Wednesday 26 September 2018

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

RECOGNITION OF VISITORS

Madam SPEAKER - Honourable members, it is with great pleasure we welcome grade 5 from the Sheffield School. They have come a very long way to see parliament in action.

We also have members of the School of Adult Education with us in the Speaker's Reserve for the Corridors of Power adult education course. Welcome to parliament.

Members - Hear, hear.

STATEMENT BY PREMIER

Absence of Minister for Primary Industries, Water and Environment

Mr HODGMAN (Franklin - Premier) - Madam Speaker, I advise the House that in the absence of the Minister for Primary Industries, Water and Environment, Ms Courtney, who is absent from the House today due to illness, I will take any questions in relation to her portfolios.

QUESTIONS

Health - Consultants Reports - Refusal of Request for Right to Information

Ms WHITE question to MINISTER for HEALTH, Mr FERGUSON

[10.04 a.m.]

You would be aware that Labor lodged a Right to Information request in August seeking copies of two reports, one titled *Estimates of Growth in Prices in the Tasmanian Health Services and their Contribution to Growth and Expenditure*, KPMG March 2017, and the other titled *Analysis of Health Funding for the Tasmanian Health Service*, RDME Consulting May 2018.

Earlier this week we received a complete refusal of our RTI on the grounds the information was copyright and its release would not be in the public interest. It looks like a repeat of last year's Deloitte report cover-up. Tasmanians will remember you first claimed the Deloitte report did not even exist and then released a summary after the final sitting week of the parliamentary term.

What is contained in these reports that you do not want Tasmanians to see? What is that you are trying to hide?

ANSWER

Madam Speaker, I thank the member for her question. RTIs are handled by the department at arm's length from me. That is due process and it is how the law works. If the member is aggrieved by the decision, she knows she has ways of taking that further.

I will refute the claim made. The Government is a very transparent and open government, very much so and much more so than has been the case before. We do active disclosure in areas that have been previously never revealed and that has been a hallmark of the Government's reforms in this area.

I reject the Leader's characterisation of the Deloitte report which has been well and truly canvassed.

Health - Report on Analysis of Funding

Ms WHITE question to MINISTER for HEALTH, Mr FERGUSON

[10.06 a.m.]

Can you confirm you received the report titled, *An Analysis of Health Funding for the Tasmanian Health Service* May 2018, shortly after being reinstated as Health minister following the election? The title of this report raises questions. Does it confirm what clinicians, nurses and health professionals have all been saying, that you have systematically underinvested in health? Is that why you have tried to bury this new report?

ANSWER

Madam Speaker, this is a government that has reversed the Labor cuts to health. It would not be possible for me to say that unless I was able to point to the new services we have created that reverse Labor's cuts that shut down services and the devastation that was wreaked by the Michelle O'Byrne era in the health ministry. I believe it is the case that Ms White was either the chair of or a member of the caucus committee that authorised those cuts - yes, nodding - and we have caught them out because they cut half a billion dollars out of health. We are investing and we now have $700 million more and it is making a real difference.

I will take advice on this specific question and I will be careful not to stray into that without taking proper advice. We are investing in our health system. That is why Tasmanians voted for the Hodgman Liberal team to continue our work in health. You may well say underinvesting but this is a government that has beat Labor at the post on health and on our health policies. Tasmanians rejected the Labor Party's seven versions of their health policy.

Mrs Petrusma - The medi-hotels.

Mr FERGUSON - That is right, Mrs Petrusma, the medi-hotels experiment. It was a disaster from beginning to end, a disastrous experiment that Labor wanted put sick people, of all places, into hotel rooms. It was a disaster. In contrast, Tasmanians voted for our plan.

Mr O'Byrne - It is not a storeroom.

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

Mr FERGUSON - We have $757 million more going into health for capital, for more services, for services you were asking me about yesterday for children, for better mental health services. That is in our plan for 25 more beds in southern Tasmanian for mental health - not 10 beds. We

understand this has been opposed by the White opposition. They are telling Tasmanians that the Peacock Centre should not be rebuilt. You could have knocked me over with a feather. Last Friday, the shadow health spokesperson was at the Peacock Centre being filmed by the media, out the front of the burnt out shell of the Peacock Centre, declaring that it should not be rebuilt.

We are committed to these services. Tasmanians expect us to deliver on our commitments and that is what this Government intends to do.

Infrastructure in Tasmania

Ms O'CONNOR question to MINISTER for INFRASTRUCUTURE, Mr ROCKLIFF

[10.09 a.m.]

The Tasmanian Government's submission to Infrastructure Australia details your infrastructure priorities and road construction features very heavily.

Mr Jaensch - Hear, hear.

Ms O'CONNOR - I despair.

Mr Hodgman - How did you get here today, on a road?

Madam SPEAKER - Order, Premier.

Ms O'CONNOR - I did not have to spend an hour in congested traffic, which is what happens because you have underinvested in public and passenger transport.

Can you confirm that, despite making an election commitment to deliver light rail for Hobart, the project does not rate a mention in your priority list? Why have you allowed Tasmanians and particularly residents of Greater Hobart to believe your Government is committed to northern suburbs light rail when it is clearly not even on your agenda? Why did you decide to drop light rail?

ANSWER

Madam Speaker, I thank the member for her question. We are very committed to light rail as we said prior to the last election. It remains our election commitment along with the 10-year infrastructure pipeline that we produced a few months ago: for the first time ever, a 10-year infrastructure pipeline for this state.

Mr O'Byrne - It is a list of things other people are doing.

Madam SPEAKER - Order, Mr O'Byrne.

Mr ROCKLIFF - There is some $13.9 billion worth of infrastructure investment, including $8 billion worth of public infrastructure investment. Infrastructure Tasmania is now consulting with the community on a 30-year infrastructure plan for Tasmania the draft for which will be released in December this year.

Ms O'Connor - Light rail does not get a mention.

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

Mr ROCKLIFF - As the member should be well aware, the light rail project forms part of the city deal which the state and federal governments are working on right now.

Ms O'Connor - Does it? What city deal?

Mr ROCKLIFF - I confirm and allay the fears of the member. We are committed to the light rail project.

We have delivered when it comes to the Bridgewater bridge with over half a billion dollars' worth of investment and commitment from the federal government. It was a pleasure to be with our Primary Industries minister on Friday last week at Evandale to welcome, as was contained in the priority list: pipeline of prosperity; $70 million-worth of infrastructure for irrigation around the state; 10 key projects, which we will put forward to Infrastructure Australia for the federal government to commit to that irrigation investment. When you combine the federal government contribution, $70 million from the state, and farmer contribution, that is over $400 million worth of infrastructure inter-generational investment, growing the economy. The annual return for that investment will be some $114 million.

Infrastructure in Tasmania is a key priority for this Government as evidenced by our $2.6 billion Budget over the course of the next four years -

Ms O'Connor - Where is light rail?

Madam SPEAKER - Order, Ms O'Connor.

Mr ROCKLIFF - and $8 billion of public infrastructure over the course of the next decade. All projects that we are committed to at the 2018 election in March are a priority for this Government, including light rail.

Health - Jobs

Ms WHITE question to MINISTER for HEALTH, Mr FERGUSON.

[10.13 a.m.]

You have consistently claimed that your Government has invested record amounts in Health; however, your budget allocations have not kept pace with demand. Has the Health system been forced to shed full-time jobs because you have ignored constant pleas from the frontline for increased funding?

ANSWER

I am gobsmacked at the suggestion, Madam Speaker. How many times do we have to put it on the public record that this Government has put on 630 more staff in the Health system since we ended Labor's cuts, since we turned a page on a cruel chapter where Labor harshly cut half a billion dollars from the Health system here in Tasmania? Dr Frank Nicklason from the Medical Staff

Association gave evidence at the upper House inquiry, which the former minister refused to go to and warned that those cuts would have an impact on Tasmania for 10 years.

We have been investing and rebuilding. We have increased the FTE by 630 of employees working in the health system. This is FTE, not head count. I can also tell the member that you do not get 630 more employees without paying them. It costs money; it requires funding and that is what we have provided. I am not sure if the member is really interested, but of that number 370 are nurses. They are delivering extra care, more care and more services for Tasmania. That is what actually happens.

The previous government took savage cuts to the health system; Labor sacked a nurse a day for nine months. That is the Labor legacy. I also remind the House that we put a record investment into elective surgery so we could take people off the long waiting lists. We had people who had been on that waiting list for a decade. People believed they would never get their surgery ever; they had been on the waiting list for so long. We have significantly reduced that. We have made massive inroads.

If you think this job is difficult, just remember when we introduced our $76 million extra elective funding commitment. Ms White, who was then the shadow health minister, told us that we should not go ahead with that election commitment, that instead we should use it for more bureaucrats.

Ms White - That is not true.

Mr FERGUSON - That is the case and the record stands.

Ms White - What rubbish.

Mr FERGUSON - What is rubbish is Labor's claims that we have taken money out of Health. We have put money into Health; it is helping people. We have $757 million of more money coming through the system, which is a lot more that Labor promised in any of their seven versions of their health policy.

Education - Provisions for Students with Disability

Ms O'BYRNE question to MINISTER for EDUCATION and TRAINING, Mr ROCKLIFF

[10.17 a.m.]

You would be aware that the Education Act requires that schools make appropriate reasonable provision for students with disabilities. Does appropriate, reasonable provision include a child with sensory overload being placed in an opened-up cardboard box next to a rubbish bin?

ANSWER

Madam Speaker, I thank the member for her question. If your circumstance is as presented, then clearly it is not acceptable in any way, shape or form. I will have to take advice on exactly the circumstances and get the facts right.

I also say that no government has done more for students with disability than this one. That started in June 2014 where we set up the Ministerial Taskforce for Students with Disability. A number of recommendations have resulted from that - more funding for students with disability, significantly more funding. We are now working diligently on a new model for funding disability. We are moving away from 50 to 70 IQ test and funding students with disability based on need, which has been very welcome. You support that, and I welcome that bipartisan support.

We recognised when we came into government that we could do more for students with disability and we are. We will continue to do so.

I will take advice on the example that Ms O'Byrne a provided. I assure Ms O'Byrne if the example that is provided is correct then it is not acceptable. We will make sure that we improve the circumstances within that school to ensure that never happens again.

Trade Mission to China - Tourism Benefits

Mr HIDDING question to PREMIER, Mr HODGMAN

[10.19 a.m.]

Will the Premier please outline the recent tourism mission to Asia and how it will benefit our visitor economy?

ANSWER

Madam Speaker, I thank the member and parliamentary secretary for his work. It does not hurt to get out and see a bit more of a big wide world, broaden your perspectives and put Tasmania well and truly on the map. That was what the trade mission was about with a very strong focus on getting more tourists into our states, and spending more money here because that will support Tasmanian businesses and jobs right across the state. Our economy is one of the strongest performing in the country and we want to keep it that way. Our tourism sector, our visitor economy, is also very strong. We recorded the highest rate of growth of international tourists of any state in the nation. Over the last year our tourists spent a record $2.4 billion while they were here, while international tourists stayed an average of 17 nights and spent almost $560 million in our state, up 32 per cent on last year. That is great news for our tourism sector.

My Government's commitment is very much to do all we can to keep it that way, and that includes participating in trade missions, supporting local operators who were on the mission as well, meeting with key distribution partners in some of our biggest markets and promoting all that is special about our state, including our fine produce and products.

Tourism Tasmania coordinated the tourism leg of the mission. They picked the best time for us to be in the market to maximise our exposure and the opportunity to meet with our key distribution partners and agents in our key markets of Hong Kong, Shanghai, Kuala Lumpur and Singapore. They facilitated and supported business meetings and events to showcase Tasmania. I was very proud to be part of the mission supporting this great industry sector because we are competing against every other Australian state - and other countries indeed - and I am determined that we always give it our very best shot.

The tourism leg of the mission included 15 Tasmanian tourism businesses including accommodation providers, visitor attractions and tour operators. In Shanghai we met with around 60 local travel agents, providing an overview of Tasmania's tourism offerings and positioned our state as a premium destination for food, wine and hospitality experiences. The CEO of Tourism Tasmania and I were interviewed by QingTing FM, an online media platform that has more than 30 million registered users. More than 58 600 people watched the interview live and it resulted in 230 000 page views. Tourism Tasmania will now enter into a cooperative marketing campaign with QingTing FM which will capitalise on social media and digital advertising to further enhance this interest. I was also interviewed by *China Travel Agent*, a business magazine for the travel agency industry that prints about 38 000 copies each month.

In Hong Kong we met with around 50 local travel trade agents to encourage people to visit Tasmania during winter in a bid to address seasonality and visitation and relieve pressure in peak periods. We informed them of the investments we are making in visitor infrastructure right across the state, but particularly we focused on what we are doing in the north and north-west. A key part of our strategy is to ensure that our visitors who come here stay longer, see more of the state and spend more while they are here under our 'yield and dispersal' plan. In Kuala Lumpur we met with more than 30 travel representatives and promoted our state there as an experience-based destination. The mission provided a great opportunity to gain an insight into the preferences and habits of our travellers and those who visit here to make sure we can promote the products and experiences that best meet their needs.

Tasmania's tourism industry is growing sustainably, increasing by 2 per cent in the past year and we need to ensure that what brings a record 1.3 million visitors and increasing to our state continues to grow and that this momentum is maintained. We must also strike while interest in our state is at a peak, or else we run the risk of losing out to other proactive destinations. I will not allow Tasmania to be complacent when it comes to ensuring that we put our state front and centre and maximise these opportunities because it supports Tasmanian businesses and jobs right across the state. That is why we are making record investments in marketing and infrastructure upgrades, in supporting skills development and also in supporting Tasmania's great tourism sector on trade missions like this one.

Post-Traumatic Stress Syndrome - Legislation

Mr SHELTON question to PREMIER, Mr HODGMAN

[10.24 a.m.]

Can the Premier update the House on the community's response to the Hodgman majority Liberal Government's nation-leading reform to legislate a presumptive provision for post-traumatic stress syndrome?

ANSWER

Madam Speaker, I am very proud to lead and be part of a government that is taking what is nation-leading reforms that will support Tasmania's public sector and all public service employees by legislating a presumptive provision for post-traumatic stress disorder.

As I did yesterday, I commend the efforts of my team mates who have been instrumental in getting us to this point. The minister introducing the legislation that will deliver this nation-leading

reform is the Minister for Police, Fire and Emergency Services, Mr Ferguson. He represents those first responders who so often are suffering as a result of simply doing their job. The efforts of the former minister, Rene Hidding, developed not only this but a number of important reforms that show we will always stand by our state servants and provide them with the best possible support to assist them in what they do to assist our community. In this instance, we are better supporting those who are injured in the course of serving our community, our public sector employees, and also acting to reduce the stigma of mental health in our community.

Our legislation will appropriately cover all State Service employees, but we are very mindful of the fact that our first responders - police, ambos, firefighters, emergency services workers and our volunteers - are among those Tasmanians we turn to first in times of emergency, accident, tragedy and trauma, so often putting themselves on the line for others and experiencing things that the rest of us will never have to or perhaps could never fully comprehend. We are immensely thankful for the incredibly important role that they play in our community and are very mindful of the impact traumatic circumstances in the course of their work can have on them and others close to them. This is why we will introduce legislation to include a presumptive provision for PTSD for frontline and other government workers.

It is an action that has been supported very broadly across our community. The Police Association of Tasmania's acting secretary, Gavin Cashion, has strongly supported the reforms, saying:

> Police officers see the very worst of humanity and the cumulative effect this can have on individuals is significant.

Police Commissioner, Darren Hine, said the legislation would be world-leading, adding:

> We know that emergency services workers continue to put their lives at risk to assist the community every day. They will be able to get the help they need and deserve.

HACSU secretary, Tim Jacobson, said:

> This legislation will mean so much to workers. It is hard to truly convey the gratitude our members will have for the bold step taken by the Tasmanian Government, but as a few words can often say a lot, we simply say, 'Thank you'.

Unions Tasmania's Jessica Munday, also a member of the WorkCover board, I should note, congratulated the Government and described the announcement as 'fantastic' and that it would make 'a real difference'. Similarly, United Voice secretary Jeanette Armstrong has welcomed the announcement.

We thank all of those and others who have been very active and passionate in the campaign to bring this matter forward, particularly members of the State Service and affiliated or ancillary organisations who have been strong and persuasive advocates. We acknowledge them for their courage and their commitment.

The introduction of legislative presumption in this instance is certainly the right thing to do to support our public service workers suffering, and those who might, and to reduce the stigma that is so often associated with mental health. It will reduce a potential source of stress for those who are

suffering PTSD and highlight the importance of helping people to be able to return to work. The presumption will not change the process of making a claim or impact on the ability of workers to secure a diagnosis in order to make a claim. As we said yesterday, we are acting to commence drafting of the legislation as a priority and in the interim will take administrative action to ensure that it applies as soon as practicable.

Madam Speaker, we stand by our workforce. We recognise the potential impact of traumatic events on mental health and fitness to work with our employees. We are very proud, as I am sure all members of this place would, to be leading the nation in this area and we look forward to the progress of these important reforms as soon as possible.

Salmon Industry Growth Plan

Dr WOODRUFF question to PREMIER, Mr HODGMAN

[10.29 a.m.]

Your salmon growth plan marine carve-up, which was half-baked last year in the government's media unit, has no reference to marine science, the salmon industry or other stakeholders, most specifically from the coastal communities that were affected. The April 2018 minutes from your Scalefish Fishery Advisory Council record the Tasmanian Seafood Industry Council rejects that growth plan because of its failure to consult with fishery and community stakeholders. They are intending to lead a marine spatial planning project to do the work that you should have done.

Will you now admit that the salmon industry growth plan is junk, it does not have industry or community backing, and that you are in the process of reworking it behind the scenes? Will you reassure coastal communities that are angered and worried about the industry's rapid growth that in reworking this flawed plan you will ensure the protection of public waterways is prioritised, that communities and other stakeholders are formally consulted in advance, along with marine scientists, instead of them all being repeatedly ignored as is the case with your Government?

ANSWER

Madam Speaker, I thank the member for the question and welcome the opportunity as Premier but also as temporary minister in this space to respond to what are unfounded assertions. It allows me to point to what was a plan developed extensively by people who are expert in this field, including departmental officials, and including stakeholders. It was extensively consulted and will be an ongoing body of work where we will continue to consult with stakeholders, interested parties and communities and the experts who are helping us deliver sustainable growth in a sector that is so important to our state, which is important to its produce, its brand and also to positioning Tasmania as the nation's premium source -

Ms O'Connor - Define 'sustainable'. You have no idea.

Madam SPEAKER - Order, Ms O'Connor, warning two.

Mr HODGMAN - for what is a very highly-regarded product notwithstanding the damage inflicted upon it by members opposite when it suits. It was not that long ago they were claiming to be the best friends of the salmon industry. Now they have reverted to type and once again are

kicking at it. We will continue to deliver what is a sustainable industry growth plan that was built around the concept of sustainable growth.

Dr Woodruff - Built by your media unit. You did not talk to anyone else about it. You did not even talk to the salmon industry.

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

Mr HODGMAN - It also respects environmental concerns, the need to protect our environment and to respect the interests of communities who are nearby or impacted upon by this form of activity which so often supports local jobs and businesses in those communities. We are delivering a balanced, reasonable and sustainable plan that addresses those issues and it does provide that framework for growth.

It is also very transparent and we have been determined to keep it so because we understand there is public interest and there are also the needs of this sector, the industry, to know within what parameters they will work. This is important so that we can maintain not only confidence within the industry but also confidence within the community, biosecurity and ensure very sound environmental performance. It is under this Government that we have taken more steps, not only developing this plan but strengthening regulations and controls to protect our environment; things that did not happen under a Labor-Greens government.

They have happened under a majority Liberal government. For example, the new Finfish Farming (Compliance and Monitoring) Unit has been established in the Environment Protection Authority. We have an independent information portal with a wider range of environmental information including additional real time data. That is in progress. We have made it clear to the industry there will be zero tolerance in relation to marine debris and that is important. In addition to existing compliance staff within the department, authorised officers for Marine and Safety Tasmania are working together to implement this approach.

Dr WOODRUFF - Point of order, Madam Speaker. Standing Order 45. I am listening with great attention to the Premier. He is going nowhere near addressing the question which is, will he be consulting on this? Is there a new reworking of the plan and will he consult on it?

Madam SPEAKER - I am sorry, Dr Woodruff, that is debating the question. Premier, please continue.

Mr HODGMAN - We stand by the plan. As I said in my opening observations, we will continue to work closely with all stakeholders and I identified those who were important: not just the industry itself but affected communities; those with an interest.

Dr Woodruff - You are not changing the growth plan.

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

Mr HODGMAN - I am outlining how we will better do that, be transparent and allow all people with an interest in this area to engage with government because that is an important part of maintaining confidence within the industry but also confidence with interested stakeholders and other communities. The department has collected information from all companies in relation to the

marine equipment they hold. This goes to additional measures we are putting in place to provide more certainty and confidence through a marine farming equipment register.

Ms O'Connor - You are not answering the question again.

Mr HODGMAN - It is important you understand all the facts so the next time you ask a question is it not misinformed. That register is important.

We are working together and this is an important part. It is not exclusively the province of the Greens of doing everything they would like. We are working together with interested parties to develop a contemporary biosecurity planning framework and it is a collaborative approach that will ensure a sound plan. It is anticipated a salmon biosecurity program will ultimately be incorporated into regulations under the proposed new biosecurity bill. We will continue to progress other initiatives that are outlined in the plan for all to see. I will not rule out continuing to consult and engage to ensure we deliver the best possible plan for a fantastic industry that is growing in this state and we will do so sustainably under this majority Liberal Government.

Education - Behaviour Management Plans

Ms O'BYRNE question to MINISTER for EDUCATION and TRAINING, Mr ROCKLIFF

[10.36 a.m.]

The Education Act requires students with disability be provided with a behaviour management plan. You would be aware of one grade 2 student who does not have a behaviour management plan who has been suspended three times in one year. Two of these suspensions, you would be aware, were only one week apart. How many students with disability who do not have a behaviour management plan have been suspended in breach of your own Education Act?

ANSWER

Madam Speaker, I thank the member for her question. No government has done more for students with disability than the Hodgman Liberal Government. We recognise we had considerable work to do because, in many respects, we inherited a system the parents did not have confidence in. That is why we are rebuilding our support for students with disability, including a funding model that is needs based and fairer. KPMG has been working on designing the model in consultation with staff, teachers, principals, educators, and parents and families. My expectation is that model will be -

Ms O'BYRNE - Point of order, Madam Speaker. It is relevance. Whilst the issue around the needs-based funding model is of great interest to the House, my question was about students with disability who do not have behavioural management plans, being suspended and the number of those students.

Madam SPEAKER - That is not a point of order. I draw the minister's attention to the question.

Mr ROCKLIFF - Thank you, Madam Speaker. With respect to the example the member provided in her first question, which leads to the second question, my understanding is that the comments an advocate made in relation to secretarial Ministerial Instructions not being followed,

refer to behaviour management plans being in place for students with disability who exhibit challenging behaviours. I have been advised the school which the member referred to in her first question has facilitated professional support staff to conduct a functional behavioural assessment which has recently been completed to inform the behaviour management plan for this student. I have also been advised that the student does have a current co-constructed learning plan which includes behavioural support information.

We are committed to supporting schools to become increasingly disability ready and responsive to meet the demands of all students which is why our government has invested in providing liaison and mediation services to support schools and families.

Ms O'BYRNE - Point of order, Madam Speaker. The minister is addressing my previous question for which I am very appreciative. But this question was about the number of students who are being suspended who do not have behaviour management plans.

Madam SPEAKER - As you would be aware, standing order 45 does not allow me to direct the minister or put words into his mouth. All I can do is ask that he focus on the question.

Mr ROCKLIFF - Madam Speaker, I am more than content to provide the member with that information. I do not have it at hand. When it comes to education, this has been the most transparent Government with education data presented to the community, particularly at budget Estimates -

Ms O'Connor - Where's your statement condemning Scott Morrison's private school funding package?

Mr ROCKLIFF - I have made a statement with respect to that matter, Ms O'Connor, which was stronger than the member, Ms O'Byrne, who asked the question today.

We are more than open to present key evidence and data to support further improvement in our education system. We have nothing to hide when it comes to our educational outcomes. We recognise there is considerable work to do with our educational outcomes, with year 12 completion as an example, and also providing support for students with disability. That is why we have engaged as a department our own consultation survey to truly understand the needs, expectations and concerns of parents with students with disability in our education system. We spoke about that at the previous Estimates to the one in June -

Ms O'Byrne - But those families were handpicked, which you admitted in Estimates, too.

Mr ROCKLIFF - I am more than happy to provide information to the member. I will look at the *Hansard* and provide information to the member at the earliest convenience when we gather that information.

Road Infrastructure in Tasmania

Mr SHELTON question to MINISTER for INFRASTRUCTURE, Mr ROCKLIFF

[10.41 a.m.]

Can the minister please update the House on how the Hodgman majority Liberal Government is delivering better road infrastructure to meet the demand of our growing economy, and is the minister aware of any alternative policies?

ANSWER

Madam Speaker, I can answer the second question first. The answer is no, I am not aware of any alternative plans.

This Government recognises that our economy continues to grow and more people choose to live, work and travel in Tasmania. We must continue to ensure that our roads are safe and productive and the liveability of our communities is increased. This is why we took such a comprehensive package of road infrastructure commitments to the election and now we are getting on with the job of delivering them.

Already this year we have started work on the largest single project in our 10-year $500 million Midland Highway Action Plan, the $92 million Perth link roads project, which will connect the dual carriageway highway from Launceston to the south of Perth. It was a pleasure to be there a few weeks ago with the member for Lyons, Mr Hidding, the previous infrastructure minister, to celebrate the start of construction on that $92 million project.

Phase 1 of the Hobart Airport roundabout project has gone out to tender to provide much-needed improvements to traffic flow in the south-east in and out of Hobart, with works to start this summer. We are seeing important works completed on the Bass Highway junctions at Latrobe and Wynyard, and on Richmond Road in the south, between Richmond Golf Club and the University of Tasmania farm, with a tender recently advertised for the next stage of upgrades on this important tourist and regional connector route. These works will start later this year to be completed by mid-2019 and will include construction of sealed shoulders and upgrades to Malcolms Hut Road junction.

Further, I can announce today that we will be bringing forward works to upgrade Evandale Road in the north as part of our northern state roads upgrade program. Construction will now start next week with four kilometres of Evandale Road starting at Leylands Road and heading towards the Launceston Airport roundabout. Evandale Road is an important local freight route and tourism gateway from the airport to northern Tasmania, with more people using the road as the number of tourists visiting the region continues to grow. Providing wider sealed shoulders will improve safety for all road users by reducing risks of vehicles running off the road. We know that better roads save lives and reduce the impact of serious crashes, as well as increased productivity and liveability as commuters travel more efficiently.

The recent Budget delivers over $711 million in new projects, upgrades and maintenance across the state, coupled with the Australian Government's commitments to take this total road investment to some $1.1 billion.

Delivery of these commitments is included in our 10-year infrastructure pipeline which has been very warmly received by industry, providing them with a certainty for investment. We have been talking with industry through our industry round tables and the best way to deliver on that pipeline, and this will all contribute to our new 30-year infrastructure strategy due out for consultation before the end of the year, as I said in response to Ms O'Connor's question.

These are exciting times for infrastructure development. We have a plan and a budget that delivers on that plan. Those opposite have nothing. The former failed infrastructure minister, Mr O'Byrne, is content to simply whinge, complain and constantly undermine. In contrast, this

Government is getting on with the job of building infrastructure our state needs for the twenty-first century.

Madam SPEAKER - Thank you. We have been doing a beautiful job this morning. It is very calm. Let us try and keep up the decorum.

Education - Students with Disability - Provision of Equipment

Ms O'BYRNE question to MINISTER for DISABILITY SERVICES and COMMUNITY DEVELOPMENT, Mrs PETRUSMA

[10.46 a.m.]

You are now responsible for providing an equipment library which was previously provided by the Department of Education for students with disability. Why has one student been waiting for almost two terms for an appropriately sized commode to enable her to safely use the toilet? Why was the family asked to pay for this item, inappropriately, from their NDIS package rather than provided from the equipment library you now control?

ANSWER

Madam Speaker, I thank the member for her question. I will have to look into the situation she has raised. It is quite complex when it comes to the NDIS and equipment as to what belongs to Education and what comes under the participant's package.

Ms O'Byrne - So you don't know?

Madam SPEAKER - Order, Ms O'Byrne.

Mrs PETRUSMA - I need to seek further advice as to the situation.

Ms O'BYRNE - Point of order, Madam Speaker. If I can provide that advice, the Education department has said that it falls within the responsibility of the minister for Disability Services. The minister's office has been engaging on this issue so she should be able to answer the question.

Madam SPEAKER - I have to ignore that because it is not a technical point of order. The minister has addressed it clearly by saying that she will come back with information.

Mrs PETRUSMA - Madam Speaker, I am happy to update the House later when I receive further advice. In this situation, as to where the nexus between mainstream service provision and where the NDIS comes into play and what the Department of Education has to -

Ms O'Byrne - It is an Education matter, not NDIS. Surely you know how the NDIS works.

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

Mrs PETRUSMA - I will seek further advice and update the House when I have that information.

Economic Plan for Tasmania

Mr BROOKS question to TREASURER, Mr GUTWEIN

[10.48 a.m.]

Can the Treasurer update the House on the economy and the Hodgman majority Liberal Government's plan for Tasmania? Is the Treasurer aware of any alternative provision?

ANSWER

Madam Speaker, I thank the member for Braddon, Mr Brooks, for his question and his interest in this matter. I note as I was getting to my feet that the Greens have no interest in the economy once again, but that is a matter for them.

Tasmania's economy is booming and this is creating more opportunities for Tasmanians. More than 250 000 Tasmanians are now in work, more than ever before. Over 15 000 more Tasmanians are now in jobs than when we were first elected. Our economy is growing very strongly. Tasmania's most recent state final demand result showed that our economy grew at the second-fastest rate in the nation for the June quarter, with only Victoria doing better in terms of economic growth. That puts us in front of New South Wales, Queensland, South Australia, Western Australia and the two territories. Our year-on-year growth rate was 3.6 per cent for the year overall, again putting us in front of Western Australia, South Australia and the Northern Territory, the strongest growth it has been since 2008.

This is in stark contrast to the experience under those opposite, where state final demand went backwards every quarter for nearly two years. That was when you were in government, I think, Ms O'Connor.

Ms O'Connor - During the recession, the global financial crisis.

Madam SPEAKER - Ms O'Connor, warning number three; the next one will be out the door.

Mr GUTWEIN - Importantly, our economic resurgence has been driven by the private sector. Private investment drilled the strongest rate in the nation, with growth of over 12.5 per cent for the past year. This is nearly four times stronger than the national average of 3.2 per cent. You only have to look around to see the amount of construction activity and ventures being established.

When we were first elected, we came to government with a clear plan. Over the course of our first term we worked hard to deliver on it. In doing this, we have provided a stable environment for businesses to thrive and to have the confidence to invest and employ more Tasmanians. That is why the majority Hodgman Government is consistently rated as the most popular in the nation by small and medium businesses.

A member interjecting.

Mr GUTWEIN - I remind the member who interjected that when he was the economic development minister, two out of three thought that the government was working against them.

Mr O'Byrne - I did not interject. That is unfair.

Mr GUTWEIN - You are now.

Mr O'Byrne - Fairy tales with Mr Gutwein.

Mr GUTWEIN - He keeps on interjecting. I remind him again that two out of three businesses thought that his government was working against them. That is why Tasmanians were leaving the state in droves. We have a population growth of more than 1 per cent and the strongest annual growth in net interstate migration since 2004. At 1.02 per cent growth over the last year, our overall population growth in the year to March was the strongest it has been in nearly 10 years and stronger than South Australia, Western Australia and the Northern Territory. That is what happens when you stick to a plan. That is what happens when you get on with the job. That is what happens when there is confidence in the economy, when investment is being attracted and jobs are being created.

Those opposite did not get it when they were in government. They clearly did not get it during the last election. They do not get it now. They have no plan. As I have said, on many occasions, whingeing is not a policy, complaining is not a platform, but they are making an art form out of it. Ms White did not have a plan -

Ms O'CONNOR - Point of order, Madam Speaker. Standing order number 48, the minister has had sufficient time to answer a Dorothy Dix question. It is now running over four minutes. I draw your attention to the waste of parliament's time.

Madam SPEAKER - The minister was at 4.05 when you drew my attention to it. You have just wasted another five seconds. Minister, I ask you to wind up.

Mr GUTWEIN - Thank you, Madam Speaker. I had not even mentioned roads. I thought that would get Ms O'Connor up on her feet.

I want to make the point that the Opposition has no plan. What they have resorted to is spamming the public sector, begging for donations. They are not sending emails out to the public sector explaining to them what they stand for and what they are offering Tasmanians; they are spamming the public sector widely, seeking donations and whingeing and whining.

Whingeing is not a policy; complaining is not a platform. You might listen to this, Ms O'Connor. You do enough of it. It demonstrates that they have nothing. This side of the House has a strong plan, a confident economy, investment being attracted, jobs being created and people coming to the state in droves, as opposed to what had happened, when people were lining up at the airports and at the ports to get out of the place.

Bruny Island Ferry Plan

Mr O'BYRNE question to MINISTER for INFRASTRUCTURE, Mr ROCKLIFF

[10.54 a.m.]

Incat boss, Bob Clifford, has said your new Bruny ferry plan is small, slow and cheap. Tasmanian tourism legend, Rob Pennicott, has said your new model will reduce access to the island and therefore impact on his business. You announced the tender in June. You said then that there would be an online booking system; now this has been deferred indefinitely. You said then that fares would be frozen or cheaper; now they are going up for many users. You said then you would

be using two 36-car vessels. Now, due to serious concern about lack of capacity you are scrambling for a third vessel. You have also left the local community members to negotiate with SeaLink in an attempt to clean up your mess. Your Bruny ferry plan is in disarray. Do you still stand by your announced model and your tender process?

Mr Bacon - Do you think it is going well?

Madam SPEAKER - Order, Mr Bacon.

ANSWER

Madam Speaker, I thank the member for his question. I mentioned before in a previous answer the word 'undermine'. He is doing his best to undermine confidence in the new service and, indeed, criticising a consultation. The winner of the tender process, which happens to be SeaLink, was always going to consult with the community on transition.

It is essential that the process and the tender process, procurement and probity, is at arm's length from the minister. That was done within the department. As SeaLink is the winner of the tender, on the ground consulting commenced on 23 December.

Dr Woodruff - You should at least check they do a reasonable job.

Madam SPEAKER - Order.

Mr O'Byrne - The tender chair went to Scotland and had a look at another -

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

Mr ROCKLIFF - My understanding is that that has been a seamless transition and working well. The reference group has been set up which is well representative of those on the island. As a result SeaLink is listening to the community, understanding the concerns of the community, residents, of course, and tourism operators.

Consistent with my statement on 28 June this year, any future increases to residents and ratepayers fares will be capped at annual CPI for the duration of the SeaLink contract. To be very clear, Bruny residents' and ratepayers' fares, including concessions did not go up in the recent weekend when SeaLink started operating the Bruny ferry service. They are not going up on 1 November - that is, residents' and ratepayers' fares. We have said all along that Bruny residents' and ratepayers' fares will not go up when SeaLink starts operating the service and that any increases to Bruny residents' and ratepayers' fares will be capped at CPI.

When it comes to the Bruny Island ferry contract, I understand that this is a significant change for Bruny Island residents, property owners and businesses. Like any change, people have genuine concerns. That is why we have set up a reference group. There has been strong progress with respect to listening to those concerns and acting on those concerns.

Mr Bacon - They are fixing your mess. Just be honest about it.

Madam SPEAKER - Order, Mr Bacon.

Mr ROCKLIFF - Mr Bacon, really. I do not know what you have against consulting with the community. What do you have against listening to people's ideas? What is wrong with that, Madam Speaker? People have genuine concerns; we can act on that. We had to wait until we were aware of the successful tenderer. It is simple really. The reference group has provided a valuable link between the new contractor, SeaLink, and local Bruny representatives. The group is ensuring the community has all the information and the facts it needs.

I welcome SeaLink's recent announcement of an expanded summer timetable for the Bruny Island ferry service and plans for a third ferry to operate during peak times. Members opposite seem to be against that. SeaLink has been doing a very good job in consulting widely and working with the community to transition to the new ferry service. This announcement is a direct result of this ongoing consultation. Importantly, and this is particularly important for tourism operators, this announcement confirms there will be no reduction in carrying capacity this peak season in spite of some claims to the contrary.

I was pleased to read Mr Pennicott's recent media comments saying that this was a positive step -

> I congratulate SeaLink on the consultation they have done with the community and business on Bruny Island.

I have also met with Mr Pennicott personally as well to get a clearer understanding of his concerns.

Our focus has always been to provide a service that will best meet the future demands of all users. We are very confident SeaLink will continue to engage with the community to ensure the new service meets the expectations of all who use it. I am aghast at those opposite. If we were not consulting, you would be complaining about us. We should be consulting -

Members interjecting.

Mr ROCKLIFF - We are consulting; you complain about that. They are never happy; they just do not want to be happy.

Tasmanian Devil - Threat to Habitat

Ms O'CONNOR question to MINISTER for ENVIRONMENT, Ms ARCHER

[11 a.m.]

You are quoted in today's media rightly celebrating a slow recovery of the endangered Tasmanian devil on the Tasman and Forestier peninsulas. Do you agree that your colleague, Mr Barnett's plan to allow logging of high conservation value forests on the Tasman Peninsula from 1 July 2020 is a threat to the devil? Have you talked with the Minister for Resources about the threat habitat destruction poses to this iconic species? Will you ensure devil habitat on the peninsulas is not logged in order to continue the devil's recovery?

ANSWER

Madam Speaker, I thank the member for Denison for her question and her concern for threatened species. As environment minister, I too have concern for all of our threatened species, our known threatened species and those that are endangered.

In relation to forestry issues, I am not aware of the precise example that you give in relation to what is essentially a Resources portfolio matter. I regularly engage with my colleague, the Minister for Resources, Mr Barnett, on a number of issues involving threatened species and achieving the right balance in sustainable practice in our forestry industry and not endangering our threatened species. I will continue to engage with my colleague in relation to that and many other issues concerning our threatened species, in particular, in relation to the Tasmanian devil.

If you are referring to the article and the good news in relation to Tasmanian devils that we have seen this week and the recovery we have seen in that regard, this Government welcomes that because we have put a significant amount of funding into saving the Tasmanian devil. We continue to be committed to that process, as has been seen in the current Budget with the further injection of funds into the save the devil program. There is no greater supporter of the Tasmanian devil and the Save the Tasmanian Devil Program than this Government and, as I have said, I will continue to engage with my colleague as well.

Education - Facility Attendants Job Security Agreement

Ms O'BYRNE question to MINISTER for EDUCATION and TRAINING, Mr ROCKLIFF

[11.03 a.m.]

The Education Facility Attendants Job Security Agreement, which delivers high quality cleaning, ground keeping and kitchen services in schools, expires this weekend.

Why has the new agreement not been signed? During Estimates under questioning, you committed not to contract these jobs out. Will you now rule out changes to the existing formula that ensures safe workloads for staff, and that our schools and TAFEs are clean and well maintained?

ANSWER

Madam Speaker, I thank the member for Bass for her question. My statement at Estimates still stands. I have met with facility attendants personally in my office as they are concerned about where we are at. I assured the facility attendants, first and foremost, that their services will not be contracted out.

The current Education Facility Attendants Job Security Agreement has been in place since 2013 and it expires on 30 September this year. The Government and school communities very much value the work of our facility attendants and the contribution they make to our public education system. I have had many messages to that effect of the value they have in our public schools.

I am pleased to advise the Government will not be contracting out work in facilities where EFAs are currently employed and this has been confirmed with the United Voice to share with members.

Ms O'BYRNE - Point of order, Madam Speaker. In my question I pointed out that the minister had committed not to contract out. My question was, would he rule out changing the formula?

Madam SPEAKER - Not an official point of order but the minister will get to the point, I am sure.

Mr ROCKLIFF - Employment arrangements are in accordance with the State Service Act 2000. There is a mix of a permanent, fixed term and relief employees with the predominant method of employment being permanent. Employment arrangements under the State Service Act stand aligned from industrial agreement. These negotiations are being worked through. Other provisions of job security agreement will be reviewed and negotiated as per the normal bargaining process.

Members interjecting.

Madam SPEAKER - Could I please have the muttering from this side cease?

Mr ROCKLIFF - I look forward to constructive negotiations.

Ms O'Byrne - Are you changing the formula?

Madam SPEAKER - Ms O'Byrne.

Mr ROCKLIFF - I am not involved in negotiations, Ms O'Byrne.

Ms O'Byrne - You are the minister. Rule it out.

Madam SPEAKER - Order. Please proceed, minister. Members will be silent.

Mr ROCKLIFF - Negotiations are ongoing. We value the work of our facility attendants and I have said that in this House and in Estimates and to our valued employees face to face.

Madam SPEAKER - I commend the House on being so well behaved. Our guests were expecting a few removals but you were exemplary and I am very proud of you.

Time expired.

TABLED PAPER

Public Works Committee - Riverside High School

Mr BROOKS (Braddon) - Madam Speaker, I lay of the Table the report of the Public Works Committee on the following reference: Major Refurbishment of Riverside High School, together with the evidence received and transcripts of evidence.

Report received.

MATTER OF PUBLIC IMPORTANCE

Cemeteries - Perpetual Interment Rights

[11.08 a.m.]

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

That the House takes note of the following matter: Perpetual interment rights.

I do not know whether I should say I am pleased to be talking about this matter today, or that I cannot believe we still have to talk about this matter today. This matter should already be in our Burial and Cremation Act. It is something which is outstanding. All jurisdictions around Australia provide options for perpetuity. Our Burial and Cremation Act is lagging in this area.

In Tasmania it is common misconception that a person who purchases a plot after procuring a right of interment, allows the holder to bury human remains in a particular grave, burial site or allotment in a cemetery which will be left undisturbed forever in perpetuity. We now know this is not the case. The draconian Tasmanian Burial and Cremation Act 2002 fails to provide closure, dignity, respect and the necessary level of detail one would expect.

I am committed to ensuring Tasmanians will not be lost or forgotten. The announcement made by Anglican Diocese of Tasmania to sell over 100 churches, buildings, allotments and graveyards around Tasmania triggered an uncomfortable realisation for many of us that interments in Tasmania are not held in perpetuity. Many people in our community assumed that people's burial places could not be touched.

In fact, interments are held for a period of 30 years from the last interment. According to the Burials and Cremations Act 2002, section 29, disused cemeteries:

> (1) If, for a period of 30 years or more -
>
> (a) no interments have taken place in a cemetery or portion of a cemetery; or
>
> (b) interments have taken place with no vault or monument other than a flat slab flush with the ground …

the cemetery manager then has the legal right to move human remains, coffins, vault, monument or other things in or on the original place.

The Government has agreed to review the Burials and Cremations Act 2002 and the review will concentrate on the continued appropriate, safe and responsible management of cemeteries, the honouring of exclusive burial rights and continued public access for relatives and friends of the deceased. This is a good start and I thank the Attorney-General and the Minister for Local Government for agreeing to have that review completed by 1 December. I appreciate that.

Allegedly, broad consultation on the proposed legislative amendments will occur later in 2018. The timing and outcome of the review will provide little solace for the thousands of Tasmanian families dreading the formal announcement by the Tasmanian Anglican Diocese on 1 December that the burial ground, graveyard or cemetery where their loved ones are rested may be sold.

A comprehensive review of the funeral and burial instructions for interment would be of significant benefit to the community. The current law, which is largely adopted from the existing 19th century English law, is outdated and not in keeping with other jurisdictions in Australia. Tasmania is the only state that does not provide any perpetuity options for interments.

One hundred years ago, on 11 November 1918, four bloody years of brutal conflict came to an end. On 11 November 2018 we will commemorate the Centenary of the Armistice. We commemorate the past loss of life and the stories of people, often very young, who were taken before their time, often alone and in horrendous circumstances. It is appropriate and fitting that they not be left alone or forgotten in this way but be allowed to be remembered and respected with dignity.

Three weeks after the centenary of commemoration our community will learn whether the Anglican Diocese of Tasmania will sell the bodies of our World War 1 veterans, because our Burials and Cremations Act does not provide perpetuity rights to ensure our veterans can lie in peace undisturbed as a final mark of respect. Currently, cemetery trusts do not have a legal framework to assist them to appropriately manage veterans' remains at the end of limited tenure interment. We are in a unique position where we have the opportunity as a government to review the duration of interment section of the act. We have the space to legally provide perpetual interments to Tasmanians.

The Liberal Government must step in to provide ongoing certainty to Tasmanians who are horrified that the resting places of their family members are being sold, and that can be achieved by granting presumptive interment perpetuity rights to all grave sites across our state. I have spoken to hundreds of community members who are distressed and upset. They do not want their local churches and cemeteries sold. It is very confronting that families believe they will no longer own grave sites when, in some cases dating back five generations, families have presumed the plots were purchased in perpetuity.

We know that space is not an option here in Tasmania. In Victoria they provide perpetuity rights and they have limited space and a much larger population. Countries such as England and France -

Time expired.

[11.15 a.m.]

Ms ARCHER (Denison - Minister for Justice) - Mr Deputy Speaker, I thank the member for Lyons, Ms Butler, for bringing forward this topic today on the MPI. It is an opportunity for us to discuss an issue of great importance to the community. As the member for Lyons pointed out, it is causing much concern in our community. I will add my personal thoughts as to how this has eventuated in terms of perpetual rights and the assumption that they exist.

Society today is a very different society from what it was hundreds of years ago. Even when we look at post World War I and World War II, we were a heavily religious, Christian-based society. That is not to say I am critical of how society is today. For whatever reason, people have their own religious views, their own spiritual beliefs and the like, or none at all, but we are a different society. Before, everything stemmed around our churches and church communities, which were closely linked to our school communities. That is how our settlements have eventuated around the state with various regional communities usually with numerous churches attached to each of those communities.

I know all members of this House will likely have had representations made to them across the state on this very issue and others surrounding this issue regarding what has been prompted by the Anglican Church's decision to sell off properties as a consequence of the National Redress Scheme. It is a sensitive issue in the community, we all acknowledge that, and it is important to many in the

community. I think we all agree that the Anglican Church's decision to participate in the National Redress Scheme is a very welcome one but the strategy for funding their participation has been the source of contention with Tasmania's Anglican Diocese determining it wants to sell 108 of its properties.

To be clear - and I know members are aware of this, but for the purpose of the community as well - I stress that the state has no capacity to intervene on the sales beyond our legislative responsibilities insofar as they relate to the Burials and Cremation Act, but we have moved decisively to the review of the act. The Minister for Local Government would ordinarily have carriage of this process, but Mr Gutwein has declared an interest in the matter, which is why I am taking care of the review process and indeed the changes that will come through this place later this year.

We are committed to preserving, protecting and, where appropriate, strengthening both the rights of the community and the obligations on cemetery managers. Later today I will release the outcomes of this review, including the consultation paper and the draft bill. I always said I would do it in September and this is the last week of September, so it has always been planned that we would release that this week.

Members will need to be a bit more patient to see the full detail, but broadly our proposed amendments will provide for several new measures, including a five-yearly compliance audit as well as increasing maximum penalties and empowering the regulator to issue infringement notices. It is proposed that the law around closing cemeteries will also change, increasing the length of time from the last burial from 30 to 100 years. No other jurisdiction in Tasmania has such a high number of years in relation to that. It is a discussion paper, so it is up for discussion. We require community feedback and feedback from stakeholders as well.

We believe that this is an appropriate period of time to provide comfort for loved ones and family members. Importantly, it is the subject of discussion. The Burial and Cremation Act 2002 already requires cemetery managers to maintain the cemetery, allow public access and honour exclusive rights of burial. Moving forward, cemetery managers under the proposal will only be body corporates, removing the risk associated with cemeteries being managed by private individuals who may not be able to continue managing the cemetery due to illness or death. I think that is a really important change and one which we welcome feedback on.

I encourage all members of this place to engage in the consultation process to provide their feedback and to have their say and to encourage their constituents to do the same. It is a tight time line for feedback. It will be open until 14 October. I know that is a pressing time period but we are trying to comply with a time line that will suit the community in relation to the Anglican Church's intentions as well. The details will be available on the Department of Premier and Cabinet's website, which is what local government falls under.

Once this consultation process is complete we will introduce legislation in this place before the end of the year to ensure that the time frames set by the church are met. It is intended that it will go to the other place as well. In order to get this reform right, to deliver desirable levels of protection for the community and clarify our regulatory settings, we need active engagement from everyone.

We have been meeting with the Anglican Church, both at officer level and as members of parliament. This has been a constructive dialogue to date and I hope this continues and we trust it continues through the formal process that will start as of today. I look forward to consultation with

members of the community, stakeholders, members of this place and members of the other place. I thank the member again for raising this important matter today.

Time expired.

[11.22 a.m.]

Ms O'CONNOR (Denison - Leader of the Greens) - Mr Deputy Speaker, I thank the member for Lyons for bringing this matter of public importance debate on today. I had not really thought much about perpetual interment rights until this morning's MPI came through. It is a very interesting matter of public importance; very contemporary to the current debate. People will be talking about this in the context of the Anglican Church's plans.

I thought: what is an interment right? New South Wales legislated in 2014 to provide a perpetuity of interment right. In simple terms, an interment right is a contract with a cemetery operator that allows the right holder to undertake burials in a particular grave or other allotment in the cemetery. The holder of the interment right can determine who can be buried in the grave or other allotment. An interment right is an interest in the land, but the right holder does not become the owner of the land. Interment rights apply to burials in the earth and to burials in mausoleums, crypts and vaults. They also apply to burials of cremated remains in the earth, columbarium or niche wall.

Ms Butler, thank you. It was a surprise to me that we did not yet have a framework in place in Tasmania. I acknowledge what the Minister for Justice has said about moving towards modernising our Burial and Cremation Act. This has been precipitated by the Anglican Church's decision to participate in the redress scheme and to fund their participation through the sale of some Anglican Church properties. There is no question that while it is necessary for the Anglican Church to participate in the redress scheme, it has caused distress in communities around Tasmania.

St Barnabas Church, South Arm, is potentially on the market. We have a community in South Arm that is working very hard to retain that church and its burial grounds and looking at some quite innovative ways of doing that.

The High Court found in 1908 that after a burial, a corpse forms part of the land in which it is buried. In Australian law the right to remain buried does not last forever. It is interesting when you have a look at the different cultural approaches to death, dying and burial. Over the winter break I was in Greece. The connections, the ability to point to a patch of ground in Greece and say, 'That is where my grandmother's mother is buried; that is her grave', is a part of the history that is deeply embedded in a culture where landscape and family are connected. If you spoke to people in Greece about the possibility of a burial place not being in perpetuity, it would be unacceptable in every way because of how much value is placed on the remains of family and where they are buried.

I grew up on Stradbroke Island, where there is an extraordinary cemetery, the Dunwich Cemetery. This goes to the importance of burial places to our understanding of history as well as their importance to family members. The Dunwich Cemetery has the graves of the typhoid victims who came over in the 1800s. People who died on Stradbroke Island were buried in Dunwich. It has heartbreaking stories of babies and whole families that were wiped out by typhoid. That cemetery is an extremely important part of Australia's history and of our understanding of how hard life could be for people who were brought out as convicts or free settlers. We need to respect these burial places for a whole range of reasons - cultural, historical and personal. We strongly support moves to strengthen the Burial and Cremation Act.

I also found out when I was reading up on your MPI topic this morning, Ms Butler, that Wolfgang Amadeus Mozart was buried in a pauper's grave in Vienna. After 10 years, his grave was excavated, unlike the graves of aristocrats in Vienna. His burial place in history is unknown, but Mozart's legacy endures well past having a place to go back to, to recognise his life and death at his burial.

I want to make a final point about respecting human remains and historical remains. This House has debated in the past the remains of Aboriginal people who are in various locations around Tasmania. Aboriginal Tasmanians have had to endure their ancestors' remains being taken off the island to museums. There has been a struggle to get them back. When we are talking about the remains of post-settlement remains, we need to respect that Aboriginal people have had enormous disrespect shown for their history and their ancestors' remains. In Aboriginal spirituality, to not have the remains of a loved one in the landscape is a disconnection of that person's spirit from their culture. It is very important that when we talk about respecting human remains, it is historical and it is not just about cemeteries.

Time expired.

[11.29 a.m.]

Ms DOW (Braddon) - Mr Deputy Speaker, I thank my colleague, Jen Butler, for bringing forward the issue of converting the current rights of interment of 30 years in Tasmania to a perpetual right, that that be considered during the current review of the Burial and Cremation Act.

As shadow minister for Veterans' Affairs, I wanted to focus on our veterans' community in Tasmania as part of my address to the House today. Currently, under the Burial and Cremation Act, there are no perpetual rights for a veteran interment. There is a real opportunity to push for perpetuity and fixed term rights for all interments in the state, bringing us in line with other states. I acknowledge the address this morning from the Attorney-General, Ms Archer, that the bill is out for consultation - which I welcome - with those amendments which have been considered by the Government for inclusion in that legislation. That is a great outcome and thank you for that.

The potential sale of the 107 Anglican Church properties in Tasmania has highlighted deficiencies in the Burial and Cremation Act in Tasmania and provides great uncertainty for Tasmanians and in particular the veterans community. It is important to provide certainty and security for families of veterans regarding the place of burial of their loved ones. The Tasmanian RSL through State President, Terry Roe, has been visiting church sites around Tasmania as an advocate for the rights of veterans in this current community debate regarding the sale of the Anglican churches and the need for perpetuity for interments in Tasmania. The State RSL has concerns that some of the northern Tasmanian churches being sold off to fund part of the redress scheme could be homes to the graves of World War I soldiers.

The RSL has been researching more than 50 churches on the Anglican Church's list to ensure that any graves of returned soldiers or servicemen and women, as well as memorials and honour boards, are protected. The research has confirmed that this is just not about World War I veterans but about veterans from the Boer War, prisoners of war, World War II and other conflicts, and all men and women who have served in the Australian Defence Force. The RSL also believes that it is about the heritage and the history of our communities. Once you remove a cemetery the history from that little community is gone and you will never get it back.

The RSL has also highlighted a common concern in the community in that the current Burial and Cremation Act 2002 means that graves could be removed after a certain period of time if the church was purchased privately. Mr Roe is quoted in *The Examiner* newspaper in June 2018 saying that there is nothing stopping the owners bulldozing the building or removing the monuments and headstones or even exhuming the bodies. He said that would be disgraceful if that happened.

It is important to note that all 51 sub-branches of RSL Tasmania have joined the mission to protect the history of the state's soldiers. I believe Mr Roe has met with the Premier to discuss his concerns and to push for changes to the current act. Through my meetings and interactions with Terry Roe I understand that currently the RSLs are working together to form a position to present to the Government in relation to proposed changes for inclusion in the amended act. I encourage the Government to consider those fully and to make that time available to meet during the consultation period.

The proposed changes presented to the House today are fantastic but I note that it is a very short turn around. I understand why it will be important for the Government to communicate far and wide about the opportunity for people -

Ms Archer - We will be targeting those who have already registered their interest, yes.

Ms DOW - to be involved in that consultation and I look forward to reviewing the proposed changes.

Ms Archer - Members of Parliament will be encouraged to do so.

Ms DOW - I look forward to us making a representation ourselves.

[11.33 a.m.]

Mr SHELTON (Lyons) - Mr Deputy Speaker, it gives me pleasure to speak on the MPI, the burial and cremation processes, and the review that the Attorney-General has indicated is underway. We have known about the process of the review and it is pleasing to see that that is continuing. The Attorney-General is doing great work in this space.

This is a very important matter, particularly to small communities around Lyons, but not just Lyons. It is a statewide issue of the Anglican Church because of the proposed sale to fund its redress scheme. We are aware of the need for the review of the Burial and Cremation Act 2002. It has been borne out of the decision of the Anglican Church to proceed through the significant sale of property assets to fund the National Redress Scheme. I point out that it is the Burial and Cremation Act 2002 - I believe that would have been when Labor was in power. The issue goes back a number of years and needs to be brought into contemporary standards.

We have considered the issue in both Houses over the recent months through various motions and I am interested to hear the updates from the Attorney-General, acting as the minister for Local Government in this area and overseeing the review. I look forward to the consultation process and encourage participation by all community members who are concerned about their local churches and local cemeteries.

My interest is both personal and as a local member for the electorate of Lyons which contains many of the churches and cemeteries proposed for sale. Out of the 108, around 39 are within Lyons, a substantial section within the electorate. I have been to forums and heard the community's issues.

I was at Campbell Town when they had their big forum and I have been contacted numerous times by email and telephone. I have had a number of conversations with people from these communities who are concerned about their cemeteries and their churches. Constituents are concerned about the loss of rights, heritage and cultural significance of their church and cemetery. As locals, we are all concerned. The Attorney-General is acting swiftly and comprehensively on the issue and I welcome that and the announcement today of some of the direction of the consultation.

This is the community's chance to have a say through this consultation process and the consultation will go through to mid-October. It is an opportunity for the community to have input into the consultation process.

As the Attorney-General has mentioned, part of the review is looking at increasing the length of time for the laws around the closing of a cemetery from 30 years to 100 years. I heard mention today about perpetuity and as legislators we need to consider all the issues. It reminds me when we talk about perpetuity - 1000 years, 2000 years. How long is perpetuity? Perpetuity means forever.

I raised the issue of the parks. St David's Park was previously a cemetery and is now part of the recreation area for the community. It is a lovely park to sit in. The old headstones around the edge of St David's Park have been preserved and that is fantastic. It is not the first time cemeteries have been used for other purposes after a period of time.

There is a process there for when that occurs. There needs to be public consultation and significant input. There are a number of people around Tasmania who are motivated to give that input to make sure we get this right. Again, I congratulate the Attorney-General for going through this process.

It does seem a bit rich in some of the cases, for example, where the Anglican Church has decided to sell the Pyengana Church. I was talking to the members of the community and was told it was only a few years ago they raised $70 000 to put into their church to renovate it. Now the Diocese says they are going to sell it out from under them. That is a little rich. However, on the balancing side of it, there are a number of churches that have already been sold off around the different communities. There is a wonderful family in that church that has been renovated. There is the balancing act that we need to consider. These people in the churches are great members of the local community and it is another residence for small country towns.

The cemeteries are a different issue. When it comes to the cemeteries, the Attorney-General is working on them. There is also heritage, cultural and historical significance with the cemeteries and the issue is that if the cemeteries are sold, the cemetery manager has significant obligations and those obligations are being strengthened so you cannot just buy a cemetery as a valuable piece of land and then expect to do something significant with it. It needs to be strengthened so the rights of the burials are there. Under the heritage laws and the cultural significance of the cemeteries that are listed, I can see it being very difficult for a cemetery manager, someone who wishes to buy an old cemetery, to move it on and use it for some other purpose. That is not to say that in the longer term that should not be looked at, but it is incumbent on us to make sure, through this review, that we look at what we can do about those issues around the management of cemeteries.

Time expired.

Matter noted.

LEGAL PROFESSION AMENDMENT BILL 2018 (No. 36)

Second Reading

[11.41 a.m.]

Ms ARCHER (Denison - Minister for Justice - 2R) - Mr Deputy Speaker, I move -

That the bill be now read the second time.

This bill proposes amendments to the Legal Profession Act 2007 to clarify the processes and powers relating to applications under section 458 of the act.

The act, which is based upon national model laws, regulates legal practice in Tasmania. When the act was considered by parliament in 2007, it was noted that one of the aims of the act was to protect the interests of the public and specifically consumers of legal services. The act establishes the Legal Profession Board of Tasmania as the primary regulator of the Tasmanian legal profession. One of the functions of the board is dealing with complaints against legal practitioners. Complaints can also be heard and determined by the Disciplinary Tribunal and the Supreme Court.

Chapter 4 of the act deals with complaints and discipline, setting out the processes that apply in relation to the hearing and determination of complaints. Where a complaint is made to the board, the act provides that the board is to investigate it unless it has been referred to or taken over by another regulatory authority or has been withdrawn or dismissed, for example, on the basis that it is frivolous or vexatious.

Upon completing the investigation of a complaint, the board has a number of options, including holding a hearing if it considers that the matter is capable of amounting to unsatisfactory professional conduct, or referring the complaint to the Disciplinary Tribunal or Supreme Court if the matter is capable of amounting to professional misconduct.

If, upon completing a hearing, the board is satisfied that the legal practitioner is guilty of unsatisfactory professional conduct, the board can make a number of different determinations including that the legal practitioner be admonished or reprimanded, pay a fine, waive or repay fees, complete a course of legal education, receive counselling or be supervised by another Australian legal practitioner. The board does not have the power to make determinations in relation to professional misconduct beyond referring the matter to the tribunal or Supreme Court.

As I mentioned earlier, the Disciplinary Tribunal can also deal with complaints about legal practitioners. Section 464 of the act allows any person, including the board, to make an application to the tribunal for the hearing and determination of a complaint.

In addition, section 458 provides for what I will describe as a right of review. Under that section, a party to a determination of the board can apply to the tribunal or Supreme Court to have the matter to which the determination relates determined by the tribunal or Supreme Court. This is to be by way of a rehearing. Concerns have recently been raised as to the powers and procedures of the tribunal in relation to applications made under section 458. Part 4.7 of the act sets out the powers of the tribunal, including powers to summons persons to give evidence; to take evidence by affidavit or on oath or affirmation; to require the production of documents or records; and to require the answering of questions that are material to the application.

Part 4.7 also provides for the types of orders that the tribunal can make, including an order that the name of a practitioner be removed from the local roll by the Registrar of the Supreme Court or an order recommending that a practitioner's name be removed from an interstate roll. However, these powers and procedures appear to be specifically limited to applications made under division 2 of Part 4.7 - that is, applications made under section 464. Section 458 is not in Part 4.7 of the act; it is in Part 4.5. Therefore, it would seem that the powers set out in Part 4.7 do not apply to applications made under section 458. This has led to uncertainty about the tribunal's powers in dealing with section 458 applications.

The bill addresses this uncertainty by amending section 458 of the act to provide that the tribunal may determine an application made under section 458 in accordance with Part 4.7 of the act, with the exception of some specified provisions in that Part that are not considered to be appropriate to rehearing proceedings. As section 458 also allows an application for rehearing to be made to the Supreme Court, it was considered prudent for the sake of completeness to clarify that the Supreme Court can determine its own practice and procedure for determining an application made to it under section 458.

The bill also includes doubts removal provisions in relation to previous applications under section 458. These doubts removal provisions, set out in the proposed new subsection 458(6), deem an application made prior to the commencement of the amendments to have been validly made if it was accepted by the tribunal or court. The provisions also clarify that the fact that a section 458 application was determined by the tribunal in accordance with Part 4.7 of the act prior to the commencement of the amendments is not, of itself, grounds for the determination being invalid.

I note that during the development of this bill there was targeted consultation with key stakeholders, including the Supreme Court, the Legal Profession Board, the Disciplinary Tribunal, the Law Society and the Tasmanian Bar. I am grateful for the assistance provided by stakeholders, particularly the Disciplinary Tribunal and the Law Society, in refining and finalising the bill.

Mr Deputy Speaker, this bill will provide greater clarity and certainty around the powers and procedures to be applied in determining applications under section 458 of the act.

I commend the bill to the House.

[11.48 a.m.]

Ms HADDAD (Denison) - Mr Deputy Speaker, I am pleased to advise that the Opposition will be supporting the Legal Profession Amendment Bill 2018. In beginning my contribution I remind the House of the enormous amount of work conducted by the parliament in 2007 when the Legal Profession Act was brought into law. There were several comments at the time that it was the largest piece of legislation that had been physically presented to the House and served as a good doorstop, which some departmental advisors might recall. As we have seen with other legislation presented in recent weeks, there is always an important opportunity for the parliament to revisit legislation and clarify changes, potential misunderstandings, anomalies or areas where there is a lack of clarity around the operation of legislation.

In the brief time we have had this bill I have had brief consultations with the Law Society, who indicate that they were extensively consulted by the department, as were the other stakeholders that the Attorney-General mentioned: the tribunal, the board, the court and also the Bar Association. They indicate their full support for the amendments that are made in this bill.

I reiterate the value for people in the community in having the autonomy and the choice to take a complaint about a legal practitioner to the board, the tribunal or the court. Those three jurisdictions are able to hear complaints, have different operations and different abilities to make different kinds of orders to one another.

It is not necessarily the case that a complainant would start at the board and proceed through those other two levels of appeal although that can be the case. It does seem like a legislative anomaly that the tribunal would not have the same powers at their discretion when re-hearing a matter on referral from the board as they do when hearing a matter in the first instance from a member of the public. For that reason, it is very important that this amendment is made to clarify that perceived lack of clarity around the jurisdiction of the tribunal in re-hearing matters on appeal from the board.

It is not something that I intend to move as an amendment, but something that I would like to put on the record and to seek the views of the Attorney-General. It is not relevant to this particular amendment bill. I would be interested in whether or not the Attorney-General has a view on the current operations of the board, the tribunal and the court in being able to potentially have the ability added to their jurisdiction to re-hear a matter themselves if fresh or new information becomes available to a complainant.

At the moment, complainants do have quite extensive rights in making complaints to the board, the tribunal and the court, and at the conclusion of one or all three of those proceedings, a matter would be seen to be at a close. Does the Attorney-General have a view or appetite to expand the jurisdiction of any of those three levels of review potentially to be able to re-hear a complaint if new and compelling information is available, similar to the way a court is sometimes able to re-hear a matter if there is fresh and compelling evidence?

I only have brief comments to make on this bill because as the Attorney-General said, it is an important mechanical bill correcting a perceived lack of clarity around the jurisdiction of the tribunal on hearing matters of appeal from the board.

It gives me great pleasure to provide the bill with our full support.

[11.53 a.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, the Greens are happy to support these amendments. In the words of Chris Gunson from the Tasmanian Bar, they are both necessary and appropriate amendments to make.

Unfortunately I did not have time to consult with the other stakeholders. As is the practice of this Government, there is often too little time to pay attention to the details in these bills because of the time that we have to look at them. A comment that might be relevant for the Government to consider is whether a review of the principal act itself is required.

One of the stakeholders, Mr Gunson, from the Bar Association did make the point that perversely the Legal Profession Act is one of the worst drafted acts around and this is yet another anomaly within it that has required correction. I do not know if his is a lone voice but if it is a range of problems it might signal a wideranging review of the act and that would be a significant undertaking. The act was assented to in 2007 so it has only been 11 years. I am not aware of whether there are other systemic complaints in the legal community about additional problems that

need to be addressed, but it was certainly identified as an important matter to fix. It does provide clarity around the jurisdiction of the court in hearing an appeal to the board.

I do not have anything else to add to this discussion and I am happy to support the amendments to this bill.

[11.56 a.m.]

Ms ARCHER (Denison - Attorney-General) - Mr Deputy Speaker, I thank the members for their contributions. It is a fairly technical bill and I expected that we probably would not go into Committee on this.

Can I assure the last speaker, the member for Franklin, Dr Woodruff, there was targeted consultation because of the high level nature of this bill affecting the legal profession and how matters are re-heard. It is an entirely procedural bill. It is not a matter that has been rushed; in fact there are a lot of matters lined up that are waiting to be dealt with until this anomaly has been fixed. It was drawn to the department's attention by the chair himself and the proposal that was put to us to amend this was consulted on and as quite rightly noted I think by Ms Haddad, the Law Society was extensively consulted. In fact there was a delay because of the input that was provided. It was a good delay to have because this amendment bill has largely been framed as a result of the input provided by the Law Society and others. I am very confident that it has been appropriately dealt with in that manner.

Dr Woodruff raised the issue that the Tasmanian Bar Association said that it was one of the worst drafted pieces of legislation. I am quite happy to have that discussion with Mr Gunson. There are acts that are constantly on that sort of revolving review or when it comes to our attention when there is an anomaly like this then we deal with the anomaly. Then quite often it is the case that as a result of consultation someone will say something else and then we might come back and do a more thorough review.

As soon as there is capacity within the department I am sure that the department will take that on notice that it may be something that needs to be the subject of a larger review at some stage. I know that they are very busy at the moment with a lot of law reform that is going on so I would not like to put any time line to anything like that or hold anyone to anything. It will be something that I will discuss with the Tasmanian Bar. I am very happy to do so and take those comments on board.

In relation to Ms Haddad's comments on whether I had a view on whether something could be reheard if fresh and compelling evidence was brought, I am not aware of any case where that has arisen in the nature of this legislation. I do not have an appetite for that if there has not been any demonstrated need outside of the appeals process that exists. This act has a good right of appeal process and there are certain things that either goes to the board, the tribunal, the Supreme Court or are referred to by the board to the tribunal or the Supreme Court. There are number of avenues that currently exist within the act itself and also rights of appeal. As to a rehearing on fresh and compelling evidence, unless there was a demonstrated need for that, it is not something that is on my radar at this point.

I thank the department staff for their dedication and hard work in relation to this bill. I am sure it is not one of the most exciting bills that has come before them this year. This was first raised last year, I believe, so it has been worked on for a bit of time now. These highly technical bills, although they appear to be few in pages, sometimes require the most thought, research and consultation, particularly when there is targeted consultation with legal stakeholders. I thank them for all the

work that has gone into this to date and for liaising with my office in that regard and providing briefings when they are requested by members of parliament. Sometimes they get their briefings before me, if I get time for a briefing at all. I thank them for taking the time to do that and making sure members are as thoroughly informed as possible in relation to our bills and this one in particular. I commend this bill to the House.

Bill read the second time.

Bill read the third time.

JUSTICE AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2018 (No. 35)

[12.02 p.m.]

Ms ARCHER (Denison - Minister for Justice - 2R) - Mr Deputy Speaker, I move -

That the bill be now read the second time.

From time to time legislation requires amendment to ensure it remains up to date and to correct minor errors that may become apparent after legislation has been operational for some time. A number of such minor amendments have been identified in legislation administered by the Department of Justice. This bill makes minor amendments to 18 acts. The amendments result from requests by various stakeholders to clarify or improve the operation of particular acts. I will now briefly outline the reason behind each of the changes.

Section 42AH and 42AI of the Sentencing Amendment (Phasing Out of Suspended Sentences) Act 2017 requires an offender who is subject to a home detention order or an authorised person to apply to the court to vary or cancel a home detention order. A copy of the application and notification of the time and place of the hearing of the application is to be served at least seven days before the hearing. The Magistrates Court has requested that section 42AH and 42AI of the act be amended to allow the court to hear the application in a shorter period and without service. This bill makes the requested change.

Section 36A of the of the Sentencing Act 1997 provides that offenders discharging community service orders are workers for the purposes of the Workers Rehabilitation and Compensation Act 1988 and the Asbestos-Related Diseases (Occupation Exposure) Compensation Act 2011. This means that offenders discharging community service orders are entitled to workers compensation in the event of injury or death.

Section 27M(1)(c) of the Sentencing Act 1997 provides that where an offender contravenes a drug treatment order, the court may make an order requiring the offender to perform up to 20 hours of community work under the supervision of the offender's case manager. Offenders discharging drug treatment orders are not regarded as workers. This bill amends section 27M to recognise offenders discharging drug treatment orders as workers for the purposes of the Workers Rehabilitation and Compensation Act 1988 and the Asbestos-Related Diseases (Occupation Exposure) Compensation Act 2011. This will provide consistency between people undertaking community service orders and people undertaking community work as part of a drug treatment order.

Section 82 of the Sentencing Act 1997 provides that a court that finds an offender guilty of an offence may, before passing sentence, order a pre-sentence report and adjourn the proceedings to enable the report to be prepared. The Chief Justice has requested that section 82 of the act be amended to empower magistrates to order pre-sentence reports when a defendant pleads guilty to an indictable offence before a magistrate and is committed to the Supreme Court for sentence. This bill amends section 82 to provide that power.

This bill amends section 8B(3)(e) of the Acts Interpretation Act 1931 to include clause notes in the definition of 'extrinsic material'. Clause notes are a useful reference to explain the purpose of each clause in a bill.

Section 30(1) of the Acts Interpretation Act 1931 currently provides that where any act authorises or requires any notice or document to be given, sent, served or delivered by post, such delivery is deemed to be effected by properly addressing, prepaying and posting the document in the mail. On 18 November 2016, Magistrate Brown in the case of Austin held that section 30(1) cannot be satisfied where postage is paid after the document has been given, sent, served or delivered by post. At present, government departments and agencies pay for postage via a monthly business account with Australia Post. This bill amends section 30 to cover persons who have a contract with Australia Post to pay for items posted on a monthly or other basis.

Section 77(2) of the Classification (Publications, Films and Computer Games) Enforcement Act 1995 provides that the court may, if it considers material which is the subject of a charge for an offence under Part 8 to be child exploitation material or a bestiality product, order that the material be forfeited to the Crown. Section 77(7) of the act provides that when any material or thing is forfeited to the Crown, the material or thing becomes the Crown's property and may be disposed of or destroyed in such manner as the Attorney-General may direct.

Section 77(2) does not take into account the forfeiture of electronic mediums such as computers, mobile phones or electronic devices that carry child exploitation material or a bestiality product, where the person is not convicted of an offence. Further, there is no provision for the court to make an order for the electronic medium to be destroyed. While data can be deleted from an electronic medium, there is still the possibility that data can be retrieved. The Department of Police, Fire and Emergency Management has requested an amendment to section 77 to allow the court to make orders to forfeit electronic mediums to the Crown and destroy electronic mediums where the person is not convicted of an offence to which the child exploitation material or bestiality product relates, and this bill makes that amendment. The bill also amends section 130F of the Criminal Code Act 1924, which deals with the forfeiture of child exploitation material, to create consistency between these acts.

Section 69 of the Coroners Act 1995 requires the Chief Magistrate's annual report on the Coronial Division to be provided to the Attorney-General. Section 17C of the Magistrates Court Act 1987 requires the Chief Magistrate's annual report on the Magistrates Court to be provided to the Minister for Justice. Traditionally, the two annual reports are prepared as a single document as the same person usually holds both roles. This bill amends section 69 of the Coroners Act 1995 to provide that the Chief Magistrate's annual report be provided to the Minister for Justice to avoid unnecessary duplication and the loss of an overarching understanding of the court.

Section 27 of the Corrections Act 1997 gives a correctional officer or police officer power to take someone into custody once a judicial officer pronounces a sentence of imprisonment, revokes bail or remands a person in custody. Security officers in the Magistrates Court currently do not

have the power to take someone into custody. Security officers only have the power to escort, detain and guard the person while the person is on court premises. The Magistrates Court has requested that a provision be inserted into the Court Security Act 2017 to give a security officer the same powers as a correctional officer or police officer under section 27 of the Corrections Act 1997. This bill makes the requested amendment.

Section 301 of the Criminal Code Act 1924 requires a person executing a warrant to either have possession of the warrant or produce the warrant as soon as practicable after the arrest. In many cases this is impractical if the warrant is being held at a station at the other end of the state because there is no time to post or courier the warrant. While subsection (5) attempts to address this issue using facsimile technology, advances in technology have rendered facsimile machines archaic. In most instances, multifunction devices that scan and email documents have replaced facsimiles. The Department of Police, Fire and Emergency Management has requested that section 301 of the Criminal Code Act 1924 be amended to update the processes of transmitting warrants with modern technology. This bill makes the requested amendment.

Section 408 of the Criminal Code Act 1924 provides that on receiving a notice of appeal or of application for leave to appeal, the registrar may cause an appeal book to be prepared for the use of the court. The Chief Justice of the Supreme Court has requested that section 408 of the code be repealed. The current practices of the court no longer align with the procedures outlined in section 408 and this bill repeals that section.

Section 418 and 418A of the Criminal Code Act 1924 deal respectively with the powers of a single judge and the associate judge to exercise certain powers of the Court of Criminal Appeal. The Chief Justice of the Supreme Court has requested that sections 418 and 418A be amended to empower a single judge or an associate judge to make orders under section 409(1)(a) and (b) of the code. Sections 409(1)(a) and (b) of the Criminal Code Act 1924 give the Court of Criminal Appeal the power to require the production of documents and order the attendance of witnesses to appear before it. At present, a single judge and the associate judge do not have the power to make orders under sections 409(1)(a) and (b). Empowering a single judge or an associate judge to make orders will increase efficiency and reduce costs. This bill makes the requested change.

Section 4A of the Police Offences Act 1935 provides that if a police officer believes on reasonable grounds that a person in a public place is intoxicated and is likely to cause injury to himself, herself or another person, or damage any property, or is incapable of protecting himself or herself from physical harm, the police officer may take the person into custody.

The Department of Police, Fire and Emergency Management has requested that a similar provision to section 4A of the Police Offences Act 1935 be inserted into the Criminal Law (Detention and Interrogation) Act 1995 to care for intoxicated persons who have been arrested for an offence. This bill amends section 4 of the Criminal Law (Detention and Interrogation) Act 1995 to care for intoxicated persons who have been arrested for an offence and makes consequential amendments to sections 5 and 23 of the Bail Act 1994.

This bill also amends section 6 of the Criminal Law (Detention and Interrogation) Act 1995 to permit multiple incommunicado requests and extensions to prevent evidence being lost or co-offenders still at large escaping justice.

The Criminal Procedure (Attendance of Witnesses) Act 1996 broadly governs the powers of the Supreme Court to secure the attendance of witnesses in criminal proceedings. It allows witness

notices to be issued by the Registrar of the Supreme Court, but only on the application of either the prosecutor or the accused. Witness notices require a person to attend and give evidence at a criminal proceeding. The Chief Justice of the Supreme Court has requested that sections 5(1) and 10(1) of the Criminal Procedure (Attendance of Witnesses) Act 1996 be amended to permit the Registrar of the Supreme Court to issue a preliminary notice or a final notice at the request of any party to a criminal proceeding other than an appeal or application to the Court of Criminal Appeal.

Apart from trials and pleas of guilty, there are various types of criminal proceedings in which it will be in the interests of justice for a party to be able to compel the attendance of a witness or the production of documents. For example, the court deals with applications for the discharge of orders made under the Criminal Justice (Mental Impairment) Act 1999 and applications to discharge dangerous criminal declarations. This bill makes the requested change.

The Court of Criminal Appeal has separate powers under the Criminal Code Act 1924 to require the production of documents and order the attendance of witnesses for proceedings before the Court of Criminal Appeal. This bill amends the definition of 'criminal proceeding' in section 3 of the Criminal Procedure (Attendance of Witnesses) Act 1996 to make clear that the definition of criminal proceeding does not include an appeal or application to the Court of Criminal Appeal.

This bill further amends the definition of 'criminal proceeding' in section 3 of the act to add an application to a single judge or the associate judge pursuant to a provision of the Criminal Code Act 1924 and remove the reference to section 380 of the Criminal Code Act 1924. Section 380 was repealed in 1999.

Section 13 of the Criminal Procedure (Attendance of Witnesses) Act 1996 provides for the arrest of an intended witness when it appears to a judge that there are reasonable grounds for believing that an intended witness will leave Tasmania in order to avoid giving evidence in a criminal proceeding, or has failed or is about to fail to comply with the terms of a recognisance.

This bill amends section 13 of the act to broaden the powers of judges to make orders for the arrest of witnesses who fail to attend court. The amendment gives judges the power to make an order for the arrest of a witness, the bringing of the witness before the court to give evidence, and the detention of the witness for that purpose when, for any reason, the issue of such a warrant is considered necessary.

This bill amends section 160 of the Evidence Act 2001 to clarify that a postal article sent by prepaid post addressed to a person at a specified address in Australia or in an external territory was received at that address on the seventh working day after having been posted.

This bill amends section 3 of the Forensic Procedures Act 2000 to include the offence of evading police, per section 11A of the Police Powers (Vehicle Interception) Act 2000, as a serious offence. The Department of Police, Fire and Emergency Management requested this amendment to allow for the collection of approved forensic material (DNA) from vehicles used in evading police officers and the subsequent comparison of the material against DNA profiles contained within the DNA database system in accordance with section 54 of the Forensic Procedures Act 2000.

This bill amends section 90 of the Guardianship and Administration Act 1995 to include a specific power for the registrar to waive fees.

In 2000, section 29 of the Industrial Relations Act 1984 was amended with the intention of enabling applications in relation to long service leave to be brought by a party directly to the Industrial Relations Commission. Prior to the amendment, a dispute in respect to long service was to be referred to the secretary, who was required to investigate the circumstances of the dispute and submit the report to the president of the Industrial Relations Commission. At present, section 13 of the Long Service Leave Act 1976 still requires a dispute to be referred to the secretary. This bill amends section 13 of the Long Service Leave Act 1976 to place discretion on a referrer to be able to choose whether to refer a dispute to the secretary in the first instance or to proceed directly to the Industrial Relations Commission.

This bill amends form 1 in schedule 1 of the Oaths Act 2001 to add a 'contact phone number' field to the form for the purpose of being able to contact the person making the declaration where needed.

This bill makes minor amendments to the Registration to Work with Vulnerable People Act 2013 to update terminology in the act.

This bill also amends section 10A of the Trustee Companies Act 1953 to remove duplicated terms.

The Water Management Act 1999 defines a 'water entity' as including a 'body registered under the Co-operatives Act 1999' and makes reference to such bodies in the act. In 2015, the Co-operatives Act 1999 was repealed and replaced with the Co-operatives National Law (Tasmania) Act 2015. This bill amends section 3 of the Water Management Act 1999 to clarify that a body registered under the Co-operatives National Law (Tasmania) Act 2015 is a water entity for the purposes of the Water Management Act 1999.

This bill repeals the Long Service Leave (Casual Wharf Employees) Act 1982. The act is no longer required as the Association of Employers of Waterside Labour is no longer in operation in Tasmania.

I commend the bill to the House.

[12.22 p.m.]

Ms HADDAD (Denison) - Mr Deputy Speaker, I am pleased to advise that the Opposition will be supporting the Justice and Related Legislation (Miscellaneous Amendments) Bill 2018. As the Attorney-General explained in the second reading speech, this bill makes many straightforward and necessary administrative changes to the legislation. These kinds of omnibus bills are a very important function of the parliament and a much more efficient way to deal with relatively minor administrative changes, rather than bringing individual legislation through the parliament.

Lengthy as the bill is, my comments are relatively brief. The package of documents accompanying the bill provides very detailed information, which is of great assistance in interpreting the reasons behind each individual change, where the request for the change has come from, be it from a court or from a stakeholder group, or explaining why some legislation needs repeal or change as a result of organisations changing or ceasing to exist, for example, the change to the Long Service Leave (Casual Wharf Employees) Act.

I raise some questions, not so much to object to any clauses but to put on the record some thoughts that will be of assistance in passing this legislation and some other comments that might be useful.

First of all, changes to the Sentencing Act to recognise offenders who are taking part in community service orders as a result of an order from the Court Mandated Drug Diversion Scheme is a very positive change, which will benefit members of the community. It would have been a gap in legislation that people who are undertaking other forms of community services are covered by workers' rehabilitation laws and the asbestos-related disease compensation scheme. As we heard in the second reading speech, it does not, at the moment, apply to offenders who are undertaking community service as a result of a drug order. It is a very positive change, protecting the workplace safety of people who are undertaking community service orders in that way.

There are a number of other very straightforward and positive changes that will make the operations of the courts much smoother. These were issues raised by the Magistrate and by the Chief Justice. It is important stakeholders are listened to and administrative changes are made to ensure that these functions of government work well for those organisations and for the community.

Clause 4 of the bill amends the Sentencing Amendment (Phasing Out of Suspended Sentences) Act 2017. I thank the department and the Attorney-General's officers for arranging a briefing this morning on the contents of the bill at great haste. In the briefing it was explained this would be mostly applied to situations of an urgent nature, such as somebody's house might be burning down or some kind of other emergency. I ask the Attorney-General for some comfort that this is the legislative intent of that change and there will not be the opportunity for that to be abused.

Ms Archer - Which was that?

Ms HADDAD - Clause 4 of the bill, amending section 14 of the Sentencing Amendment (Phasing Out of Suspended Sentences) Act 2017. That is the part that allows for the court to hear an application in a shorter time and also to proceed without serving.

In thinking about the provisions of the Sentencing Amendment (Phasing Out of Suspended Sentences) Act and the Government's stated intention to proceed down a path of more varied sentencing options for the courts to consider, I noticed in section 19, return of the Public Account Act, June quarter, which was tabled last week, that there is a stated delay in the implementation of home detention and electronic monitoring. That is mentioned in terms of money moving around the department. That is a usual process of government for money to be moved from one part of the department to another. It interested me to see there has been a delay in the implementation of the home detention and electronic monitoring scheme. I ask the Attorney-General for her comments on that in summing up part of the bill.

Ms Archer - I mentioned yesterday that it is on track this year.

Ms HADDAD - Okay. Clauses 11, 12 and 13 of the bill amend the Bail Act. Again they are changes that are necessary to make it clear what police can do when they detain somebody who is intoxicated and it is unsafe for that person to be placed on bail in that state.

I recognise the work undertaken by many health professionals, by police and also by community service organisations who are funded to provide places of safety. It is outside the Attorney-General's portfolio, but I encourage whichever minister is responsible for funding places

of safety to recognise that valuable work done by community service organisations that are funded to receive people who are charged and in an intoxicated state. They are otherwise known as non-medical sobering-up facilities, which are funded through the alcohol and drug service of the former health and human services department. It is important not only to recognise that community service organisations are funded to do that work which can be extremely challenging but also that in funding those facilities it has the added benefit of relieving some of the pressure on police having to manage those offenders without that extra support of having places they can take offenders and basically have them off the hands of the police on the beat sobering up somewhere safe to be later bailed when they are in a sober state. I put those thoughts on the record.

Clauses 23 and 24 of the bill amend the Criminal Law (Detention and Interrogation) Act 1995. I had explained to me the decision in a case, I think it was called Archer last year, where the current provision where a magistrate can extend -

Ms Archer - Austin.

Ms HADDAD - Austin, thank you. Did I say Archer? Sorry, I was thinking of the case of Austin last year. As members would be aware, when offenders are detained they can have a four-hour period where they are unable to avail themselves of the opportunity to contact somebody before interview. That period can be extended but in the case of Austin, the magistrate determined that that can only be extended for one further period of four hours. This bill allows for that period to be extended further or clarifies that the parliamentary intent is that there can be a further extension of time where an offender or somebody charged can be incommunicado.

I ask the minister, for the ease of interpretation later if it comes up in court again at a future date, what her intention is in terms of rolling extensions of time. Is there any benefit in clarifying for future interpretation purposes whether a further extension of time twice or three more times might be suitable as opposed to rolling extensions of time without any clear advice as to how many times that could be. I did not put that very well but I think you know what I mean by that question.

With those brief comments I conclude my second reading contribution and look forward to the minister's response in summing up. We support the bill.

[12.33 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, the Greens have a number of comments to make in relation to these miscellaneous amendments to the Justice and Related Legislation Act. We thank the staff for a hastily squished-in briefing on all sides. Thank you for providing us with some clarification on questions we have about the bill.

In substantial part we have no problems with the amendments that are being proposed to these various pieces of legislation. I note it has been three years since the last miscellaneous justice amendment bill came before the House. It is the practice, as I understand it, that the amendments to legislation that form part of these bills are non-controversial and essentially wholly procedural. It seems from my reading that that is the case, although I have some questions and points of clarification I would seek a response from the minister about.

I start by taking us to the title of the bill, which stood out to the Greens - and I commend Ms O'Connor for picking this up - because the bill's title includes reference to amending the Right to Information Act 2009 yet this bill does not make any such amendments within it. My

understanding from the briefing was that that was a mistake in drafting and will need to be fixed up by the OPC so it is not carried through into the final vellum that would be tabled.

Ms Archer - I can answer that. It is a drafting error.

Dr WOODRUFF - Yes, correct, it is a drafting error. I was interested to see what aspects of the Right to Information Act might have been amended because the Greens have been vocal in our concerns about some grave deficiencies in that act. In 2015 we wrote to Mr Richard Connick, the then ombudsman, who wrote back to us in November 2015 confirming that it has been the view of the Ombudsman's office for some time that the effect of the operations of sections 43 and 44 in the Right to Information Act are as we thought, in that there is no provision within those sections for the internal review of a decision made under the Right to Information Act by a ministerial delegate, and therefore there is no avenue for an external review of such a decision.

This is a huge problem because it is constantly the case that information that ought to be available in the public domain gets sucked into a legal loophole and ends up being wholly silent to the Tasmanian community, when it really should be released under right to information so there is the possibility for an external review about the decisions that have been made by the RTI officer.

Section 24 of the Right to Information Act provides that a principal officer or a minister can delegate to a specified person any or all of their functions under the act, other than the power to delegate. Section 43 of the act provides for the internal review of a decision made by a delegated officer of a public authority but does not enable an internal review of a decision made by a minister. Section 44 provides for the external review of decisions, to which sections 43(1), (2) or (3) applies and is, as Mr Connick says, thus confined to decisions made by the delegated officers of public authorities that have been internally reviewed. Therefore if a minister's delegate makes a decision on an application for assessed disclosure, there is no avenue of review available to the applicant under the act.

That is clearly a problem because it provides an opportunity for ministers to hide their decisions and the reasons for them from public view. We have seen countless numbers of decisions being hidden from Tasmanians in all areas but particularly around the developments that are occurring in parks, in publicly owned land, wilderness areas, and also about forestry developments and approvals of land for forestry and the developments on crown land in general. We are really concerned at the deficiencies in the Right to Information Act. They are a far cry from transparency and we will be continuing to push this Government to make those changes so that right to information is truly a right for all decisions that are made by ministers as well as public servants.

I want to turn to some other comments about things in this bill.

I had a question regarding the amendment of section 8(3)(e) of the Acts Interpretation Act 1931, which will include clause notes in the definition of 'extrinsic material'. Minister, could you tell us if there are any conventions governing the writing of clause notes, the material that must or must not be included, and the form in which they are written since they will now be included as explanatory material for each clause in a bill? I ask that question because I was looking back at *Hansard* at a bill that was passed in 2007. I was struck by the vastly different style of the clause notes and fact sheets for that bill - I have to say a quite lower standard than what we have at the moment.

Members interjecting.

Dr WOODRUFF - I am actually reflecting very favourably saying that there has been a big change. If you would just listen, instead of reacting so hostilely, you might hear that I am saying that there has been a big change and it has been a change for the better. However, in the future, we do not know whether that is a convention that builds on itself; whether anything is written down in guidelines about the writing of clause notes now. It is possible that they could become much less clear in the future. I look forward to your thoughtful answers on that, minister.

Section 77(2) of the Classification (Publications, Films and Computer Games) Enforcement Act makes some changes which seem very important. Section 77(2) now enables material that is provided to the court to make an order for an electronic medium that contains materials of child exploitation for a bestiality product can be destroyed. I have a question about what happens now. I inferred from the minister's comments that the electronic material is deleted. Is it the case then that the item is returned to the person? I guess that is the point, but if you could clarify that what will happen is that the device that carries the item will be disposed of. I guess the question goes to copies of that material: where are they, given the nature of the internet? How do we deal with that in real terms when material has been posted online? I suppose, terribly, the answer is that we cannot. I am interested to know what work is happening in that space. In this case, it is where a person is not convicted of an offence; it clarifies just for a person not convicted. I assume it is the case that a person who has been convicted already forfeits electronic media. What happens in situations when the material is discovered?

Section 27 of the Corrections Act 1997 gives the correctional officer or police officer power to take someone into custody once a judicial officer pronounces a sentence of imprisonment. Under section 27, this amendment is to provide security officers with the power to take a person into custody when they have had a sentence of imprisonment pronounced, or bail revoked or has been ordered to be taken into remand. I have some questions about how that operates. Court security acts in other jurisdictions do not seem to tackle this issue. Perhaps the minister could inform us whether security officers are empowered in the same fashion in other jurisdictions. Is this the current practice operating in the Magistrates Court? In other words, is this amendment a catch-up to what is already occurring or will it signal a behaviour that is a departure from what is already happening?

The Greens have spoken previously in relation to other bills about the role of security officers in the Magistrates Court. Our concern is to make sure that people who are private contractors are governed by suitable guidelines and codes of behaviour, given they are not police officers. I want to be clear about what a security officer will be doing in what circumstances. It sounds to me the court is making an order and therefore the security officer is being empowered to undertake that task. Can the minister provide some information about whether there are any codes of behaviour for security officers in relation to that matter?

I am pleased to hear that section 4(a) of the Police Offences Act 1935 is being inserted to ensure that there is a requirement for people who are drunk, out of it or intoxicated, to be cared for when they are in custody. It is sadly the case that people have died in custody, usually from vomiting, fitting or going into heart failure as a result of drugs or alcohol they have consumed. We want to make sure that never happens. I suspect the reason it is here is because some sad incident like that may have happened in the past. It is a bit like fixing up the roads. It usually only happens after the fact. We do our best to try to predict things but it is rarely the case that humans work that way. If that is what has happened, it is good to hear that people in future will be protected by a requirement that they are cared for. I ask the minister to also elaborate on what care means in that context. Does

it mean looking in on them at after a certain amount of time? Does it mean giving them some sort of a medical check? What form of care does it take?

My final question relates to the Evidence (Children and Special Witnesses) Act 2001. The Tasmanian Law Reform Institute has written a report, Report No. 23, which they published in January this year called Facilitating Equal Access to Justice: an Intermediary/Communication Assistant Scheme for Tasmania? In that report they asked for an amendment to section 7(c) of the Evidence (Children and Special Witnesses) Act 2001 to allow access to videotaped evidence for children and special witnesses for the purpose of research.

We understand from a conversation with the TLRI that it was indicated to them that the next Justice miscellaneous amendment bill would contain that particular fix, which they have strongly argued would be valuable to provide us with some data and information for research purposes that would fundamentally benefit children and special witnesses in the future. We contacted the minister's office on Monday last week and were advised that we were likely to hear something in the next couple of days. We expected this miscellaneous amendment bill, when it was tabled, to contain this amendment but it does not. I raised it in the briefing I received earlier, and I understand that that particular amendment will be coming shortly. Perhaps the minister could qualify what 'shortly' means? Will it be addressed in a standalone bill which has some amendments to that act, presumably other amendments? If that is the case, that is great news.

With that we are happy to support what is in this bill.

[12.50 p.m.]

Mr BROOKS (Braddon) - Mr Deputy Speaker, I support the bill but there are some areas I wanted to speak specifically to in relation to the legislation. I am pleased to stand as the second speaker following my good friend and colleague, the Attorney-General, on behalf of the Hodgman Liberal Government.

From time to time the Tasmanian Parliament considers bills of this nature. I recall last year putting one through myself; it was a red tape reduction bill that dealt with many examples of redundant legislation. In a couple of areas this bill deals with some things that are no longer required but I will get to that shortly.

As the Attorney-General pointed out in her second reading contribution, these miscellaneous bills are important mechanisms to ensure that the business of government can be undertaken appropriately in our contemporary society. There is an element of red tape reduction, an issue that is close to my heart as you would well know, Mr Deputy Speaker, and yours as a well-regarded business owner and operator yourself. If anything, one, it provides clarity and, two, looks at how we make things simpler or easier to understand. That is a good step and this bill helps achieve that.

In the bill before the House the amendments proposed range across principal acts in the Justice portfolio and the proposed amendments are sensible and what you would call non-controversial, given those opposite are not opposing this legislation. They will help to ensure that processes and functions are streamlined and efficient. I want to comment on a couple of specific areas of those.

Clause 10, which is affecting service by post: it is a sensible and pragmatic amendment that amends section 30 of the Acts Interpretation Act 1931 to properly reflect how the business of post is undertaken. This amendment is about moving with the times but also closing a legal loophole. The need for the amendment has arisen due to a decision that a magistrate found in November 2016.

The provision as it stands without the amendment means that any post to be sent by individuals or organisations that pay for postage via a monthly business account with Australia Post might not be captured as being served. That has significant ramifications given that at present government departments and agencies pay for postage via a monthly business account with Australia Post. This loophole is out of step with the times and is closed off by this bill.

Clause 32 is another amendment that touches on the subject of postage. This clause amends section 160 of the Evidence Act 2001 to clarify that a postal article sent by pre-paid post addressed to a person at a specified address in Australia or in an external territory is taken to have been received at that address on the seventh working day after having been posted. This amendment perhaps reflects the changing face of how we communicate and would seem to respond to how the business model and practices of our postage system now operates. Nowadays, the postage system is loaded with options for the consumer including premium trackable options where you can watch the progress of your postage from dispatch to delivery. We have express post, platinum express post and registered post. I am sure every member has logged on to check where their parcel is coming from or their Christmas present from interstate to make sure it is on its way. In all seriousness, if a person was to be relying on evidence of using one of these alternate forms of postage I am sure, subject to the rules of evidence, this could be put before the court where service was an issue in a case.

It is an important amendment. It is also about clarity and is one which has my interest and support. It is these things this Government continues to focus on legislation where it might not seem to be a crucial matter but we are always a government that is looking to improve things. We are always looking at how we can make things clearer for the consumer and for the community through their professions. As a government, we are focused continually on seeking feedback. We are seeking that feedback and taking action on it and this is yet another example of a government and an Attorney-General takes feedback on and always looks at ways, through her own department and office, on how we can improve and make changes to relevant and appropriate acts where needed.

Clause 21B is another clear example of how legislation will need modernising from time to time to catch up with progress. In this instance, the amendment includes the electronic transmission of certified copies of arrest warrants, in section 301 of the Criminal Code 1924. Some people watching this at home or reading *Hansard* tonight, when they get home from work, might say, what is the big deal about that. But it is very relevant. Presently, a person executing a warrant must have either possession of the warrant or produce the warrant as soon as practicable after the arrest. As the Attorney-General has outlined, this can be impracticable. Sometimes a warrant will physically be held at a station at the other end of the state. An offender could be located on Flinders Island, for example, with a warrant being housed at Hobart. It is very hard to get that warrant to that area. Subsection (5) presently addresses this issue using facsimile technology which was discussed during previous debates. The rapid technological advances that have occurred in recent years have rendered fax machines obsolete. I do not have one. I do not know if you have one, Mr Deputy Speaker. I think my mum and dad might still have one.

Mr DEPUTY SPEAKER - I can tell you it was there from Mr Polley's days and now it has been removed.

Mr BROOKS - In most instances multifunction devices that scan email documents replaced facsimiles which we all know. This amendment reflects modern business practices and not those of the 1990s. It is sensible - albeit somewhat overdue - it is still a sensible amendment.

I was interested to note the demise of the association of employers of waterside labour. Clause 52 repeals the Long Service Leave (Casual Wharf Employees) Act 1982. The act is no longer required as the association is no longer in operation in Tasmania. This is formality of sorts, a housekeeping amendment. It is an interesting one and it reminds us of the great changes in our society, signalling the end of what was once a relevant union movement; no more, it would seem. That is what we see through this Government and since I have been a member of the Government. We have continually put changes and amendments through that look at obsolete or redundant legislation, legislative changes that allow for the accommodation of advances in technology. I have outlined a few of those today in the service of things such as -

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

MOTION

Tasmania - Trade and Export Success

[2.31 p.m.]

Mr HIDDING (Lyons) - Madam Speaker, I move that this House -

(1) Notes that the most recent export figures released by the Australian Bureau of Statistics show Tasmania exported a near-record $3.7 billion of goods in the year to July 2018.

(2) Further notes that Tasmania is leading the nation with 29.2 per cent growth in exports over 2017, which is nearly four times higher than the national rate of growth.

(3) Further notes that over 80 per cent of Tasmanian goods exports were into Asian markets, with top exports being mining and mineral products, as well as agriculture and seafood.

(4) Further notes that Tasmania's top two export destinations were China and Malaysia, representing $1.42 billion worth of our total exports.

(5) Further notes that this continued strong growth in exports demonstrates the success of the Government's plan to open up new opportunities for Tasmanian products, underpinned by trade missions with the business sector to important export markets.

(6) Further notes that the Government's strong focus on trade is leading to new investment and job creating opportunities in Tasmania.

This majority Hodgman Liberal Government made its first move of this Government by the Premier taking personal responsibility for the portfolio of trade. It was an important move; a strong signal to the export industries and importers around Asia particularly that Tasmania takes this business of trade very seriously indeed. The new Minister for Trade, the Premier, has hit the ground running -

Ms White - Who was the old minister for trade?

Mr HIDDING - The Minister for State Growth. That portfolio has been separated; it is still in State Growth, but the responsibility has gone to the Premier as Minister for Trade.

The Premier has hit the ground running as demonstrated very well by the latest trade mission, which was a major exercise in Asia. A large team of exceptional Tasmanians travelled with the Government. They were looking out for themselves and looking out for the state, as one. I understand they very much had a team approach to all their visits and supported each other and, in so doing, supported team Tasmania in Asia. These kinds of delegations, in Asia and particularly China, are of a great benefit as they see a united government, united with its government agencies, with the business interests, small and large. They travelled as a team and worked very hard. They did a great job for Tasmania. I congratulate everybody who was involved with the recent trade mission.

The first leg was for trade and investment, and the second leg was for tourism. As we heard in the House this morning, the tourism leg of the trade mission was an exceptional success as well. With a near record $3.7 billion of goods and 29.2 per cent growth in exports Tasmania is leading the nation in terms of growth. That is nothing but good news. The Asian markets are our near neighbours, one flight away. The top export sectors are mining and mineral products as well as agriculture and seafood.

The two top export destinations within the Asian region are China and Malaysia. Malaysia is a large powerful country, which is developing into a powerhouse of its own. They have a strong need for our products and a strong cultural attachment to our very clean red meat, seafood and other industries. From personal contact with people in Malaysia I know they have a strong connection with the clean and green nature of our products in Tasmania. The China and Malaysia element of our total export, $1.24 billion, is about one-third of our total exports, which is where we want it to be. There is not an unhealthy balance towards one country. It is about right. It shows that we are very strong in Asia across the sector and with these activities we will continue to be.

Confidence is up for Forestry exports as well as investment, production and exports and jobs are flowing. The report on socio-economic impacts on forest industry in Tasmania found that the industry generated more than 5700 jobs in 2017-18, including more than 3000 direct jobs. A total of 82 per cent of forestry jobs are full-time, compared to 60 per cent of the workforce as a whole. The direct contribution to the economy is more than $700 million rising to more than $1.2 billion with flow-on effects.

This is what we are talking about here. When we have exports such as these, the flow-on effects extend out to regional Tasmania. Direct employment in Forestry in Dorset is 9 per cent: and 6.6 per cent in Circular Head; 6.5 per cent of all employees in the Derwent Valley are involved in Forestry; 6.0 per cent in George Town; and 5.4 per cent in the Central Highlands. The effect is spread right around Tasmania, right across the industry in native forestry as well as softwood and hardwood plantations.

The southern export terminal in Hobart that was set up while I was infrastructure minister is doing an exceptional job in exports. It is private-sector operated, with a very high standard of safety and traffic arrangements. It is a bump-free operation. Everybody involved with it should be proud of themselves. Mining and minerals are key economic drivers for the state. As I said earlier, the sector employs thousands of people in Tasmania and is underpinning the boom in our exports. The

mining exports account for more than 50 per cent or $2 billion of a total $3.7 billion. Clearly, it is a massive contribution to our Tasmanian exports. Forestry and mining are carrying their weight; lifting the load and doing a great job in trade and exports.

Tasmania is in demand. Despite increasing volatility in the international markets, the near-term outlook for Tasmanian exports continues to look positive. The estimated nominal value of Tasmanian merchandise exports was up 33 per cent, year on year. That was 24.7 percentage points above the national average over the same period. Tasmanian major goods exports include minerals and concentrates, food products in dairy, beef and seafood, paper and paper board, while the main service exports are tourism and international education.

The important point needs to be made here that the central fact of this debate this afternoon on trade and exports is this is all brand-new money for Tasmania. International students and tourism is brand-new money; money that was not created and it is not churning around the island. It is new money onto our island boosting our economy in so many different ways. Our dairy, beef and seafood - the high value products - are achieving a premium in the Asian markets because of the wonderful Tasmanian brand.

The Hodgman majority Liberal Government recognises there are many opportunities for Tasmania to strengthen its trade ties and jobs and that is why we are developing Tasmania's trade strategy. We remain committed to taking Tasmania to the world so we can continue to remain competitive and open new opportunities in global markets for Tasmanian businesses.

This Tasmanian Trade Strategy 2018 to 2025 - the subject period - will provide the certainty and strategic direction we promised business and industry to take Tasmania's international export activity to the next level. The strategy will build on the existing work of government, the industry and exporters and will identify how this Government can best support businesses to grow their global potential and we look to support new as well as existing exporters. While supporting trade and investment in Tasmania, the strategy will also have flexibility to respond quickly to changing market conditions and any emerging local or global issues. The Tasmanian Trade Strategy will enable current and potential exporters to operate with more certainty and with a strategic longer term government support framework.

The outcomes of the strategy: we are looking at it including identifying industry issues and barriers impacting on Tasmania's new and existing exporters; articulating the role of the Tasmanian Government in how best to support industry to grow its international exports; identifying priority international markets, whether they are countries or regions, where the Tasmanian Government can provide a marked difference in supporting exporters; and a fully funded, coordinated range of government support services that meet the needs of new and emerging exporters. The Tasmanian Trade Strategy will be released in the second half of 2018, signalling to the world that Tasmania is ready to take the next step in growing our international trade.

The value of Tasmania's exports to mainland China was $1.042 billion in the year to June 2018, up 54.6 per cent year on year. That is around a third of our total exports and therefore is not an unhealthy reliance on one importer.

We know that strengthening relationships in Asia is a long-term process. The results of strengthening this process will fully emerge over the coming years. More than 80 per cent of Tasmania's international exports are in the Asian market so it is important we enhance our connections and open new opportunities for businesses. In Asia there is a very positive perception

of what Tasmania offers, with a corresponding increase in trade in recent years in areas where we have had a competitive advantage, including agriculture, aquaculture, energy, mining, forestry and tourism.

I remember a year or so ago I was at a function where a businessman from Kuala Lumpur, who operated one beef steakhouse and now he has seven or eight around Kuala Lumpur and further out and one in Selangor, was explaining how from a table of the most expensive and the most sought after steaks, how Japanese grain-fed beef, while it was still number one and had been number one for a long time, was slowly being overtaken in terms of volume and, if not, in price by southern Australian grass-fed beef. People coming in were specifically asking for the southern Australian grass-fed beef. King Island beef was named as being a winner in these steakhouses and to hear the fluidity this businessman spoke about in understanding the difference between grass-fed beef and grain-fed and the regions in Tasmania was something to behold.

We understand that countries like Malaysia are crucial to us in terms of them understanding our very high value premium products. Trade missions are an essential tool in our strategy of international engagement. I am not standing here to say that we made this strategy up. The previous government and all previous governments have employed trade missions and we continue to do so. We have put a lot of work into the quality of the trade missions we have done. This last one was a triumph in every sense in terms of the participation - the kind of people who participated - the wide breadth of the service offerings of the people travelling with the Premier, and a wonderful team approach to selling Tasmania in Asia.

Trade missions are a vital way of promoting our state and attracting international investment that creates jobs and helps to build our economy, meaning that we can invest even more into health and education and other frontline services. The recent mission provided vital business introductions and connections to assist Tasmanian companies to compete in international markets and the Government's multi-sector trade and investment mission to Asia had led to greater market opportunities for Tasmanian businesses across a range of sectors. Relationships are key to doing business in Asia and the trade mission was a tremendous opportunity to enhance relationships in our number one market, which helps Tasmanian exporters increase their trade particularly with China and Hong Kong.

I would like to touch on some of the delegates: Australian Whisky Holdings - and I note that McHenry Whisky from my electorate is out there in the big world in that huge market, side by side, out there marketing their product; Elphinstone Engineering, superstars in advanced manufacturing in Tasmania; Entura; Hazell Bros Group, a multi-faceted infrastructure civil contracting group; and Hobart International Airport, clearly a major player for Tasmania.

Houston's Farm - what did they have to say about what they experienced? According to some of the material read out by the Premier, Houston's Farm was very fulsome in their explanation of what this trade mission meant for them.

Ms O'Byrne - Fulsome means vomitous and nauseous. That is what the word means.

Mr HIDDING - We had that debate once before.

Ms O'Connor - Fulsome means insincere.

Ms O'Byrne - We have had this debate before.

Mr HIDDING - We did have that debate. I am not totally convinced of that yet.

Ms O'Byrne - I try to avoid it because that is the dictionary definition.

Madam SPEAKER - Order. Through the Chair, please.

Mr HIDDING - This is a little in-house technical matter that we need to resolve.

Ms O'Byrne - The dictionary did.

Mr HIDDING - I am not a first adopter of these radical new -

Ms O'Byrne - The dictionary.

Mr HIDDING - I promise I will work on it. We also had Juicy Isle, Fruit Growers Tasmania, NRM South, Tasmanian Polar Network, TasPorts, the TCCI, Veolia, William Adams; Woodbridge Smokehouse, Worldwide Shipping and the University of Tasmania.

Delegates for the tourism leg included Best Western, Bridestowe Lavender Estate and Curringa Farm - again from my electorate, a wonderful player in the Asian tourism market. They do a wonderful job at Hamilton. We also had Happy Tassie Travel, Innkeepers Tasmania, Par Avion - clearly a player in tourism and crucially a player in the trade and investment area with their growing and recognised ability to participate in pilot training.

I have long understood that Tasmania was a favourite place for pilot training, whether for rotary or fixed-wing aviation. That is because we are not a highly urbanised area where when you are doing flight rules training as part of night-time flying, you are not distracted or able to actually see by the lights of huge cities. In Tasmania when it is dark, it is dark and you have to learn to fly in darkness and yet you are still only 10 minutes from the major airport.

Tasmania is a wonderful place to learn to fly and Par Avion has done an outstanding job in working with the University of Tasmania. We wish them all the very best in dealing with what is going to be an international crisis in terms of qualified airline pilots given the massive growth just in Indonesia, Malaysia and the rest of the world with growth of tourism. The number of new aircraft coming on line from the major manufacturers points to a massive shortage of airline pilots. Par Avion is well placed to play their role, as is the Launceston Airport which has been shortlisted for a Qantas investment as well. We have all our fingers crossed that Tasmania will be very favourably considered in that space as well.

As to the trade mission and the people who attended, the Premier spoke glowingly about the people committed to working for Tasmania on this trade mission and they were very proud to be members of it and very happy to come home knowing they had done a cracker job for Tasmania, their own sectors and industry. Diverse and cross-sectoral missions such as these demonstrate to China and Hong Kong Tasmania's commitment to strengthening bilateral linkages, both politically and across a broader range of shared industry growth priorities. Both the Government and the Tasmanian businesses and industry representatives in the delegation were very pleased with the success of the mission and the immediate opportunities it has presented and are very confident it will deliver more sales to Asia and therefore more jobs in Tasmania.

The CEO of Houston's Farm has hailed the Tasmanian two-week trade mission throughout Asia as the most valuable international engagement his business has ever enjoyed. Mr Hopkins said that the potential opening in the valuable but difficult to access Chinese market was made available largely due to the memorandum of understanding the Tasmanian Government signed with Win-Chain. Further, Mr Hopkins has advised that securing contracts with Win-Chain and Alibaba would bring millions of dollars to the company and allow it to hire dozens more staff. That is exactly what the purpose of the exercise was about and what this Government is focused on. We thank Houston's for their very clear advice to Tasmanians on how valuable this effort is and the great work by the minister and the team in State Growth to pull off such a successful mission.

In 15 days across Malaysia, China and Hong Kong, the mission helped Tasmanian businesses make dozens of direct contacts with potential new customers, including at Asia's most important trade show, and signed an agreement with China's largest fresh produce platform to supply pathways to market for Tasmanian exporters. I guess that is what Houston's were talking about.

Our unique brand is increasingly becoming more recognised in China. China is Tasmania's largest export market, a source of visitors and international students and is a growing and important source of trade and investment. More than 80 per cent of Tasmania's international exports find their way into the Asian market, with the agriculture and seafood sectors strongly represented.

At the end of this year the release of the Tasmanian Trade Strategy will further add impetus to our export economy. Already the strategy has identified China as the priority market for Tasmanian goods and services and will articulate key actions aimed at strengthening the trade relationship in the years ahead. We cannot afford not to be making investments such as the one that was made in the recent trade and investment mission to Asia. It is a relatively small cost to create massive opportunities for Tasmania.

The ongoing promotion of Tasmania's brand and export capability is both necessary and important and has the full support of the Tasmanian business community. As benefits often take time to accrue, we are creating more opportunities to sell Tasmanian products into Asian markets, more tourists spending money in Tasmanian businesses, further establishment of Hobart as the world's leading Antarctic hub and more educational partnerships will be the result of the Government's Asia trade and investment mission.

In 15 days across Malaysia, China and Hong Kong, the mission helped Tasmanian businesses make dozens of direct contacts with potential new customers, sign an agreement with China's largest fresh produce platform to support pathways to market for Tasmanian exporters, held a Tasmanian showcase event in Shanghai where Tasmanian businesses promoted their products to key players in the Chinese food and beverage sector, and supported the launch into the Chinese market of Tasmanian Spring Vale wines from the east coast, and Wellington Water sourced from Burnie's due south. They met directly with hundreds of travel agents in Kuala Lumpur, Hong Kong and Shanghai to promote Tasmania as a premium destination, secured two visits from the Chinese icebreaker *Xue Long*, providing a $2.5 million boost to Tasmania's economy, and together with Entura, met with renewable energy investors to promote Tasmania's energy expertise and the opportunities in Tasmania for further wind development. They also signed an MOU with the Putuo District of Education to encourage visits and exchange trips between Tasmania. Putuo supports the Government's global education growth strategy.

Madam Speaker, we are very confident, based on the high level of interest from Asian markets and customers, that there will be major benefits for Tasmania that emerge over the coming months

and years as a result of this very successful trade mission. We will not shy away from capitalising on opportunities to grow our economy. The Tasmanian Visitor Survey figures released during the week show that visitors spent $140 million more in Tasmania than they did the previous year.

If we had put a halt to tourism growth last year - as some are calling for us to do, which might be connected to the local government elections where people are looking for attention - Tasmanian businesses would have missed out on that $140 million and the massive jobs and investment it continues to create in Tasmania. The Government is proud of its record in terms of trade, investment and tourism.

[2.57 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Madam Speaker, the Labor Party is a very strong supporter of continuing our trade relations with our partners right around the world. I believe it was former Labor premier Doug Lowe who initiated the first trade mission that started with Tasmania, followed on by former premier Jim Bacon. The Labor Party has a proud history when it comes to engaging with our neighbours and trading partners in making sure that we grow opportunities for Tasmanian businesses to reach into new markets and provide opportunities for more jobs to be created in Tasmania.

It is good news to see that Tasmanian exports went up recently. It is good that the rate of export growth was strong. The current economic times suit Tasmania and the Government cannot deny the fact that when the global economy is healthy, Tasmania's economy is healthy as well and businesses benefit as a consequence of that. The Australian domestic economy is doing well and the exchange rate is low, so terms of trade are favourable for Tasmania at the moment as an export-orientated economy. You would be quite concerned if we were not doing well and exports were not growing, given the terms of trade and the fact that the current economic climate is very conducive for our businesses to be able to grow their market share.

According to the Reserve Bank of Australia, the exchange rate plays an important role for Australian exports and imports, particularly so for Tasmania. Domestically, depreciation of the Australian dollar encourages substitution from imports to domestically produced goods and services as imported products become relatively more expensive. A low exchange rate also makes Australian exports more competitive in world markets, as exported goods and services become relatively cheaper in foreign currency terms. It is also the reason we are seeing why increased visitation to Australia and Tasmania, because it is easier for people to come here because it is more affordable. The terms of trade mean that people are visiting Tasmania because the Australian dollar is favourable to them if they are travelling from overseas. The RBA points out what should be obvious, that the low Australian dollar is good for Tasmanian exporters and that is why exports are up in nominal values.

The Tasmanian Labor Party's repeated view has been that if you want to see Tasmania performing economically, do not make historical comparisons. We have to compare how Tasmania is tracking with other states across Australia. Thinking about that, the information available is not quite as rosy.

Our own state budget forecast continues to show Tasmania under-performing the rest of the nation. Our state unemployment rate is forecast to stagnate at 6 per cent while the national unemployment rate falls to 5 per cent. Nationally, wages are expected to grow by up to 3.5 per cent annually but this Tasmanian Treasurer clings to his austerity policy on wages, refusing to budge

beyond 2 per cent at a time when our nurses and teachers face being the lowest paid in their professions across the country.

If the Government wanted to claim credit for exports for the economy or anything, it would have to point to what it has actually done to achieve that. When the Treasurer was asked a straightforward question in question time a couple of weeks ago about what economic reform he could point to, he could not name one. As Saul Eslake says, this is a government that is simply minding the shop. It has not managed a single economic reform in four-and-a-half years.

If we look at some export statistics, the estimated nominal value of overseas merchandise exports for Tasmania as a percentage of national exports has continued to decline over the last two decades. The last available month of July showed that Tasmania's exports represented 0.9 per cent of total Australian exports. In context, this is the fifth-lowest share Tasmania has ever had, behind only the 0.8 per cent we saw in the month of October 2014, July 2016, November 2016 and February 2017. These were during the first term of the Liberal Government.

When the Government points to a higher nominal value, it should also acknowledge that Tasmanian export values are not keeping pace with national performance. This is a government that is not doing anything. It is simply relying on the good economic conditions that Tasmanian businesses are taking advantage of.

The Liberals got into government after 16 years in opposition and did not do a single thing to improve the fortunes of business being able to trade with their overseas counterparts. The Liberal Government has ridden the wave of improved global and domestic economic conditions and claimed the credit for it. That is all we heard then from the member who resumed his seat.

If we are going to have an honest debate in this Chamber about Tasmania's trade performance, let us do it with all of the facts on the table. You need to admit that you do not have an economic plan for the state, admit that we are under-performing the rest of the nation and admit that it is global economic conditions that are driving growth for businesses in Tasmania, not because of any reform agenda that you have pursued.

Ms O'Connor - It is true. It is like surfing the wave.

Madam SPEAKER - Order, Ms O'Connor.

Members interjecting.

Madam SPEAKER - Order, Mr Hidding and Ms O'Connor.

Ms WHITE - I take very seriously my responsibility as shadow minister for trade -

Mr Shelton interjecting.

Madam SPEAKER - Order, Mr Shelton.

Ms WHITE - In the last couple of weeks I hosted the Victorian trade minister, Philip Dalidakis, in Tasmania to meet with businesses in the north and south of the state. We were hosted by the Launceston Chamber of Commerce in Launceston and the Tasmanian Chamber of Commerce in Hobart. We invited businesses and industry to hear from the Victorian trade minister about what

engagement that government has with their trading partners and what support they provide to businesses. He spoke about both inbound and outbound trade missions as well as different programs the Victorian government runs to support their businesses to ensure they can grow market share. It is important, given that Tasmania's largest trading partner is Victoria, whether you are a domestic or an international exporter. Quite a lot of product goes through the Port of Melbourne. Even if it does not go on to the domestic market and goes to the international market, it goes through the Port of Melbourne. We need to have a strong relationship with the Victorian government and make sure that we work in partnership.

My hope is that we can grow jobs in Tasmania and opportunities for businesses by helping them grow their market share. Growing domestic trade opportunities is the most obvious way we can do that. Tapping into the populations and the markets, particularly on the eastern seaboard, provides opportunities for businesses in Tasmania to expand and provide employment and certainty. It is important for them in order to diversify their risk, given a lot of trade, internationally, is heavily dependent upon the global economic conditions at the time - the exchange rate. To offset some of the risk it is critical that Tasmanian businesses are able to grow market share domestically as well so they are not as exposed to some of the volatilities in the Australian dollar.

These are the things from Opposition I will continue to do to ensure Tasmanian businesses can access information through our counterparts and relationships we share with Labor governments across the country. I am sure the Victorian state government would be willing to work with this Tasmanian Government if the offer were ever extended.

I was made aware that trade ministers' meetings are held regularly, where trade ministers from around the country come together with the Australian federal trade minister, Since 2014 these meetings have not had a Tasmanian trade minister present. That is incredibly alarming given the profile the Government is trying to give to trade and the fact that the Minister for Trade is the Premier. They are trying to create the impression that they value trade and are working actively to support trade and engagement but they have not even participated in the ministerial council meetings.

The first ministerial council meeting the current Minister for Trade, the Premier, could have attended was in March this year. He did not go. He did not even send another member to represent the Government. He sent a bureaucrat. I have been told by ministers who were there from other states that they were surprised by that. Even the South Australian minister was present. Their election was held at a similar time to ours. A new government was coming in and they were able to make sure their minister was present, but we were not able to send our minister or even a representative.

If we are seriously going to be engaged in trade at a national level, and what opportunities we can provide for Tasmanian businesses, we have to be at the table. Some significant discussions are taking place now relating to free trade agreements being negotiated, particularly with the European Union, over geographic indicators. Geographic indicators are how countries protect brands. For instance, we used to go out and have a champers. You cannot anymore unless you are buying French champagne from the region of Champagne because they have a geographic indicator that protects their use of the word. Negotiations are taking place right now over the free trade agreement with the European Union on how geographic indicators could protect names such as feta, brie and camembert.

If we are not at the table, we are letting our businesses down. King Island cheese leverages off the Tasmanian brand but they call their products brie, camembert and feta. If we are not at the table to argue against the use of GIs by some of these nations, as they are signing on to these free trade agreements, our businesses could have the products they produce put at huge risk.

We have seen what has happened with French champagne. We saw what has happened with the Bordeaux wine region. We are now hearing what is happening with geographic indicators. We need to be at the table. We need to be representing the views of our businesses. We need to be representing the views of our regions and making sure we are not signed up to a deal where, after the fact, we realise the implications and the consequences for us as a state and the businesses in our state who trade on those brand values.

That is why the Trade minister needs to be at the table. It is not good enough to send a bureaucrat. We need to have people at the table who can argue on behalf of our businesses, our brands and our regions to make sure we are not cut out of deals that are being struck by the Australian Government on our behalf.

From 2014 the Trade minister for Tasmania was Matthew Groom. We have all heard the remarks made by the Treasurer about his dissatisfaction with how Matthew Groom performed his role, particularly because he did not bring much spritely energy to the State Growth portfolio.

Mr Gutwein - I don't think I ever said that. I complained about him being a Melbourne supporter.

Ms WHITE - You said the Premier brought some energy to the portfolio. By inference, we can see you think Mr Groom did not.

Nonetheless, as the Trade minister, he should have been at the table. He should have been at those MINCOs and it is a shame he was not. I understand there is a trade ministers' meeting next week and that the Premier will be attending. I am pleased to hear that. It is important he does because there is a range of different reasons he needs to be there, but most importantly so that his actions match his rhetoric. He cannot come into this place and claim to be the champion of trade for Tasmania if he does not then follow that up and make sure that we are represented well on the national stage. It is really important we are represented there.

Talking about some of the other global economic conditions we are experiencing at the moment, it is important to think about that in the context not just of trade but also what it means for the Tasmanian economy. The latest national accounts continue to show that Tasmania's economic performance tracked in line with the national economy. The Australian economy expanded by 3.4 per cent in the year to June, its highest growth in six years, and 0.9 per cent in the last three months. Tasmania's state final demand figures showed a very similar set of numbers, with 0.9 per cent growth in the June quarter, down from 1.1 per cent in the March quarter, and 3.6 per cent on an annual basis, so Tasmania is tracking in line with the national economy when you are talking about things such as growth rates. That is what you would expect.

We are underperforming in other areas such as underemployment and unemployment as I have already indicated, but it is for these reasons that we would also expect our export orientated economy would be performing well. Whilst our exports have increased in the recent financial year, they decreased in the year prior to that. The best way to demonstrate whether our exports are growing or declining is to look at the trend over a two-year average, where you can see quite clearly

that Tasmania's percentage of national exports has dropped from a high of over 4 per cent in 1989, just under 30 years ago, to under 1 per cent now.

I know we cannot show graphs in *Hansard*, but for the benefit of people in this Chamber you can see that Tasmania's percentage of international merchandise exports has steadily declined, so we need to be considering ways we can grow our share of the market. It is all well and good to come in and say that cherry-picking a single year shows that Tasmania is doing better, but if you cherry-picked the figures from last year it would show Tasmania was doing a lot worse. The trend is a much more reliable way of demonstrating what is happening in the case of Tasmania's export performance.

I point all of those things out because when we are having these conversations and debates across the Chamber about Tasmania's performance, our trading partners, our relationships and growth or otherwise, it is really critical that we do not do that in isolation of all of the facts around what has been going on over the past couple of decades. Also, if you look at where the growth has been for Tasmania in terms of our economy, there is still significant lag on the north-west coast.

There are huge opportunities for Tasmania to capitalise on our brand. I have spoken about this previously in this place and elsewhere as well. The Tasmanian brand has enormous value. The fact that we are GMO-free and hormone growth promotant-free are things we do not market particularly well. We should be doing more to ensure that our primary producers can take advantage of that and add value to their product. We are not a commodities producer, we cannot compete on scale, so we have to compete because we are better and add value to the brand by highlighting the things we do particularly well. We do not support our primary producers well enough by marketing the fact that we are GMO-free. If you are a primary producer operating in an environment in Tasmania where you are constrained by the fact that we are GMO-free and hormone growth promotant-free, arguably, compared to your counterparts in every other state across Australia, you need to realise some advantage for the fact that you have those restrictions on your ability to operate. It adds cost to how our farmers do their business. The way they realise that value has to be through the brand and the marketing of that brand by their Government.

I commend the work of Brand Tasmania, but it is simply not enough to rely on Brand Tasmania alone. We need to do more to ensure that the costs incurred by operating in Tasmania are not an impediment to growth and accessing markets, and we do that by ensuring we protect the integrity of the brand, which is why biosecurity is so critical. We also protect the integrity of the brand by ensuring we protect those things that add value to the brand and we make sure we compete in markets where we can realise that value. We are not a commodity provider on any product or service, therefore we need to make sure we support our businesses and industries, provide the tools they need to do their job, and ensure they can access markets to grow market share to increase their wealth and prosperity and increase their ability to employ Tasmanians. These are things I am sure any politician in this place would want to see achieved for Tasmania.

They are the things we should be talking about, not bragging about a couple of things that have happened in the last couple of weeks, given that in trend terms over the last decade there has not been significant improvement and we need to do a lot better. I encourage the Government to think about the ways they can start to add value to the Tasmanian brand and the operators in Tasmania who can leverage off the value created in that brand. There is a lot more I would like to see done. Given that we only have an hour for debate on this matter I will wind up to allow other members to make a contribution.

[3.17 p.m.]

Ms O'CONNOR (Denison - Leader of the Greens) - Thank you, Mr Hidding, for bringing on this notice of motion today. Ms White, I listened to your response with great interest and it was very hard to argue with any part of it. As someone who has been in this Chamber for 10 years but also an observer of Tasmanian politics, media and society for some 30 years, it is difficult to swallow the daily dose of flagrant self-promotion and claiming credit for the work of many people and governments, movements and organisations over the decades to make Tasmania the place it is today, unique in the world and regarded as such by people from all over the world.

Part of the reason our exports do so well is the hard work of our primary producers and other exporters, but also that the brand here is strong and is built on our natural attributes. The brand is built on those things that set us apart in the world - our naturalness, our wilderness, our protected areas, our unspoiled waters and our endemic species which have not yet been driven to extinction as native species have in many parts of the world.

While nothing in this notice of motion is particularly offensive, apart from claiming credit at the end for Tasmania's economic success, it is also an act of denialism about the history here that led to the development of Tasmania's export strength. In fact, if you travelled to other parts of the world 20 years ago and said you were from Tasmania, people would say, 'Where?' These days everyone you talk to overseas knows about Tasmania and that brings with it enormous opportunities and considerable challenges as well.

I flag that we would like to amend the motion and insert a new paragraph (5) to account for the fact that we have a number of significant export partners and they include, in descending order, China, Malaysia, Japan, Taiwan and Thailand. They represent around $2.25 billion worth of our total exports. I note, just as a matter of interest, that the Australian Bureau of Statistics trade data for July had Taiwan as our number two export destination. Historically, Taiwan has always been a very strong export market for Tasmania, that small democratic and independent island nation.

I ask when whoever it is in on the 11th floor in the media unit, or in a particular minister's office, drafts up these sorts of self-promoting notices of motion - because apparently question time is not enough time for the Government to promote itself - perhaps they could have more of an eye on the history. The history here is that a very significant part of what makes Tasmania recognised around the world as a natural place comes from the efforts and the struggle of Aboriginal people, conservationists, over decades to defend this island from pillage and plunder. We should acknowledge that the brand is founded on those efforts to set natural Tasmania aside and look after it.

Madam Speaker, I move:

> That paragraph (4) be omitted and replaced with the following new paragraph (4):
>
> Further notes that Tasmania's top five export destinations were China, Malaysia, Japan, Taiwan and Thailand, representing $2.25 billion worth of our total exports.

Just a cautionary warning here: I know that in the July ABS data, 28 per cent of our export market was with China. That brings with it some risk if something happens in the Chinese economy, and that is why making sure that we are diversifying and engaging with our other significant trading partners is really important.

I place it on the record again; we have not, in living memory - in my memory, in this place - sent a trade delegation to Taiwan. The reason we have not done that is because we are terrified of upsetting the Chinese Government and it should not be that way. We should have the courage and the self-respect to engage with all our trading partners in an honest, respectful and constructive way.

Trade is one of the most important mechanisms for delivering peace. If you have countries that are engaged in mutually beneficial trading arrangements, you are much less likely to have misunderstanding, dispute, and conflict. In a globalised community where we are trading regularly across borders and entering into trade agreements, that is really healthy if we can make sure that as a sovereign democracy we have the capacity to make laws in the national interest. We have to ensure that we do not enter into obsequious, sycophantic relationships with trading partners as a growing number of Tasmanians believe this Liberal Government has with Xi Jinping's government.

Madam Speaker, with those few words, I move the amendment. I have nothing further to say about this self-promoting motion from Mr Hidding.

[3.24 p.m.]

Mr HIDDING (Lyons) - Madam Speaker, I note that both previous speakers have gone to a lot of trouble to make the point that this Government is just lucky.

Ms O'Connor - You are.

Mr HIDDING - All the good things that have happened; the economy, the international trade was just pure dumb luck.

Members interjecting.

Mr HIDDING - You would not be surprised though that we take a slightly different view of that matter. On this side of the House we reckon the harder we work the luckier we get. We just do. As a Government we work very hard. We have a multifaceted approach to Government. We have a plan for Tasmania and we have a connection to the Tasmanian business community that gives them the confidence to invest and to develop their manufacturing capacity, their harvesting, their planting, their growing; everything that supports the trade and export sector of Tasmania. It comes about because of confidence. Sure, there are issues. There are international issues, there are external issues such as the rate of the Australian dollar but to simply stand up here and say that it is not fair that Tasmania is going so well and you as a Government, it is just luck.

Ms O'Connor - But it is dumb luck. Tell us about your reform agenda.

Madam SPEAKER - Order, Ms O'Connor.

Mr HIDDING - You wish it was. That is not an argument in this House that we are going ever win but it is a bit obvious that you would stand up in this place to have those discussions. From our point of view -

Ms O'Byrne - Got some significant economic reforms you have delivered you would like to share with us?

Mr HIDDING - We are talking about trade and investment and tourism. We have been into Asia again just now for a full two-week session which is a massive exercise by the Premier of Tasmania. He has come back looking fit and strong and there are not too many -

Ms O'Byrne - Looking sun-tanned. A little bit too much time holidaying, I think.

Mr HIDDING - I think you might be paying too much attention to him. He is coming back looking fit and strong and confident from a two-week trade mission that was a flat out success. That is what it was. You can call it luck all you like but we call it hard work and having a plan for Tasmania.

We have a problem with the amendment moved by Ms O'Connor. That just restates what we are saying in a slightly different way. We also understand why she would want to move it and we are simply not going to -

Ms O'Connor - I am trying see Taiwan acknowledged.

Mr HIDDING - We are not going to quibble about that. Certainly, our export destinations were not just China and Malaysia. The motion was making the point that in any descending order you have two major players that just happen to be China and Malaysia but there is no intention to drop Japan, Taiwan and Thailand, which is increasing its intake of Tasmanian products.

We have Tasmanian investment in Taiwan with Elphinstone Caterpillar, but also with Delta Hydraulics, the famous Tasmanian company that builds the biggest hydraulic rams in the world that go into mining and manufacturing operations around the world. They are produced in Devonport or in the Thailand factory. As it happens, the more complex, the bigger the hydraulic ram, the more likely it is to be made here still in the Tasmanian factory. It is a great credit to John White, his family and his staff - in both Thailand and here in Tasmania. They do wonderful work.

Regarding trade with other major nations like China, the fact that we have manufacturing capacity in Thailand - and it has been expressed to me by the principals of this organisation - is a positive thing. To have some of the manufacturing in an Asian nation is a selling point for the competitive nature of our exports. We are very happy to have Japan, Taiwan and Thailand expressed in this way and collectively they represent $2.25 billion worth of total exports.

These things are all relative. Some of our largest states would say, '$2.25 billion, is that all? We're doing $20 billion'. For a state like Tasmania with 525 000 people, to have a $2.25 billion export package to those five nations is a terrific outcome and a platform and base worth building from. We look forward to continuing to develop those. Our premium seafood, particularly the black lip abalone and southern rock lobster, are seen by experts in Asia as being the top of the range and the pinnacle of the seafood experience.

Mr DEPUTY SPEAKER - The time being 3.30 p.m. -

Mr HIDDING - There is no vote.

Ms O'Connor - Is the amendment agreed?

Mr HIDDING - We are agreeing to the amendment, but as we are not putting the motion to a vote, we do not have to put it out.

Mr Deputy Speaker, with indulgence, as we have this open matter here, could we put that through on the voices?

Amendment agreed to.

Motion, as amended, agreed to.

MOTION

Out of Home Care Standards

[3.32 p.m.]

Ms BUTLER (Lyons - Motion) - Mr Deputy Speaker, I move -

That the House -

(1) Notes Tasmania does not have its own child safe standards against which the performance of those providing Out of Home Care (OOHC) (including the Department of Communities) can be held to account.

(2) Recognises that while the Charter of Human Rights for Tasmanian Children and Young People in OOHC is embedded in practice, there is no public reporting specifically against the Charter.

(3) Further notes Tasmania, unlike other jurisdictions including Victoria, Queensland and South Australia, is yet to introduce legally mandated child safety standards or risk management principles.

(4) Further notes child safe standards are compulsory minimum standards for all organisations that provide services to children, including schools.

(5) Further recognises child safe standards provide a framework to identify gaps and improve policy practices around child safety.

(6) Agrees child safe standards ensure organisations are well prepared to protect children from abuse and neglect.

(7) Calls on the Government to draft child safe standards and develop an implementation plan by 1 December 2018.

It is a pleasure for me to discuss this very serious matter. I thank my colleague, Josh Willie MLC, for trusting me to carry this matter on his behalf in the House of Assembly this afternoon.

In short, Tasmania does not have a child safety standard against which the performance of those providing out-of-home care, including the Department of Health and Human Services, can be held to account. A report of the Auditor-General dated January 2018, and named special care packages for children in out-of-home care, was requested from the Tasmanian Parliamentary Standing Committee of Public Accounts, precipitated by concern expressed by a member of the Public Accounts Committee regarding the care of children in state care within Tasmania.

The concern rose from matters raised in the ABC's *Four Corners* Broken Homes program that aired on 14 November 2016. The program alleged private sector residential care providers were profiteering and not meeting their duty-of-care responsibilities. The program highlighted alarming situations for young people in out-of-home care across multiple states, including Tasmania.

In Tasmania, a provider, Industry Education Networking Pty Ltd, trading as Safe Pathways, was identified as allegedly running its residential care on a limited budget with inadequate placement for children into suitable accommodation, as well as deficiencies in staff recruitment, training, briefing and provision of required therapeutic care such as counselling for children under a special care package. These children apparently did not even have underpants. They did not have basic items, yet the runners of the institution were being paid substantial amounts of money and it was not going through to the children at all.

The Department of Health and Human Services undertook a major review of out-of-home care into 2014 that resulted in a series of reforms. These included the agreement to implement the national standards of out-of-home care and the introduction of special care packages. In 2015 a register to deliver special care packages was established through a request for proposals process, with six providers selected. One of the selected providers was Safe Pathways and at the time there were concerns documented about their capacity to provide quality outcomes.

In July 2017 a DHHS internal review of Safe Pathways also raised a number of administrative non-compliance matters, including failing to obtain valid working with vulnerable people registration for all staff, poor staff recruitment and induction practices. The fact that working with children checks were not addressed, is such a basic part of what these providers must be able to prove, and they could not even get that right. It was really poor practice. They also had inadequate staff training and support case management and documentation matters. There was inadequacy and complaints right across their management processes and it was recommended the agreement with Safe Pathways be terminated at that stage.

If there had been child safety standards embedded in that contract, the expense of these additional investigations to be able to legally terminate a contract would not have been necessary. That is one of the reasons it is important we push for these child safety standards, because they are a sure-fire way and are almost like a KPI system of sorts where they offer organisations protection but it keeps the heart of the protection about the children and not the organisation or the amount of money a particular group may make out of providing a service of looking after vulnerable children.

The agreement with Safe Pathways was subsequently terminated and the review also found the Department of Health and Human Services could improve on a number of its practices, including monitoring of providers, complaints processes, child support officer and carer interaction and governance of funding agreements. Overall, the report contained nine key recommendations covering mandatory training of out-of-home care staff, improved reporting between providers and the Department of Health and Human Services and the creation of reference groups to help guide responses to issues facing the sector.

Other reviews undertaken by independent consultants and the Department of Health and Human Services audit included detailed financial acquittals of each special care package managed by Safe Pathways and a review of each of the other providers on the register. In January 2017, the Commissioner of Children and Young People released a report following increased concern that Tasmania was the only jurisdiction in Australia that has not as yet established standards or other accountability mechanisms for the out-of-home care sector. We really are behind. We are lagging.

There were seven recommendations from the report, which were intended to constructively offer a number of strategies and practical steps to improve outcomes for children in out-of-home care. The Tasmanian Government has accepted seven recommendations and has stated its intention to work on implementing these. However, the introduction of child safety standards has still not been provided. The Department of Health and Human Services has commenced addressing the issues raised in the Safe Pathways internal review. The DHHS has also developed and publicly released its Strategic Plan for Out of Home Care in Tasmania 2017-19. It has also developed an implementation plan specifying the tangible activities and deliverables against the strategic plan. However the introduction of child safety standards seems to be swept under the carpet and replaced with buzz words such as framework, strategy et cetera.

I recognise that while the charter of rights for Tasmanian children and young people in out-of-home care is embedded in practice, there is no public reporting specifically against the charter. Child safety standards are considered best practice across Australia. The child safety standards across Australia are providing clear benchmarks as a national framework as such. There is no reason that has been articulated from any of the key policy areas of the DHHS that I have come across that explains why child safety standards cannot be implemented straightaway.

Child safety standards place the child at the centre of the policy, at the centre of their care. The child's wellbeing is the fundamental basis behind this standard. Standards can be used across all organisations, institutions, departments and community groups. The wellbeing of the child is paramount. It is a key performance indicator in itself - a checking tool, a progress tool - once more a best practice tool which we need to embrace if we are to provide the right structure for families and workers navigating the difficult area of out-of-home care and child family services.

Child safety standards have been introduced in Victoria to keep children safe from harm and abuse. Strong and clear governance arrangements allow leaders to ensure child safety is a focus within their organisations. Protecting children and promoting their safety is everyone's business. It is a national priority that requires a national solution. Everyone, the Australian Government, state and territory governments, sectors, institutions, communities, families and individuals, all have a role to play to better protect children in institutions and all organisations.

The Royal Commission into Institutional Responses to Child Sexual Abuse highlighted 10 key elements. These are similar to those the Victorian government has recently introduced. The key difference between the elements of the standards are as such: substance, some elements touch on subjects not explicitly covered by the standards; scope, the royal commission is a Commonwealth body whereas the Victorian standards are specific to Victoria; and force, the royal commission's elements are, at this stage, simply recommendations where the Victorian standards have the force of law. It would be fantastic to have the force of the law behind standards in Tasmania. The Royal Commission's final report included a volume dedicated to making institutions child safe and recommended that the elements be converted into law.

In the meantime, Victorian organisations providing services to children may already be required to implement the child safety standards. For example, government-funded organisations that are regulated are already required to be compliant with these standards.

On 9 February 2018 the Council of Australian Governments welcomed progress on the development of the national principles and agreed on the importance of creating these child safe organisations. The national principles are expected to be considered for endorsement by COAG. I am not sure when the next COAG meeting is. I would be pleased to find out. It is so important.

Mr Jaensch - December.

Ms BUTLER - December, thank you.

The national principles are being developed in response to the Royal Commission into Institutional Responses to Child Sexual Abuse. They align closely with the 10 national child safety standards recommended by the royal commission.

We currently hear about child sexual abuse in institutions spanning the past 90 years, but we need to keep in mind that it is not a problem just from the past. It is still a problem. Child sexual abuse in institutions continues today, in a range of institutions such as schools, foster and kinship care, respite care, health, allied services, different centres and youth groups. It is still very much an issue for our society. We also learnt there has been a real culture of allowing abuse to occur. There have also been deliberate inhibitors for detection in the past. Sometimes some of the responses from some of the institutions leave a lot to be desired.

The royal commission developed a national solution to better protect children in institutions. We hope that these standards and directives can determine what could make institutions safer for children and how institutions could be required and supported to be child safe. The approach is proportional to the risk of harm and the characteristics of different institutions.

Children's safety and their best interests must always be at the core of all child-related institutions operations. One of the main purposes in raising children in our community is that we have to ensure their safety and provide them with a childhood where they are educated, safe, fed and nurtured. These are all really important aspects. I cannot understand why we would not sign up for having a national safety standard for children which all groups must adhere to. According to the findings of the royal commission there is still -

> … a lack of understanding of child sexual abuse in institutional settings -

And it continues -

> … particularly misperceptions about child sex offenders and there is also a lack of understanding about grooming behaviours.

People have tended to believe adults over children and to be afraid of falsely accusing someone of child sexual abuse for fear of retaliation. The commission's research revealed many examples that were reported but the abuse was denied. A lot of the time the abusers were believed over the children. All those factors contributed to the abuse of children and poor responses by institutions to this response. Child safe standards could help to address the issue. It is a major cultural issue, which we are trying to sort through. We definitely need a strategy and a framework for these standards which we can all adhere to nationally.

We believe that improving child safe approaches in institutions will ultimately reduce the risk of institutional child sex abuse. Valuing children and their rights is the foundation of all child safe institutions. By promoting the best interests of children as a primary consideration, we believe that institutions will better prevent, identify and respond to child sexual abuse and other forms of abuse and create an environment where children, community and parents can expect and demand all institutions to be child safe.

All jurisdictions in Australia have introduced child safety standards to some degree, except Tasmania. The out-of-home care system in Tasmania has had to respond to continual and increasing demand for placements for children and young people requiring child safety responses. Service providers, carers and staff have individually worked hard to provide care for more than 1100 children who cannot live at home each night in Tasmania. I ask the question again: why can Tasmania not have child safety standards and prioritise the development of a strategic plan? Why can we not implement the plan for the out-of-home care reform in child protection?

We know that child protection services are provided to protect children and young people under 18 years of age who are at risk of abuse and neglect within their families, or whose families do not have the capacity to protect them. Services provided include provision of family support services to strengthen the capacities of families to care for the safety for their children; receiving and responding to reports of children who may have suffered or are at risk of abuse or neglect, including by undertaking assessments and investigations; initiating statutory interventions such as an application to the court for a care and protection order placing a child in the care of the secretary of the Department of Health and Human Services where it is decided that this action is required because the child will be at risk if they are in the care of their family; and placing children and young people in out-of-home care where it is decided they cannot remain with their family due to the concern about their safety and wellbeing.

In November 2014, Child and Youth Services released its blueprint or framework for reform of the out-of-home care system. The new system would place the child's individual needs at the centre and provide a continuum of placement types to best meet the needs of children in care. Placement options and services would be based on an understanding of the impact of trauma on children and the reform process was to proceed in two implementation phases alongside concurrent reforms.

One of the other issues that we have with our current system is lack of funding. It is very expensive, especially to implement new reforms. We understand that, but we know this is a national issue. We are very much part of a national system that is not providing adequate care for vulnerable children in our communities right across Australia. The child safety standards may be just what we need to have some form of national compliance to really work together as much as we can as a country towards providing care where the children are at the centre of that care - not the profits of a provider, not bureaucrats trying to maintain positions, not parents trying to rort a system of sorts, but the child.

I know that sounds like I am speaking in mass generalisations because there are many parents who are really desperate to have their children returned to them who are doing their best, so not all times where children have been neglected are out of any scam of sorts, but we need to adjust the way in which we look at child safety and make sure that is paramount in all our decisions. I look forward to hearing from the minister about the outcomes from that COAG meeting and whether we can implement some form of national safety standards for children here in Tasmania.

[3.54 p.m.]

Mr JAENSCH (Braddon - Minister for Human Services) - Mr Deputy Speaker, I thank the member who has just returned to her seat for bringing on this motion and for her belief in it. I believe we are on a strong unity ticket on the need for, and the importance of, strong, nationally consistent, contemporary standards that people can be held to account for.

The Government is in strong agreement with the thrust of this motion. There are some comments I will make which have to do with some of the matters the member alluded to occurring at the national scale. I can fill in some more detail there which will then require some slight revision to the motion. I propose two minor amendments to reflect the work that is underway on the road to national consistency and national contemporary child safe standards.

In particular, I note in paragraph (7) the call on the Government to draft child safe standards by a date in December. We are involved with processes that are well advanced at a national level which might mean that drafting our own versions now before those have properly concluded might be either pre-empting or excluding us from participation in the desired national strong framework approach. I will unpack that and then present a small amendment to reflect that.

The Tasmanian Government is deeply committed to the wellbeing of Tasmanian children and young people. We agree nothing is more important than that. We recognise the importance of child safe standards in ensuring that organisations that work with children create cultures of child safety, adopt strategies and take action to protect children from all forms of harm and abuse.

Creating safe institutional environments for children was also an inevitable focus of the Royal Commission into Institutional Responses to Child Sexual Abuse, including standards and monitoring which can establish and maintain legislative policy and other frameworks to ensure such safety. In June our Attorney-General tabled Tasmania's initial response to the final report of the royal commission and consistent with the need to put children first, the Government accepted in principle the child safe standards recommended by the royal commission. Doing that was broadly welcomed in the Tasmanian community and also in this place.

Prior to the Tasmanian response to the royal commission, back in November 2016 the Community Service and Disability ministers agreed to development of a national statement of principles for child safe organisations, so there have been two processes underway which are being brought together.

The National Children's Commissioner was engaged by the Australian Government to help develop the national principles and those are about creating standards that will see child safety embedded into leadership, governance and cultural institutions and allow children to participate in decisions affecting them.

Given the overlap between the two pieces of work, the royal commission, which came later, not only recommended 10 national child safe standards to provide a foundation for a consistent best-practice approach nationally, it also recommended that those standards be adopted as part of the national principles that had already been formed. It gets a bit complex but what we have is a convergence of processes at the national level that Tasmania is a participant in.

As the member pointed out, the Community Services ministers already endorsed the national principles earlier this year and the intention was for that to proceed to the COAG in October 2018 for final endorsement. That October COAG meeting has now been postponed so that endorsement is now scheduled for December this year, which is the month your paragraph (7) suggests we draft something by, so there is some convergence there as well.

The Tasmanian Government supports these principles as the basis for the national framework that we agree we need and we are continuing to work together with all jurisdictions to provide leadership on driving to that conclusion.

The Tasmanian Government notes that elements of those standards already exist in current practice within the children and youth services system that we have.

Ms O'Connor - Do you have a copy of the amendment available, Mr Jaensch?

Mr JAENSCH - Yes.

Ms O'Connor - Are you going to hand that out?

Mr JAENSCH - I will provide that shortly; it is very brief and simple.

To coordinate the initial formal response to the royal commission's recommendations which have been tabled by the Attorney-General, our Government established an interdepartmental governance arrangement which includes a steering committee. That is overseeing the development of an action plan to implement the recommendations with priorities that are already agreed to be progressed first. Requirements for organisations to comply with child safe standards will be progressed as part of the implementation of the royal commission's recommendations.

Again, you have referred to an implementation plan; we have the mechanism in place for that. We have adopted in-principle and to various levels, the recommendations in the royal commission's findings. As those are confirmed nationally we have the machinery in place to implement them, including those aspects of requirement for organisations to comply.

Ms Butler - What date will you have those standards in place by, just for the amendment to the notice of motion?

Mr JAENSCH - COAG is addressing the national principles which should embody the child safe standards. That is scheduled for December and then there will be a process into the early part of next year when with our implementation group, that cross-departmental group, will consider how and in what parts we apply them into Tasmania's system. Our starting point will be a little different from each of the other states. It will be unique as we are retrofitting them.

Ms O'Connor - Why is our starting point so different?

Mr JAENSCH - We have our own legislation for things like our schools and our organisations that are delivering services. We have to apply them in our system.

Ms O'Connor - That is the same for every state and territory, though.

Mr JAENSCH - Yes, but they will be doing the same thing in theirs.

Ms Butler - I want to give it a realistic time frame.

Mr JAENSCH - Yes, however I do not have dates for the COAG and then the subsequent stages of that. That is something that I can seek more advice on. It will be a projection because it will be relying on things that are directly outside of our control.

Ms Butler - That would be good, thank you.

Mr JAENSCH - Whilst we do not yet have our own child safe standards we are on the road with other states towards a national system. My point is that I do not want to duplicate that and I do not want to take action in advance of this desired national approach.

I want to make some more points before introducing the simple amendment, just to highlight some of the other oversight mechanisms that are in place that need to be on the record in the context of this discussion so that we are accounting for the work that is underway and some of the progress that was referred to in the Auditor-General's report and conclusions. These say that the Government has outlined a plan to make improvements which, if implemented, properly address the recommendations made across various reviews. I want to account for some of those.

The first is the work of the Commissioner for Children and Young People which, alongside our out-of-home care system, provides another independent monitoring and oversight role, independent reporting to parliament on the actions of government and the needs of the communities it serves.

The Commissioner for Children and Young People has a role to advocate for and raise awareness of the rights, interests and wellbeing of children and young people aged under 18 years throughout Tasmania. The commissioner monitors and reviews the wellbeing of children and young people and can gather information needed to perform that function. The commissioner can undertake own motion inquiries relevant to the functions of the position and can share information with other statutory officers such as the ombudsman. The commissioner raises awareness on matters relating to health, wellbeing, care, protection and development of children in Tasmania as we have seen in the recent release of the interim commissioner's report on the health and wellbeing of Tasmania's children and young people. That role has been successful and I thank the commissioner for his efforts thus far to acquit those responsibilities.

We have also seen the appointment -

Ms O'Connor - When will he stop being the interim commissioner?

Mr JAENSCH - When a substantive commissioner appointment is concluded.

Ms O'Connor - When will that be?

Mr JAENSCH - Not too long.

A child advocate is another position. The appointment of Tasmania's first child advocate is a key response to the Commissioner for Children and Young People's recommendation to ensure mechanisms are in place to seek out and listen to the individual voices of children and young people in the out-of-home care system. This is different from the role of the commissioner who is commenting on and providing advocacy for children in the community more generally. A child advocate has a role to provide advocacy for and on behalf of individual children in cases that are in the care of the secretary of Communities Tasmania under the Children, Young Persons and Their Families Act 1997, including placements with community service organisations, importantly.

The charter of rights for Tasmanian children in out-of-home care is acknowledged in the motion but it is appropriate to seek to table that in the context of this discussion. Recently I joined the child advocate to relaunch this charter as a tool for her to use in conversations with children and young people and the organisations that provide care for them. Importantly, we acknowledge children need to be aware of their rights under a charter like this and also adults need to understand, respect

and uphold those rights on behalf of children in their care. If children have these rights they should not need to ask for them or demand them. They should be part of what they grow up expecting as normal for children to have as they grow up. This is what children should be able to expect from us as adults.

I will make a quick reference to the out-of-home care reform process that is underway where our Department of Communities Tasmania, through the Out of Home Care Foundation's project, is developing an outcomes framework for children and young people in out-of-home care. This goes directly to the issue that is embedded in this motion and it will establish clear expectations about what successful out-of-home care looks like. The outcomes framework for children and young people in out-of-home care is consistent with and sits under the child and youth wellbeing framework and is aligned with elements of the Charter of Rights.

We can see there is a system of care, rights, principles and standards evolving within our programs and our departments with our service providers in Tasmania on the ground as well as through our involvement in the national discussion involving other states, the federal government and the organisations responsible for driving the outcomes of the royal commission and other similar processes.

The department also works to national standards in out-of-home care and these are regularly reported against through national indicator monitoring and reporting, another window on their operations and accountability mechanism that is already operating in our systems on the ground. Currently organisations that work with children or who use young people as volunteers are encouraged to undertake training about child safety, and contracts with organisations that provide foster care, sibling care, therapeutic residential care and special care packages include a requirement for the organisation to demonstrate that they are a child safe organisation. Providers also need to meet national out-of-home care standards. Additionally, there are standard work practices within the Child Safety Service to ensure ongoing safety of children living in out-of-home care.

With an increased focus on monitoring and compliance, Communities Tasmania through the out-of-home care foundations project is developing a quality and accountability framework as a part of its new structure. The framework will identify standards of service delivery for out-of-home care, measure success and embed a culture of continuous improvement. Child safe standards will form one set of standards considered as part of this work. The release of that quality and accountability framework is anticipated in 2019.

One last initiative I will refer to is the Child and Youth Wellbeing Framework under Strong Families, Safe Kids. Our reforms are being underpinned by this framework released in June 2018. It commits all parts of Tasmania's service system to shared responsibility for the wellbeing of children and young people. For the first time we now have a single definition for child and youth wellbeing in Tasmania and it is being welcomed and adopted right across the service sector.

Wellbeing means the children and students feel loved and safe, they are healthy, have access to material basics, are learning and participating, and have a positive sense of culture and identity. Being happy, healthy and resilient is essential for our kids if they are to reach their potential in life. I note that the Commissioner for Children and Young People and other organisations are in the process of adopting this framework as a basis for their own independent monitoring and advocacy functions as well.

I will circulate our amendment to the original motion, which suggests no changes to the paragraphs (1), (2) and (3). In paragraph (4) it replaces the current text with the following paragraph:

> Further notes that requirements for organisations to comply with Child Safe Standards will be progressed as part of the implementation of the recommendations arising from the Royal Commission into Institutional Responses to Child Sexual Abuse.

The other part of the amendment is to leave out paragraph (7) and to replace it with a modified paragraph to read:

> Calls on the Government to work with all jurisdictions and provide leadership on the Child Safe Standards recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse to embed these principles into the leadership, governance and culture of Tasmanian institutions and allow children to participate in decisions affecting them.

Ms O'Connor - Are you calling on yourself to do that?

Mr JAENSCH - I am proposing an amendment to Labor's motion so that it is in the same voice. It is an amendment rather than a hijack.

Ms O'Connor - Unusual.

Mr JAENSCH - The National Children's Commissioner, Megan Mitchell, undertook targeted consultations on the draft national principles for child safe organisations in the first half of 2017, with key experts and stakeholders in that process. Broader consultations were then held on the draft principles, with representatives of sport, disability, health, education, early childhood, recreation arts and recreation sectors, child and family support services and religious bodies.

The National Children's Commissioner also undertook consultation with children and young people themselves about these principles, discussing what is important to them in terms of safety and wellbeing. The final version of the principles now reflect the child safe standards and given the investment in that process, we are committed to going the full distance with that national approach and delivering through that what we need in national consistency. The principles are applicable across the continuum of service interactions, spanning from organisational leadership through to policy and procedures that govern service delivery, responses to incidents and continuous improvement.

The National Statement of Principles for Child Safe Organisations are being progressed to COAG for endorsement in December 2018. The Tasmanian Government has accepted in principle the child safe standards as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse. They are being incorporated into the national principles and legislation will need to be developed to implement them. Legislating the principles may offer opportunities to consider the registration or accreditation of organisations to deliver child-related services such as out-of-home care, which is a recommendation of the royal commission and also forms part of ongoing reform in that area. In light of that important work and following COAG endorsement of the National Statement of Principles for Child Safe Organisations, the Tasmanian Government will consider options for that implementation.

I am advised that organisations providing child protection services including out-of-home care will be required to comply with the child safe standards. Many of the elements of these standards already exist and I have outlined some of them. We have developed a steering committee to oversee an action plan to implement the royal commission recommendations. We are working nationally along with other reforms from the royal commission around Strong Families, Safe Kids, the out-of-home care foundation project, actions under the strategic plan for out-of-home care in Tasmania and our Youth at Risk Strategy.

To recap, we are in agreement with Labor on the purpose of its motion. We note the work that is being undertaken and I note the language Ms Butler chose in her contribution to lead this around the importance of national consistency - a national priority requiring a national solution - and we fully agree with that approach. We are a long way down the road to achieving that and bringing together the threads of recommendations arising from the Royal Commission into Institutional Responses to Child Sexual Abuse and pre-existing work on national principles for child safe standards, and we want to finish that job. We want to bring that work back home from Canberra. We have a cross-government mechanism ready and are prepared to consider the legislative mechanisms required to embed those new national standards in law in Tasmania as well.

In that context, in particular paragraph (4) which refers to the application of standards, that is something which will be dealt with in that legislation locally of the national standards and should operate within its guidelines. Second, given the other work that is going on, what is going to be happening in December and our anticipation of being able to work in the new year on implementing national standards and principles here, we do not believe the task of drafting child safe standards and developing an implementation plan by 1 December seems to be redundant. Perhaps other members would be prepared to accept the body of work that is underway at upper levels towards national standards as drafting a Tasmania-only set of standards would work at cross-purposes to the other objective.

I am happy to move the amendments as they have been tabled and circulated, and to continue the discussion.

[4.20 p.m.]

Ms O'CONNOR (Denison - Leader of the Greens) - Madam Speaker, this is an important motion we are debating here today. I thank Ms Butler for putting it forward. It is quite breathtaking that we, in 2018, still do not have a set of nationally consistent standards for child safety.

Ms Standen - That is right. Mark Morrissey's report was in January 2017.

Ms O'CONNOR - Yes, that is right but these issues pre-date that report. If nothing else, what the Safe Pathways scandal taught us is that not only is there inconsistency in the standards for children in out-of-home care but also we have a problem with monitoring and oversight of young people in out-of-home care and compliance with any standards that are in place. It is a good thing that the minister is talking about a COAG meeting in December where this nationally consistent set of standards will, I trust, be agreed to.

Mr Jaensch - I can't predict what COAG is going to agree to.

Ms O'CONNOR - Yes, that was to be my next point. Ms Butler, this is your motion so it is up to you to decide whether you will accept the amendments, but it seems that you do not have strong resistance to them.

This is a topic on which we should have, to the greatest extent possible, tripartisanship. We are operating on a promise at the moment, Mr Jaensch. Ministerial councils are notorious for stalling, delaying, initiating another review, requesting another report.

Mr O'Byrne - You run to the slowest animal in the herd really.

Ms O'CONNOR - Absolutely. In my experience, ministerial councils are the most ordinary and inefficient mechanism for delivering reform.

Mr Jaensch - In the context of the commission's findings and the political momentum, I am optimistic that the other states are having the same conversations.

Ms O'CONNOR - Presumably, the Premier will be driving this at the COAG meeting in December, with ministers for children in attendance.

Mr Jaensch - Madam Speaker, I understand that there are discussions between relevant ministers about more than just children. They would then report through their representative at COAG.

Ms O'CONNOR - I accept in good faith what you have told the House, Mr Jaensch. I acknowledge that no one in this place has a monopoly on care for children and nor should anyone pretend to have. We have to make sure we get the system and the standards right and have them in place so we do not have situations such as we have had in the past with at-risk children placed with inappropriate providers.

The Greens support good standards for out-of-home care providers and for all organisations dealing with children. Some of them will be at-risk children. We need to make sure resources are available within the agency, within the Commission for Children and Young People and an independent entity such as a community services commissioner. There needs to be resourcing for monitoring and compliance. I note that the Commission for Children and Young People has received funding for independent systemic monitoring of out-of-home care -

Mr Jaensch - One million dollars.

Ms O'CONNOR - That is right, $1 million.

The interim Commissioner for Children, who has thrown himself into the job with a lot of heart, has delivered the conceptual plan for independent monitoring of out-of-home care in Tasmania - and another document which I have left on my desk.

I am interested in exploring with you, minister, the functions of the Commissioner for Children. The legislation is more about systemic advocacy for children and young people. The monitoring and compliance aspect is not really captured by the commissioner's functions under the act necessarily. There is one reference to monitoring but it does not go to the individual circumstances of a child or young person. I know we now have a child advocate in place to provide for some monitoring and oversight but I am not sure that it is the role of the Commissioner for Children to undertake monitoring of out-of-home care.

Mr Jaensch - By interjection, if I may.

Madam SPEAKER - And indulgence of the Chair, yes.

Mr Jaensch - Thank you, Madam Speaker. The previous commissioner's recommendations regarding monitoring and reporting have been adopted in their entirety. The interim commissioner monitors the implementation of those recommendations, which included the appointment of the advocate.

Ms O'CONNOR - Thank you, minister.

On 1 June this year you stated that the child advocate would be appointed. A media release talks about Sonya Pringle-Jones, the first Child Advocate. This is an important role; to monitor individual home environments but not necessarily providers themselves. Whether you want to do this by way of interjection or through the Chair, it might be good to have an update on the Child Advocate's program and whether Ms Pringle-Jones will be the first of a number of child advocates. Our understanding was that there would not only be one child advocate appointed in Tasmania. What is happening with that program?

In our alternative budget we provided funding for a community services commissioner, which we believe would be the best place to ensure compliance with a consistent set of standards. We also believe there should be a permanent child safety standing committee in the parliament. There are a number of jurisdictions in Australia where there is a parliamentary standing committee established to provide support, guidance and oversight of the child safety system and also to monitor the circumstances that Tasmania's children and young people are in on a day-to-day basis. We should think about this as a parliament, establishing a standing committee on children and young people, Mr Jaensch.

I was looking at the lovely Tasmanian Charter of Rights for Children in Out of Home Care. It reminded me there is an excellent early learning centre in Claremont for Goodstart, which is right next to Windermere Primary School. I was there a few months ago. The staff are fantastic. They workshopped the UN Convention on the Rights of the Child, which is the foundation for the Tasmanian Charter of Rights for children and young people. They workshopped what the kids - the young people, toddlers and pre-schoolers - understood their rights to be. It was a really significant exercise for Goodstart.

Every aspect of their practice has been interpreted and tailored by young people at Goodstart Early Learning against the UN charter. Goodstart is a not-for-profit; it is centred on the child's rights and wellbeing. I am sure that is the case for the vast majority of operators in this space. It was a lovely way to see the UN charter translated and it is on the wall there at the Goodstart centre in Claremont. It was really very impressive.

The other aspect of their practice is that the kids designed a playground. They designed where which pieces of play equipment would be and what kind of play equipment would be in place, so it was very much in line with the work being done by commissioners for children about empowering young people to make decisions about their lives and have a say in decisions that affect their lives. If you have not been out to Goodstart at Claremont, Mr Jaensch, I thoroughly recommend it; it would be a great tonic after a week in parliament.

I was a little concerned to hear the minister say that once COAG agrees to a nationally consistent set of standards there will be an interpretative process for states and territories. One of the big problems with so many aspects of public policy is inconsistently applied standards or

mismatches and data, so we have apples lining up next to oranges. When you look at the report on government services, for example, there are a number of metrics on which Tasmania does not have the data set and it is hard to escape the conclusion that there has been a decision not to have a consistent set of key performance indicators or data standards. If there is poor program performance or a policy failure, sometimes governments can say, 'It's not right to compare the number of investigations, for example, of reports of risk in the same way that Victoria looks at it because we have different KPIs'.

That probably was not a good example, but it is a real challenge. If you want to get good policy outcomes, you want to make sure that you are targeting public funding to areas of greatest need and to greatest, broadest benefit, you have to have consistent data. There are many people who work in the public service in Tasmania who are as frustrated as we are at times about the data. Gathering data requires human resources and modern systems and we are a bit short in those areas as well.

Some of the aspects of the Tasmanian charter for children in out-of-home care are reflected in the report on government services data. There is the example of not being moved around a lot and that is captured by measures targeting the number of placements and another measure of being told what plans have been put in place is captured by the proportion of children with case management plans in place. It is a very broad charter and it may be difficult to reflect those elements of the charter into a specific data set but it is not an impossible challenge.

We believe there should be annual reporting on the issues raised by the Child Advocate. It does seem logical that there be some sort of feedback mechanism on issues that are identified by the Child Advocate. Many of the issues we are talking about today are ones that the new Child Advocate may be best placed to comment on. I ask the minister whether it is intended for the Child Advocate to compile annual reports or for the issues identified by the Child Advocate to be passed on to another entity within the Office of the Commissioner for Children, for example, for the purposes of compiling reports and making sure we have good quantitative and qualitative data out of the Child Advocate's position.

We agree with Mr Jaensch that paragraph (7) in the original motion sets an unrealistic time frame on developing these standards and note that he has dealt with that in the proposed amendment. We had flagged amendments with both yourself, Mr Jaensch, and the Opposition that paragraph (7) be omitted and replaced with the following new paragraph -

> Calls on the Government to:
>
> (a) develop a set of child safety standards as a priority;
>
> (b) fund the establishment of a community services commissioner in the 2019-20 state Budget; and
>
> (c) ensure that the legislation unpinning the community services commissioner empowers the commissioner to enforce compliance with child safe standards.

I am happy to accept that the amendments put forward by the minister do not weaken the original motion other than it is open-ended and there is no time frame in place.

Mr Jaensch - That is also outside our direct control because there are jurisdictions involved in the process.

Ms O'CONNOR - Yes, that is right. Mr Jaensch, I am sure you will agree that if COAG agrees to a nationally consistent set of child safety standards, states and territories should go away and make sure that the consistency remains so that data collection is precise.

That is the breadth of the contribution I wish to make today. On matters of child safety, I believe there is a capacity for all parties to work closely together on these issues. From time to time opposition parties will need to hold the minister of the day to account for a systemic failure or the state's failure of a child. However, it is to the benefit of children and young people in Tasmania if, in this area of public policy, to the greatest extent possible, we can agree every Tasmanian child has the right to feel loved, safe and wanted. Every Tasmanian child, to a significant extent, is our responsibility in here. We are all responsible for children in the community and that was one of the key achievements of the former commissioner for children, Mark Morrissey, in the way he shifted the debate about making sure we are giving children and young people a voice and making sure we accept the wellbeing of children and young people is a shared community responsibility.

I will close on acknowledging Mark Morrissey's dedication and his great work and wish him well but also acknowledge that the interim Commissioner for Children, David Clements, and his outstanding and wonderful staff are doing a good job and I wish them well.

[4.37 p.m.]

Ms BUTLER (Lyons) - Madam Speaker, I thank the member for Denison, Ms O'Connor, for her contribution and also the minister for his contribution. I would like to lock in some form of date, even though I understand the matter will be discussed at COAG and there will be a directive provided nationally from COAG in December. We will not be sitting again until March so I am interested in locking in some kind of end date in the motion. Your explanation for why 1 December needs to be changed makes sense, but we would like to see it implemented or at least the development of an implementation plan by the first quarter of 2019, if that would be foreseeable. I know it is hard but we would be happy with some end date, if possible. I am not sure exactly what the rules are here but we would suggest by March 2019.

Mr Jaensch - What about reporting progress in March?

Ms BUTLER - Okay, if we can agree to that.

Madam SPEAKER - Ms Butler, my advice is that you have to write out an amendment to the amendment.

Ms BUTLER - Okay. I also query the amendment the minister has provided where we have requirements for organisations to comply with child safe standards. Will it be progressed as part of the implementation of recommendations arising from the Royal Commission into Institutional Responses to Child Sexual Abuse? It is quite different from our original motion under paragraph (4) where it notes child safety standards are compulsory minimum standards; we have lost that wording. Also organisations can provide services to children, including schools.

Is there any particular reason why schools are excluded from that amendment? It is one of the main areas where children are found. It seems to be quite a big area that has been removed from

that amendment. I am querying whether we might be able to leave schools in the original notice of motion. It has completely gone from paragraph (4).

Madam SPEAKER - I am going to allow indulgence here in the interests of time.

Ms BUTLER - I am happy to leave it as institutions, making sure that it does include schools as well.

Mr Jaensch - Organisations or institutions? Is that what you mean?

Ms BUTLER - We have 'including schools', so if we could have institutions but make sure that schools are included underneath that understanding.

Mr Jaensch - The intent of the amendment the way it was written was to leave this in, to take direction from the national process for consistency. In terms of identifying the scope of organisation types, being subservient to that in the name of that national consistency, taking our directional language from that.

Ms BUTLER - We are not going to accept the fourth amendment. In relation to the seventh amendment, if we can add to the amendment 'with an update to the parliament by March 2019'. We will not accept the fourth amendment but we will accept the seventh.

Madam SPEAKER - You can keep speaking but what will happen is both of those two amendments - amendment one and two - will be put separately, plus your amended amendment. That will give everyone a chance to vote on amendment one, amendment two as amended after it is amended.

Ms WHITE - Point of order, Madam Speaker. To seek a point of clarification, is the Government going to move an amendment to their own amendment or do you need us to move an amendment to circulate to amend your amendments?

Mr JAENSCH - I think the Clerk is doing some of that for us. We have the luxury of some time but I am not seeking to amend my own amendments. The department has proposed an amendment to part of my amendment.

Mr Hidding - Do we agree with that?

Mr JAENSCH - I want to stay with my amendment for paragraph (4) and I will accept your amendment to paragraph (7) to my amendment.

Ms WHITE - Point of clarification again, Madam Speaker. Are you going to amend your amendment to our paragraph (7) or do you need us to circulate our amendment? Just a process issue.

Madam SPEAKER - It has already been moved, thank you, Leader of the Opposition.

Ms White - Do you need to see a copy or are you comfortable with it being verbal?

Mr JAENSCH - I have seen it.

Ms White - Thank you.

[4.47 p.m.]

Ms STANDEN (Franklin) - Madam Speaker, I support the motion to establish child safe standards for Tasmania and support the comments that my colleague, the member for Lyons, has made in relation to this and want to add a few additional observations.

The area of out-of-home care is an area I am not thoroughly knowledgeable about, so I hope that I am not mixing it up. It is confusing. There are national standards, there are state standards, there are frameworks. I understand the intent of the Government around COAG-driven national standards. However, from the Commissioner for Children's report of January 2017, at least according to the recent report from the Auditor-General, it seems to me Tasmania was a stand-out in that it was the only jurisdiction in Australia that had not yet established standards or other accountability mechanisms in the out-of-home care sector.

January 2017 was a long time ago and I accept that there has been a change of minister and the departure of the former commissioner, and now an interim commissioner, and that national processes are probably coming over the top of all of that. It seems prudent that even though we are no doubt coming under the uniform of national standards in this space I do not understand why it has taken this long for us to entertain the possibility of Tasmanian specific child safety standards. Nor do I understand why we would wait necessarily, even though we hope it would be some months away. If other jurisdictions have nonetheless acted sooner, could it not be a fairly straightforward process for Tasmania to adopt its own specific standards as a safeguard for children, which could be later amended and reviewed in light of national processes? I am all for standards and consistency and so on, but I am lost in some of the technicality of this.

I understand that the seventh recommendation of the commissioner's report back in January 2017 was to develop and adopt standards for the provision of out-of-home care and provide regular reports on compliance with these standards, noting also that the Government was developing an outcomes framework specific to children and young people in out-of-home care in Tasmania. Unless the technicalities have confused me, I understood that particular quality and accountability framework was scheduled for release by June 2018, yet that framework has not been released and here we are a couple of months later in September. Although I understand a new minister is coming to terms with a complex and sensitive area, all the while we are talking about the safety of our most vulnerable citizens in Tasmania. How hard can it be?

I have been a bureaucrat in previous lives and a desktop review of all other jurisdiction's standards in this space could probably land us with something that was acceptable, if only in the interim. I understand that you have an interim commissioner too and I would not want to be in his shoes because I think he has been interim for over 12 months. It is a remarkable situation and if I were a cynical person I would say the Government was hiding behind bureaucratic processes and so on at the risk of charging ahead with something that could provide minimum safety standards for some of its most vulnerable citizens.

In late 2016 the ABC *Four Corners* report really blew up the situation in the out-of-home care space in Tasmania. I want to note a particular comment in this space. I have not worked in this space and am not thoroughly familiar with the work of Safe Pathways. On the basis of the Auditor-General's report I am not forgiving the range of concerns there were in the relation to the DHHS-initiated Safe Pathways review. I will note that the minister took the opportunity on adjournment last night to add some further information in relation to the Safe Pathways Public Accounts

Committee report and said that the department was working with organisations to develop their capacity to acquit funding and provide a high level of detail about how the funding is used and that the departments recommended each provider meet with Wise Lord Ferguson Accounting and Advisory to discuss their requirements and the WLF report.

I will point out a couple of concerns in relation to that. The July 2007 DHHS internal review not only found concerns in relation to administrative non-compliance of Safe Pathways, it found fault with its own systems and practices. If we are quick to blame service providers and not also look internally to departmental processes and so on we could miss an important element of the safeguards that need to be there to protect these children. The review found that DHHS could improve a number of its own practices, including monitoring of provider's complaints processes, child support officer and carer interactions and governance of funding agreements, and here is where I have those concerns.

The minister in the media this morning was quick to say we need to be better at holding these organisations to account. That is true, but we have the CEO of Safe Pathways saying that through the review process, the organisation frequently requested information regarding the specific nature of complaints and the department's concerns about their operations and they failed to receive any formal advice or communication about the outcome of the report or the specific allegations against them.

Fair is fair. If we are throwing a light on this area, as we should, administrative non-compliance of organisations is one thing, but a failure of governance and oversight and monitoring of these funding agreements by the department is another. I urge the minister to ensure that he does not miss the important function of reviewing his own department's actions, resources and capability to be able to uphold the standards I know he is hoping to enforce.

There were other aspects in relation to the Children's Commissioner's report. He noted that complaints can be made to the Ombudsman but in fact the Ombudsman does not have the power to require the department or any public authority to act in any particular way. He welcomed on page 17 of the report the expansion of functions and powers but really shone a light on the need for increased resourcing to the commissioner's office in order to provide regular systemic monitoring of out-of-home care services.

The need for minimum standards was an obvious stand-out. I come back again to the point that national standards is one aspect, but why couldn't there be standards for out-of-home care applicable specifically to Tasmania in and of our own account, even without the national umbrella? It appears that other jurisdictions have made that move so I cannot understand why the Government has not acted sooner in relation to its response to the commissioner's report. I understand the Government accepted the intention and direction behind all seven of the recommendations but moving on equality and regulatory framework and not recommendation (7) specifically about child safety standards is a stand-out gap in my view, and I welcome any action that the Government and the minister can take in this space to ensure this gap is addressed.

Mr JAENSCH - Taking further advice, I am happy to include in our amendment to paragraph (4) -

> Further notes that requirements for organisations, including schools, to comply with child safe standards will be progressed as part of the implementation.

So schools are in, okay? Does that mean I have to amend my amendment?

Mr Brooks - Yes, you are going to have to put in writing, Roger.

[4.59 p.m.]

Mr BROOKS (Braddon) - Madam Speaker, I congratulate the minister for listening, as we always do as a government. The majority Hodgman Liberal Government is about listening to the community and hearing the concerns of not only us but the rest of them. We are not arrogant like the last member who would not agree to any amendments, so I congratulate the minister on that.

Madam SPEAKER - That was a very good contribution, thank you.

The time for debate has expired.

To clarify that, the minister has moved amendment number 1 with the amendment to the amendment which has the words after 'organisation' 'including schools'.

I am going to put the amendment to the amendment of paragraph (1).

Amendment to the amendment agreed to.

Amended paragraph (1) agreed to.

Madam SPEAKER - We are now going to move Ms Butler's amendment, which is to add the update to the parliament by March 2019.

Amendment agreed to.

Madam SPEAKER - Now I am going to move the minister's amendment which is to leave out paragraph (7) and replace it with that new paragraph with the amendment to update the parliament by 2019.

Amendment agreed to.

Motion, as amended, agreed to.

MOTION

Clarence City Council - Proposed Disallowance of Public Places By-law - Motion Negatived

[5.03 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, I move -

> That the House, in accordance with section 47 of the Acts Interpretation Act 1931, disallows the Clarence City Council - Public Places By-law (No. 1 of 2018) laid upon the Table of the House on Tuesday 12 June 2018.

This is a by-law of Clarence Council that was brought to our attention by members of the Clarence community, particularly a number of groups that have been very active in that community,

speaking about development issues, public open space issues, community access and consultation issues, with the Clarence City Council. They keep a weather eye on what is happening at their council because they love the place they live in.

It was also brought to our attention by the Tasmanian Conservation Trust which, with members of the community, attended the Subordinate Legislation Committee last week about this matter.

There are three areas of major concern in relation to this by-law. There is a range of smaller matters in the by-law that have been raised. I will focus on the three major areas of concern and then discuss our options.

The first major area of concern relates to section 15 of the by-law. This makes a new category of offence which is banned entry to a public place. Section 15(1) says, 'The General Manager may by notice ban a person who has offended against this By-law from entering a specific public place for such period of time as the General Manager determines.' It is important to note there is no limit to the number of notices that can be issued by the general manager in relation to a ban. Given the range of public places in Clarence, it is clear such a ban could apply to a wide range of places and people might need to access these places for their normal daily activities.

There is also no requirement that the ban needs to be justified. There is no rationale provided for creating this new power of the Clarence City Council. A reasonable expectation would be that some criteria could have been established around whether a person was being disruptive or dangerous in their activities. This is not required for the general manger to make a ban.

The general manager has unconstrained discretion to apply a ban to a person to decide how long a ban applies. Conceivably it could apply for a person's entire life. The general manager has unconstrained discretion to decide the area that is covered by a ban. There is nothing in the by-law that defines what a specific public place is or how large it would be. Importantly, there is no right to challenge a ban. There is no doubt this is draconian. It impinges on civil liberties and it is clear that even if a ban is not applied to a person, the fact it exists as a by-law would undoubtedly have a chilling effect on public debate and activities, particularly in relation to election periods and people's right to gather in public places in groups in response to development decisions or proposals and to make their feelings known in a public space.

It is clear people might fear repercussions of their actions, be concerned about being banned and possibly not take them up in the first place.

The fine for breaching the penalty of entering into a place that a person has been banned from for an undisclosed time, is up to 10 penalty units which is $1570, I understand, at the moment. Not an inconsequential amount of money for simply being able to be in a public place.

The High Court voiced its concerns on similar laws that aimed to stifle public debate in their decision to strike down Tasmania's anti-protest laws in October last year. We can see the same concerns the High Court voiced in their decision being reflected in the cautionary advice of the police commissioner, Darren Hine. He wrote to the general manager in response to the request from the general manager to provide advice on the by-law. With your indulgence I will table for the House the letter from Darren Hine, Commissioner of Police, in response to the general manager of the Clarence City Council and the subsequent response from the general manager to the commissioner about the advice he provided.

I seek the leave of the House to table both of those documents.

Leave granted.

Dr WOODRUFF - I will read the commissioner's comments in relation to section 15.

> The proposed new power allowing for the General Manager to ban a person from a public place if they have offended against the by-law is a significant power for a by-law and may be an unintended overreach that impinges against people's civil liberties. Police officers possess a 'Dispersal of persons' power found in section 15B of the Police Offences Act 1935. That section states that a police officer may direct a person in a public place to leave that place and not return for a specified period of not less than 4 hours. However, it should be noted that the section also imposes strict guidance regarding the circumstances in which such a direction may be given. The consultation draft provided for does not adequately define the operation, scope or limitations of such a strong new power or how its application may be enforced.

In summary, the commissioner is cautioning that the proposal for section 15 actually gives council staff vastly more powers than police. It gives the general manager the possibility of the discretion of banning a person for life, or at least an undisclosed period of time, from a public place, whereas in a similar situation a police officer may direct a person to leave a specified area for not less than four hours, but with strict guidance on the circumstances for that decision.

Mr Deputy Speaker, these were very serious criticisms that should have been taken on board and addressed by the council when they were redrafting their by-law, but they were not. The general manager's only response was to redraft the clause so that the general manager can ban a person from a specific public place, not from any public place. That is a totally inadequate response for such a serious concern, particularly because the commissioner refers to significant unintended overreach and infringement of people's civil liberties. It does not address the issues. The general manager can still issue multiple notices to a person regarding different public places, so they can be banned from one specific public place and another specific public place. It does not address the civil liberties issue and fails to adequately define the operations scope for limitation of the powers.

This is pretty outrageous stuff. I am reading this out as though this is normal everyday stuff but this is happening in Tasmania.

The next section we have serious concerns with is section 33 of the by-law in relation to signage and advertising. Sections 33A and B create what we believe are new or expanded offences that relate to the use of signs in a public place. Section 33C deals with an offence related to giving out pamphlets, et cetera, in a public place. There is a fine of $777 that would apply to an offence against those provisions.

Part 5 of the by-law provides for a person to make an application to the general manager for a permit or licence to use public spaces but section 33 is in Part 3 of the by-law, so it seems that a person does not have a potential to apply for a permit or licence in relation to signage and advertising on public land. They are, therefore, locked in a situation where there is not even a possibility to make application to make it legal if such a thing was reasonable, which we argue it is obviously not.

Section 33 is totally excessive. Section 33A prohibits a person from using a sign on public land where they are held by a person, which means a person attending an event on public land who holds a sign of any size would be committing an offence. That constitutes a complete ban on the use or possession of signs in a public place. Section 33B is essentially the same as 33A but is worded slightly differently.

Section 33C makes it an offence to give out or distribute any handbills, pamphlets, et cetera, which makes it an offence to hand out written information to other people while you are at an event at a public place. That means a prohibition on distributing pamphlets or handbills, which is completely excessive and totally restricts the freedom of speech or expression and the normal activities that people would use to communicate at a political gathering, public event, assembly or rally. It is our fundamental right to be able to enjoy the liberty of peaceful assembly and peaceful conversations. Those things would not only be restricted but banned without application for licence.

The general manager can use those powers to restrict public demonstrations of concern regarding developments, for example, or to limit media coverage and to interfere with election events. I am not suggesting that is the intention of this particular general manager, but a general manager would be able to use those powers in such a way. Just the existence of those powers means people will be inhibited from practising and organising in such a way.

Section 38 concerns public assembly, speaking or entertainment. Section 38B of the by-law makes it an offence for a person in a public place to organise or participate in an assembly, rally, public speaking or similar activity, with a fine of $770 if they do it without seeking the general manager's leave. The person has to make an application to the general manager for a licence to use public places for public assembly, speaking or entertainment. That means it is an offence to organise or participate in an assembly without a permit, regardless of the scale, the place or the circumstances. This is obviously manifestly excessive and unfair.

The definition of an assembly in the by-law is 'a group of people gathered together in one place for a common purpose'. Therefore, a meeting of two or three people in a public place could be considered a group by the by-laws definition. In practical terms, it is again a chilling effect on snap actions, such as would be required in response to an unreasonable council decision and an opportunity to capture the media attention on something which has occurred. Given that the general manager needs to provide a permit, it would mean the timeliness of that is going to have an impact on whether it will be provided in time for a gathering people would like to have.

It does not have any conditions or criteria to limit the application of the general manager in his or her decisions. It does not, for example, constrain a public event or public speaking to a very large assembly. You might imagine if you are expecting to organise something with 500 people, it is totally appropriate to make a communication with council and negotiate that space. It does not talk about whether it involves amplification or not, whether the event is at night or not, or the proximity to people's houses. None of that stuff is covered. It is just a blanket ban on people being able to assemble and speak in public and have their voice heard without the general manager's approval.

The mere existence of those powers would have an effect on chilling people's decision to come together and restrict public demonstrations, particularly with regard to council activities where council would be in a position of possibly being disinclined to provide a permit for those sorts of events. There are a number of other concerns and I will go through these very briefly, but given the gravity of those three they pale into insignificance. Section 19 of the by-law relates to nuisances

and a person in a public place must not commit a nuisance or cause a nuisance to any other person and must not wilfully obstruct, hinder, or annoy any member of the public, with a penalty of $785 if they do so.

'Annoy' is a very loose term. People are annoyed by the colour of other people's clothes, people are annoyed by the fact that they have a dog, even if it is on a leash and it is in the right place. People are annoyed by a person riding their bike too near them. People are annoyed by so many things in a modern world. What we have now is a council's ability essentially to restrain the people that they wish to restrain, and that is the point. This by-law is in all likelihood not going to be used for the vast majority of people's activities, except those people who become known to council, except those people who become an annoyance. That is the rub because there are no details around the blanket bans and the prohibitions and the requirement for licences. None of that is detailed in here. It is just council; the general manager gets to make his or her own decision without any right to appeal.

Another annoying and obviously outrageous aspect of this by-law is section 34 - ball games:

> A person in a public place, including a playground, must not play or practice cricket, golf, football, hockey or other ball games of a like nature unless in an area designated for that purpose.

I am not sure if people are aware that this particular matter of beach cricket went viral and I know that the UK *Daily Mail* in Australia published a piece about this where they noted that this was a draconian law and they referred to Tasmania being like a nanny state. They make the point that this would have a chilling effect on people's ability to be able to go about normal activities, particularly being able to get together and enjoy each other's company. The point is that there is no designated public place in Clarence to play beach cricket. You cannot go to the designated place because there is no designated place.

Given how far a ball is hit in golf there are clearly issues to do with golf balls, but this is a level of micro-managing by council in an attempt to try to remove any opportunity for conflict amongst residents. It has taken on the responsibility of acting as police officers and acting as shepherds between people in public places. It is removing the expectation that people will operate generally out of respect for each other. We are removing the requirement and expectation for people in a public place who have a barbecue and they might be playing a game of family cricket next door to pay attention to where the ball goes and to think about the fact there are other people there too.

It is not the job of council to get in the way of people who want to have a barbecue and some other people want to stand over there and hand out leaflets and talk about a development that council has going at the same time. Who gets to decide which of those things should happen at the same time? That is the point and it was put to me that council needs these by-laws because it is their job to reduce conflict in the community. It is their job to sensibly look at risk. It is not the job of councils to reduce conflict; it is the job of the police to come in if conflict gets to a point where people are verbally harassing and bullying people. They are acting against the law because we have the laws that govern the police, and as the commissioner said in the comments that he made to the general manager, there are laws which govern the police and the role of the police in the matter of resolving conflict. Police officers have the training and equipment to do that work. By inference from what he said, it is pretty clear that he does not think it appropriate for council staff to be going and acting like little mini police without the training or the equipment to deal with conflict.

Ms O'Connor - It is actually dangerous. It will potentially create more conflict.

Dr WOODRUFF - That is essentially what the commissioner was saying. He did not say it, but he was gesturing to the fact that there is a whole area of law and a whole police service which is funded and trained to do that work. It is not the job of councils to create more problems in their community by removing people's rights, their freedoms, freedom of speech, freedom of association, basic fundamental freedoms that this by-law would do.

What is the council's real reason for wanting these by-law sections? They say they want to remove conflict in the community, and that they are sensible and rational by-laws which will do that. It is good to look at the fact that this went viral and went to the United Kingdom because it gives us a sense that we live in this bubble where we have become normalised to thinking that, that level of 'nanny state' intervention is actually helping.

Other parts of the world have different ways of dealing with conflict in the community. They do not have draconian councils who have authoritarian laws where they are acting like a mini police state. That is not what happens in other countries that we want to be like and emulate. This is mission creep; this is councils moving into areas that they should leave the police to manage.

The real context for this by-law, the context for an addition of a banning of people from public places and the throttling of people's right to freedom of assembly or to hand out pamphlets, the real context for that by-law, is that the council wants to remove conflict between them and community outrage.

It is because of the controversial manner in which the council mismanaged the developments of Kangaroo Bay, the Bellerive Oval amendments to the operating hours of Blundstone Arena, and the development on the top of Rosny Hill. It is because of their failure to consult the community in its own time according to its own public participation policy; because of the failure of the council to adopt the Kangaroo Bay Development Plan height limits which were established by the community, supported by the council, went to the Planning Commission, the Planning Commission endorsed them, but it did not do that. It has created a hornets' nest of community members who are sick of not being listened to and having no other place to go except to take a stand in public; except to use their right to freedom of association, use their right to freedom of speech.

They did not ask the general manager's permission when they went and stood on the side of the road and let people know what was happening at Kangaroo Bay. They did not ask the general manager's permission to go to the top of Rosny Hill - the Friends of Rosny Hill Network - and hold a public meeting to talk about the beauty up on the top of the hill; to let people know what it looks like and what the views are, to get people to feel for themselves and what the traffic problems would be. They did not ask for permission; they should not have to. It is their right to do it at any time in a peaceful way.

Madam Speaker, the fantastic news announced today is that the Rosny Hill development has been withdrawn from the council. The point is that it was successful; if only the council had done a community consultation process in the first place about whether the community wanted anything on their Rosny Hill conservation area. They told me they do. They want some toilets and rubbish bins. The council has never put rubbish bins there. They might even like somewhere to have a coffee, but they want to keep the solitude of that place. Their roadside signs, their public handouts, their public meetings communicated that message and achieved that result. It is a good result. The

council should have listened in the first place; now they get a chance to ask the community what they want. It is the community's public area.

I want to read the comments from the Kangaroo Hill Voice, Rosny Hill Friends Network and Clarence Action Network, a new network that has been established on the eastern shore. They said this Clarence Council by-law is a threat to freedom of speech and to demonstrations against developments. They point out that it is more than coincidence that council's by-law is timed with recent community rallies and media events regarding major developments in Kangaroo Bay and on Rosny Hill Nature Recreation Area, including a public meeting on 17 July where several hundred people unanimously rejected a proposed development for Rosny Hill reserve.

They made the point that council failed to adequately and responsibly consult with sections of their community and ratepayers and it seems that they are now trying to shut down well-warranted criticism to cover-up their failure to communicate. They say that rallies have been largely about council playing an active role in bringing the developments forward of their own volition, being regularly and privately briefed by their developer and attempting to privatise public assets and crown land reserve. Overall the groups consider the by-law, particularly the issue of banning freedom of speech, represents a gross infringement on civil liberties.

I will wrap up now, Madam Speaker, so other members have a chance to speak on this.

It is clear that what this points to is the need for a human rights act in Tasmania. We would not be having this conversation if there was a human rights act in Tasmania. The Greens have made a policy commitment at the last election that we will legislate a charter of human rights and we will create a Tasmanian human rights commission. We will create a human rights unit in the Department of Justice and we will fund an education campaign for the public service about what a human rights act would mean for people's freedoms.

The fundamental freedom which a human rights act would enshrine is the right to freedom of speech, the right to peaceful assembly and the right to free association. These are fundamental things. It is clear that the High Court and the police commissioner are speaking with us on this issue. The High Court has made these points tangentially about the anti-protest laws. This is an anti-protest law. The police commissioner has made his concerns very clear. There is evidence of that being used around the Bellerive Beach Park.

I will finish up with some words about a fantastic woman who I have met on the eastern shore, Joanne Marsh. She is a gutsy community custodian and she one of the many people I have met through these development proposals that have rolled through Clarence Council over the past couple of years. Ms Marsh is a tireless speaker for her community. She was born there in 1957. She has lived in the area and has spent a lot of time, as she says, writing a submission to the general manger about this by-law, at community consultations, in protest meetings, at events holding placards and placing protest signs in public places. She has done that and in the past there were no problems. She could make those public statements in a peaceful way. She is a very gentle woman. She could do that because she cared. When things came up she let her neighbours know what was going on. She was there all the time at the public meetings. She is a fantastic record of a person who loves her community area.

Thank you to Joanne and all the other Joannes like her, and the Peter Edwards and the Anne Geards and Michael Geards and all the other people who have got together and created such a strong

network on the eastern shore. They sure as hell know how to protect their place and their public land.

I strongly hope the Labor Party will support this disallowance motion. It does not leave the council in a dire situation at all. It means that the by-law that has been in place since 2007 will remain. It leaves the Clarence Council the opportunity to undertake a proper review. It leaves a new council, once elected after October, hopefully with a fresh crop of people who are committed to public consultation -

Ms O'Connor - Beth Warren for mayor.

Dr WOODRUFF - Beth Warren for mayor.

It leaves people with the option to do a proper review, to listen to any words of wisdom provided by the Subordinate Legislation Committee on this matter, to take up the concerns of the commissioner and to prepare a new by-law that can go through the normal process, attending to all the concerns people have raised.

There is the opportunity for the Minister for Local Government to consider taking some action under the Local Government Act. Division 4, the model by-laws, section 170B, provides the opportunity for you, minister, to arrange for a public consultation to be conducted in respect of a proposed model by-law. There is a real need here to look at consistency across the state. The Local Government Association agrees with that. It is very difficult for the council to make these by-laws. Some guidance from the Government and some management of that, along with the Local Government Association, would be very helpful in this situation.

I encourage the Government and the Labor Party to disallow this by-law so council can prepare a better one.

[5.38 p.m.]

Mr GUTWEIN (Bass - Minister for Local Government) - Madam Speaker, we will not be supporting this. I will outline my reasons. First, by-laws like those in place in Clarence are not new.

Ms O'Connor - This set of by-laws is new.

Mr GUTWEIN - We will get to what is new and what is not in a moment, Ms O'Connor.

By-laws are an important tool. By-laws to manage public spaces have been in place for many years. The provisions in the Clarence by-law are consistent with those that were previously in place from December 2007. The council has the obligation to ensure public land is not dominated by one group of people to the detriment or exclusion of the rest of the public. Events such as parks, weddings, fun runs, fitness classes et cetera often request exclusivity of public spaces to ensure their activities are not in conflict. In fact, we have a permit system for that.

There are a couple of key points. First, 10 councils across the state already have by-laws in place similar to this. The former mayor of Burnie City Council is with us in the Chamber today and having reviewed the Burnie City Council's by-laws, they are very similar to what we are discussing today. It surprised me in Burnie that you cannot climb a tree in a public park. I am presuming the reason that by-law is in place is that at some stage in the past there was either an

accident or some issue and council decided that in the interests of protecting its community it would put in place a by-law of that nature.

What is interesting here is the language that is being used - 'draconian', 'police state' -

Dr Woodruff - That's what the commissioner said.

Ms O'Connor - Here we go. He's about to start shouting and getting personal.

Madam SPEAKER - Order.

Mr GUTWEIN - Madam Speaker, could I have the opportunity to speak without needing to speak over the top of the two Greens in the Chamber?

The words 'draconian' and 'police state' have been used. What were you doing when you were a councillor at the Huon Valley when the exact same laws were in place?

Mr Hidding - Oh dear!

Madam SPEAKER - Order.

Mr GUTWEIN - I refer to the three key matters that the member raised. Section 15 is about the council general manager being able to restrict or ban somebody from access to a public space. If I refer to the Huon Valley by-laws which were in place when the member who has just spoken was a member of the Huon Valley Council, they say:

> The general manager may by notice ban a person who has offended against this By-law from entering any council land or recreational facility for such period of time as the general manager determines.

These were the laws under which your own council operated.

I refer to section 33 regarding signage and refer members to section 41 of the Huon Valley Council in terms of signs and handbills and the by-law that was in place when the member who has just spoken and made, I have to say, one of the most hypocritical contributions I have heard, because these were the laws she felt quite comfortable with working within her own council.

Dr Woodruff - We never got advice from the Police Commissioner like that.

Mr GUTWEIN - Section 41 says:

> (1) A person must not erect, exhibit or display a notice, sign, electoral sign, bill, poster or advertisement on or in any council land or recreational facility unless authorised to do so by a permit ...
>
> (2) A person must not give out, distribute, scatter or throw down a handbill, notice, placard advertisement, book, paper or pamphlet on or in any council land or recreational facility unless authorised to do so by a permit ...

Ms O'Connor - So individual rights only matter when it comes to giving money to Federal for pokies? Individual rights at any other time are discarded.

Madam SPEAKER - Order.

Mr GUTWEIN - It is extraordinary that the member would come into this place and bring this disallowance motion. It demonstrates is the true hypocrisy of the Greens.

The third matter the member takes offence to she just happened to have been quite comfortable with when she was a member of the Huon Valley Council, in terms of section 38, public assembly, and I refer to Huon Valley by-law 43(2), Conduct of certain activities:

> A person must not organise or participate in an assembly, rally, preaching, public speaking or similar activity on or in council land or recreational facility unless authorised to do so by a permit or user agreement.

The by-laws the member is railing against were in place in the council of which she was a member for a number of years and never raised an issue.

Across the state, as I have indicated, by-laws of a similar nature exist in Break O'Day, Burnie, Devonport, Hobart, Huon Valley, Kentish, Kingborough, Launceston City -

Ms O'Connor - You have completely misrepresented the Huon by-laws.

Madam SPEAKER - Ms O'Connor, if there is another interruption you will be leaving the Chamber. That would be most unfortunate as you wish to vote on this.

Mr GUTWEIN - Launceston City, Sorell and Waratah-Wynyard. The member points to providing guidance in terms of by-laws. Councils are already putting in place sensible by-laws to protect their communities, which the former councillor on the Huon Valley Council was very comfortable with and never raised an issue once, as I understand it, but in attempting to make a political point in the height of an election period has brought this matter before the House. I have demonstrated the hypocrisy which has been evident and demonstrated here in terms of the member's intent.

Ms O'CONNOR - Point of order on relevance. Can I ask the minister to confirm whether the Huon by-laws that he was comparing and contrasting to the Clarence by-laws actually talk about council land, whereas the Clarence by-laws talk about all public places? Compare apples with apples.

Mr GUTWEIN - Council land under the Huon Valley Council means any land controlled or managed by the council, so it means the lot.

Dr Woodruff - Different place.

Madam SPEAKER - Order.

Mr GUTWEIN - It means the lot, Madam Speaker. They have been found out. They have managed to get a headline in terms of beach cricket but to be clear, Clarence City Council has no intention of banning beach cricket. Clarence City Council, like other councils, simply wants to put

in place sensible by-laws that enable people to use the public facilities and public areas they make available in a safe way that does not impinge on the rights of others. That is all that is occurring here, but we have had the Greens trying to beat up an issue here and in doing so have demonstrated their rank hypocrisy in that it was quite all right for the member for Franklin when she was a member of the Huon Valley Council to have these almost identical by-laws in place but now wants to rail against these by-laws of the Clarence City Council.

The other point I make is that there was significant consultation in terms of these new by-laws that have been introduced. My understanding is that only four matters were raised during the public consultation process.

In the interests of allowing other members to speak I will wind up but I simply say that this is a beat-up. The Clarence City Council has no intention of banning activities like beach cricket. They have no intention of doing anything other than providing a safe, pleasurable experience for people when they utilise council facilities. Councils have been doing this for a long time. Many councils already have similar by-laws in place and, as I have demonstrated, when the member herself was a councillor on the Huon Valley Council they had similar by-laws in place, almost worded identically to what is being proposed here by Clarence.

It is hypocritical for the member to have brought this matter before us. She is seeking nothing more than a political headline. Our view is that the disallowance motion should not be agreed to and that Clarence should be allowed to get on with providing a safe and pleasurable experience to the ratepayers and those who visit the Clarence municipality when they utilise public areas and public land that Clarence is responsible for.

[5.50 p.m.]

Ms STANDEN (Franklin) - Madam Speaker, as a member of the Subordinate Legislation Committee and as a local member for Franklin, I have taken a keen interest in this matter. It gives me no great pleasure to stand in this place to debate this motion ahead of a full consideration of the matter before the Subordinate Legislation Committee. When the matter first came before the committee, I had received representation from conservation groups in my local community raising concerns about civil liberties and such. When the committee first examined this matter it was concerned more about the public safety aspects of drones and their regulation. Based on the representations I had received, I asked the committee to allow the conservation groups to also appear before the committee to look at the matters they had raised in relation to civil liberties.

At that stage I had no broad understanding of council by-laws, although I had noted the police commissioner's concerns. I had some sympathy for the points being raised. Without the context of the broader view of by-laws of this kind, I felt it was useful for the committee to consider that. Further to its meeting last week, the Subordinate Legislation Committee will be meeting again tomorrow.

Mr BROOKS - Point of order, Madam Speaker. Deliberations and considerations in front of any standing committee are closed committees. Therefore, I urge caution in discussing any detail on any matter that happens in those committees.

Ms STANDEN - I am not raising any details.

Madam SPEAKER - Ms Standen, if you can keep it at a high level. I will have to uphold that point of order because if it is confidential then it is confidential.

Ms STANDEN - Thank you, Madam Speaker. I am aware of that, Mr Brooks, thank you. I was not intending to raise anything. I only wanted the House to understand where the consideration is up to, rather than the matters specifically being brought before the committee.

It is instructive that the committee's deliberations have not concluded. It is unfortunate that the Greens have brought on this motion ahead of a full and complete deliberation on the considerations before it so as to constrain the Government and the Opposition in respect of a diplomatic solution in relation to this.

Dr Woodruff interjecting.

Ms STANDEN - The member for Franklin, Dr Woodruff, scoffs at that. Having come from a strong background in public policy, I am a believer that it is possible to ride a middle line through these matters of contention.

I have conscientiously applied myself to trying to understand some of these issues. There was a by-law brought in by the Clarence City Council in 1995. In 2007 there was a replacement by-law, which expired on 12 December 2017. Although conservationists within my community are concerned and have alleged the timing and consideration of the by-law relates to other events the council was obliged to renew or repeal and replace the by-law. The council has stepped out for me, not in relation to my membership on that committee, but in relation to my position as member for Franklin. I have had lengthy conversations with the mayor and the general manager of Clarence City Council about this by-law. After the expiration of the former by-law, it was obliged to act.

It is instructive to look at the purpose of by-laws. It is simply to ensure that public places are provided for the benefit of the public. Public use is regulated to ensure the amenity and safety of users, to protect council's assets on behalf of the public. Although it is true that clause 15 of the by-law is a new provision, which was introduced to allow the general manager to ban a person from a specific public place, it is only if they have offended against the by-law. The ban can only apply to a specific public place for a definitive period and only in relation to a person who has already committed an offence under the by-law.

As the minister said, there are 10 other councils with similar provisions within their by-laws. The Huon Valley Council wording of that particular clause is very similar. Kentish Council and Kingborough Council have very similarly worded clauses. I approached this initially with some scepticism as to whether Clarence City Council was acting out on a limb, as it were, and although the Subordinate Legislation Committee still has some way to go in its deliberations, it appears to me that the Clarence City Council by-law is not standout at all.

In its media release at the end of last week, the Local Government Association pointed out that all councils have the power to create these by-laws under the Local Government Act. They do so to ensure safe, orderly and equitable use of spaces and places that belong to the whole community.

It raises an important issue about the way in which council officers operate and enforce such by-laws. It is instructive that Clarence City Council ensures that its public officers who are enforcing this by-law have at least a level three or four certification qualification. There is an operational policy that is an overarching document in relation to statutory regulation. When you look at compliance, it says in the first instance that they seek voluntary compliance through providing information education programs, guidance or issuing a caution or warning, usually verbal where the offence is of a minor nature and committed inadvertently or through ignorance.

It is a bit like being caught speeding at one or two kilometres over the speed limit. You would expect to be pulled up by the police and have a bit of a chat about that. You recognise that you have done the wrong thing but if it is minor in nature, then you would expect to have a commensurate response. The operational policy goes on. If the approach is not successful or appropriate then there can be directed compliance in the form of a notice or formal caution or warning, then the escalation pathways through to compulsory compliance and so on. It then flows on to penalties and enforcement.

Council officers are not automatons in the way in which they approach and enforce these regulations. They are there for public safety. I am satisfied that the Clarence City Council by-law is consistent with other existing by-laws. It is substantially the same as the 2007 by-law. There are consequences of not having such a by-law and to disallow it would mean that the council would then have to depend on Tasmania Police to undertake its regulatory functions. Council would be unable to manage its public spaces. In the absence of a by-law the council would be unable to acquire public liability insurance for users of public places. The unintentional consequence of disallowing this by-law would put the council and public safety in jeopardy, unfortunately, and that is reprehensible. I believe there is still an opportunity through negotiation for the council, and the mayor has indicated to me that if there is some stand-out provision in relation to the wording of particular clauses, he is open to a further review of such clauses.

Madam Speaker, let us let diplomacy have an opportunity to take effect. Labor will not be supporting this motion.

Dr WOODRUFF (Franklin) - Madam Speaker, the Clarence Community will be very disappointed with that contribution from Labor.

Time expired.

The House divided -

AYES 2	NOES 20
Ms O'Connor	Ms Archer
Dr Woodruff (Teller)	Mr Bacon
	Mr Barnett
	Dr Broad (Teller)
	Mr Brooks
	Ms Butler
	Ms Dow
	Mr Ferguson
	Mr Gutwein
	Ms Haddad
	Mr Hidding
	Mr Hodgman
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Mrs Petrusma
	Mr Rockliff
	Mr Shelton

Ms Standen
Ms White

Motion negatived.

ADJOURNMENT

Rosny Hill Development - Proposal Withdrawn

[6.06 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, I want to speak about the fantastic news from the eastern shore that the Rosny Hill development has been withdrawn. The development for the top of that beautiful nature recreation area on Rosny Hill that was to be subject to a monstrous development that would have completely gobbled up that recreation area. It would have been a blight on the landscape for people looking at the hill from other parts of Hobart and Kangaroo Bay and Bellerive, removing forever the public access to solitude, reflection, beauty and recreation in the middle of a very crowded city.

This is a result of a fantastic amount of work from the Friends of Rosny Hill, Kangaroo Bay Voice Network, Clarence Action Network, another newly formed group on the eastern shore, and people from Bellerive and the Bellerive Bluff area. These are all people who have banded together as a result of the actions of the Clarence City Council over the last two years. It has only been since December 2015 that the Clarence Council allowed a development application to be dropped in on the eve of Christmas and a decision was made in early January by the council on a massive development that we now know was stitched up by the Department of State Growth. They went to China, found a Chinese petrochemical company called Shandong Chambord, brought them back and encouraged them to put a large development application into the Clarence City Council.

That company and the council worked for two years before the community had a chance to have a look at that blight on the Kangaroo Bay foreshore. People had done the work with council and created the Kangaroo Bay development plan that was supported and went through the Tasmanian Planning Commission. This is the work that used to occur in the Clarence Council and the relationship in the community that pre-existed the current way that the council is operating. They are acting like they are on steroids. They have far too much of a sense of their own importance and far too little interest in engaging with their local community.

The by-law which the council has in place at the moment prevents and prohibits people, if the general manager agrees to it, from assembling in a public place to rally, protest or publicly speak in any voice of dissention to council's development applications, how they are managing the process and their failure to consult with the community. That is a fundamental right and it is a concern that we have Labor and Liberal members who think it is reasonable to allow by-laws that bring in a nanny state approach, which will silence people in unions; silence people who want to protest about workplace issues. Out on the front lawns every other week it seems we have got doctors and nurses, members of the CPSU, members of the ANMF, demonstrating their right to public protest for the working conditions that they are working under which they believe are unfair and underpaid. These are conditions which every person in the Labor Party would be determined to do something about except to support the valid concerns and the cautionary note of the Tasmanian police about the overreaching powers that councils now think are reasonable. A culture -

Members interjecting.

Madam SPEAKER - Order.

Dr WOODRUFF - I am talking about the issue in Tasmania where we have councils that have nanny state by-laws that shut people down. If it were ever the case in the past every single time that they come before this House they should be looked at anew. That is the role of parliamentarians. It is our role to understand when the culture keeps shifting inexorably towards shutting people down; it is our job to speak up about that. It is clear, it has been a boiled frog syndrome in Tasmania and people in England, people in other parts of Australia can see that. We might have got used to it, we might have thought that it was okay, but it is not okay. In the current environment, the current political and global environment it is more important than ever to shore up our democratic rights to free speech, free association.

Mr Hidding - Why did you not fix it when you were on your council?

Ms O'Connor - I will talk about that if you like. They are very different by-laws.

Madam SPEAKER - Order. Through the Chair.

Dr WOODRUFF - Let us just be clear that we have a Minister for Local Government who is more than happy to stand in this place and speak utter falsehoods. There is a difference between council places and public places. What we have on the eastern shore right now is an opportunity for the general manager to ban people from public places. That is all public places period, including the nature recreation area at the top of Rosny Hill.

We will continue to stand up for the people on the eastern shore about this matter.

Time expired.

Education - Provisions for Students with Disability

[6.13 p.m.]

Mrs PETRUSMA (Franklin - Minister for Disability Services and Community Development) - Madam Speaker, I rise to provide further information to a question that I was asked in question time this morning.

The member for Bass, Michelle O'Byrne, asked me a question about the equipment library in regard to a student with disability at the Department of Education. Once again the member for Bass got it wrong because I am not responsible for providing an equipment library and nor do I control one as she falsely alleged.

If the member was referring to TasEquip, TasEquip comes under the Tasmanian Health Service and includes the Tasmanian equipment library. The equipment library provides equipment options for eligible clients who require equipment to support basic, everyday tasks which cannot be met by a non-assistive equipment solution and who do not have access to alternative funding sources such as the NDIS to support them in their immediate home environment or at the school. I am advised that under the agreed mainstream principles the National Disability Insurance Scheme funds aids and equipment at a school or education facility that are required by an individual due to the impact

of the person's impairment on their functional capacity and are additional to reasonable adjustment obligations of schools regardless of the activity they are undertaking.

In regard to this particular student the member once again has totally misled the House by making the outlandish and totally exaggerated allegation that the student has been waiting for two years for an appropriately sized commode. I have been advised that TasEquip did provide a large commode for the student as an interim measure to ensure that the student's access to education and appropriate care was not compromised. This is because initially the National Disability Insurance Agency had said that they would not fund the commode as part of the student's NDIS plan. However, TasEquip's position was, quite rightly, that under the mainstream principles, the commode was instead the responsibility of the NDIS to fund. On becoming aware of this issue through the statewide implementation team, Disability and Community Services contacted the NDIS and worked with them and TasEquip in order to resolve this issue which was back in May.

This matter was resolved months ago as per the NDIS rules and mainstream principles. As the commode was deemed reasonable and necessary, it was appropriately funded through the student's NDIS package. I have been advised the student's NDIS package was also increased by the appropriate amount to provide this equipment so the family did not have to inappropriately pay for this item from the NDIS package, as falsely alleged by the member. As the equipment was deemed reasonable and necessary it was provided in addition to the student's other supports.

I will table this joint flow chart by the National Disability Insurance Scheme, the Tasmanian Health Service and the Department of Education that has further information and the facts in regard to students' equipment needs in schools and who exactly is responsible for what in regard to equipment and for what purposes. It is also available on the department's website.

Clarence City Council By-Laws

[6.16 p.m.]

Ms O'CONNOR (Denison - Leader of the Greens) - Madam Speaker, I will not be reflecting on the vote of the House just now on the Greens disallowance motion but I will be reading into *Hansard* the by-law of the Clarence City Council from 2007 and why it is a concern of people on the eastern shore that we share about overreach on the part of the council. No reflection on the vote on the issue.

Mr Hidding - Fair enough, let us see how you go.

Ms O'CONNOR - That is fair. On the issue, we have a copy of the City of Clarence Public Places and Permits By-law No. 1 of 2007. In this document is a section that talks about restrictions on use of public places. There is a suite of restrictions that relate to plucking or removing a plant, failing to comply with the directions of the manager in relation to caravans and cycles, digging, cutting, excavating or removing from any public place any sod, turf or earth, soil, sand and gravel, driving any vehicle in any part of a public place including any part of an arena, without the approval of the general manger, using any broadcasting, amplifiers, loud speakers in a public place without the approval, damaging, removing, disposing of disfiguring, painting or otherwise interfere with anything in a public place.

There was also mark or write, deface or paint on anything in the public place, camp in a public place except in accordance with the directions given by the general manger. Then it goes on to talk

about animals and vehicles in public places, entrance charges to public places, unauthorised signage, playgrounds, outdoor dining.

There is nothing in the 2007 Clarence Council by-law that goes to the extent of the current Clarence Council by-law which absolutely prohibits peaceful assembly without the approval of the general manger of the council.

For anyone who is watching this debate tonight and watched the debate earlier, I am not reflecting on the vote. I want to read clause 38 in the Clarence Council by-laws that have just been agreed by the Liberal and Labor parties, which says:

> Public assembly, speaking and entertainment
>
> 1. A person in a public place must not, unless authorised by a permit or licence:
>
> (a) Conduct any amusement, busking entertainment or performance for financial reward;
>
> (b) Organise or participate in an assembly, rally, public speaking or similar activity;
>
> (c) Take up a collection of money; or
>
> (d) Conduct raffles or prize contests.

For members who have made contributions on this issue in this place to suggest that the current Clarence Council by-law is business as usual is dishonest, or they have not done their homework, or there is a political positioning here where, according to Ms Standen you have, for example, the Liberal and Labor Parties wanting to find a diplomatic solution to the cramping of people's rights.

When Mr Gutwein, the Minister for Local Government, stood up before and read out from various by-laws, he was being dishonest too because those by-laws relate to the powers of the council on council land.

Ms Archer - You are reflecting on the vote.

Ms O'CONNOR - I cannot reflect on the vote but I can certainly mention some of the things that were detailed there. I see that I am about to be pulled up, but it is important that the House understands this. There have been multiple layers of either laziness and not having a look at the by-laws, or political posturing -

Madam SPEAKER - I caution you, Ms O'Connor. Be careful what direction you are going.

Ms O'CONNOR - Hang on a minute; I am seeing how much I can get away with, thanks.

Madam SPEAKER - You have gone there, Ms O'Connor.

Ms O'CONNOR - I ask anyone who is watching this debate to compare and contrast the 2007 by-laws with the 2018 by-laws.

Madam SPEAKER - Order. I will clarify that reflecting on the debate includes reflecting on contributions made to the debate.

Ms O'CONNOR - Yes, thank you, Madam Speaker, for pulling me into line, and rightly so. I simply suggest to people who want to understand what is happening at a local government level in terms of restricting people's freedoms, particularly the freedom to peacefully assemble, to have a look at the 2007 Clarence Council by-laws and the 2018 by-laws and make your own judgment.

Assisted Suicide - Proposed Legislation

[6.21 p.m.]

Mr HIDDING (Lyons) - Madam Speaker, I choose to continue my narrative that I started last night and will be doing for some time during this year to place on the record my ongoing concerns in advance of a likely debate early next year on the matter of euthanasia laws.

As a community and as members of parliament, we have both moral and legal obligations to address the needs of vulnerable persons. In starting this conversation well in advance of the introduction of the proposed bill in 2019, we need to get on the record the nature and types of vulnerabilities that exist within certain cohorts of our community and in particular those special and acute forms of vulnerability that will make Tasmanians far more susceptible to coercion, inducement to suicide and abuse.

All of the previous failed bills fell well short in meeting these obligations and it is not surprising that they failed to pass. These bills were touted as being based on leading international models, tried and tested and replete with gold standard safeguards, yet through detailed critique and analysis it became readily apparent to the majority of members, including those who expressed in-principle support for so-called voluntary assisted dying, that the bills failed the simple moral threshold test for vulnerable persons that any basic legislation should meet.

From mid-2019, terminally ill Victorians will have the right to request a lethal drug be used to end their life, but just because Victoria is heading down a pathway, why should Tasmania? Attempting to adopt legislation and models from other jurisdictions and applying it to the Tasmanian context is also a flawed approach. We have seen adaptations of the Northern Territory approach, the Oregon model, and no doubt given the developments in Victoria, we can expect somewhat of a cookie-cutter approach to bringing that type of model to Tasmania.

The Tasmanian community has many unique and complex factors that produce a special and acute form of vulnerability. Tasmanians are particularly afflicted by social determinants of health which are highly significant in affecting our health and wellbeing. These people are more vulnerable to illness, suffering and short life expectancy. Each of these factors can make our community more susceptible to be wrongly encouraged into pathways of euthanasia and assisted suicide. Vulnerability can compromise autonomy in ways that are difficult to detect, but vulnerable persons may be motivated to access euthanasia and assisted suicide by a range of factors unrelated to their medical condition or prognosis.

Persons living with disabilities and elderly members of our community are often more vulnerable to stigma, abuse, coercion, isolation and depression. Tasmania has a higher incidence of disability and has a more aged population than the rest of Australia. Elderly Tasmanians are particularly vulnerable to various forms of elder abuse, and euthanasia and assisted suicide can

simply provide another pathway for unscrupulous family members or relatives to pressure vulnerable Tasmanians.

People suffering from mental illness, marginalisation and isolation are also more vulnerable to stigma and may be more inclined to depression and suicide ideation. Tasmania has high suicide rates and with mental illness and depression a modern epidemic, legislating for euthanasia and assisted suicide will reinforce the stigmatisation of vulnerable Tasmanians as well as a starkly contrasting message to the life-affirming, anti-suicide and human worth messages of community groups like beyondblue and Lifeline.

One of the most alarming findings of the Prichard and Graham academic research paper that I referred to yesterday was that claims of proponents inappropriately imply concrete facts without acknowledging the depth of international contention on certain topics. Significant amounts of empirical evidence and academic and professional perspectives are often overlooked, understated or omitted. Where euthanasia and assisted suicide has been legalised, there is evidence of safeguards being ignored. There is evidence of vulnerable people being euthanased without their explicit request and informed consent, including infants and children, disabled people, economically disadvantaged people, and people with mental illnesses.

The impact on the medical profession is profound and overlooked, including negative effects on the doctor-patient relationship, the unforeseen stresses on healthcare workers, family members being involved in euthanasia and assisted suicide and the erosion of fundamental protections of conscience rights for healthcare workers.

There is evidence of the eligibility criteria for who can access euthanasia and assisted suicide expanding broadly to include vulnerable people. Many disability advocates and organisations around the world oppose euthanasia and assisted suicide on the basis of the implications that some people, including persons with disability who have perceivably lost autonomy and control and by crude extension their dignity, it is claimed, are better off dead. This is particularly offensive and stigmatising to persons with disabilities who live with the same or similar symptoms and conditions as to those being admitted for eligibility for euthanasia and assisted suicide.

I encourage each member of the House to read this academic research paper and reflect deeply on what such legislation could mean for vulnerable members of our community. The sheer numbers of attempts to legislate euthanasia and assisted suicide suggest a strategy of rolling the roulette wheel in the hope of squeezing through a bill by a slim majority without due consideration of the impacts on vulnerable Tasmanians. The stakes are very high and we certainly do not want to be playing Russian roulette with the lives of Tasmanians and the potential fatal consequences for our community.

Longford Jazz Festival

[6.27 p.m.]

Ms BUTLER (Lyons) - Madam Speaker, I would like to talk about the Longford Jazz Festival, which I attended between Friday 14 September and Sunday 16 September. It was the fifth Longford Jazz Festival and was well organised and fabulously attended. We had a few hundred people there. I do not have the actual statistics yet but they are being sent to me. I am also not exactly sure of the economic impact the festival had on the town of Longford but I can say that the restaurants and

hotels were full, as were the bed and breakfasts and the short-term stays. It has turned into an annual event for that town.

I must mention Dee Alty, who organises the Longford Jazz Festival, and also Don Ives, who organises the music component of the festival. Don was responsible for the original St Helens Sun Coast jazz festival, which was always well attended at the top pub in St Helens. I am not sure if you remember, Mr Hidding, the original top pub before it burnt down where we used to have the jazz festivals in St Helens.

Mr Hidding - Like I wouldn't remember a pub like that. It was a great pub.

Ms BUTLER - Those were the days. When Don moved to Longford he took the jazz festival with him because we were also lacking a place to have the festival after the top pub burnt down. Don also taught my grandfather how to play piano.

Mr Hidding - Don and Sue have taught most Tasmanians how to play the piano, I reckon.

Ms BUTLER - Yes, they are fabulous. He also played at my twenty-first birthday and at my wedding. Don celebrated his eightieth birthday last year, I believe, in St Helens. He is a very young person for his age. The jazz festival is an absolute credit to him and the amazing talent he has for bringing people together. His children are also very musical. Matthew, one of his sons -

Mr Hidding - Matthew Ives' Big Band.

Ms BUTLER - Yes, he has the big band which played on Saturday night at the jazz festival and packed the town hall. That was just wonderful. The other son, Stephen, I believe, is also a fabulous musician. Matthew Ives & His Big Band also recently played at Wrest Point. They are very professional.

We also had some special guests. One from Sydney called Furnace is a renowned trumpet player, and also Paul Ingle. He is based in Victoria. He had just returned from attending a jazz festival in New Orleans and playing with James Morrison.

The calibre of the musicians is fantastic. I implore anybody who is available around the middle of September next year to attend the jazz festival in Longford. It is a fabulous event. I congratulate Longford for once again putting on a wonderful festival.

Latrobe RSL - Annual Dinner

[6.31 p.m.]

Mr BROOKS (Braddon) - Madam Speaker, at the weekend I attended the Latrobe RSL annual dinner on Saturday evening with my youngest daughter, Georgia. We had a great time. The Latrobe RSL is a significant part of Tasmania's history because Latrobe was the home of Teddy Sheean. Teddy Sheean has a Thomas Class submarine named after him. We all know his deeds on board the HMAS *Armidale*. There is still an ongoing fight for recognition for a VC for the late Teddy Sheean.

It was great to be at the Latrobe RSL which also had representatives from RSLs across the state and the State President, Mr Terry Roe. He is a great friend. He and I travelled with the Frank MacDonald Prize recipient students for the centenary of Anzac Day. Being able to lay a wreath on

behalf of Tasmanians at the Centenary of Gallipoli was probably one of the most significant highlights of not only my career, but my life. The dawn service at Villers-Bretonneux was an occasion I will not forget. I have spoken on the adjournment a few times about spending some time with those wonderful kids and adults, who went on that trip.

The RSL, along with other service organisations, does a tremendous amount of work in our community for, not only our returned veterans of a long time ago, but also our recent veterans, some of whom have done seven or eight tours to Afghanistan and other conflicts; a remarkable number of tours. Much more still needs to be done at the community level, but also by government, in particular the federal government, in supporting our veterans. It is a fair comment and I believe everyone accepts that. Those who served in Vietnam and returned are still paying for that service today. RSLs and service organisations continue to support these veterans with the bonds they need, and also the friendship and mateship for the men and women who wore the uniform.

Latrobe RSL is a great place and it was wonderful to see that they received some grant money to improve the sound in the function room. It is a lot better so everyone could hear what was said. We had some singing by Hank Koopman, who does a wonderful job, and also a local singer/songwriter who has written some wonderful music that reflects conflict and a written a song about Teddy Sheean as well.

I had a great night. Georgia did too. She was driving so she did not drink. We all need to pay tribute not only to the ex-service men and women of Australia and the current serving ADF members, but to the RSL and the service organisations that support those who not only have returned but are still serving our Australian defence forces.

The House adjourned at 6.36 p.m.