



PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Wednesday 16 September 2020

REVISED EDITION

Tuesday 24 March 2020

The President, **Mr Farrell**, took the Chair at 11 a.m. acknowledged the Traditional People and read Prayers.

TABLED PAPER

Government Administration Committee A - Services and Supports Available to Tasmanians Not Eligible for the NDIS - Report

Ms Forrest presented a report of the Legislative Council Government Administration Committee A containing its short inquiry process into the services and supports available to Tasmanians not eligible for the NDIS.

Report received and printed.

LEAVE OF ABSENCE

Member for Prosser

[11.04 a.m.]

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

That the honourable member for Prosser, Ms Howlett, be granted leave of absence for the services of the Council for this week's sitting.

Motion agreed to.

SUSPENSION OF STANDING ORDERS

Government Business to take Precedence

Motion by **Mrs Hiscutt** agreed to -

That so much of standing order 40 be suspended for this day's sitting to allow Government business to have precedence.

Question Time - Suspension

Motion by **Mrs Hiscutt** agreed to -

That standing order 49 in relation to question time be suspended for this week's sitting.

SPECIAL INTEREST MATTERS

Emelia Howell and Clara Kim - International Women's Day

[11.06 a.m.]

Ms WEBB (Nelson) - Mr President, as we are still in the month of March, I am taking the opportunity to speak today in the context of International Women's Day, which was on 8 March.

International Women's Day is a day to focus on the continuing inequality experienced by women globally. The United Nations highlights that, despite some progress, real change has been and continues to be very slow for the majority of women and girls in the world. Not a single country globally can claim to have achieved full gender equity. Many obstacles remain for women in law and in culture.

Women and girls continue to be undervalued. They work more, earn less and have fewer choices. Women experience multiple forms of violence at home and in public spaces. In many countries there are significant efforts to roll back hard-won feminist gains. There is still much work to be done, which is why International Women's Day provides an important opportunity each year to mobilise global action to achieve gender equality and human rights of all women and girls.

International Women's Day is also a day to celebrate the social, economic, cultural and political achievements of women. This can be a day of actively celebrating women's achievements and encouraging their passions.

Today, I want to celebrate the achievements of two remarkable young women in my community, Emelia Howell and Clara Kim.

First, Emelia: Emelia's passion is soccer. I was delighted to attend the 2020 Kingborough Awards in January this year and witness Emelia being named the Young Citizen of the Year for her outstanding commitment and leadership of young women through sport. She has been coaching under-8 girls' soccer for the Kingborough Lions United Football Club since she was just 12 years old. She is one of Kingborough's youngest coaches. She coaches and trains three days a week. On weekends she plays her own games and supports the games of the girls she coaches. She is involved with junior come-and-try days. She volunteers her time at the women's soccer league and to help run holiday programs for the club.

Emmy was very humbled to be singled out for this award; in fact, she is a very quiet and reserved girl. As she sees it, she is part of a team and it is the whole team that deserves to be recognised, including her friend and fellow young coach, Jess Shreeve. Jess first came along to soccer training to help Emelia, then started coaching herself. Riley Pitchford, the junior development coordinator at the club, says it is hard to get young people, particularly girls, to step up into coaching roles, but studies show that giving girls leadership opportunities early in life develops self-confidence, problem-solving skills and sets them up for future success.

It is Emmy's sense of teamwork that epitomises her coaching style. She aims to give her players confidence to participate in and to enjoy the game. Emmy and Jess are part of the ladder of inspiration that helps girls to stick with sport, seeing how people older than you are achieving and what they are willing to participate in and give back. Emmy also loves playing for the sake of playing and wants the girls who she coaches to love it, too. It is young women like Emelia and Jess

who will be our sports superstars and our community leaders in years to come. I wish them both every success.

The other young woman I would like to talk about is Clara Kim. Clara is an equally talented young woman living in the Nelson community. Clara's passion is communicating, particularly public speaking. I first met Clara at Taroona High School last year, where I was honoured to present her with the debating and public speaking scholarship in 2019. Clara has many other accolades to her name.

In 2019, she came third in a national competition, the My First Speech competition. This nationwide competition asks students to put themselves in the shoes of a newly elected member of parliament and deliver a three-minute speech about an issue they are passionate about. Clara spoke on ways the Government could increase access to education in Australia's rural and regional areas. Placing third nationally offered Clara the opportunity to visit Canberra and give her speech on the Floor of the Australian Parliament.

Mr President and others, I invite members here to reflect on their first speech in this House and imagine how giving that speech at age 15 in federal parliament, knowing it is being broadcast across the country, may have felt. You can probably understand why Clara described it as nerve-racking, but she was also thrilled to do it and described the experience as being 'gold'.

Clara is also the Tasmanian recipient of the 2019 Simpson Prize, a competition which encourages participants to explore the significance of the Anzac experience and what it has meant for Australia.

In 2019, Clara also won the International Student of the Year Award at the Study Tasmania International Student Shine Awards and a Chinese language proficiency award. You might think that with all these awards, Clara is a natural public speaker but she sees it differently. I was surprised when she told me that, although she loves public speaking, she initially felt she was not very good at it. Clara told me she would feel nervous, that it did not come naturally and it was something she had to work hard at. She told me, 'If you want to do better for yourself, you will find a way to get better.'. Clara credits her role models and mentors as being important to her success - in particular, the encouragement and support she received from her teachers at Taroona High School.

When we talked about public speaking, Clara noted that, as a society, we are attuned to hearing male voices as powerful. It is another, often unconscious, bias we hold that can be a barrier to women's equality. Clara wants to tell other young women that they too can speak up and be powerful with their own feminine voice. I add my voice to that call as I am sure my colleagues in this place do, too.

I wish Clara every success and I feel confident hers is a voice of leadership we will most certainly be hearing into the future.

Toni Maloney - Former CEO - Clifford Craig Medical Research Trust

[11.12 a.m.]

Ms ARMITAGE (Launceston) - Mr President, today I speak about a stalwart of the Launceston community and a friend of mine, Toni Maloney, a person who has contributed so much to the Tasmanian not-for-profit and medical research sectors.

Toni was born in The Netherlands and emigrated with her family to Indonesia after the World War II, arriving in Australia not long after in 1950. Educated in New South Wales, Toni became a Queen's Guide and worked with handicapped children early in her career. She went on to train as a secretary, then went to work for the Australian Commonwealth Naval Board. In 1962, Toni moved to Tasmania and was appointed private secretary to the managers of Myer from 1975 to 1981.

Having acquired a great deal of experience and knowledge in executive support, Toni was named Tasmanian Secretary of the Year in 1978 and worked her way up to become the executive assistant to the deputy CEO of the Launceston General Hospital. Working in this position at the LGH gave Toni experience in the health and wellbeing environment, something which became very valuable to her throughout her career.

In 1992, the Clifford Craig Medical Research Trust was established. Toni's hard work and good attitude did not go unnoticed and she was selected to lead the trust in its fragile early years. Based on the fifth floor of the LGH, the trust started with virtually nothing, using donated office equipment and relying mostly on the savvy and resourceful work being done by Toni. Within the first three months, the Clifford Craig Medical Research Trust managed to secure committed funds of \$1 million thanks to dedicated supporters such as Dr John Morris, Roelf Voss, Ros O'Connor and Anne O'Byrne, with whom Toni worked to encourage businesses and community groups to commit to a financial pledge over the next five years.

During these formative stages of the Clifford Craig Medical Research Trust development, Toni also dedicated herself to promoting the work it sought to do by establishing public understanding and enthusiasm for a medical research facility in the local community. During this time, Toni and her colleagues travelled through the region seeking the support of community groups, businesses and service clubs, many of whom are still loyal supporters to this day. Under Toni's stewardship, the Clifford Craig Foundation, as it is now known, was able to fund its initial research projects on lung and cancer projects conducted by epidemiologist, Dr Zahid Ansari.

Since then, Toni has remained heavily involved with the work of the Clifford Craig Foundation, working as its first CEO and being awarded a life membership in 2012.

Toni continues to volunteer for the Clifford Craig Foundation in helping to coordinate fundraising events and holding positions of office on the Friends Committee. Of the activities the Friends of Clifford Craig manages, events such as the annual garden fete raise funds to continue on the important medical research work that is done.

In addition to this, Toni has volunteered as president and vice-president of the Glenara Lakes Residents Association, vice-president of the Glenara Lakes Auxiliary and is on the Holman Clinic Trust Board.

Toni also publishes a newsletter for the residents of the Southern Cross Care apartments at Glenara Lakes and helps with activities for the residents at the home.

There is not much that Toni Maloney has not done during her time. Her dedication to the organisations which first and foremost look after people says much about Toni's character. She has truly dedicated much of her life, expertise and wisdom to helping others. For this, I would like to say thank you.

Miss B's Student Services

[11.16 a.m.]

Mr FINCH (Rosevears) - Mr President, most school students cope well with school environments and benefit fully from standard curriculums. But some, for various reasons, fall behind in their learning and need extra tuition. Some want to study subjects that are not available in their schools. How can these extra needs be met?

In my electorate of Rosevears an extremely highly qualified educator, Catherine Byers, had the idea to set up a student services institution in 2013 - 'Miss B's Student Services', she calls it. The service has grown exponentially since then and has helped hundreds of students feel confident and engaged with their learning. Catherine was rewarded for her business efforts last year, when Miss B's Student Services became a finalist in the social change maker category of the Telstra Business Awards.

I mentioned that Catherine Byers is highly qualified. Among other qualifications, she has a Bachelor of Education from the University of Tasmania, a postgraduate certificate in education, a Masters of Education from the University of Southern Queensland, a Graduate Certificate in Education Studies from Murdoch University, and a certificate III in children's services. In addition to the above education and childcare qualifications, she also has an Associate Diploma of Music Australia.

Her career experiences in teaching have taken her to national and international schools, including one in Sweden during 2008. In 2010 and 2011 she was employed by the Department of Education and Training in Western Australia, working in a remote Aboriginal school as head of music and the arts. I might point out, too, Mr President, that recently she held a music gathering at the Windsor Precinct in my electorate with community musicians as well, and raised well over \$2000 for the firies who had the recent experience of helping out with the fires on the mainland.

Her student services offers one-on-one tuition for students who are behind in reading, writing, spelling, grammar or numeracy. It offers help with homework. Where was she when I was at Hobart High School, for goodness sake? Essay writing is also covered by her and assignment help up to university level. As well as helping students who have fallen behind, it has assistance and support programs for students who are ahead of their peer average. It caters for 180 students and employs eight casual staff members.

Some will ask: Why can't the Education system take care of these needs? Why is it that a private system is necessary? Well, Cathy responds -

Classes of 30 children means a wide variety of backgrounds, abilities, languages, cultural and social demographics etc not to mention learning styles, rates of knowledge acquisition and prior knowledge. Teachers usually cover between 4-5 subjects a day - which means getting around each of the 30 students at least once in those 4-5 subjects making essentially 120-150 students to teach, assess, catch up etc. It just isn't possible. If a student misses a few days due to sickness and is slow understanding a concept the teacher can't hold the learning journey of the other 29 students to allow the student to catch up. Miss B's Student Services can help catch the student up.

So you might be asking: what about coronavirus? Well, with increased hygiene and cleaning methods, students can still choose face-to-face tutoring at Miss B's. However, there is an online learning platform where students can still interact with their tutors via an e-learning program. As this pandemic continues, online learning may become the norm and carefully managed one-on-one tutoring maybe safer than the normal school environment, threatened as it is. In these difficult times the conventional education system can learn lessons from Miss B's Student Services.

Vansittart Island

[11.20 a.m.]

Ms RATTRAY (McIntyre) - Mr President, with the uncertainty we face at this time, I am pleased to be able to share with members my visit over the weekend to Vansittart Island.

First I will provide a little of the history of the island and then I will acknowledge the wonderful hospitality our small group of eight received during our visit.

As the Legislative Council member for Flinders and the Furneaux Group for many years, I have visited a number of the islands but until the weekend I had never visited Vansittart. Vansittart is also known as Gun Carriage Island. It is a granite island of about 800 hectares, or 2000 acres for those of us who are from that era - consisting of 500 acres of privately owned land and 800 acres of leased land, with the remainder reserve land.

Vansittart was the island home of Bass Strait sealers, who lived there in the 1820s.

In 1831 George Robinson evicted the sealers and their families because he wanted to establish an Aboriginal settlement on the island. When the Aboriginal settlement proved unsuccessful, the sealers and their families returned to the island, and the community had grown to 28 people by the time Bishop Nixon came to visit in 1854.

In 1842 Gun Carriage Island was formally charted by HMS *Beagle* and renamed Vansittart Island, as it is still known today. Vansittart is a significant maritime name within private and naval vessels linked to the East India Company, and Henry Vansittart was governor of Bengal from 1759 to 1764.

In 1842, the *Beagle* returned to Van Diemen's Land following a reverse circumference of Australia via Timor and the Swan River in Western Australia and Lieutenant John Lort Stokes was affirmed as captain following the departure of then Commander Wickham at Brisbane for reasons of sickness.

It certainly has some significant maritime history. It was an absolute delight to be able to visit the island. We socially distanced ourselves as much as possible. Altogether 14 people were on the island so I think we had the right amount of distance between us for 2000 acres. That was quite good. We certainly thoroughly enjoyed our opportunity to look around the island and get some magnificent shots. I posted a few of those on social media just to let people know of the beauty of the place we were visiting.

Mr Finch - And be jealous.

Ms RATTRAY - Absolutely. The original trip to the island was organised to attend a music event that was to take place there. Unfortunately that event had to be cancelled, but we decided not

to cancel the trip completely but went to Flinders and took the 20-minute boat trip across to Vansittart. We did that with our wonderful host, Chris Rhodes, who manages the island, and owns and runs the charter boat *Roxette Business* together with his partner Bev. Fantastic friends Royce, Debbie, Tom and Katie, while we toured the island, cooked the barbie and prepared a delicious lunch which we shared on the island, during which we socially distanced ourselves.

I was extremely pleased to be to support the Flinders community by heading over there even though the music event was cancelled. To be able to look around the island was absolutely fantastic. Even though, as I said, we are living in uncertain times and there are many things we are not able to do, to be able to visit Vansittart for the first - hopefully not for the last - time was one of the few pluses I think any of us will get out of the COVID-19 situation we are currently all experiencing.

Again, thank you to our wonderful hosts Chris and Bev and those people who helped him on the day, and to my friends as well who were willing to come with me to Vansittart Island and to visit Flinders Island.

MOTION **Deferral of Intervening Business**

[11.26 a.m.]

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

That intervening business be postponed until after consideration of Orders of the Day Nos 4, 5 and 6.

Motion agreed to.

EVIDENCE AMENDMENT BILL 2020 (No. 4)

Second Reading

[11.27 a.m.]

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

That the bill be now read the second time.

This bill delivers on the Government's commitment to reform section 194K of the Evidence Act 2001 to allow victims of sexual crimes to consent to the publication of their identity in the media or otherwise if they choose to.

The Tasmanian Government takes the rights of victims of crime and the protection of victims very seriously. The purpose of this bill is to modernise section 194K of *the Evidence Act 2001* to bring Tasmania into line with approaches in some other state jurisdictions and enable victims of sexual offences to be able to share their story.

Importantly, underpinning the reforms to section 194K is a victim's right to self-identify as a victim of a sexual crime or offence where they wish to do so, whilst also ensuring that those victims

who do not wish to consent to the removal of their anonymity or are unable to provide consent can maintain their privacy and are protected from publicity.

Mr President, this bill repeals and replaces the existing section 194K of the Evidence Act 2001, which prohibits the publication of information that identifies or is likely to lead to the identification of a victim, or a defendant, or a witness or intended witness, in a sexual offence proceeding.

The new section 194K(1) provides that it is a summary offence for a person to breach the publication prohibition.

A person commits an offence if they publish identifying information, or cause identifying information to be published, that identifies, or is likely to lead to the identification of a victim, defendant, witness or intended witness, in relation to any proceedings in any court in respect of the crimes listed in sections 194K(1)(a) and (b) and the offence in section 194K(1)(c).

I will be referring to the term 'identifying information' a number of times during this second reading. This term has been defined by this bill to include, in relation to a person, the name, address, school, place of employment and any other reference or allusion that identifies, or is likely to lead to the identification of, the person, and a picture or image of the person.

The bill provides that the prohibition on publishing 'identifying information' about a victim, defendant, witness or intended witness referred to in section 194K(1) continues whether or not criminal proceedings for the relevant crime or offence are, or have been finally determined or disposed of. However, the prohibition on publication can be overcome in circumstances where a victim has consented to self-identify in accordance with sections 194K(3) and (4) or a court order has been issued under section 194K(5).

As has been done in other jurisdictions, this bill makes it a defence to a prosecution for publishing identifying information about a victim of a sexual crime or offence if the victim consented to the publication.

The bill specifies at section 194K(3) that it is a defence to a prosecution for breaching the prohibition on publishing identifying information, or causing identifying information to be published, provided that the defendant to a charge establishes that -

- the publication is in accordance with a court order made under section 194K; or
- the published identifying information relates to a person who is a victim of a crime or offence and that person has consented as required under section 194K to the publication and the identifying information is published in line with that consent; and
- the publication does not identify, or is not likely to lead to the identification of another person who is a victim in respect of the relevant crime or offence unless that other victim has also given consent in line with the requirements of section 194K(4); and
- The publication of the information occurs after the criminal proceedings for the alleged crime or offence are finalised or otherwise disposed of.

For this defence, the bill requires the person or organisation that publishes the identity of a victim of a sexual crime or offence will need to show evidence that written consent was obtained prior to publication.

In cases where there are multiple victims of a sexual crime or offence, the bill provides for the protection of other non-consenting victims as it will be an offence under the new section 194K to publish any identifying information about a victim if that victim has not consented to the publication of their identity.

The bill also applies to situations where a victim publishes their own story without the involvement of a journalist.

If a victim of a sexual crime or offence consents to the publication of identifying information either publicly identify themselves or through a media outlet, they will need to -

- be 18 years of age at the time they gave consent and when the identifying information was published; and
- consent in writing before the information was published; and
- understand when they consent to publishing the identifying information that they may be identified or identifiable; and
- not be coerced into consenting to the publication of the identifying information.

The requirements necessary to satisfy that a victim's consent to publish their identifying information was given freely and voluntarily provide important safeguards to ensure that victims are not subject to undue pressure and are not incapable of consenting because of a mental impairment.

The bill maintains the option for any person or media organisation to apply to the court for an order authorising the publication of identifying information for a person referred to in section 194K(1).

The bill improves the previous court order process by clarifying what the court is to be satisfied of when an application relates to living victims or deceased victims of sexual crimes or offences. When the court determines whether to make an order, it is to be satisfied that the victim has been consulted, their views sought and that they understand that they may be identified if an order is made and information is published.

The bill provides that in circumstances where a victim of a sexual crime or offence is deceased, that for the court to make an order, it is to be satisfied that if a deceased victim is likely to be identified, or identifiable from information being published, that the deceased's next of kin or legal representative has been consulted in relation to the order and that person has been given the chance to tell the court the wishes of the deceased victim, if known, in relation to being identified.

In addition, for all applications, the court is to consider if making an order is in the public interest.

New section 194K(7) provides that a victim of a crime or offence under the section does not have to pay the application fee in respect of the application.

The bill retains the charge of contempt. New section 194K(8) provides that a person who publishes identifying information in breach of section 194K may be charged with contempt if they have not been prosecuted in accordance with section 194K(1).

Last, the bill defines the term 'publish' and references new modern forms of publication, in particular electronic methods of publishing.

Public consultation was undertaken on a draft version of this bill. I note no submissions opposing the bill were received, and I thank those who made comments and suggestions in response to the draft legislation to address the serious issue of victims and survivors of sexual violence being able to choose to identify themselves, be it by their own hand or through the media, in the newspaper or online, should they wish to do so.

The Evidence Act is a complex area of law and any reform must strike the right balance which is why the Government has consulted extensively with the broader legal sector, community organisations, media organisations, the education sector, and the public. The Government believes what is now being proposed in this bill is the most balanced approach to reform and more consistent with exemption provisions in most state jurisdictions.

Mr President, I commend the bill to the House.

[11.37 a.m.]

Ms LOVELL (Rumney) - Mr President, I support the bill. I thank the Leader, in light of the situation we find ourselves in and what needs to be done this week, for the pragmatic and sensible approach taken in the Chamber, and members for supporting that.

Ms FORREST (Murchison) - Mr President, I will speak to the bill because it is important we scrutinise legislation, acknowledging the comments made by the member for Rumney.

As agreed in my communications with the Leader yesterday, it is important we do government work this week, to do what needs to be done. I understand this legislation has been a work in progress for some time. I commend those involved for taking it through the proper processes of consultation and review, as the Leader said in her second reading speech. The Evidence Act is fairly complex legislation and you cannot change it without proper process.

I have a few questions. I thought we were going to have a briefing to have some of these questions answered. If not, I will ask those questions here; I hope we will be able to get the answers. It is important some of this is on the record. This is serious legislation. It potentially exposes people who consent to have their details published, either through self-publication or other means of publication. I am concerned that there will be a full process to ensure that those young predominantly people - that is whom we are talking about here, young women particularly - will be counselled and supported through this process to be made aware of the potential risks and implications of this.

This matter has been raised by people who have found themselves in the situation where they have not been able to speak up - #letherspeak was part of this process, and I understand that. I also, thankfully, do not personally understand but absolutely appreciate the very real trauma that happens to young children and young women when they are sexually abused and sexually assaulted, and the lifelong harm that creates. You never recover from something like that. You never get over it. It never goes away. It is with you the whole of your life.

The way the act was drafted some time ago meant that these people, even when they reached their majority of 18 years, were not able to speak up. In many cases speaking up would help with healing; it would help those people if they could speak up and say, 'This happened to me, this is me, and this is my life now because of what some bastard did to me.'. I could use other words but you cannot imagine how bad some young people's lives have been because of this trauma. Many suicide. Many find it difficult to keep going and to have to relive their circumstance when they

hear yet another story in the media. I find it traumatic enough to watch some of the *7.30 Report* and the like of a certain case of a priest, who is still a priest at the moment, and I have not been a victim of this sort of experience. I can only imagine the trauma that can cause for some.

My questions to the Leader are about what support is given to the victim or the person who wants to speak up and to consent to the publication of their details in that process. Who provides that?

The other point made in the second reading speech was that the bill provides that the prohibition on publishing identifying information about a victim, defendant, witness or intended witness, referred to in section 194K(1) continues, whether criminal proceedings for the relevant crime or offence have been fully determined or disposed of. Does this mean that all appeal processes have been exhausted before it can occur? That can take a long time. These people often have to wait many years for those processes to occur. We are seeing that now with Cardinal Pell taking it the nth degree. He is entitled to go through all those processes, but it drags it out for the victims.

The bill specifies at that section 194K(3) is a defence to a prosecution for breaching the prohibition on publishing identifying information, or causing identifying information to be published, provided that the defendant to a charge establishes that. There are a number of criteria.

I refer to the third and fourth points in the Leaders' speech -

the publication does not identify, or is not likely to lead to the identification of another person who is a victim in respect of the relevant crime or offence unless that other victim has also given consent in line with the requirements of section 194K(4)

With regard to that point, who knows what ripple effect these things can have? How is this assessed, and by whom? How do you determine it is not going to reveal other people who may not have given consent? It is trying to protect those who perhaps do not want their identity published. It is a big body of work and I would like more clarity around that point.

The fourth point picks up a point I made a moment ago -

The publication of the information occurs after the criminal proceedings for the alleged crime or offence are finalised or otherwise disposed of.

I assume that is all possible appeals. Due to all the other work we have been inundated with and requests for assistance relating to COVID-19, which I have been dealing with as best I can, I have not had a lot of time to fully understand this, even though we did know it was coming.

In the case of self-identification, the Leader said that if a victim of a sexual crime or offence consents to the publication of identifying information, whether publicly identifying it themselves or through a media outlet, they will need not to be coerced into consenting to the publication of the identifying information. That is difficult because I am not sure how you identify that, particularly when you have more than one victim of the same perpetrator, and one person really wants to speak up about their life as a result of this horrendous act or acts and the lasting impact and it is known that there was more than one victim in those cases. How do we ensure that anyone is not being coerced to sign a document to consent? What work will be done to protect those who do not wish

to have their details published? Also, who provides counselling? What is provided to assist people in making these really important decisions, acknowledging there will be people who desperately want to do it as part of their healing process?

The Leader spoke about and the bill provides for all applications the court is to consider if making an order and that, when they are making an order about the public release of identifying information, the order is in the public interest. We know there is a public interest test. Can the Leader provide further detail about how that assessment will be made? The public interest should not override the personal interest of victims in this case. How do we determine the public interest in this when balanced against the personal or private interest of the victims, and potentially the perpetrator as well? I am much more concerned about the victims, for obvious reasons.

I support the bill. It has been a long time coming. We need to give people who wish to speak up the choice, but we need to support them to enable them to do so in a way that does not cause them further harm, if it can possibly be avoided, and that they go in with their eyes wide open and are supported in this. The last thing I want to see is young women particularly, but young people generally, who may be victims in this circumstance, to be further traumatised by an act of parliament that we, in all good faith, are bringing in to assist them.

[11.47 a.m.]

Mr VALENTINE (Hobart) - Mr President, this move has been some time coming and the Government has been working diligently on it. I and other members have received correspondence from End Rape on Campus and a group called Australia's Right to Know, a coalition of media organisations. They have some concerns with the way the bill has been drafted and have sent through a series of amendments they believe are needed to give full effect to the intent, which is to allow victims to speak out. Honourable Leader, is it possible for us to have a briefing on this to cover these issues we have raised?

Mrs Hiscutt - If any member wishes to adjourn the debate for the purposes of a briefing, most certainly. I did forget to mention that. If the member wishes to do that, we can.

Mr VALENTINE - I hesitate to do it because we have some important legislation to address today. We need to cover these issues and make sure the legislation is as good as it could be. You may have explanations to give in a briefing that could indeed put my mind at ease. I will run through some of the concerns brought to me. Reading part of the End Rape on Campus Now email, it runs to some of what the member for Murchison was highlighting -

I am concerned that according to the current drafting, complainants in sexual assault matters would only be able to self-identify where their information was published "after the criminal proceedings in court in respect of the relevant alleged crime or offence were finally determined or disposed of". In effect, this means that survivors would remain gagged throughout all criminal proceedings, including any appeals. We note this is out of step with how victims in all crimes in Tasmania are treated, is out of step with how sexual assault victims are treated in almost all other Australian jurisdictions, it creates a double standard, whereby accused individuals such as Nicholas Bester would be free to speak out during proceedings while the victim would be unable to defend herself until all appeals are finalised. It ignores the important safeguards already in place to protect sexual assault trials and the interests of defendants, including sub judice contempt suppression orders, if appropriate, and defamation laws.

It produces a situation whereby victims can be indefinitely gagged provided the convicted offender continues to lodge appeals, produces an illogical, unjustifiable, anomalous restriction which singles out and disadvantages victims of sexual assault - and only victims of sexual assault - until all proceedings are completed, systematically advantages accused individuals by automatically gagging all sexual assault victims throughout proceedings as the default position.

That is, rather than placing the onus on the accused to apply for a suppression order, as occurs elsewhere, Tasmania would invert the burden by placing the onus on the victim to apply for a court order to allow them to be named. This disadvantages and, in effect, punishes the victim, who would need to engage a lawyer, which costs money, and complete additional administrative work. Given the power and balance already present between offenders and their victims, advantaging the accused in this way is likely to severely exacerbate trauma.

It is important we have some comment on that through a briefing. Mr President, I move -

That the debate be adjourned.

[11.52 a.m.]

Mr DEAN (Windermere) - Mr President, I support the adjournment. I was going to raise a number of issues and would have raised them during my contribution, but it is better to have a briefing where we can discuss it somewhat more openly and get the answers we need.

Debate adjourned.

SUSPENSION OF SITTING

[11.53 a.m.]

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

That the sitting be suspended until the ringing of the division bells for the purposes of a briefing.

If members could all move to Committee Room 2 as soon possible, that would be lovely.

Sitting suspended from 11.53 a.m. to 12.46p.m.

EVIDENCE AMENDMENT BILL 2020 (No. 4)

Second Reading

Resumed from above.

[12.47 p.m.]

Mr VALENTINE (Hobart) - Mr President, I thank the Leader for the briefing and for the officers who provided the briefing. I read some of the concerns of End Rape on Campus earlier. I did not read the entire document because it is quite lengthy. On the last page of their document, they make the point -

We question why it should be incumbent on the victim in a sexual offence matter to have to apply for a court order, including absorbing the cost of hiring a lawyer and performing the work involved. We argue that this reverses the burden and that instead the onus should be on accused individuals to file for a suppression order, as occurs in other Australian states and jurisdictions.

That was another of their concerns. In thinking it through and listening to the briefings we had, I have come to the conclusion that, as to balance, yes, it is true that other jurisdictions allow a suppression. They say -

We argue that the Tasmanian Government has the balance wrong. By silencing survivors as the default and forcing them to apply for a court order, they are again advantaging the accused in sexual offence matters. We argue that this model is untested, out of step with other jurisdictions and out of step with community expectations and attitudes.

'Innocent until proven guilty' is a basic principle of our justice system. Most people would agree with that. While it might seem that it is not allowing somebody to speak out until all the appeals are out of the way, it goes to that principle of innocent until proven guilty. It is very difficult to see how one could allow the opposite to happen and still have that presumption of innocence until guilt is proven as a principle.

The other aspect is that, if the accused had to apply for a suppression order - and people could be made known - it might affect some victims who wish to remain anonymous. I do not think anyone would want that.

On balance, when looking at the legislation we have before us and comparing it to what might exist in other states, perhaps this draft legislation does have the balance right. I will listen to further debate and am keen to hear other members' opinions. One of the members might deal with this and the issue of two defendants and whether what happens to one impacts on the other during a case. I will wait and listen with interest.

[12.51 p.m.]

Mr DEAN (Windermere) - Mr President, I support the bill and appreciate the briefing, which has answered some of my issues. However, the briefing has raised other concerns that I am not satisfied with, but I will see if I can work through those.

I agree with the member for Murchison's comment that we are in a time we have never seen before in our lives, but as members of parliament we are required to scrutinise and review legislation. We cannot let up on that. We would be letting down the public that we are here to support and assist if we did that. I am very pleased the member for Hobart moved for the briefing.

I understand, when I look back at my previous positions, the need for this process to protect fair trials, and that must be protected at all cost. We have seen the media taking some matters too far on many occasions, with publication occurring at the early stages of a crime being reported. We

hear this story and it happens a lot - 'trial by media'. There are times when the offender has been at some disadvantage because of everything that has come out previously. That is what the Evidence Act is all about, trying to ensure fairness to the offender applies at all times.

As a previous police officer, I often felt that the offender may have been given greater benefits than they were entitled to when it came to a victim and that the controls on victims were too much. As the member for Murchison said, and she is absolutely right, a victim will be traumatised, most of them - I would say 99 per cent of them - for their whole life. They will never get over it. It becomes a life sentence for them, sadly. I know of people who have been victims of this serious crime who have never recovered and never will. That is a sad situation.

This legislation provides the opportunity for a victim to talk openly about their experience where they desire to do so. Certain requirements must be satisfied - they must be over 18, and all those other circumstances should apply. I accept all of that. As mentioned in the briefing, there may be statistics as to the number of victims who would want to come forward to tell their side of what happened to them. Perhaps not, because this legislation is new. I suspect those who do not want to talk about it would be a high majority. That is the way I see it - that they would not want to; they do not want to relive the experience; they want to try their best to forget about it; and they want to try to move on with their lives.

For those few who want to discuss and talk openly about their experience, it will improve things in those instances. In one instance we have read about in the paper recently, the victim felt much better about the experience because of all the publicity given to the matter. The offender was having a fair crack at everything that happened, in his view of it, whereas a different version was provided by the victim in some of the happenings in that offence, unfortunately.

I read through the documents provided by Australia's Your Right to Know, which is a coalition of media companies, with issues and concerns it raises. It raised the point that if an offender is cunning and experienced enough, they could delay the right of a victim to speak out for a long, long time. That could be extremely frustrating and upsetting for a victim who wants to come forward and give their side of things, to talk a bit about it.

It was raised in the briefing that this does not apply to civil cases. Once the criminal processes are completely finished, that is the end of it. End Rape on Campus Australia document has been referred to a lot today. They gave an example on page 3, and I am unsure if this happened in the Northern Territory or if this is a hypothetical scenario: a person was charged with rape at a buck's party. That person was convicted. That person went to jail. That person did their time, a short period of time and was released. They then went back to the court to demonstrate that they were not guilty of the offence. They appealed their conviction; they appealed everything that happened. That is despite having done their time and having been released from jail. Mr Willcocks, it says here, is now appealing his conviction, and this is not uncommon.

In that situation, once the offender is sentenced, has gone to jail and there is no sign of an appeal at that time, could the victim come out, having met all the criteria, and make their statement? That is an interesting situation. Here is a man who has done his time, has been released and wants to appeal his conviction in the court, which he is entitled to do to clear his name. I am not quite sure what would have happened here, how it would apply here, if a victim went to press before that action, the appeal against conviction, was taken.

Mr Valentine - It is suggested that the accused, the person who has done their time, might not want to be registered as a sex offender.

Mr DEAN - That is right. They would appeal to try to overturn the conviction so they would not be listed on the register.

Mr Valentine - It brings it into question, doesn't it? The victim should be allowed to speak out -

Mr DEAN - On conviction.

Mr Valentine - Yes, on conviction.

Mr DEAN - That is the point that I, the media and a number of people have raised. I can see, on the other side of the coin, as to why the legislation we have, the bill, protects against that sort of thing. As I said this morning during the briefing, and may have been mentioned during the second reading, that a victim could come out at that stage -

Sitting suspended from 1.00 p.m. to 2.30 p.m.

EVIDENCE AMENDMENT BILL 2020 (No. 4)

Second Reading

Resumed from above.

[2.31 p.m.]

Mr DEAN (Windermere) - Mr President, earlier I was speaking about victims making statements about incidents they have suffered at a later time and the reasons the legislation is the way it is. A victim could make a statement, if the criminal trial has not concluded and that includes appeals, that is contrary to those previously been made. They could add further information to what has previously been given and it could cause a number of issues, which could cause miscarriages of justice. It is very important there is protection and that this is covered right through.

Australia's Your Right to Know coalition of media companies has suggested a number of amendments to this bill. I take it the department has looked at those amendments? I hope it has.

Mrs Hiscutt - The department looked at them, considered and discussed them, and has decided that what we have is the right balance.

Mr DEAN - Right. If those amendments were considered, would it weaken the bill? Would it make the bill unworkable? Are they in the best interests of all parties involved?

Mrs Hiscutt - The department decided the bill we have at hand strikes the right balance.

Mr DEAN - That is good. Why do we refer, through this bill, to the Criminal Code? There are a couple of versions of the Criminal Code, so I am wondering why it does not refer to the Criminal Code Act 1924. That is what it is, as I understand it - when you look at all these sections, it is the Criminal Code Act 1924. If I am wrong, please tell me. Why does it not include the proper

name of the code? If you look at all the proposed subparagraphs under 194K(1)(b), they are all crimes that appear under the 1924 code.

Mrs Hiscutt - I will ask my advisors if they have an answer but, having said that, OPC has drafted the bill.

Mr DEAN - Yes, I understand that, but why it is not clarified as the Criminal Code Act 1924? That is exactly what it is. This bill relates to those crimes under the Criminal Code as they currently are, but we will be dealing with a bill that changes the names of most of those crimes under that act. The names of many of those crimes may change with the introduction of the bill. Does that impact at all? I support the bill. It is needed. This has caused much concern for many people over time. This will allow them, in certain circumstances and if they meet certain criteria, to publicly share their statements.

[2.36 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have a few lengthy answers, so I will launch into them. I am sure that members who asked questions will be listening as we speak.

We talked about the protections we put in place. It is a restriction on a victim publishing identifying information under the consent exemption prior to criminal proceedings being finalised under section 194K(3)(b)(v). The member for Murchison asked a question about this. The bill aims to protect complainants of sexual offences both during and after criminal proceedings, to provide appropriate protections to those who want to self-identify and to protect others who do not wish to be identified. It remains vitally important that appropriate safeguards are in place to ensure that, if a victim wishes to speak publicly about their experiences, such action does not unduly impact other victims who wish to remain anonymous or who are unable to provide consent.

The Evidence Amendment Bill 2020 provides appropriate protections for victims who do not wish to be identified and includes a new offence for breaches of the publication prohibition. The bill provides that the victim consent exemption can be used once court proceedings relating to criminal matters are completed. This includes all appeals or a retrial. The requirement that criminal proceedings are to be concluded for a victim to use the consent exemption was also included in the bill. I will list what it includes: provide clarity to victims who want to reveal their identity publicly as to when it is appropriate to publish that information; avoid the risk of a victim or the media publishing information that reveals a victim's identity, which may result in the victim making a public statement online or in the media that may be or may be seen to be contradictory to the evidence they will give, or have given, in a court and, as a result, the victim may be cross-examined on these statements; and an impact on any future prosecutions of the offence, as it may compromise the ability of the accused to receive a fair trial - for example, the jury may be influenced by the story in the media.

A victim still has the ability to apply to the court for an order to reveal their identity while criminal proceedings are pending under proposed new section 194K(5) in the bill at any time. The provisions in the bill will allow a victim to use the consent exemption provisions in civil proceedings. While there are varying approaches across the jurisdictions, most other jurisdictions include both a court order mechanism and a form of victim consent. The Northern Territory recently introduced a bill to parliament providing for victims to speak publicly more easily, and providing that a victim of a sexual offence can consent to publishing information revealing their identity only once court proceedings are finalised. As proposed in the government's bill, the victim consent

exemption is not available while criminal court proceedings are pending. This is also the case in Victoria, where victim consent provisions can only be relied on where no proceedings in respect of the alleged sexual offence are pending in a court.

The next question was: why are sexual offences treated differently to other offences? I think we know the reason but I will put it on *Hansard* anyway. Victims of sexual crimes often wish to remain anonymous, or at the very least not have people they know or the wider community know about the fact that they were assaulted. As noted by the Tasmanian Law Reform Institute in its research on protecting the anonymity of victims of sexual crimes, the purpose of legislative provisions that protect the identity of sexual assault complainants is to encourage victims to report crimes committed against them, and to protect them from the harm that identification may cause by respecting their privacy.

Provisions such as section 194K restrict the reporting of the identity of victims, which is an exemption from the general principle of open justice, which means that courts are open to the public. Court proceedings can be freely reported and that allows the scrutiny of the justice system. Protecting the anonymity of sexual assault complainants is an important area in which the open justice principle has been modified. Laws such as the current section 194K and the proposed new section in this bill restrict reporting the identity of a victim of a sexual offence and play an important role in encouraging victims to come forward and report sexual offences, as well as respecting victims' wishes for privacy.

Proposed new section 194K maintains a protective mechanism for those who do not wish to be identified. The proposed exemptions to the prohibition on publication of identifying information about a victim of a sexual offence either by the enhanced court order process or by use of the consent exemption in line with a specified requirement of this new section strikes the right balance between enabling victims the right to self-identify as the victim of a sexual offence where they wish to do so but also protecting those who wish to remain anonymous.

The member for Murchison also asked about support for victims. As regards the availability of information in respect of rights and obligations under the proposed new law, the department is considering how best to provide this information to victims, media organisations and non-government organisations assisting victims or survivors and the general community. A fact sheet will be available, for example. We note that the services exist include the Victim Support Services and the Court Support and Liaison Service. A fact sheet is to be prepared which will assist services to understand how this new provision operates.

The member for Murchison also asked quite a few questions. How can a victim be aware that other victims exist? We note the requirements for victims to use consent exemptions at the end of the criminal proceedings. By now they would have had an awareness of others from the prosecution services. The test for likely to identify is that a general person who is an ordinary person with general knowledge of facts available is able to identify the victim or the complainant, as opposed to someone with prior knowledge.

Ms Forrest - Very legal speak, but that is all right.

Mrs HISCUTT - We also talked about not being coerced. One of the requirements to be satisfied in this bill is that a victim is not coerced into consenting. This relates to where a person may be persuaded to do something either by force or by threat.

Ms Forrest - I know what it means; I was wondering how someone being coerced will be prevented, and how it will be assessed that someone is being coerced. That is the question. I understand what coercion is.

Mrs HISCUTT - All right; we will keep going for a second.

We talked about other jurisdictions and what would happen when a victim can consent to speak publicly. While other jurisdictions do not necessarily specify in their legislation when a victim may reveal their identity publicly, either by themselves or with the assistance of a media organisation, there is not an absolute ability for a victim to publish their identity when they choose to. Contempt of court is one such matter. We also note there are suppression order regimes and other legislative frameworks that may be relevant. In Western Australia, the complainant is able to consent at any time, noting that the provision only applies after the time of charge. To prevent any prejudice and ensure a fair trial process, ordinary rules of contempt of court apply. In New South Wales, the Court Suppression and Non-publication Orders Act 2010 applies to civil and criminal proceedings and enables the suspension or non-publication order to restrict the publication or other disclosure of information that would identify a party or witness in proceedings before the court, or information that comprises evidence or information about evidence given in proceedings before the court. Also, in Victoria, the victim consent provisions can only be relied on when there are no proceedings with respect of the alleged sexual offence pending in a court.

We talked about the public interest test for court orders. This element has been kept this proposed provision from the existing section 194K. This terminology is well understood by the courts and will operate in the same manner for this new section.

Ms Forrest - Honourable Leader, the question was regarding the public interest: How do you weigh up the public interest against the interests of the victim? How that is balanced? It is already in operation. Please see what you can get, if you cannot -

Mrs HISCUTT - Yes, I will continue with what I have. In the court process in new subsection 194K(5), the consultation with a victim. Other jurisdictions provide for a court order or court approval process to enable identifying particulars to be published about a victim of a sexual offence. The court process provided for by this bill is victim-focused and is also broad enough to enable situations to be taken into account when consent is not given or is unable to be given by a victim. For example, a situation may arise in which the court makes an order to publish the identity of a victim when the victim cannot or has not consented. Circumstances may arise when a victim agrees to the court making an order, yet they are unable to formally consent due to religious beliefs or because they have made a promise to someone.

The court order process is another mechanism to publish identifying information and the bar set by the provisions is that the victim has to be consulted, understands what may occur if the information is published and has the mental capacity to consent. By applying to the court for an order, an applicant is reliant on the court to weigh up a range of factors, including the public interest, when determining the success or otherwise of an application under this section.

Under the bill, a victim does not have to pay an application filing fee when seeking a court order. I want to make that clear.

The member for Hobart asked a couple of questions about how the suppression order regime works in Tasmania. Suppression orders are a means by which publication of a defendant's name may be prevented, although they can apply more broadly to non-publication of specific evidence.

Judges may make suppression orders that prohibit publication of a report for all or part of proceedings in court or all or part of an order, ruling or judgment. These orders are made to ensure criminal trials are not prejudiced or aborted, that witnesses are protected and confidentiality or commercially sensitive information is to be protected. Suppression orders are within the inherent jurisdiction of the court, should the proper administration of justice require that such an order be made. The bill does not make any changes in relation to suppression orders. Applications for suppression orders may be made to the court.

The member for Windermere asked a couple of questions. In relation to the scenario posed by End Rape on Campus, we note that in Tasmania a person who has been convicted by a jury or has pleaded guilty and been sentenced - for example, by a Supreme Court judge - has a right of appeal to the Court of Criminal Appeal. There is a time limit within which to appeal. A notice of appeal must be lodged within 14 days of the date of conviction or sentence. If, in situations where an appeal is not lodged within 14 days, the application will have to be made to the court - that is, the Court of Criminal Appeal - for an extension of time to appeal.

The bill provides clarity to victims who want to reveal their identity publicly, as to when it is appropriate to publish that information. The bill provides that the victim consent exemption can be used once court proceedings relating to criminal matters are completed. A victim still has the ability to apply to the court for an order to reveal their identity while criminal proceedings are pending under proposed new section 194K(5) of the bill, at any time. I have one more answer to give before I seek information.

Mr Valentine - Would it be possible to repeat the costs associated with that, which we dealt with during briefings, that anyone applying -

Mrs HISCUTT - The cost for the notice to be applied for is \$0 through the court. It is waived. If the victim wishes not to self-represent, the lawyers' costs are another story.

As to the Criminal Code, there is no concern with this. It is currently the Criminal Code in the current provisions. This is simply a consistent approach taken in drafting these provisions. It is the same as is already listed in the existing provisions.

The member for Murchison raised public interest. The weight of public interest and what that constitutes will depend on the particular matter before the court. The courts have exercised the ability to determine when this test has been satisfied when court orders have been applied for under the current provisions. The court will make that assessment when the time comes.

I believe this may be the last piece of advice. We talked about how to prove that someone has been coerced. The evidentiary burden is placed on a defendant in proceedings. It is on the balance of probabilities. This onus is well understood and used within the courts.

Bill read the second time.

EVIDENCE AMENDMENT BILL 2020 (No. 4)

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -

Section 194K substituted

Mr DEAN - My question relates to appeals. We have victims who are anxious to tell their story as part of their recovery, and 14 days is granted to lodge an appeal application. If we look at the current position with appeals, there is a long delay in some of those appeals being heard. A person can proceed out of time with an application as well. How is a decision made about the completion of criminal proceedings in all the circumstances? Even after a victim is able to provide their version of the story, an appeal could be taken on after that time. To me, it is fairly unwieldy, and I am interested in seeing how that can occur in all circumstances.

In the same clause, anybody, a victim, can tell their story to anybody they want at any time provided it is not published, which is the critical point. I am very pleased to see in this bill that 'published' has been defined. I suggested last year that it needed to be defined, and I was told there was no need to define it -

Mrs Hiscutt - I remember the debate.

Mr DEAN - That is right. I am very pleased it has now been defined. I think I am interpreting this correctly, in the bill, 'to publish' includes placing it on Facebook where a number of people might be able to read it. If you read through the definition, it is clear -

- (a) publication in a newspaper, journal, periodical, book or other document; and
- (b) broadcast by radio, television, wireless or other telegraphy; and
- (c) publication or broadcast, by means of the internet, in any format; and
- (d) in print, or electronic, communication meant for one or more persons; and
- (e) public exhibition, spectacle or event; and
- (f) such other prescribed means of making information available to the public.

If a victim were to speak to, say, five, six, eight or 10 different people verbally - not on the internet, not using that form of communication at all, only privately and personally - would that constitute 'to publish' in all the circumstances? If it does not, that person could tell 50 or 100 people and it could go on and on? If I would appreciate getting answers to those questions.

Mrs HISCUTT - In relation to your first question, there is a time limit for which to appeal. A notice of appeal must be lodged within 14 days of the date of conviction or sentence. If, in situations when appeal is not lodged within 14 days, an application will have to be made to the court - that is, the Court of Criminal Appeal - for an extension of time to the appeal. The application has to be made for an extension, and the court determines when that will happen.

In the bill, proposed section 149K(9)(d) notes -

in print, or electronic, communication meant for one or more persons

That covers Facebook and social media.

Proposed paragraph (e) of that section continues 'public exhibition, spectacle or event', while proposed paragraph (f) notes, 'such other prescribed means of making information available to the public'. There is a difference between talking among your group of friends and addressing a large group of people. The member mentioned 50 to 100 people. I will not be drawn into numbers.

There is a difference between that and your cohort, your small group of friends with whom you wish to discuss that matter, who may your immediate family or your friends down the road; and that is your business. In talking to a larger group of people, it could fall under section 194K(9), paragraphs (e) and (f). That would have to be determined.

Mr DEAN - I do not want to be pedantic about it. In talking to a group of 50 to 100 people, I meant that the victim could individually tell one person, the next person and another person at different times. I take it they would not be committing an offence under this bill if they do it that way

My other question was on the appeal situation. Is there any limitation or is it a matter for the court to determine when a person is seeking extra time to appeal? There are 14 days to appeal and, if they do not appeal within that time, they can go back to the court to seek an extension of time. Is there any time limit? Is there any idea as to how these matters would be dealt with in that appeal situation? Some of these appeals are put off for 12 months. There are probably cases of some appeals lasting much longer than that. Is there any indication that, in these situations, some priority might be given to these cases for the benefit of victims who want to tell their story, and when it is going to be very therapeutic and going to assist them in their recovery?

Mrs HISCUTT - The court order process remains in place for the amount of time here, but it is up to the court. As you know, as parliamentarians it is not our role to tell the courts how to run their business. That would be for the courts to determine. I can only refer to the answer I gave to your first question, and it is the same.

Mr VALENTINE - Madam Chair, I am looking at proposed section 194K, 'Publication of certain identifying particulars prohibited'. It does not say that it is prohibited to publish anything that a witness might say. Why would that be the case? Paragraph (iii) of new section 194K(1)(a) says 'any witness or intended witness in those proceedings'.

Mrs HISCUTT - This bill is specifically about not identifying information of a victim. The scenario you have put forward about other people, other victims, other witnesses, is covered under the Evidence Act and there are provisions within it to deal with that.

Mr Valentine - It is not needed?

Mrs HISCUTT - It is not needed in this bill.

Clause 4 agreed to.

Clause 5 agreed to and bill taken through the remainder of the Committee stage.

CRIMINAL CODE AMENDMENT (SEXUAL ABUSE TERMINOLOGY) BILL 2020 (No. 5)

Second Reading

[3.09 p.m.]

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

That the bill now be read a second time.

For too many years, the evils of child sexual abuse have been one of our community's darkest secrets. It is a secret that has been kept by our children, a secret that has been kept by their loved ones and a secret that has often caused indescribable damage to Tasmanian families. I would like to acknowledge the bravery and resilience of victims and survivors of this abuse. Increasingly, these brave individuals are no longer faceless in our society. They are our peers and friends; they are our family members and colleagues; they are and can be anyone among us.

I commend them for their incredible courage in reporting the abuse that they have suffered. We have many brave victims and survivors in Tasmania who are dedicated advocates for all people affected by child sexual abuse. Their contribution to the child safe policy, civil and criminal justice reforms are critical to ensure that we do not repeat the mistakes of the past. I would also like to acknowledge those victims who are no longer with us.

The crime of 'maintaining a sexual relationship with a young person under the age of 17 years' is one of the most serious and heinous crimes of abuse against children. It is a crime whereby a child is repeatedly subjected to sexual acts. There has been significant concern in the community about the terminology used in this crime. This is understandable, 'repeatedly subjecting a child or young person to unlawful sexual acts' is not what is considered to be a 'relationship'. The use of such terminology is an additional cruelty for a complainant. However, any changes to the criminal law in Tasmania must be carefully considered, analysed and tested with legal stakeholders to ensure they do not have unintended consequences or negative impacts on criminal proceedings.

Accordingly, the Government has conducted a thorough review of Tasmania's sexual crimes and undertaken extensive analysis and consultation, as the minister has committed to doing. Changes to the Criminal Code must never be done on an ad hoc basis by the parliament. The work in consideration of the concerns raised by victims and survivors has resulted in this bill, which amends a number of crimes to use language that more accurately describes the behaviours involved. This bill is another step towards exposing the realities of child sexual abuse. This bill reflects the growing understanding that the sexual abuse of a child or a young person does real, lasting and significant harm.

The Criminal Code Amendment (Sexual Abuse Terminology) Bill 2020 is part of this Government's commitment to listening to, and responding to, the concerns and needs of our community. Tasmania has some of the most advanced and nuanced criminal laws in Australia, especially in respect of charging child sexual abusers. For example, Tasmania's crime of 'communicating with intent to procure a person under the age of 17 years to engage in an unlawful sexual act', section 125D(1), and 'making a communication with the intention of exposing a person under the age of 17 years to indecent material', section 125D(3), covers communications to children and communications to any person or potential person. Whilst these crimes may be technically advanced, their terminology is not. It is for this reason that these crimes will be amended to reflect the predatory and exploitative nature of the offending.

First, I would like to address the way that victims of sexual crimes are described in the Criminal Code. At this time, the code switches between describing victims as, children, young people, or even people under 17 years old. This bill will ensure that victims of child sexual abuse are described appropriately by giving the charging authorities discretion in describing victims as either a 'child' or a 'young person'. This discretion will ensure that there is flexibility in naming so as to provide

victims with the dignity of an appropriate title. This bill also amends the terminology of the crime of 'maintaining a sexual relationship with a young person under the age of 17 years' to terminology that more accurately describes the true nature of the conduct, 'persistent sexual abuse of a child (or young person)'.

Chapter XIV of the Criminal Code contains the majority of Tasmania's sex-related crimes. Currently, Chapter XIV is titled 'Crimes Against Morality'. These crimes are not matters of subjective moral standards, they are objectively terrible acts and they should be described with language that reflects this. Therefore, this bill therefore renames Chapter XIV to 'Sexual Crimes'. There are a number of crimes within Chapter XIV that refer to 'sexual intercourse'. For example, 'sexual intercourse with a young person under the age of 17 years'. These matters are criminal acts for many reasons, including the significant age disparity between the victim and offender. This bill will remove the words 'sexual intercourse' from these criminal charges and replace it with the term 'penetrative sexual abuse', a reform which describes these criminal acts with the seriousness and factual language that they deserve. To that effect, this bill renames 'sexual intercourse with a young person under the age of 17 years', in section 124, to 'penetrative sexual abuse of a child (or young person)'.

The crime of 'procuring unlawful sexual intercourse with young person', section 125C(2), will be amended to 'procuring penetrative sexual abuse of a child (or young person)'. The crime of 'permitting unlawful sexual intercourse with a young person on premises', section 125, will become 'permitting penetrative sexual abuse of a child (or young person) on premises'. The crime of 'sexual intercourse with a person with mental impairment', section 126, will become 'penetrative sexual abuse of a person with mental impairment'. This bill updates the crime of 'indecent act with or directed at a young person under the age of 17 years', section 125B, to 'indecent act with or directed at a child (or young person)'. The crime of 'procuring indecent act by, or with, young person', section 125C(3), will be 'procuring indecent act by, or with, a child (or young person)'.

The crime of 'communicating with intent to procure a person under the age of 17 years to engage in an unlawful sexual act', section 125D(1), will be amended to 'grooming by communicating with intent to procure a child (or young person) for penetrative sexual abuse', and the crime of 'making a communication with the intention of exposing a person under the age of 17 years to indecent materials', section 125D(3), will be named 'grooming by communicating with intent to expose a child (or young person) to indecent material'.

This bill is not intended to affect the elements of the crimes or the substantial jurisprudence that has developed around them. This bill therefore includes a transitional provision to remove any doubt about the impact of these changes. It is not appropriate that these important reforms are left to filter through the criminal justice system on a case-by-case basis. It is not appropriate that a person may be tried for 'maintaining a sexual relationship with a young person under 17 years' whilst another is tried for the 'persistent sexual abuse of a child' in the very next court, differentiated only by whether a charge was laid before or after the commencement of this bill. It is for this reason that this bill will automatically amend all outstanding proceedings to the contemporary terminology on the next court appearance after commencement. In addition to ensuring that our important body of criminal law does not change with the removal of outdated terminology, this bill will also provide, permanently in the Criminal Code, that any previous references to old terminology in other acts is taken to include this contemporary language.

The reforms in this bill were previously the subject of a detailed position paper released in December 2018. There was significant feedback on that paper from a range of stakeholders, and I

thank those who took the time to provide a submission. Words matter. Words have power. Our words shape our community, our culture and this Government is committed to ensuring that our criminal law describes the sexual abuse of children with the clarity, severity and condemnation that it deserves.

Mr President, I commend the bill to the House.

[3.19 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I wholeheartedly support what the Government has put in place with this bill as we see it today. I also support the Leader's words in acknowledging the bravery and resilience of victims and survivors of abuse. I have no personal connection to anyone, but I cannot imagine what they have to live with. It is remarkable how much courage they have to go through something like that and hopefully come out the other side.

I found the sheet provided today very useful; it showed the changes in the relevant chapter, what they had been changed to and what remained the same. I thank the Leader's departmental staff who have put that together. Perhaps the Leader can decide whether to incorporate that document into *Hansard* for future reference.

The terminology for all cases is to be changed, which I support - it will save one courtroom referring to maintaining a sexual relationship with a young person under 17 years while in the very next courtroom, another person could be tried for the persistent sexual abuse of a child. Language does matter, and I support the terminology being changed to include more contemporary language being used.

The second reading speech was very good - words matter, words have power, words shape our community and our culture. I acknowledge that this Government is committed to ensuring that our criminal law describes the sexual abuse of children with the clarity, severity and condemnation that it deserves. With that somewhat brief offering, showing my support and pointing out a number of very useful areas and the sheet provided with all the changes in a table, I support the bill.

[3.23 p.m.]

Ms FORREST (Murchison) - Mr President, I wholeheartedly support this bill. As I have said in many platforms and forums, words do matter. Words shape our communities in ways we perhaps do not fully understand in many respects, and they also impact on our culture. For far too long, we have had a culture of hiding the shocking abuse that has gone on. Thank God for the people who have had the courage to call out the institutional sexual abuse, people who have fronted up to the royal commission, day after day, telling their stories.

I remember watching *Spotlight* some years ago, the movie about *The Boston Globe*, which blew the lid on the Catholic Church in Boston and was based on a true story. What an amazing body of work that was. So many people worked on this to lift the lid on this abuse and exposed the most heinous of all crimes, sexual abuse of children, which goes on and on. I am really pleased to stand here and support the Government's action in this and to call it for what it is. There is nothing about it that is a relationship, when children are being abused, and I thank the Government for making that clear: nothing in that constitutes a relationship.

In a former life I used to teach sex education in the schools to children from kindergarten to years 11 and 12, and I talked about personal safety. I talked about good and bad touches. I called them good and bad touches with the kinder kids, and I talked about good and bad touches with the high school kids, because that is what it is about. It is about understanding what is right and what

is not, and trying to help children and young people to have the power to say 'No, this is not okay.'. We need the law to back that up. We need the law to call it what it is - abuse of children.

'Penetrative sexual abuse' - words like that make it very clear what we are talking about. It does not diminish it in any way. It tells us more about how horrendous these crimes are. Thank you to the Government and to the people who have been victims of this most horrendous crime for bringing this more fully to our attention.

Like the Leader, I too acknowledge those who are not here to tell their story, a lot of them because they have committed suicide because it was just too hard to keep going. I do not agree with the member for Windermere - I do not agree 99 per cent of people are impacted forever; I believe it is 100 per cent. I do not believe anybody ever gets over this. Everyone is impacted and no-one can forget it. Everyone who is abused in this way will be impacted for life. Some of them move on with their lives and do quite astounding things. We have seen that with some of the brave people who have come forward to support this change, but they have all been deeply impacted and it will never leave them. I commend them.

The language this bill uses now, which we are putting onto our statutes, more accurately reflects the crimes. All the illustrations the Leader gave - I do not need to repeat them, they are all in her second reading speech - make it very clear what we are talking about. The other point the Leader made is that the bill is not intended to affect the elements of the crimes or the substantive jurisprudence that has developed around them. That is an important point. In addition to ensuring that our important body of criminal law does not change with the reel of outdated terminology, the bill also provides permanently in the Criminal Code that any previous reference to old terminology in other acts is taken to include this contemporary language. It is really important to tie it together, so there can be no mistake in what we are talking about. In the past, perhaps we were not as strong in our language as we should have been or named it as it really was, but we will in future.

I have referred to this book in other debates in this place. If you have not read Jess Hill's book, *See What You Made Me Do: Power, Control and Domestic Abuse*, it is particularly about family violence. She talks about domestic abuse rather than family violence in the majority of settings. That is what it is. It is abuse, it is ongoing and it is in a family setting. It is not just violence. There are many forms of abuse and sexual abuse is one of them. I really support the Government in its work on this. I reiterate, as the Leader has, that the words do matter. They have extraordinary power, power to change people's lives if we use them well, power to help people to see we are listening, and power to help people recover or move on with their lives as much as they possibly can. It is steps like this that will perhaps be helpful to change our community and our culture for the better, in my view. I support the bill.

[3.29 p.m.]

Mr VALENTINE (Hobart) - Mr President, I certainly support this bill. I have spoken about my own experiences in this House and it is important to call it as it is. I think people are impacted to varying degrees. For everybody who experiences sexual abuse in one way or another, it does stay with them. Some learn to cope and some do not. The majority find it very difficult to cope with. People need to understand there is no relationship with respect to an adult and a child in these circumstances. I could not agree more with that observation. It is important that it is called what it is, and it does make a difference to people who are victims of this sort of behaviour, horrendous behaviour in a lot of instances. We see, on some of those programs that have been on the ABC of late, the way people think, the way they believe they can carry this on and that they can be forgiven for it. I have to say that it needs to be called out in the strongest possible terms.

Getting past that, in looking at the wording in the bill, I have questions on a couple of matters. In the second reading speech and in the bill, there is one thing I really cannot understand. The second reading speech refers to -

This bill updates the crime of 'indecent act with or directed at a young person under the age of 17 years', section 125B, to 'indecent act with or directed at a child (or young person)'.

Fine. It goes on to say -

The crime of 'procuring indecent act by, or with, young person'...

Surely, that should be 'performing an indecent act'. You do not procure an indecent act, you actually do it. I find it difficult to understand the wording. It is in the act, sections 125C(2) and (3), 'procuring unlawful sexual intercourse. If the Leader could clear that up for me, I would really appreciate that. It might be a legal point.

Mrs Hiscutt - To procure is to seek and find; that is what it is about. You are not allowed to do that. Performing the act - they are two different things.

Mr VALENTINE - 'Procuring an indecent act', I find it weird terminology. I am not going to die in a ditch over this. The lawyers have to argue about this, but I would hate to think it provides some sort of loophole by not being the right word, but you 'perform' an indecent act.

Mrs Hiscutt - Once you have procured the young person, you can perform.

Mr VALENTINE - You procure the child and the indecent act follows. That is why I cannot understand the way it is termed in the act on page 11. It is something to think about. It is the only point I want to raise on this because I congratulate the Government on bringing it forward. Calling it as it is in this is 100 per cent important. Apart from that point, I support the bill.

[3.33 p.m.]

Mr DEAN (Windermere) - Mr President, the member for Murchison suggested I used the phrase '99 per cent'. I am unsure about that. I will look at *Hansard* and comment later if I need to. I support the bill. When we look at it, there are only nine name changes; it is not a large number. The name remains the same for most.

There is a need to continually update legislation; I have been saying that in this place all the I have been here and when I was a copper. Legislation needs to be reviewed periodically to ensure it meets contemporary standards and language, and all the rest of it. If you look at the Criminal Code Act 1924, many offences identified in it would have offences as identified back in 1924 and probably earlier. We have moved on, almost 100 years hence. It is not surprising that we need to look at the terminology of some of these offences to ensure the meaning of the crime that identifies with the seriousness of the offence. That is acceptable.

I also notice in the second reading that, once this bill receives royal assent and is signed off, it will pick up people who are already charged with these crimes under the current terminology. They will be told when they appear in the Criminal Court or Petty Sessions, for whatever occasion it might be, of the change in name and perhaps an explanation as to the reason for it.

Mrs Hiscutt - Yes. That is correct.

Mr DEAN - That is good. I am not sure what will happen in relation to those with previous convictions. Will that change? Will the terminology be affected?

Mrs Hiscutt - Not for prior convictions. It is for the cases being dealt with as we speak.

Mr DEAN - It is only the current ones that have not been determined and completed?

Mrs Hiscutt - That is correct.

Mr DEAN - I can understand that. You could go through each name change, as the member for Hobart raises, and play around with a word or two here and there to change it to mean something slightly different. I am not going to suggest any changes. The member for Hobart raised an interesting area that was fairly clear to me. This was procuring, organising, arranging a position in which the act can be performed. The Law Society, I take it, was among those consulted? It would seem it is fairly happy with it, and that there is good feedback in relation to name changes.

Mrs Hiscutt - That is correct.

Mr DEAN - Thank you. I support the bill.

[3.37 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I gleaned only one query from those contributions - it was 'procure' versus 'perform'. To 'procure' is to seek it out and arrange it. For this crime, the act does not need to be completed, so it is to 'procure', to seek out and find. There is a separate crime for the occasion of the act being carried out. They are two separate things.

Mr President, I seek leave to table this document and have it incorporated into *Hansard*.

Leave granted.

Section	Old name/charge	New name/charge (if applicable)
Chapter XIV	Crimes Against Morality	Sexual Crimes
122	Bestiality	Bestiality
123	Repealed	N/A
124	Sexual intercourse with a young person under the age of 17 years	Penetrative sexual abuse of a child [or young person].
125	Permitting unlawful sexual intercourse with a young person on premises	Permitting penetrative sexual abuse of a child [or young person] on premises.
125A	Maintaining a sexual relationship with a young person under the age of 17 years	Persistent sexual abuse of a child [or young person].

Section	Old name/charge	New name/charge (if applicable)
125B	Indecent act with or directed at a young person under the age of 17 years.	Indecent act with or directed at a child [or young person].
125C	Procuring unlawful sexual intercourse with young person (s 125C(2)). Procuring indecent act by, or with , young person (s 125C(3)).	Procuring a child [or young person] for penetrative sexual abuse (s 125C(2)). Procuring a child [or young person] for indecent act (s 125C(3)).
125D	Communicating with intent to procure a person under the age of 17 years to engage in an unlawful sexual act (s 125D(1)); Making a communication with the intention of exposing a person under the age of 17 years to indecent material (s 125D(3))	Grooming with intent to procure a child [or young person] for sexual abuse (s 125D(1)). Grooming with the intent to expose a child [or young person] to indecent material (s 125D(3)).
126	Sexual intercourse with a person with a mental impairment.	Penetrative sexual abuse of a person with a mental impairment.
127	Indecent assault	Indecent assault
127A	Repealed	N/A
128	Repealed	N/A
129	Procuring by threats [or fraud].	Procuring a person for penetrative sexual abuse by threats [or fraud].
130	Involving a person under the age of 18 years in the production of child exploitation material	Involving a person under the age of 18 years in the production of child exploitation material
130A	Producing child exploitation material	Producing child exploitation material
130B	Distributing child exploitation material	Distributing child exploitation material
130C	Possessing child exploitation material	Possessing child exploitation material
130D	Accessing child exploitation material	Accessing child exploitation material
133	Incest (s 133(1)) Permitting incest (s 133(2))	Incest (s 133(1)) Permitting incest (s 133(2))
137	Indecency	Indecency
138	Exhibiting obscene matter	Exhibiting obscene matter
Chapter XIVA	N/A	Humans Remains
139	Neglecting duty as to burial (s 139 (a))	Neglecting duty as to burial (s 139 (a)) Interfering with human remains (s 139 (b))

Section	Old name/charge	New name/charge (if applicable)
	Interfering with human remains (s 139 (b))	

Bill read the second time.

**CRIMINAL CODE AMENDMENT (SEXUAL ABUSE
TERMINOLOGY) BILL 2020 (No. 5)**

In Committee

Clauses 1 to 4 agreed to.

Clause 5 -

Schedule 1 amended (Criminal Code)

Mr VALENTINE - Clause 5 lists various charges, 'procuring a child (or young person) for penetrative sexual abuse'. I do not have any issue with that. It also lists, 'procuring a child (or young person) for an indecent act', and, 'grooming with intent to procure a child (or young person) for sexual abuse'. Then, on page 11, section 125C(2), 'procuring unlawful sexual intercourse with person under the age of 17'. Unlawful sexual intercourse is not out there to be procured. You actually have to perform it. I cannot understand how you can procure unlawful sexual intercourse. You can procure a child for the purposes of that. I cannot understand how, in the Queen's English, that could be right. You do not procure an indecent act; you perform an indecent act. You cannot look at it in any other way. That really does need rethinking.

Mrs HISCUTT - I will seek an answer on that. OPC seems to think it is okay, but I will check with my adviser. It is already in the existing act, if you look at the sheet provided earlier - procuring unlawful sexual intercourse with a young person and procuring indecent act by or with a young person is already there. OPC has determined that to be the correct word.

Mr DEAN - Madam Chair, I could help out there - it is procuring another person to commit the act, under the Criminal Code. My question relates to clause 5 -

- (b) by omitting the charge from section 124(1) and substituting the following charge:

Charge: Penetrative sexual abuse of a child [or young person].

How am I to interpret that? Does that mean that when the police or the DPP is pursuing a charge against some person, they can use either of those terminologies, or do they have to use, 'abuse of a child (or young person)' because I just find that to be interesting as to why that would be the case. I would have thought that we need to make these things simple, straight and why are we leaving it open if I am interpreting that right first. I will get the answer on that and then I will probably make further comment on it as to why it is done that way, to be separate.

Mrs HISCUTT - Why does the bill talk about the child or the young person, either/or or you are saying, yes, both.

It is intended to ensure as much as it is possible the complainants are offered their dignity with an appropriate description in charges relevant to them. If you have a 15 year old they may object to being called a child. That would be the reason.

These provisions will provide Tasmania Police with a discretion as how to describe a complainant in a charge. That discretion will be subject to the oversight and review of the Office of Public Prosecutions after the matter is committed to the Supreme Court. It is anticipated that children who are in primary school or younger will be referred to as children and children who are in high school could either be children or a young person depending on their circumstances. Children closer to 17 years would be, of course, termed as young people. It may be that the Director of Public Prosecutions will choose to issue guidelines as to the appropriate age brackets for each term. The discretion means that only one term will be used. You are either a child or a young person. Here it is written 'or young person' but the charge will only be one of that kind.

Mr DEAN - A young person would fit everybody. Would fit a child in primary school. I can tell this story that yesterday in actual fact this happened where my wife, ??, was disciplining our six year old grandson. She referred to him as a child and he abruptly told his Nan 'I am not a child' in that ?? The point I am making here is that a child I guess in the different terminologies and so on and I wonder why we have that difference because the charge is the same whether it be a child or a young person. There is no difference in it but somebody if it is joint charges for instance one might object to being called a child, the other might object to being called a young person so what happens? I guess the police or the DPP has got to make the decision on what they will be called. I just find it, to be quite frank with you, to be a bit of a nonsense.

Mr Gaffney - I might be able to help you out here. We act under the Children and Young Persons and Their Families Act 1997. It is actually defined in other Acts regarding people under the age of 18. They are called children and young people so if you were not consistent in here you would be inconsistent with what is already in our Children and Young Persons Act.

Mr DEAN - This bill is about modernising terminology. It is about getting it right for this current century. I would have thought that we should move on with the one terminology, one or the other.

Mr Gaffney - I would not call a 16 year old a child ever and I would not call a two year old a young person.

Mr DEAN - I would call them a young person. That is what they are. I just raise the issue. I just see that there is a time that we could have straightened it out. We could have used the one term and the police have I guess got to say to a 13 year old do you object to being called a child? If you do we will use young person.

Mr Willie - Try it and see how you go.

Mrs HISCUTT - I can take what you are saying as a comment. You disagree. The member for Mersey agrees. It will be offering the choice for that young person or that child and their families to pick whichever they best feel describes the actual person who is the victim.

Mr Dean - Will oldies and more mature people get a choice?

Mrs HISCUTT - I will take that as a comment.

Mr VALENTINE - For clarity on what I was talking about before, this is a heading issue. The member for Windermere was right in pointing out that the clause in the Criminal Code says -

A person who procures a young person to have unlawful sexual intercourse with -

Quite clearly, it is the procuring of the person. The heading for that section, wouldn't you agree, is a little strange?

Mrs HISCUTT - All I can say, Madam Chair, is thank you for the clarity. It is clear in the Criminal Code, which is where it comes back to.

Clause 5 agreed to.

Clauses 6 to 15 agreed to and bill taken through the remainder of the Committee stage.

APPROPRIATION (SUPPLEMENTARY APPROPRIATION FOR 2019-20) BILL 2020 (No. 10)

First Reading

Bill received from the House of Assembly and read the first time.

SUSPENSION OF STANDING ORDERS

Pass Bill through all Stages -

Appropriation (Supplementary Appropriation for 2019-20) Bill 2020 (No. 10)

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

That so much of Standing Orders be suspended to allow the bill to pass through its remaining stages at such time as the Council may appoint.

[3.56 p.m.]

Ms FORREST (Murchison) - Mr President, I rise on this occasion as I always do and I will only make this contribution on one of these bills.

We are operating in a state of emergency in Tasmania at the moment with COVID-19. I appreciate the urgency of the need to get these bills done. I have always said when there is such urgent circumstances to suspend Standing Orders to enable such legislation to pass, I would not stand in the way, and neither will I today.

I support the Government with the work they are doing to try to manage this situation we have. It is unprecedented and very challenging, and I commend the Premier and the rest of his team on

the leadership he has shown in this crisis. I will support the suspension of Standing Orders to enable this and the other bills that are coming to go through the parliament this week so that we can get that work done. We can then get away from this place that is actually putting all of us at increased risk.

Motion agreed to.

**APPROPRIATION (SUPPLEMENTARY APPROPRIATION
FOR 2019-20 BILL 2020 (No. 10))**

Second Reading - Order of the Day

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

That the second reading of the bill be made an order of the day for a later hour.

Motion agreed to.

SUPPLY BILL (No. 1) BILL 2020 (No. 11)

Bill received from the House of Assembly and read the first time.

SUSPENSION OF STANDING ORDERS

Pass Bill through all Stages - Supply Bill (No. 1) Bill 2020 (No. 11)

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

That so much of standing orders be suspended to allow the bill to pass through its
remaining stages at such time as the Council may appoint.

Motion agreed to.

SUPPLY BILL (No. 1) BILL 2020 (No. 11)

Second Reading - Order of the Day

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

That the second reading of the bill be made an order of the day for a later hour.

Motion agreed to.

SUPPLY BILL (No. 2) BILL 2020 (No. 12)

First Reading

Bill received from the House of Assembly and read the first time.

SUSPENSION OF STANDING ORDERS

Pass Bill through all Stages - Supply Bill (No. 2) Bill 2020 (No. 12)

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

That so much of standing orders be suspended to allow the bill to pass through its remaining stages at such time as the Council may appoint.

Motion agreed to.

SUPPLY BILL (No. 2) BILL 2020 (No. 12)

Second Reading - Order of the Day

[4.00 p.m.]

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

That the second reading of the bill be made an order of the day for a later hour.

Motion agreed to.

TAXATION AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2020 (No. 13)

First Reading

Bill received from the House of Assembly and read the first time.

SUSPENSION OF STANDING ORDERS

Pass Bill through all Stages - Taxation and Related Legislation (Miscellaneous Amendments) Bill 2020 (No. 13)

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

That so much of standing orders be suspended to allow the bill to pass through its remaining stages at such time as the Council may appoint.

Motion agreed to.

**TAXATION AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS)
BILL 2020 (No. 13)**

Second Reading - Order of the Day

[4.00 p.m.]

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

That the second reading of the bill be made an order of the day for a later hour.

Motion agreed to.

**APPROPRIATION (SUPPLEMENTARY APPROPRIATION
FOR 2019-20) BILL 2020 (No. 10)**

Second Reading

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, by way of explanation, I will read the second reading speech and then suspend debate to go to the briefings.

Mr President, I move -

That the bill be now read the second time.

Supplementary Appropriation Bills are a well-established part of annual budgetary processes. They reflect the continuously changing financial environment that is faced by the Government and the important decisions that the Government is required to make to implement its policies and support the Tasmanian community.

As all members are well aware, in the current Budget year we have been faced with a number of challenges. We are currently responding to the COVID-19 pandemic while also seeking to support the Tasmanian community and our vital business sector. We have faced bushfires that have required the allocation of resources to also ensure that the damage they cause to our environment, property and community is kept as low as possible. And, demand in our hospitals has reached unprecedented levels.

All of these challenges require the allocation of funding that was not foreseen at the time of the preparation of the 2019-20 Budget last year.

The Appropriation (Supplementary Appropriation for 2019-20) Bill 2020, therefore seeks approval to appropriate additional funding in the 2019-20 Budget year of \$404.9 million. Of this funding amount -

- \$225 million is required to meet additional expenditure that was included in the 2019-20 Revised Estimates Report. This includes \$118 million to meet demand in the Tasmanian Health Services; \$24 million to meet costs associated with new public sector wage agreements; \$16.3 million in increased infrastructure expenditure; and \$10 million to meet bushfire fighting costs;
- \$1.4 million is required to implement initiatives that the Premier detailed in his recent state of the state Address, including funding of \$500 000 for Tourism Tasmania, \$300 000 for emergency housing brokerage, and \$370 000 for bushfire related initiatives; and
- \$18.5 million is required to implement initiatives in the Economic Stimulus Package. As members would recall, key elements of this package to be delivered this year include \$12 million in maintenance works, \$2.25 million assistance to households, and \$1 million for health support.

In addition to these priority funding areas, the bill also includes a further \$10 million over and above the \$10 million included in the 2019-20 Revised Estimates Report for bushfire costs. This amount reflects the most recent estimate of costs for the full year.

Finally, the bill also includes a provision of \$150 million to Finance-General to meet potential costs associated with further action required to be taken by the Government in response to the COVID-19 pandemic. This amount is in addition to any funding available through the Treasurer's Reserve.

The Secretary of Treasury has provided briefings to the Leader of the Opposition, Leader of the Greens, and the member for Clark to provide further background information in relation to this bill.

The Government is committed to allocating the resources required to support the Tasmanian community now and providing capacity to deliver further support should it be required. In recent years, the Tasmanian economy and the Budget position has gone from strength to strength and this now provides a strong foundation on which we can face the current challenges.

I commend the bill to the House.

Mr President, I move -

That the debate be adjourned.

Motion agreed to.

Debate adjourned.

SUSPENSION OF SITTING

[4.09 p.m.]

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

That the sitting be suspended until the ringing of the division bells for the purpose of the briefings on these bills.

Sitting suspended from 4.09 p.m. to 4.54 p.m.

APPROPRIATION (SUPPLEMENTARY APPROPRIATION FOR 2019-20 BILL 2020 (No. 10)

Second Reading

Resumed from above.

[4.55 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, we have had our briefing.

I commend the bill to the House.

Ms FORREST (Murchison) - Mr President, in these extraordinary times one still needs to comment on Treasury bills.

First, I acknowledge Treasury and the work it has done on putting together the package of bills we will be dealing with today and tomorrow to give effect to the spending we need to see in this state to support businesses, to support vulnerable people and to support those who are in a much worse position than we, in this Chamber are in dealing with the challenges of COVID-19. I thank the Treasurer and his Treasury officials for the extraordinary work they have been doing to try to bring all this together. I am sure it was not easy; this is a significant body of work.

I also commend the work of the Office of Parliamentary Counsel. This has happened so fast but they still have other bills coming and landing on the desk. I cannot believe they have managed to do that, it is just breathtaking, the capacity they seem to have in that office. I commend Robyn Webb and her team. It is not easy to draft legislation, even though it might be a supply bill, which we do every now and then, and supplementary appropriation bills that we do every now and the.

These are extraordinary times. To try to make sure the measures we need are all catered for is really important. It is a shame people will not listen sometimes.

I also appreciate the briefing that was provided to members a very short time ago. I personally have not had a lot of time to look at this bill, it only landed on our desks a short time ago. I really appreciate having the Secretary of Treasury, Mr Tony Ferrall, to be there for this. It is a really important job. I know often we do not get the secretary to address us. I do appreciate that and I appreciate his work as well.

I want to speak on a couple of points. I support this supplementary appropriation bill. As we have been told, it is not unusual to do this sort of thing; we see appropriation bills fairly often. Again, when we get to supply bills, a similar story, although we do not tend to see those as often. This supplementary appropriation bill picks up the additional expenditure included in the Revised Estimates Report. That included significant funding to the Tasmanian Health Service to enable it to continue to provide services. Those decisions were made before COVID-19. There may have been some indication it was going to ramp up; we could see what was happening in other parts of the world. Obviously a lot more will be needed to support the THS.

I take this opportunity to acknowledge the extreme pressure our health professionals are operating under at the moment, the fear they are working with - of contracting the virus and taking it home to their families and their loved ones. I am sure all members have seen on social media the meme that has health workers holding up signs, 'I went to work for you; stay home for me.' I hope people will heed that. If we do not stay home as much as we possibly can, our health workers will not be able to go to work and provide the care we need, not just for COVID-19 but for every other reason we get sick. If you break your leg, if you have a heart attack, if your diabetes is out of control, if your asthma is out of control - god help you if you get anywhere near COVID-19 with that. It is everyday health needs - women having babies. Babies do not stop being born because a virus is circulating in the world. What a world to be born into at the moment. I have a grandchild on the way later this year.

I acknowledge our health professionals, nurses, midwives, doctors, ambulance paramedics, all the allied health professionals, our orderlies, our medical attendants, our cleaners in the hospital, our ward aides in the hospital - all those people facing extraordinary pressure at the moment. I wish them all the best of health. I hope that as many as possible can avoid the virus, but we know many health professionals will get it. My son is a doctor at the Alfred Hospital. He will probably get it. He is young and he is fit. Hopefully he will be okay, but he is absolutely at the front line. I worry about him.

This additional funding of Health is much needed. I note the \$150 million contingency payment in Finance General; I am confident a significant amount of that will go to Health to assist with the demands we will see, especially if people do not do the right thing. It should not be that hard but, unfortunately, it seems to be a bit hard for some people out there.

The other funding picked up in the State of State address - it was included in those in the Premier's address but I will not go through those - is additional funding for bushfires. I can only say how difficult it must be for New South Wales, Victoria, South Australia and Queensland, which were hammered by bushfires and now are being hammered by COVID-19. Tasmania had a pretty cruisey bushfire season in comparison this year. We can only be grateful for that, so that additional \$10 million is to help fund the bushfires we did have, which were quite frightening for a short period in small areas of our state. We are just thankful it was not anywhere near like what we saw on the mainland.

The \$18.5 million - it would be nice if it were \$1 billion, but anyway - it is up to the feds to stump up with that sort of money - but that money, as we were informed at our briefing, is less than the headline figure because of things like the revenue foregone from some of our taxes that will just drop away during this period and will not require appropriation. I know that is the first part of our economic stimulus package. I am confident, sadly, that the Treasurer is losing sleep over the economic state we could find ourselves in. It will take a lot of work for us and the entire world to

dig ourselves out of this situation. I think it is important we work together to support each other to do that. I am ready, willing and able to assist in doing that as we move through this really difficult time.

I commend the Government for taking these steps to try to support industry and business, particularly our small businesses. I urge everyone to support our small businesses where we can - buying takeaway food from our local cafes and buying locally wherever we can. Do not buy online. You can pretty much get anything you want in Tasmania. Support our small local businesses. Keep these people working where we can. Look after our people. We have to work together now. We absolutely have to.

With those comments, I support this bill. I know much more work is to be done, as there is with the Supply Bill, but I wanted to make those comments on this bill and will not make them on the others because it is really such an important job.

One other group I would like to particularly mention is the teaching staff who are doing an extraordinary job under extraordinary pressure to look after our children and to ensure they are educated. It is wonderful that some parents can look after their children at home and ensure they continue to get an education. There are some families who cannot do that. In my electorate there are many families who cannot safely do that. The parents do not have the skills, or they are working, or they are in essential services where they have to keep working - so we need to enable our teachers to be able to continue to provide their services.

I acknowledge them, and I thank them. We may come to a point where we have to close schools - we may have to go into complete lockdown. If the Premier makes that decision, I will back him all the way, but in the meantime: let us support our teachers and make it as easy as we possibly can. Let us not spread rumours or other messages that undermine what the Premier is trying to do, operating on the best health advice. Let us think about those disadvantaged families. Let us think about those families who have parents who both work in essential services and who need to go to work. Let us follow the advice that comes and only share advice that is helpful and factual and not full of innuendo.

I support the bill.

[5.05 p.m.]

Ms LOVELL (Rumney) - Mr President, we are in unprecedented times and we are facing a situation that most of us have not seen before in our lifetime.

I echo the comments of the member for Murchison and thank Treasury officials who have not only put in a power of work in pulling these measures together and pulling this bill together but have also been available and prepared to brief the Labor Party, certainly, and all of us in this room in an open manner. We appreciate that. This is a time when we all need to work together, and we are happy to support this bill.

I also acknowledge the Office of Parliamentary Counsel, which has put in an enormous amount of work. I know OPC staff are still working incredibly hard on the bill that we will be dealing with tomorrow. The volume of work and the things they have to cover - I have no words for the work they are doing at the moment.

Mr Valentine - They are champions. That is what they are.

Ms LOVELL - Absolutely. We know that Tasmanians will suffer from the impact of this pandemic in ways we have not seen before. We saw yesterday thousands of Tasmanians out of a job immediately. We have seen businesses that will never be the same. Some will never recover. We cannot underestimate the impact this is having on our community.

As a state we have to support our community in ways we have not had to before. This bill and the bills that will follow - and I am only making one contribution to cover all these bills - are taking the measures we need to take to ensure that Tasmanians can get through this as best we can, that we can support people who need the support to get through this. Our businesses, our hospitality sector and a whole range of industries are already feeling the massive impact. We need to get behind people and get through this emergency situation as best we can.

I am happy to support the bill.

[5.07 p.m.]

Ms RATTRAY (McIntyre) - Mr President, also a brief offering on this particular bill given the circumstances that we find ourselves in. I certainly echo the words of the member for Murchison and the member for Rumney in thanking the people who are working at the front line, but also Treasury and OPC staff, teachers and health workers. I think everybody in government and in all the departments is doing an exceptional job.

On behalf of the people I represent I say thank you very much to our Premier. I think he has been outstanding in delivering the information people need. Obviously there are businesses and people who have query after query after query around what support is available and the like. We know that is why we are dealing with this suite of bills, and we have more to come tomorrow, in regard to stimulus packages, support and the like, and to keep the state running. I am certainly very appreciative, and I know they are as well, of the work that has been done. I have been able to make contact with the Premier's office about situations where people have loved ones who are stuck in Asia and cannot get back, and somebody has called back. How do you deal with that? There is always a return call. Obviously it takes time to get that information, but it is coming through our offices, and I am particularly thankful that open line of communication is happening.

I particularly want to say thank you to Melissa at my office. When we are not in our offices, our staff are the ones who are fielding the emails and phone calls and generally talking to foot traffic. If they are well, of course - we have a sign up, like everyone else, on our office door saying, 'If you are unwell, please give us an email or phone us', but when our staff go out on the street, of course people ask them for advice and information. Thank you, not only to my office staff, to Melissa, but also to all the people who look after our offices. We are very fortunate.

I will not go over where all the money for this particular appropriations supplementary bill is going. I think the member for Murchison pretty well covered that, but there was reference to the bushfire funds that were needed. The Fingal community I represent was very heavily hit around New Year's Day. I recently travelled over the hill through Mathinna when I attended to the Fingal Coal Festival, and you could see the remains of that fire - it was so close to the Fingal township. They must have been absolutely frightened. I know people left Fingal to stay with friends and relatives because the fire was just too close for comfort. Other members of their family stayed to protect. I would never begrudge - nor would anyone in Tasmania - the money that goes towards that firefighting effort. It is bad enough to lose bush or plantations or whatever, but when it gets so close to your home and impacts on your livelihood, people are in great fear. I acknowledge that.

I know this is a difficult time but I am only relaying questions asked of me: last week in my response to the State of the State address, I asked a question around the funding for AFL football. I know TT-Line has its own funding arrangements with North Melbourne - that will be something we will deal with at another time - but if no significant AFL football is coming to Tasmania, the people of Tasmania are asking: why would we continue to commit that sort of money this year when our own state could so desperately, and will so desperately, need that? Obviously arrangements are in place. There will be some sort of contract. I am not sure what sort of leverage our Treasury, our Premier and our Minister for Sport and Recreation are able to have with AFL around that. To my mind, however, that question needs to be asked because there is absolutely no benefit to Tasmania through this funding agreement, and we need it in our state more so than ever at this time.

I also thoroughly support what has been put in place and again acknowledge the significant work that has been, and will continue to be, undertaken by so many as we work our way through this time of uncertainty.

I support the bill.

[5.13 p.m.]

Mr VALENTINE (Hobart) - Mr President, Confucius said, 'May you live in interesting times'. You could not get more interesting times than those we are going through at the moment. So many people are suffering in a real sense in terms of their livelihoods being taken away at the drop of a hat - people whose work is just not there anymore; they have to learn how to cope or try to cope with the circumstances they are in.

It is good to see today that it looks like there will be some relief from the major banks with respect to mortgages, and how they are working through that. I commend those who have been involved in trying to make that happen.

There are things the Government has to do. Governments have to continue to operate and they cannot operate without funds and quite clearly these bills that are before us - the three main appropriation bills but also the supplementary one - are absolutely necessary for the ship of state to continue to sail.

I thank the Secretary of Treasury for his briefing. It is important to understand exactly what is in these bills. Obviously we are here for that purpose and it is important for us to fully understand what it is we are passing. I thank him for that and for the Leader for organising the briefing.

Unfortunately, at times like this, people are suffering, but there are also those who are being hit by other things. I want to read an email I have received from a shop owner in the CBD -

I am a store owner/operator in the CBD of Hobart. I don't know if you have been informed already or not but in the last three weeks there has been a dramatic increase in shoplifting incidents and threats to staff of all retailers in the CBD. It is a very scary time for small business and the staff of the larger national chains has decreased foot traffic by customers purchasing products have resulted in an increase of people taking advantage of decreased staffing levels and security. Can you please shed some light on this topic and issue on behalf of us and other retailers?

As if it is not hard enough for them, people out there are taking their product. I feel for those people; I feel for the little amount of money they might be able to make, to hear of other people going in and stealing products from them.

We are in sad times but we have to work together. We have to pass these bills so the Government can do its best to make sure that businesses have certain relief, whether it is stamp duties or other things that the Government wants to do to make their business lives a little easier so they can continue to employ some staff.

These are not easy times. We are in uncharted waters, absolutely uncharted. You hate to think where this is all going to end up, but one thing is for sure - it will be worse if we do not work together. Kindness is what we need to look at. I was quite amused at something I saw on ABC television - these two fellows got to the last pack of toilet rolls on the shelf and they thought 'How are we going to handle this?', so they played paper, scissors, stone. One of them won and he said, 'Hey, here you go', and he split it down the middle and said, 'Here, you take half and I'll take half and I'll pay the bill.'. Small as that is, that is kindness.

Ms Forrest - It's the best and worst of people we are seeing.

Mr VALENTINE - It is the best and worst - the worst being the shoplifters, the best being those who are actually trying to help others out. Another case, a woman in a line; a fellow in front turned around and acknowledged this older lady at the checkout. She gave him a lovely smile - and we are making this happen - out he goes. She went to pay her bill and the checkout person said, 'The gentleman who just walked out whom you smiled at left \$20 on the till for you to help you pay for your groceries.'. Simple things like that. We are in it together.

I will not go into great detail about the legislation because I do not think it is needed. It is there for a purpose. The Government has a lot of work to do. I support the bills.

[5.18 p.m.]

Mr DEAN (Windermere) - Mr President, I support the bill and will support the next bills we deal with as well. We are in tough times. Our government departments, GBEs and so on have the capacity to come back to the state for further funding where it is necessary and needed outside of the budget, but many businesses do not have that capacity or that ability, particularly now.

I had a couple of gut-wrenching experiences yesterday that caused me some concern. A business in Ravenswood, vital to that area - and we know it is an area that needs support and help - the Over 50s Club, is battling to survive. As they said yesterday, they cannot see any way through this. To add extra costs to them, they are now required to pay \$860 per week for rent on poker machines they cannot use. I find that extraordinary, and something has to happen to fix that problem. It was talked about this morning on the radio, and talked about by a number of people. Here we have Network Gaming, a big organisation, and Federal Hotels better able to accept those costs, rather than the smaller independent businesses and so on.

It is cruel to see grown people, as I did yesterday, with tears rolling down their face. It really gets to you. It is hard, damned hard. I am not quite sure how we will get through. I have a couple of sons working in fairly dicey situations. One is a police officer; I certainly think about him. I talked to him on the weekend about how the police will get through it and what they will do. They

are right in the front of it. It is difficult for them. I have one son who is a teacher and who is facing a lot of these problems and experiences as well. Not easy for us. I support the bill, Mr President.

I raised the issue during the briefing - and I thank the department for the briefing; it was well done- of the fire service. I think \$10 million of funding is required for aerial firefighting in the main. We know there was a lot of that included in the bushfires we had last year. Thankfully, we have had a good season when we look at bushfires. We were very lucky when we look at what happened on the mainland compared to what we had here. We were very lucky to get out of it the way we did. That is explained.

You can go through all these amounts of money. We could ask a lot of questions in relation to all of it. Very clearly it is necessary, it is needed. I raised questions on the Justice department. I always raise the issue of overtime. I understand most of the money involved was for the wages agreement and for the extra staff who were necessary and needed to support the inmates we currently have in prison. We understand that. We know why that money is being sought.

Mr President, I support this bill and the other bills. I also thank all the people for everything they are doing through this time. My staff, for instance, are really the best of staff - the work that they are doing, the calls they are getting and are able to field without having to come to me, which is great, wonderful. We each have enough on our plates to handle. I want to thank them while I have the opportunity here. I thank all the staff in Treasury, in particular, for the effort and work they are putting in to get this right, and all other people involved.

[5.22 p.m.]

Ms ARMITAGE (Launceston) - Mr President, I really feel this legislation has been covered, but I will just briefly echo the words that have already been said.

We certainly are in difficult times. I support this bill and the other bills that are coming up. As mentioned by the member for Windermere, it is certainly not easy for many people in the community. While I have been sitting here, I sent an email to the Premier. As we speak, I have had a request from someone in the community making face masks to try to help health workers. They are looking for funding to launder them. So many different things going on. It is a continually moveable feast.

As the member for Windermere said, we all have family members who are impacted. My son manages a bar that was closed at lunchtime on Monday. I assume that mum might be coming to the party to help out a little there. It is very difficult for people, even though they can apply for a certain amount of funding.

The member for Rumney was just told me that people were lined up at 4.30 outside Centrelink to try to access funds. The online facility has gone down. The appropriation and other bills coming before us are really important so we can help out by ensuring that money goes where it needs to go, including to services that are required; it certainly needs to go there. I have no problem whatsoever with that.

I will not go through the amounts and allocations we have before us. This legislation needs to go through as a matter of course. These are difficult times. Like other members, I too thank Treasury, the advisers and everyone who has been involved. I do not think it has been easy for anyone. I am sure it will not be easy for a while to come.

[5.25 p.m.]

Ms WEBB (Nelson) - Mr President, I am also going to be brief. I support the comments made by all my colleagues already on the bill, and also the thanks and appreciation they have extended to the staff who have worked above and beyond to bring this to us today and implement these things so quickly and effectively.

While we have the immediate investments and the measures to be given effect through these bills relating to businesses, relating to employment and economic stimulus and those sorts of things, I am pleased also to see there is a broad contingency allocation looking ahead. When we look ahead we know we will not just see the immediate effects of the situation we face, we will also begin to see the secondary and flow-on effects. I know we will have a real task ahead of us in the first instance to note and monitor those effects and then to mitigate and support them.

When I talk about those, I mean things like the mental health flow-on and impacts from the situation we find ourselves in. The impact on things like family violence and the need to better build capacity in family violence services. Drug and alcohol services will be put under pressure as well as gambling support services. We will see the Child Safety Service put under more pressure as we go forward in this emergency situation. We will see things like tenancy support services and housing support services under a lot of pressure too. We will begin to see people needing assistance when they get themselves into trouble around the payday lending arrangements they enter into in situations of urgency and extremity. We are already seeing emergency relief providers under pressure and that will continue as we see the flow-on, the secondary and the ongoing effects of this.

All these things will need our attention and support in times to come. It puts me in mind of the fact that we have come into this situation with a much discussed 'two Tasmanias'. We already had something of a divide between people here in our state who were vulnerable and struggling and people who were perhaps better able to take advantage of some of the very positive things that have been going on. I am quite concerned that, as we traverse these next months, perhaps years, we will have to confront these flow-on effects and think about the way we invest together to mitigate them.

Mr President, I very much hope we can come out of this, all challenged and all having to pick up the pieces, without a further divide across those two Tasmanias. I hope we can come out of this as one Tasmania. While we all may have taken a hit and had to face very difficult challenges, I hope we come out of it closer together and more united as one Tasmania going forward, and that we meet those challenges, acknowledge those difficulties and support the people who will need support in the future.

[5.28 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I will not go through all the emails sent to me or my family members. We all have issues and there are good things and there are bad things, but one of the good things is the department and OPC that are supporting us here.

I have one comment from the Premier with regard to the AFL football team. The Premier advises that the Tasmanian Government is considering its position and we will look at having further discussions with the clubs and the AFL.

Ms Rattray - Thank you, Leader. That is encouraging.

Mrs HISCUTT - He is aware of it. Thank you, Mr President.

Ms Rattray - He probably read my Premier's address speech.

Bill read the second time.

**APPROPRIATION (SUPPLEMENTARY APPROPRIATION FOR
2019-20) BILL 2020 (No. 10)**

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -

Issue and appropriation of \$404 889 000

Mrs HISCUTT - Madam Chair, I move -

That clause 4 be postponed.

Clause 5 -

Purposes of appropriation

Madam CHAIR - As we have to ask additional questions for recurrent expenditure as opposed to capital, we will take each subclause of clause 5 separately because the question is different. We have to make sure we do it right.

Clause 5(1) -

The sum of \$4000 is to be applied to Division 1 of Schedule 1 to the *Appropriation Act (No. 1) 2019*, Brand Tasmania, representing an Operating Services appropriation.

Mr DEAN - Is this an appropriation for Brand Tasmania, do I have this right, the \$4 million?

Madam CHAIR - Yes, you are in the right place.

Mrs Hiscutt - It is \$4000, not \$4 million.

Mr DEAN - I was misreading that by just a few thousand dollars. It is for additional costs.

Mrs Hiscutt - It is for operating -

Mr DEAN - Yes, it is for additional costs that were not in the original budget. It is only a small amount and not what I thought it was. I misread that.

Ms Forrest - It was money for advertisements.

Mr DEAN - Was it?

Mrs HISCUTT - Madam Chair, it is simply funding for the wage agreement.

Clause 5 agreed to.

Clause 6 agreed to.

Postponed clause 4 agreed to and bill taken through the remainder of the Committee stage.

**APPROPRIATION (SUPPLEMENTARY APPROPRIATION FOR
2019-20) BILL 2020 (No. 10)**

Third Reading

Bill read the third time.

SUPPLY BILL (No. 1) BILL 2020 (No. 11)

Second Reading

[5.39 p.m.]

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

That the bill be now read the second time.

I believe all members of this House have a good understanding of the challenges we are currently facing as a consequence of the COVID-19 pandemic. In addition to the health impacts, this pandemic will have very real and significant economic and social consequences, many of which are just beginning to emerge. I have previously noted that we expect to see increasing economic impacts on a wide range of Tasmanian industry sectors, from tourism and hospitality businesses to seafood exporters and wild fisheries, retailers and manufacturers reliant on international supply chains.

The Premier and Treasurer has made it very clear that this Government will do everything it can to manage and mitigate the economic and social impacts. We will work to ensure our businesses, our workforce and our communities are well positioned for a successful recovery. The Government will make available whatever resources are required to combat this virus, to keep people safe and to support our economy and Tasmanian jobs.

Given these difficult circumstances, the Premier has closely considered the most appropriate approach to the development of the 2020-21 Budget, previously scheduled to be delivered on 4 June this year. In particular, we note issues such as -

- the current high level of uncertainty in relation to the cost of the Government's response to the COVID-19 pandemic, the nature of the expenditure that will need to be incurred and the timing of that expenditure;

- the current high level of uncertainty in relation to the impact on the Government's revenue, including GST receipts, state taxation receipts and returns from government businesses;
- the importance of the prioritisation of expenditure toward supporting the Tasmanian community in addressing the impact of the coronavirus;
- the potential impact the coronavirus could have on the budget process, including the preparation of the extensive budget documentation and the consideration of the budget papers by parliament; and
- the importance of having a timely and tailored budget response that is able to support and drive the recovery of the state once the worst of the impacts have passed.

With these and other issues in mind, the Premier has made the decision to delay the development and tabling of the 2020-21 Budget until later this calendar year. He considers this approach is both necessary and responsible in the current environment.

As is standard practice when the budget has not been passed by the commencement of the budget year, a supply bill has been prepared to ensure that government services can continue to be provided until the budget has been passed by parliament. The Supply Bill has been drafted on the basis of the provision of six months of funding and appropriates \$3.02 billion. This amount has been based on the 2019-20 Budget estimate for 2020-21, adjusted to reflect initiatives funded in the Supplementary Appropriation Bill and including those detailed in the 2019-20 Revised Estimates Report, the State of the State address and the economic stimulus package. It also takes into account the timing of expenditure by agencies during the year.

Consistent with the approach adopted in the Supplementary Appropriation Bill, an additional appropriation amount for Finance-General of \$180 million has also been provided to facilitate the funding of currently unknown costs in relation to addressing the impact of the COVID-19 pandemic. This provision is in addition to an allocation of \$70 million to the Treasurer's Reserve. In providing a briefing on the Supplementary Appropriation Bill and this bill, the Secretary of Treasury provided a commitment in relation to the provision of information in relation to expenditure incurred from these provisions.

While we are living in challenging times, the use of supply bills is in itself not unusual. Supply bills have most recently been tabled and passed by parliament following state elections in 2006, 2014 and 2018. The Government's aim is to recognise the challenges we face; protect the Tasmanian community; respond quickly and effectively to support Tasmanian people, businesses and industries; and ensure Tasmania comes out of this event strong and healthy, and returns to being the economic powerhouse of the nation. The delay of the 2020-21 Budget and the passage of this Supply Bill are important elements of the Government's considered response to the environment we currently face. I commend the bill to the House.

[5.45 p.m.]

Ms FORREST (Murchison) - Mr President, I support the bill. As the Leader rightly said, supply bills are not unusual or rare but this one is in unusual times. I understand the need to delay the budget. The federal government is delaying its budget until October. It would be next to impossible for the state to put together a budget, having very little idea of what was coming from the federal government, or even what the whole world's economic situation will look like at the time, let alone little Tasmania's.

I am happy to support this legislation to enable the ordinary operations of government to continue, albeit there will be significant pressures in some areas. There will be significant pressures in the revenues coming in - we have no idea what this is going to do to our revenues. I am sure the Secretary of Treasury read my contribution responding to the State of the State address, my little comment about how we need to understand our expenditure requirements. I think that has gone out the window at the minute. Our revenues are going to take the biggest hammering we have seen in a very long time, possibly even more so than the GFC if that is possible. Time will tell.

It is a difficult time to try to forecast or understand what our financial needs will be. We do not know what impact the COVID-19 pandemic will have on our Health system. I implore people to do the right thing - to stay home and not go out. That includes us when we get home. We can work from home, predominantly, and protect our community. We have seen what has happened around the world when people have not heeded that warning. Hospitals are overwhelmed and people are dying. Health professionals are having to make decisions about who they treat, which means they are making decisions about who they let die. That is what that means.

Imagine the pressure on health professionals and the psychological trauma they will be experiencing from making those decisions. Try to think about that for a minute. How would you like to make a decision, having 10 patients in front of you, about who you are going to try to save, knowing that you might not even save them, and others you are going to let die? They are all someone's mother, brother, sister, father, uncle, grandfather or grandmother. Think about that. We need to do what we can to avoid that. Health will need more funding to assist with this. We will need to buy more supplies. We need more PPE for our frontline workers. I know they are still adequate at this stage, as I understand it, but the demands are going to continue.

In the briefing, the Secretary of Treasury mentioned that if we get through this six months and we are still not out the other side enough to actually bring down a budget, or the Government cannot bring down a budget, there are emergency provisions in the Financial Management Act. I referred to them at the time we debated that bill. I think I was with Mr Ferrall himself, talking about what the circumstance would be if those provisions were to be used. Here we are - thank goodness it is there to give the Government the power to enable us to fund the operations of government. These are extraordinary times, which we did not foresee.

It will take us a long time to get back to becoming the economic powerhouse of the nation, as the Leader said in her speech. The economy was doing comparatively well to other states, but the whole world has taken an economic and social hammering. It is going to be a different world when we come out of this. I hope people learn what the good things are and what we need to value. We will perhaps do away with some of the less beneficial things as we move forward.

I appreciate this bill will provide funding for six months to keep things going. Hopefully by that time we will have more clarity around how we are going to manage in future, and the Government will be able to bring down a budget we can look at more thoroughly. I understand that if we cannot, we may have to use other methods. I support the bill.

[5.49 p.m.]

Mr DEAN (Windermere) - Mr President, I certainly support the bill. As I understand it, these supply bills are for a six-month period only and another supply bill could be required after that six months, depending on how things go.

Ms Rattray - If there is no budget.

Mr DEAN - Yes, if there is no budget.

Mrs Hiscutt - That is correct. We can keep doing that.

Mr DEAN - At some stage the Governor is keen to be involved in a briefing report. Is that right?

Mrs Hiscutt - We need to invoke the emergency clauses, but there are mechanisms for this.

Ms Forrest - There are provisions in the Financial Management Act.

Mr DEAN - Thank you for that. People are currently complying with the requests to stay at home. Many are -

Ms Forrest - No, they are not.

Mrs Hiscutt - They are not.

Mr DEAN - I travel from Dodges Ferry into Hobart; before this happened, it would take me an hour to get to Hobart. Currently I do not stop at all; it is a free run the whole way and I am here in under 30 minutes. That is the difference it has made, so many people are staying at home and changing the way they do things. I am not saying all are but many are.

Ms Forrest - You only need a couple of people to do the wrong thing and it explodes.

Mr DEAN - Sure.

The situation of deciding who lives and who does not is a terrible one. If you look at what is happening in Italy, there are more deaths in Italy than in China where the pandemic started. The evidence coming out is that many people who are not surviving the virus are smokers. There has never a better time than right now for us to push the position of having people quit smoking. Governments ought to pick this up. It is a situation we need to look at. I support the bill.

[5.52 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I thank members for their comments. It is a difficult time and I appreciate their collaboration to get these emergency-type bills through. Thank you.

Bill read the second time.

SUPPLY BILL (No. 1) BILL 2020 (No. 11)

In Committee

Madam CHAIR - Honourable members, we will proceed department or agency by agency when we get to Schedule 1. There may be two questions on each agency where there is both Operating and Capital Expenditure, otherwise we will have one question if there is no expenditure in the other item.

Clauses 1 to 3 agreed to.

Clause 4 -

Issue, application and appropriation of \$3 019 438 000

Mrs HISCUTT - Madam Chair, I move -

That clause 4 be postponed.

Clause 4 postponed.

Clause 5 -

Purposes of appropriation

Mrs HISCUTT - Madam Chair, I move -

Clause 5 be postponed.

Clause 5 postponed.

Clauses 6 and 7 agreed to.

Schedule 1 agreed to.

Postponed clause 4 agreed to.

Postponed clause 5 agreed to and bill taken through the remainder of the Committee stage.

SUPPLY BILL (No. 1) BILL 2020 (No. 11)

Third Reading

Bill read the third time.

SUPPLY BILL (No. 2) BILL 2020 (No. 12)

Second Reading

[6.06 p.m.]

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

That the bill be now read the second time.

In accordance with current appropriation convention, two supply bills have been prepared: one to provide funding for the services of the government and the other to provide funding for the services of parliament and statutory offices.

I recently provided a detailed outline of the reasons for the supply bills to be prepared for the 2020-21 budget year in my second reading speech relating to Supply Bill (No. 1) 2020. The information provided in that speech applies equally to this bill.

The Supply Bill (No. 2) 2020 seeks parliament's approval for an amount of \$17.8 million for expenditure on operating services.

I commend the bill to the House.

Bill read the second time.

SUPPLY BILL (No. 2) BILL 2020 (No. 12)

In Committee

Madam CHAIR - We will handle this bill the same way as we did the last one. It is a slightly shorter one.

Clause 1 to 3 agreed to.

Clause 4 -

Issue, application and appropriation of \$17 765 000

Mrs HISCUTT - Madam Chair, I move -

That clause 4 be postponed.

Clause 4 postponed.

Clause 5 -

Purposes of appropriation

Mrs HISCUTT - Madam Chair, I move -

That clause 5 be postponed.

Clause 5 postponed.

Clauses 6 and 7 agreed to.

Schedule 1 agreed to.

Postponed clause 4 agreed to.

Postponed clause 5 agreed to and bill taken through the remainder of the Committee stage.

SUPPLY BILL (No. 2) BILL 2020 (No. 12)

Third Reading

Bill read the third time.

ADJOURNMENT

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

That the Council at its rising adjourns until 11 a.m. on 25 March 2020.

Motion agreed to.

The Council adjourned at 6.13 p.m.