service, Launceston City Mission; for Excellence in Customer Service, NBC Auto Parts and Engineering; for Excellence in Export, Bell Bay Aluminium; for Excellence in Health, the Mental Health Nurse Program North which is operated by the Prospect Medical Centre; for Excellence in Innovation and Technology, EB Solar; for Exceptional Workplaces, The Metz; for Manufacturing Excellence, Tasman Metal Industries; for Outstanding Event, St Helens One Night Stand, Break O'Day Council; for Outstanding Visitor Experience, On Your Bike Tours; for Professional Services Excellence, Launceston Dental Group; Retail Excellence, Capri Launceston. For Start Up, Leisure Rent Pty Ltd; for Tourism Excellence, Overland Track Transport; for Young Professional of the Year, Dr Joey Crawford; for Business of the Year, Kingthing Marketing. Two very special awards recognised special and longstanding contributions, first for the Hall of Fame, Rod Patterson, who is well known and loved by many members of the House was inducted into the chamber's Hall of Fame and a new life member for the chamber in Mr Don Pitt.

I congratulate the Launceston Chamber of Commerce for their great work throughout the year but particularly for this special event. I acknowledge the outgoing president of the chamber, Tim Holder and the team of employed staff who have put the event on, particularly Neil Grose, Kristen Finnigan, Will Cassidy and Alecia Parry. They did a fantastic job.

The second subject that I wish to raise briefly is my recent attendance at the Flinders Island Show. If you want to meet nearly all of the people who live on that wonderful island go to the Flinders Island Show. I have seen Ms O'Connor there at different times. I have seen different colleagues there. It is a joy to go to and it was a great pleasure that I recently attended the 85th Annual Flinders Island Agricultural Show.

It was a terrific event once again, with fine weather and a strong turnout. I was pleased to attend with my colleague in Bass, Sarah Courtney, and so many people from the local community. Amongst everything that was on display, the stalls, the rides, the showbags, the trade exhibits, the craft competitions, equestrian displays, island produce which is exceptional, live bands. There was a parade at noon, as there always is, of emergency service and agricultural vehicles. It is a very special thing to be a part of and my heart is very warm in talking about it.

There was an entertaining tug-of-war between the firies and the SES volunteers. That was something of a highlight.

Ms O'Connor - Who won? 'Fess up, who won?

Mr FERGUSON - I will tell you later. There is a bit of controversy about that. The volunteers of the CWA put on a great morning tea, lunch and afternoon tea and the hardworking Lions Clubs

put on the bustling fast kitchen on the outside. I take this chance to congratulate Mr Gerald Dilger, who is an islander of great renown, on his receipt of the Citizen of the Year Award which is presented at the show. I also commend all of the volunteers and the Flinders Island Show Committee for another fantastic show.

For any members here today listening to me speak about this, I encourage you to book it in now. Next year get yourself to the Flinders Island Show. It is a wonderful welcoming community in a most gorgeous vista. 'Islands in the Sea', as it is known, and for such a tiny island in both population and its size, Flinders Island punches well above its weight.

Whenever I visit Flinders Island I find it to be such a welcoming and friendly community. Many of the community live very remote from what is mainstream Tasmanian life but they have a very special Tasmanian way of life. There are aspects to that quality of life that, despite its remoteness, its sense of community and mutual dependence and the way that people get on together and make things happen, somewhat uncaring of the role of Government at times - we just get on with it - is something that people living in Launceston, Hobart, Burnie and Devonport would not understand. We ought to be somewhat envious of it because they have a way of living which is something that greatly inspires me. It reminds me of the Tasmania in which I grew up and we ought to commend them for that way of life, the attitude and the spirit of enterprise that has made the island community the success that it is.

Dr Paul Willis - Tribute

[6.14 p.m.]

Mrs RYLAH (Braddon) - Madam Speaker, tonight I congratulate and recognise another of Braddon's outstanding sons who is making his mark on the world stage of social research.

Dr Paul Willis grew up in Wynyard. He studied Social Work at the University of Tasmania, graduating in 2002 with a Bachelor of Social Work (Honours), and followed on to graduate with a PhD in Social Work in 2009.

After submitting his PhD in 2008 and inspired by research for Durham University in 2006, Paul decided to relocate to the U.K. to fulfil a long-term wish to travel and work either in academia or social work. In 2009, Paul took up a post at Swansea University in Wales as a lecturer, remaining in that role until 2015. Paul then sought a change of scenery and took up the role of Senior Lecturer in the School of Policy Studies at the University of Bristol. In addition, since 2016, Paul has been Senior Fellow at the National Institute of Health Research School of Social Care Research and is also head of the Centre of Research for Health and Social Care within the University of Bristol.

Paul comments that much of his research work is inspired by the theme of social inclusion; that is, changing organisations and systems so that the people at the social margins are fully recognised, included and treated as equals, particularly in relation to older adults who so often are devalued and disregarded in later life or are seen as having little social or economic value.

Paul describes his early teenage years as 'difficult'. He comments that growing up as a gay teenager in the 1990s on Tasmania's north-west coast was a tough and isolating experience punctuated by organised anti-gay protests, particularly regarding gay law reform, negative press in the media and homophobic attitudes in the wider Tasmanian community. Despite this, Paul describes the changes that occurred in Tasmania during his late teens and early to mid-20s as exciting and important, changes such as the decriminalisation of homosexuality and gay law reform,

the introduction of the anti-discrimination law and the recognition of civil partnerships. It was also the time of the establishment of the organisation, Working It Out, which he worked for a time. He was also fortunate to have an amazing grandparent in his life, he tells me.

Paul has shared these early and present life experiences with me via technology and via his dad who lives on the north-west coast. I am absolutely appreciative of his candour.

As a social care researcher, Paul's research includes older men's expectations of loneliness and social isolation, sexuality, care and ageing, trans-ageing and gender identity, inclusive care provisions for diverse groups of older people, equality measures in organisations and the LBTQI youth health and wellbeing.

This is where I have come to know Paul and harks back to his early life in rural Wynyard. This year Paul, as principal investigator, together with three colleagues completed a two-year research project which sought to identify ways of alleviating loneliness and reducing isolation for older men, that is plus 65, across marginalised and seldom heard groups. This significant research undertaken through Age UK, the largest charity in Britain, helping people make the most of their later life, identifies that at risk groups of men are: men living in rural areas who are single or living alone; men living in urban areas who are single or living alone; older gay men who are single or living alone; older men with hearing loss - and I note that category - and older men who are carers for significant others.

This finding resonates in our community, I believe. The overarching aim of the research was to develop an in depth understanding of the ways in which diverse groups of older men seek to maintain social engagement and social participation in later life. This included participation in group interventions targeted at reducing loneliness, the research identified, in which social care and voluntary services can better take account of the social wellbeing of older men from marginalised and seldom heard groups. Findings from this research will be disseminated through engagement workshops and all resources are available on the Age UK website and I have watched several of these films. They are fascinating.

Tasmania's older demography and the significance of lonely men is an area I believe we need to do more. While our Men's Sheds program is significant it is the only way that we are addressing the needs of men who are single or living in rural areas, or older or gay men, or older male carers and older men with hearing loss. COTA programs and Seniors Week, which took place recently, are another way but I believe there is much more we should do. Dr Willis' research indicated that many participants found it difficult to engage with mainstream programs. I congratulate Dr Paul Willis as a significant contributor to our society through his important research.

I also congratulate Paul for making his contribution through the auspices of the University of Bristol, ranked in the world's top 50 universities. Paul began his academic journey at the University of Tasmania, a university ranked in the world's top 300. His rise to a senior role in a top 50 university recognises his significant contribution to our community. He is a proud north west coaster, making ripples in a worldwide pond. I look forward to meeting Paul soon when he will be home in Wynyard to congratulate him personally and to get to know more about his inciteful work.

Royal Agricultural Society of Tasmania

[6.21 p.m.]

Ms OGILVIE (Clark) - Madam Speaker, I rise to give great credit to the Royal Agricultural Society of Tasmania for their most marvellous show and their show luncheon, which I had the great

delight to attend. It was a wonderful experience to be in the room with many old friends, old friends from schools. It was great fun and there was a lot of good energy and good vibes in that room, particularly from the farming community.

I want to specifically mention and thank new president, Peter Spotswood. I know Peter very well from his work in football and as president of his local club, which is in itself a challenging role. These grand old institutions, such as the Regatta Association, football clubs, football competitions, and the Royal Agricultural Society are driven by volunteerism and community participation. It is the energy and the work of the people who sit on those boards and lead those organisations that keep them alive. The Royal Agricultural Society traces its history back to 1821. It is the oldest organisation of its nature in Australia. It started in Van Diemen's Land where residents got together to establish a group for the protection of animals. Tasmania therefore was the first, which is always good news.

The first show in 1822 was held in an area called the Market Place, which is the area in front of Parliament House. Later Elwick Knoll was bought at the cost of £25 250 and the first show was held. King George V approved the granting of the prefix 'royal'. In 2012 a master plan was developed to guide future development on the site. We know that they are doing superb work in relation to housing and other developments in that area. I roundly applaud them for that.

The Royal Agricultural Society is the oldest cultural institution still operating in Australia. We should take great pride in that. In 2021 it will celebrate its 200th birthday. It is worthwhile acknowledging that we have these institutions and people who lead them. But for their good efforts, which are all unpaid, we may not be able to participate in great events like the show. I like the dog trials the best. There were many very fine-looking corgis. I could not find any Scottish terriers but maybe next year. With that note, again thank you to Peter Spotswood, the new president, and his board for a marvellous show.

Irene Alice Woolley - Tribute

[6.24 p.m.]

Ms BUTLER (Lyons) - Madam Speaker, I rise to talk about the life of a friend of mine that I lost the week before last. She was born Irene Alice Woolley on 27 October 1942 at Inveresk to Ruby and Victor. Irene was the sixth of their nine children. There were three girls and six boys. She explained her household growing up as a very busy place to be. It was her job to look after the younger ones. Perhaps this is where she learned to give and take and developed her kind and thoughtful nature. As a girl, Irene's dream was to be a ballet dancer or a nurse.

After schooling at Invermay Primary and Brooks High School and a job in photography, Irene then followed many of her family members to work at Patons and Baldwins, later to become Coates Patons in Launceston. This world-leading company provided many benefits to its workforce. Irene often spoke about working there and how much she enjoyed the activities provided by the social club at weekends. She made lifelong friends there, Barbara and Sue.

While working at the woollen mill, she met the handsome love of her life, Kelvin Semmens. They were married at Holy Trinity in 1968 and then moved to St Helens. Kelvin was working at the sawmill and established his own vegetable garden which he still, to this day, continues to enjoy. He went fishing for Carl Barber and later Peter Bailey.

Irene was a devoted homemaker and put all of her energies into raising Danny, Matthew and Donna. She used to have a big smile on her face and her eyes would twinkle when she would tell us stories about their various childhood adventures. It was during these years that Irene established lifetime habits associated with plantings, preserves and cooking for Christmas, with only the plumpest fruits being used. Her cooking was always exceptional.

With Kelvin at sea for long periods of time, Irene's often boundless energy saw her look for work. She started housekeeping at the Anchor Wheel Motel in St Helens. Irene's work life then took her to Queechy in St Helens, owned by then Beryl and Stephen Gammon.

In December 1991 my family bought Queechy from the Gammons who were retiring and I met Irene for the first time. She had a shy smile and very neat and clean appearance. She was very ladylike and well-presented and meticulously clean. I soon got to know her sense of humour, her quick wit and her strong work ethic and kindness and consideration for others. As kindred spirits, my mum and Irene shared a love of cooking and everything connected with wool.

Irene became Queechy's head housekeeper and the business continued to develop and employed up to 11 people. Irene was always kept in the loop with all the business plans and she also gave wise advice.

Irene got to know our family very well and was always thoughtful, visiting my nanna when she was very ill. She continued to make Christmas cakes for my grandfather Jack until he died. Irene trained at least 20 people in housekeeping skills over the years. At least three of them have now used that training in their own tourism ventures.

Irene was very supportive of my mum's effort to make things better for her community. She had a strong sense of social justice and fairness. Both mum and I would seek her opinion on policies and ideas that were being considered. She did have a strong local voice.

Matthew and Nikon's marriage meant that Irene travelled to Indonesia. She was excited about the trip and loved seeing all the different sights, sounds and smells and meeting Nikon's family.

Over the last five years or so, Irene has had challenges with her health and many tests but almost every Friday she was down the street with Kelvin doing their business, shopping and making sure that their beautiful labrador Winklie had his vanilla ice-cream in a cone served in the back of Kelvin's ute. Irene loved dogs and they all knew it.

As friends over the past 28 years, the main theme of Irene's life that we observed was her pride in and love and devotion to her family, especially her husband of 50 years, Kelvin, Danny and Melinda, Matthew and Nikon and Donna and Heath. She adored her grandchildren, Thomas, Kirralee, Taylor, Brittany, Jack, Ashleigh, Madison and Jacob.

Irene has left a huge legacy for her family. They all have something of Irene's loveliness about them. We are very lucky to have known and loved this loyal, intelligent, shy, sensitive, kind and fun-loving lady, who faced her mortality with courage and managed to plan her own final departure by getting things done.

We will miss this wonderful wife, mother, nana and friend and be grateful that she has touched our lives with so much grace. These words of farewell were written by Irene and I know she would want these to be on the record -

May your footsteps lead you down the road of harmony.
Reach for a rainbow up high, walk the beach in moonlight and grab a handful of stars;
Open your hands in the morning and see all of your dreams unfold.

Thank you.

Northern Regional Prison - Comments made by the Attorney-General

[6.30 p.m.]

Ms HADDAD (Clark) - Madam Speaker, I rise to refer to a debate earlier today in question time where I was clearly misrepresented by the Attorney-General. Today in question time the Attorney-General said:

To make matters worse, on 30 September this year Labor's corrections spokesperson, Ms Haddad, said in the media that she had no problem with the Westbury location.

That is entirely untrue. In the interview that the Attorney-General was referring to I was responding to a question about the escape from Risdon Prison which had occurred in late September. I was talking about the escapes and the attempted escapes that had recently happened at Risdon, which I note were happening on top of multiple incorrect releases that have happened under this Government's leadership of the corrections system. They have happened on top of escapes from police and youth justice custody, on top of a leaked report saying that the culture at the Launceston Reception Prison was a toxic one, on top of the current conditions at Risdon being the worst they have ever been, on top of multiple reports of horrendous injuries to inmates at Risdon, on top of multiple reports of awful injuries happening to correctional officers in Risdon Prison, on top of reports of correctional officers being forced to finish shifts in clothes covered in prisoners' blood and other bodily fluids after a disturbing and horrendous death in custody, without the opportunity to shower or change, on top of a prison unrest, which happens almost daily because of lockdowns due to staff shortages and cancelled medical rounds because of staff shortages, on top of the inability of this Government to retain correctional officers working at the Risdon Prison site who are leaving in droves because conditions are so bad, and on top of a \$450 million budget cut, which will inevitably lead to job losses across the public sector, including the corrections system.

In the context of those facts I was asked in a media interview about prison escapes. This was the question:

How do you think the Government can ensure a Westbury facility is going to be secure?

To that I answered:

Ideally, the people of Westbury should not have anything to worry about, but this would only be the case if the prison comes with the budget that is required to actually run an efficient and well-run prison system, which is not what we are seeing in the south. For example, we know that state government departments are being asked to come up with \$450 million worth of budget cuts. Police at that time had recently announced that \$18 million of that was going to come out of

their police budget. We need to know how much of those \$450 million razor gang budget cuts is going to come out of the prison budget now, let alone what they plan to build 10 years into the future.

Madam Speaker, those are the facts. That was the question I was asked and on the record in that media interview I asked for that information. I asked the minister to quarantine the prison, the justice system, the court system and the prison system from having to contribute to those \$450 million of budget razor gang cuts. If that is the best that the Government can come up with to try to indicate that there is some division on this side of the House, it is pathetic. We saw a pathetic performance from every member of the Government who spoke on this issue today. It was laughable to watch how wishy-washy those answers were across question time today.

I could not let that go without rising to explain the misrepresentation. In the context of a Risdon Prison system, which is the worst it has ever been, it is right for us to express concerns about the conditions at Risdon and to question the ability of this Government to deliver on their election commitment and to be able to run any prison well in this state.

Youth Justice System - Ministerial Responsibility

[6.34 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, I found it very hard to disagree with anything that Ms Haddad said just then about the corrections system in Tasmania. I want to follow that with some comments on the youth justice system in Tasmania following on from the really scandalous tabling of a redacted report in the last sitting.

Given Mr Jaensch's confusion about lines of accountability, I thought he might want a handy flowchart on the Westminster system. It is very clear -

Madam SPEAKER - I think that is a prop Ms O'Connor.

Ms O'CONNOR - Okay, I will lay my handy flowchart down on the lectern so that it is not regarded as a prop, and thank you for your guidance, Madam Speaker. This handy flowchart makes it very clear that in the Westminster system parliament is supreme and parliament represents the people who pay us to be here.

In terms of accountability, when you have a department that is working literally underneath a minister's authority, that department answers to the minister and the minister then comes in and answers to parliament if he or she is an honest and open minister who has not tabled a report in parliament that is full of redactions which have yet to be explained. The buck stops always in the Westminster system with the minister. Yet, on the day he tabled the Inspection of Youth Custodial Services in Tasmania 2018 Youth Custodial Report, Mr Jaensch was asked by journalists why the report was so heavily redacted and the minister said he did not know anything about it.

There are a couple of things here which are very concerning. The first is that as a minister, when a report or documents are put on your table in this place for you to table in parliament, you want to have a look at them because you are taking responsibility for that document when you table it as the minister, yet Mr Jaensch did not take responsibility. He either did not look at the document, so he did not know it was full of huge black chunks - and I think that is what happened, so that is incompetence rather than being deceitful, but then there was an opportunity for the minister to admit

he had made a mistake. This is something my mum told me to do. If you make a mistake, if you cock up, you 'fess up straight away, because the truth will always out. That is the thing about the truth, it always outs, yet we still have not had the truth from Mr Jaensch on the redactions in the Custodial Inspector's report into Ashley, but the buck does stop with him.

When we asked the questions in parliament this morning we had a truly Scott Morrison performance from Mr Jaensch. I am sorry that I caused such disruption at one level, Madam Speaker, but it was very important that we had an answer to what happened to that independent Custodial Inspector's report so I kept getting up and saying, 'Point of order. The question was really direct: who redacted that report and why, and could he confirm that the direction or request or the strongly perhaps unexpressed desire of his office to the Custodial Inspector is that the most damning parts of the report be redacted?'. Maybe there was not a direction from the minister's office but the Custodial Inspector and the department sure knew what the minister's office wanted. We asked a clear question and then I said, 'Point of order. You need to answer the question: basically, did your office direct the redactions?'. His reply was, 'Madam Speaker, I have given my answer to that question'.

Deja vu all over again. He sounds exactly like Scott Morrison when he is repeatedly lying about the fact that he asked the White House if the disgraced pastor Brian Houston from the Hillsong group could attend the White House with him. Then a bit later when he waffled on a bit more and started self-congratulating for no good reason, I said, 'Point of order, Madam Speaker'. You told me it was not a point of order but it was, and then Mr Jaensch said, 'Thank you, Madam Speaker, I have answered that question'.

That is not the way it works in here. When a question is asked it is on you as minister to come in here and answer it clear and straight and true on behalf of the people who pay us to be here. If you make a mistake, accept responsibility for the mistake and tell the parliament and, therefore, the people of Tasmania what you will do to make sure that mistake does not happen again and make sure there are processes in place so that ministers know that they are responsible for information they bring into this place and place on the table.

I am still concerned about the legality of the redactions of the independent Custodial Inspector's report. It is an offence without good reason to interfere with the work of the independent Custodial Inspector under the act that established that statutory position. That is part of the reason we have continued to badger the minister about this report.

We still do not have an answer even having asked the question again in parliament today. The question is why was the independent Custodial Inspector's report into the Ashley Youth Detention Centre redacted? Who directed or asked for that redaction to happen? What was the role of the minister? That means, what was the role of his office, because remember in a Westminster system in making sure that the report that was tabled in this place hid the worst aspects of the failures of the Ashley Youth Detention Centre, to properly respond to young people who are in its care for a whole range of reasons?

We know there are massive problems at the Ashley Youth Detention Centre. It is a failed model for dealing with juvenile offenders. It fails to deliver a therapeutic approach and really - I have said this before, I will say it one more time before I am wound up - this Government has a problem with the proposed prison at Westbury. Westbury is not a good place for a prison and the local community has made that really clear. So why isn't this Government having a look at closing

down the Ashley Youth Detention Centre, establishing a northern prison if it must have one at Ashley in Deloraine?

Hazel Elaine Bushby - Tribute

Raymond William Shipp - Tribute

[6.41 p.m.]

Mr BARNETT (Lyons - Minister for Primary Industries) - Madam Speaker, tonight I am pleased to pay a special tribute to a dear friend whose Thanksgiving Service was held yesterday. Hazel Elaine Bushby, commonly known as Elaine Bushby, was dearly loved by so many people. Just in her 85th year, born on 15 November 1934 during the middle of the Great Depression.

Right up front, I pay my condolences and sympathies on behalf of both myself and Kate, and I know many, many other people, to her children, Peter, Michael, Wendy, David and Helen. I say thank you and well done to Peter, who paid a tribute to his Mum yesterday at the beautiful Thanksgiving Service. I was not able to attend but my wife, Kate, was able to attend and it was a very special service paying great credit and tribute to Elaine Bushby.

What a life she did lead. She was a dear friend of Kate and myself. She worshipped at Newstead Baptist Church and before that in her early days at Sandy Bay Baptist Church where I also worshipped for many years during my time in Hobart with Kate and my family.

She was a doyen of the north and absolutely was loved by all. She studied initially at the Albuera Street Primary School and at the Hobart High School. She worked at the Hydro-Electric Commission and trained as a nurse at the Royal Hobart Hospital. Peter gave a wonderful tribute and I would like to share a few quotes from his eulogy to his dear mum.

Elaine was married to Max Bushby who is a former member of this place and former Speaker of the House of Assembly. They were married on 6 November 1954 at the age of 19. She was at the time at the Sandy Bay Baptist Church where I used to worship those years ago, under the pastorship of Reg Taylor who is a dear, dear friend - Reg and Dorothy Taylor.

She was an amazing woman and so committed to her family and to her dear husband, Max, who entered as a Liberal member for Bass in 1961. He had a 25-year political career and was Speaker in this place. I quote from Peter who said these wonderful things about his mother, Elaine Bushby.

She was a giver not a taker. She was indeed selfless in all her endeavours. For Mum, life was all about her family, her friends, her faith and convictions and supporting those many worthy Christian and community causes and organisations that were so dear to her heart.

Then he goes on and says:

Mum was a stalwart and a life member of the National Council of Women; sat on the Launceston City Mission Board for many years, I think 15 in fact, continuing Dad's legacy there. She was active in the Royal Commonwealth Society and had a true passion for Christian endeavour; the Bible Society; Worldwide Evangelical Crusade (WEC) and many other church-based organisations.

She was for some years a deacon, then elder of the Newstead Baptist Church where I now worship.

Mum's dedication and work in these areas was recognised when, in 2001, she was awarded the Centenary of Federation Medal for contributing to the care of people and improving the role of women in society.

In 2017, she was inducted into Tasmania's Honour Roll of Women.

I got to know Elaine Bushby during my time as a senator and before that, because Mum had a lifelong friendship with her, my late mother, Lady Sally Ferrall, and they were very good friends and did a lot of work together. They were very much kindred spirits in terms of caring and giving and being generous to those in the community around them.

She served on the Launceston City Mission, which I also served on for a number of years, and did so much other wonderful work in the community. I want to pay a wonderful tribute to her. She will be missed but she was loved and dearly appreciated by so many, and to Pastor Michael Ritchie, who spoke and led the service, and that is a wonderful tribute to him as well for his service.

To the family and to the many children, grandchildren and great grandchildren of Elaine Bushby, on behalf my family and I know many others, including those in the Liberal Party who knew her, we thank her for her service.

In addition, I would like to also pay a tribute to Raymond William Shipp who was in his 95th year, born on 27 September 1925, and who, sadly, just very recently, passed away. He was a member of the Legislative Council for Launceston from 1968 until 1982, some 14 years. He was just a wonderful man, giving service to the local community, on the Launceston City Council. I understand it was 1985 until 2011, incredible years of public service to the community. He was re-elected each time he stood during that time on the Launceston City Council. He was deputy mayor from 1994 until 1999. To his wife, Gail, I pass on my condolences and sympathies to his family, including Sue Ives, his sister, who is a dear friend again of myself, my wife, Kate, and so many others.

He was involved in the York Park development; he was the chair of the York Park Committee for the Launceston City Council. Also, driver training, he did so much to support young people to get involved in work, in life, in education and activities in the community. A dear man and I got to know him over many years prior to my time in the Senate and, then of course, as a member of the parliament in this place. In his 95th year. I pay a tribute to Ray Shipp and say thank you for a life well lived.

Penguin in Pink Breakfast

[6.48 p.m.]

Ms DOW (Braddon) - Madam Speaker, I rise to speak about a great community event that I attended recently.

Last Friday I attended the Penguin in Pink Breakfast held at the Dial Park sports centre in Penguin. I might say that it has been fabulous over the last month to have many shopfronts right across the north-west coast, and the big penguin in Penguin itself, dressed in pink for the month of October to raise awareness of breast cancer.

I am pleased to say that I, too, have decorated my office window for this fantastic cause.

Shirley Goode started a 'Pink Up Penguin' movement, or initiative, last year but unfortunately, due to her own ill-health, she was unable to do this again this year and enlisted the help of the local Lions Club to help organise the Penguin in Pink Breakfast. I extend my congratulations and best wishes to Shirley on her efforts on bringing together and working with the Lions Club on this important community event and also to thank the Penguin Lions Club for their initiative and for hosting this special event for our community this year.

I make special mention of Stephanie Templeton who MC'd on the day. The breakfast was very well attended and it was great to see that everyone was dressed in pink. The funds raised on the day went towards the McGrath Foundation, Breast Cancer Network and Cancer Council of Tasmania. The effort was to raise awareness of breast cancer, to talk about the importance of screening and early detection, the importance of community support networks for people living with breast cancer within our local community and the importance of knowing your own body and recognising when something is not right and seeking medical assistance.

I recently received some information from Breast Screen Tasmania about statistics within Braddon and I noted that the west coast has the lowest number for breast screenings in Braddon. It is important to note there are no female GPs on the west coast, which is a significant barrier to women seeking medical treatment when they do sense that something is wrong with their body. I encourage those women who live in our rural and remote parts of Tasmania to seek medical assistance if they do feel that something is not quite right.

There were two survivors who spoke on the day about their own personal experiences. They were Sue King, who now organises a very important community network of support for people living with breast cancer across the north-west coast, and Paul who spoke about his own personal experience as a man being diagnosed with breast cancer. He reinforced the importance of a second opinion if you are not satisfied with the first medical opinion that you receive. Although it is not very common, breast cancer diagnosis among men is rising on the north-west coast.

I thank the Penguin footy club for catering on the day. It was a magnificent breakfast. I also highlight and thank the work of our local McGrath Foundation nurse, Tracey Beattie. I thank her for her tireless work as one single practitioner in our local community right across the north-west coast in supporting those living with breast cancer and their families. I thank her very much for the important role she does.

Thanks to all of those who attended the breakfast who dressed in pink and thanks again to Paul and Sue for sharing your personal stories. My congratulations again to the Penguin Lions Club on a fantastic community event.

Clarence Plains - One Community Together Awards

[6.52 p.m.]

Ms STANDEN (Franklin) - Madam Speaker, I rise with pleasure to highlight the achievements of the Clarence Plains community at a recent get together that I attended.

One Community Together is a collective impact approach to bring together the Clarendon Vale and Rokeby communities under one umbrella called One Community Together for Clarence Plains.

This year it celebrated five years. This was the third occasion of the community awards that have become an annual event now.

There were 15 nominations for seven awards. I was delighted to sponsor the Prime Mover Award. I just wanted to congratulate all the nominees: the Clarence Plains Boxing Club, Clarence Plains Growers and Crafters Market, Craig Russell-Green, Hard to Skip, Home Community Liaison Program, Ian Dixon, Isa Kingston, Liam Eduljee, Maureen McKay, Nick Moate, Our Place - Nature Place Space, Phillip Sullivan, Rod Hill, Soul Food and Sue Watts.

Under the backbone organisation of the Hobart City Mission with Elise Parker working closely with this community, hardworking people from the council including Suzanne Schultz and with exceptional leadership from Alderman Heather Chong, the Deputy Mayor of the Clarence City Council, One Community Together is going from strength to strength.

Isa Kingston won the Prime Mover Award. I will read out her nomination:

Being part of and helping the wider community is a fundamental part of who Isa is. She has contributed to the wellbeing of Clarence Plains and wider community by organising activities for people of all ages. She has been the walk organiser for the Clarence Plains Walk and Talk group for about seven years and a leader in the Girls Brigade group where she organises activities that include craftwork, learning about other countries, making Samaritan boxes, listening to bible stories and singing.

Isa started fundraising for epilepsy, because she saw how difficult it was for her granddaughter with epilepsy. She raises money for research so that her granddaughter and others with epilepsy can have a better quality of life.

While fundraising Isa has met people within the Clarence Plains community who live with epilepsy and is doing what she can to help them.

Isa also regularly visits the women in her cul-de-sac and organises for the informal group to go out for lunch three or four times during the year.

She is a worthy award winner of the Prime Mover Award. The penultimate award given on the night is The One Community Together Award. This year the award winner was Craig Russell-Green, who is an active member of the Clarence Plains community and he has been so for many years. He is a Rosny Library volunteer and extremely valued volunteer at the Rokeby Neighbourhood Centre, active member of the OCT working groups and has recently joined the steering committee where he provides a resident's views to all discussions. Craig is always willing to help. He is the first person to put his hand up to provide entertainment at any local event. Craig takes Rock & Rhyme sessions at the Rokeby childcare centre, he plays the recorder and always has the interests of the community at heart.

I congratulate all the steering group members. There are about a dozen or so really committed volunteers working on this community-wide initiative, focusing on the community safety tagline for One Community Together 'It starts with me'. That ethos is starting to spread strongly throughout the community. I congratulate everybody involved in this year's community awards.

The House adjourned at 6.56 p.m.