



PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Thursday 10 December 2020

REVISED EDITION

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

LEAVE OF ABSENCE

Member for Nelson

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

That the member for Nelson, Ms Webb, be granted leave of absence from the service of the Council for this day's sitting.

Motion agreed to.

APPROPRIATION BILL (No. 1) 2020 (No. 46)

Third Reading

[11.04 a.m.]

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

That the bill be read the third time.

Ms FORREST (Murchison) - Mr President, I make a brief contribution on the third reading of this bill to note that the Chair of Estimates Committee B had the same challenges with getting information in a timely manner. It is important to note it has been a very busy year. COVID-19 has had all sorts of impacts on everyone. The Budget itself was pushed right back to the end of this year.

Estimates Committee A had enough challenges; Estimates Committee B got one set of answers actually while we were debating the bill.

That really is not good enough, Mr President. It shows a lack of respect for the work of this House. The ministers need to make sure they get the information to us. We did take into account the tight time frames, but we do not set the sitting schedule. The Government sets that.

I am not sure of the extent it was in Estimates Committee B, but this year in Estimates Committee A an awful lot of questions were taken on notice. Many of them were questions that ordinarily have been asked, almost every year, that were not available to be provided at the time.

That was problematic and meant much more work for the departmental officers to get the information to us, for a start, which may be part of the delay.

I ask the Leader to feed back to the Premier and all the ministers that this discontent is expressed and that we hope next year will see a much better approach - admittedly, the Budget is again at a slightly different time of year next year, but all things remaining unchanged, the principle remains the same: this House has a job to do and we cannot fully scrutinise the line items if we do not have the information. We ask in good faith; we give time frames in good faith to enable that information to be provided. When information is received so late, it makes it very difficult for you as Leader, sitting across the Table from us, to actually provide information the committee rightly is seeking, whichever committee it is.

I just want to make those points. I am not going to vote against the third reading or anything like that, but it does warrant saying in a form such as this.

[11.07 a.m.]

Ms RATTRAY (McIntyre) - Mr President, I support the member and the Chair of Estimates Committee A, because the member is correct - Estimates Committee B did have some challenges. It appeared to be more than there had been in the past and we felt that was somewhat unusual.

I commented during the Estimates process this week that people have been busy and it has been a challenge. Interestingly, the Tuesday session was the one that seemed to be the most challenging, yet that particular session had two more days than the session on Thursday. Perhaps a more challenging portfolio.

I made a comment before we started this morning that many of those questions were questions asked every year. It is not like you could not go back through *Hansard* and think the member for Windermere is on that committee and these are the questions he religiously asks.

We found some challenges and I felt it was important to support the member in her statements.

Motion agreed to.

Bill read the third time.

BRICKMAKERS POINT LANDSLIP BILL 2020 (No. 15)

Third Reading

Bill read the third time.

PAYROLL TAX REBATE (APPRENTICES, TRAINEES AND YOUTH EMPLOYEES) AMENDMENT BILL 2020 (No. 48)

Third Reading

Bill read the third time and returned to Assembly with amendments.

**JUSTICE LEGISLATION (MANDATORY SENTENCING)
BILL 2019 (No. 57)**

Second Reading

[11.11 a.m.]

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

That the bill be now read the second time.

The Justice Legislation (Mandatory Sentencing) Bill 2019 makes a number of amendments to the Sentencing Act 1997 to introduce mandatory minimum sentences of imprisonment for serious sexual crimes perpetrated against children based on recommendations made by the Sentencing Advisory Council on what would be appropriate mandatory minimum levels of imprisonment for these indictable offences. Consistent with the Government's commitment the bill also introduces a minimum of six months imprisonment for serious assaults on certain frontline workers.

I will first deal with the aspects of the bill that are relevant to frontline workers.

Serious assaults on frontline workers

Offending that results in serious bodily harm to frontline workers is unacceptable. Frontline workers provide essential services to our community and the community as a whole has an interest in ensuring their safety at work carrying out the important work they do in our community.

Frontline workers are routinely confronted with dangerous situations from which they cannot walk away. They often deal with people who are affected by alcohol and drugs and who are experiencing heightened emotions.

The physical and psychological harms created by violence to individuals and to the community more broadly, are well documented. Frontline workers are not immune to the serious harms that result from violence. Physically, serious violence can result in severe pain and temporary or permanent disability. Psychologically, victims of violence are at an increased risk of depression, anxiety, post-traumatic stress disorder and suicidal behaviour. There are also social and economic costs associated with such violence. Victims may be unable to return to their work. There are costs associated with the medical treatment of victims of violence and the investigation and prosecution of offences.

Sentencing laws must, as far as they can, serve to denounce violence and provide protection for frontline workers who are routinely placed in dangerous and potentially violent situations.

Mandatory minimum sentences of six months imprisonment already apply, because of section 16A of the Sentencing Act 1997, to offenders convicted of an offence that results in serious bodily harm to a police officer while the police officer is on duty, unless there are exceptional circumstances which I will address later in this contribution.

Section 16A has been in force since 2014 and it has been considered and applied in the Supreme Court of Tasmania.

The new section 16B, contained in the bill, will mean that an offender convicted of an offence that results in serious bodily harm to an on-duty frontline worker will be subjected to a mandatory minimum sentence of six months imprisonment.

The bill provides that frontline worker means a person who is -

- employed, or engaged to provide, on behalf of the state, services relating to the health or safety of persons; and
- a member of a prescribed class of persons who provide, on behalf of the state, services relating to the health or safety of persons.

New subsection 16B(2) defines the circumstances in which frontline workers are taken to be on duty.

The mandatory minimum sentence will only apply when an offence has resulted in serious bodily harm to a frontline worker. It is important to note that the new section 16B will not apply when harm caused to a frontline worker by an offence is relatively minor.

Serious sexual crimes against children

The bill also provides for mandatory sentences for serious sexual crimes against children.

The Government believes that sentences for child sexual offences should clearly denounce the abhorrent sexual abuse of children and appropriately punish offenders for sexual violence against children.

Offenders of sexual violence against children deserve significant sentences of imprisonment in recognition of the appalling, and in many cases, lifelong effects of their criminal conduct on their child victims.

By introducing mandatory minimum sentences for serious child sex offences, the Government is also promoting consistency in sentencing and improving public confidence in the justice system by ensuring that sentences reflect community views on such heinous crimes.

The bill applies to these crimes by reference to their section numbers. In describing these crimes below, I will also refer to their descriptions under the Criminal Code Act, including changes implemented by the Government's Criminal Code Amendment (Sexual Abuse Terminology) Act 2020. That is, section 124 used to be described as sexual intercourse with a young person under the age of 17 years. It is now described as penetrative sexual abuse of a child or young person.

Section 125A used to be described as maintaining a sexual relationship with young persons under the age of 17 years. This is now known as persistent sexual abuse of a child or young person. These changes properly reflect the true nature and gravity of this offending. The references to child or young person also allow the prosecuting authority discretion to more

accurately represent the nature of the change such as child for a pre-teen or young person for a teenager.

The Sentencing Advisory Council was asked to investigate how a mandatory minimum sentencing scheme in relation to child sexual offences could be implemented in Tasmania. Specifically, the council was asked to consider what child sexual offences should be included, the level of the minimum sentence to be applied to offenders and, importantly, any exceptions that should operate.

In 2016 the Sentencing Advisory Council released its report *Sentencing for Serious Sex Offences against Children*. In this report the Sentencing Advisory Council identified the following crimes in the Criminal Code Act 1924 as appropriate to be included in a mandatory minimum sentencing scheme and they are -

- section 185 being the crime of rape where the complainant is under 17;
- section 125A being the crime of persistent sexual abuse of a child or young person;
- section 124 being the crime of penetrative sexual abuse of a child or young person; and,
- section 127A being the crime of aggravated sexual assault in circumstances of aggravation where the complainant is under 17.

This bill seeks to include those crimes in a mandatory minimum sentencing scheme with the exception of the crime of aggravated sexual assault, as the conduct forming that crime is now captured by the crime of rape, following amendments to the Criminal Code Amendment (Sexual Assaults) Act 2017. That act extended the definition of sexual intercourse so that the crime of rape applies to all forms of non-consensual sexual penetration.

The Royal Commission into Institutional Responses to Child Sexual Abuse has increased the community's awareness of the disturbing levels of prevalence of institutional child sex abuse, both historical and contemporary, and the devastating long-term and often lifelong impacts of child sexual abuse affecting our community.

The Government has carefully monitored the work of the royal commission and participated in a number of formal and informal consultations with the royal commission in relation to the appropriateness of current criminal justice responses to institutional child sex abuse and options for reform to assist victims of child sexual abuse.

While the work of the royal commission focused on child sexual abuse that occurs in institutions, their work still provides guidance in relation to criminal justice responses to all types of child sexual abuse, regardless of context. The royal commission observed that community members are still often dissatisfied with the length of sentences given to convicted child sexual abuse offenders.

Coming to a conclusion about the appropriate level for a mandatory sentence is a complex task and one that the Government asked the Sentencing Advisory Council to consider through

research and their collective knowledge and experience. The Sentencing Advisory Council also consulted widely in relation to this issue.

The Government has adopted the Sentencing Advisory Council's advice in relation to the levels of the mandatory minimum sentences to be applied to sexual offences against children in Tasmania, and taken into account the evidence of survivors of child sexual abuse provided to the Royal Commission into Institutional Responses to Child Sexual Abuse. The Government has listened to their concerns and is responding to them in this bill.

The bill introduces mandatory minimum terms as follows -

- 4 years imprisonment for the crime of rape (section 185 of the Criminal Code) where a victim is under 17 years at the time of the offence;
- 4 years imprisonment for the crime of persistent sexual abuse of a child or young person (section 125A of the Criminal Code) where at least one of the unlawful sexual acts is an offence of rape;
- 3 years imprisonment for the crime of persistent sexual abuse of a child or young person (section 125A of the Criminal Code) where there are circumstances of aggravation and none of the unlawful sexual acts is an offence of rape; and
- 2 years imprisonment for the crime of penetrative sexual abuse of a child or young person (section 124 of the Criminal Code) where there are circumstances of aggravation.

The circumstances of aggravation that attract mandatory minimum terms of imprisonment in relation to the crimes against section 124 and 125A are outlined in section 11A of the Sentencing Act 1997, and they include -

- the victim being under the care, supervision or authority of the offender;
- the victim being a person with a disability;
- the victim being under the age of 13 years;
- the offender committing the offence in whole or in part in the presence of any other person or persons, besides the victim;
- the offender subjecting the victim to violence or the threat of violence;
- the offender supplying the victim with alcohol or drugs with the intention of facilitating the commission of the offence;
- the offender making forced or uninvited entry into the victim's home or other premises; and
- the offender doing, in the course of committing the sexual offence, an act likely to seriously or substantially degrade or humiliate the victim.

Of course, the court has the ability to impose a higher sentence as with all other indictable offences under the Criminal Code Act 1924.

Research by the Sentencing Advisory Council, however, clearly shows offenders continue to receive sentences below the levels imposed by this bill. To be clear, both of the lowest sentences for the crime of raping a child imposed between 2015 and 2018 were below the minimum of four years imprisonment imposed by this bill. The lowest penalty being imposed, three years imprisonment, remains unchanged from the minimum imposed during the council's past research covering 2008 to 2014. In short, this bill seeks to ensure there is appropriate sentencing for such heinous crimes against children.

Exceptional circumstances

It is important to note that the mandatory minimum sentencing provisions proposed in the bill will not apply where there are exceptional circumstances. The provisions will also have no application to offenders who are under the age of 18 years at the time the offence was committed or, in certain circumstances, to offenders who have impaired mental functioning that is causally linked to the offence.

This applies in instances of serious assaults on frontline workers as well as sexual crimes perpetrated against children.

The mandatory minimum sentence scheme contained in this bill will provide both frontline workers and Tasmanian children with protection and will help to ensure that victims receive appropriate justice for the crimes perpetrated against them.

The community expects our children to be protected and our frontline workers to be able to carry out their duties safely without serious injuries inflicted upon them.

Mr President, I commend the bill to the Legislative Council.

[11.25 a.m.]

Ms PALMER (Rosevears) - Mr President, today I give voice to a survivor of horrendous sexual abuse.

Steve Fisher is the CEO of Beyond Abuse, and I spoke to him just this morning and asked his permission to share a letter, dated 9 December 2020, that he sent to all members in this place. He should be heard because his thoughts and his opinions must be heard. Mr Fisher is now an adult, but his nightmare began as a 12-year-old boy. I have an 11-year-old son; he will be 12 in February - when I spoke to Mr Fisher this morning, all I could see was the face of my son and all I could hear was the voice of my little boy.

This letter is written by a now grown man but it gives voice to a 12-year-old boy.

Open letter to Members of the Tasmanian Legislative Council 09/12/2020

Dear Members; In considering the proposed changes in legislation by the current Government to mandatory sentencing of sexual predators we would ask you to consider the following points.

1. People who oppose the legislation have cited supposed evidence that the imposition of mandatory minimum sentences will deter victims from coming forward in cases involving a perpetrator who is a member of their family or circle of friends. It has been argued, there is a 'chance' victims would not wish people of such closeness to serve a prison term.

We believe this is untrue given our research with survivors and families, in fact we found that the majority of survivors spoken to believe this would have the opposite effect.

2. The primary purpose of the proposed bill should be considered by those debating it as a measure to prevent crimes of a sexual nature from happening in the first place, by serving as a deterrent to perpetrators. Perpetrators have long believed that they will only get what equates to a slap on the wrist if they are convicted. It is time for this to change. Survivors, survivor advocates and health care professionals are in agreement that while their perpetrator is given a ridiculously short sentence, they are given a life sentence. This needs to change and we ask you whilst considering this bill, to let this be at the forefront of your mind.

Survivors with PTSD, depression, anxiety, alcohol and drug problems fight a battle every day they get out of bed. A battle to survive. The perpetrators of these crimes however seem to be treated as though the life sentence they give survivors is irrelevant. This is both unfair and a blight on the judicial process.

3. This bill has great potential to influence the general public's perception of sexual abuse, which is currently distorted by confusion and a disturbing lack of education on its characteristic components. Until a change is made, such as the passing of this bill, sex criminals will continue to capitalise on the perpetuation of ignorance and misinformation, compounded by our disappointingly lenient justice system. This needs to change. Honorable Members we as survivors of sexual assault ask you to help the current Government do something that we believe may save victims of sexual assault in the future and has been too long coming.

4. We believe that this bill will give sentencing judges and magistrates the confidence to give more realistic sentences. Currently they err on the side of caution as their concern is if they give a more realistic sentence it may well be overturned on appeal as perpetrators can argue that it is manifestly excessive compared to previous sentences.

Honourable members we believe it is time for change, especially given the Commission of Inquiry is due to begin next year which we believe may encourage survivors to come forward, however our concern is they may be deterred if this legislation is not passed.

Mr President, as I stated these are not my words. These are the words of a survivor whose journey began as a 12-year-old boy. Surely is not his voice the voice that should be listened to in this place?

[11.30 a.m.]

Ms ARMITAGE (Launceston) - Mr President, the issue of mandatory sentencing is a deep and complex one.

I have spoken on similar bills in the past and there exists a tension in my mind between mandatory sentencing as a concept and the merits of each bill that comes before the parliament.

I do not want to vote against a bill such as this because I have a blanket aversion to mandatory sentencing. I think that does a disservice to the community which provides a government with a mandate to enact such policy as this.

However, I think it's very important to drill down into the bill itself to understand how it will work and whether it will have its practical intended results.

The bill we are dealing with here relates to significant and serious offences and imposes mandatory minimum terms for the crimes of rape and sexual offences against young people, including whether there is an element of aggravation, as well as on offences that result in serious harm to frontline workers.

The prescribed periods of up to four years for rape and aggravated sexual offences are significant periods of time, as is a mandatory six-month minimum sentence for causing serious bodily harm to frontline workers.

I believe, and have said before, that I worry that having minimum mandatory sentences for offences such as these has the potential to result in a greater number of protracted criminal cases ending up in our courts.

If a person charged with one of the offences contained in this act knows that if they plead guilty they will automatically go to jail, they will plead not guilty and force the Crown to make its case beyond a reasonable doubt.

The ill effects of this are twofold: the first is that the prosecution could reassess the charge against the perpetrator to an offence which does not carry a mandatory sentence, in which case this legislation is moot. The second is that such a case does go to court and the victims, particularly children or people suffering mental or emotional trauma, will be forced to make detailed and painful testimony that might have been avoided if the alleged perpetrator could make a plea bargain, for example.

Each of these cases are a negative as a result of this piece of legislation. I know that it is a highly arguable and contested concept but we also should consider the effects that legislation such as this has on the separation of powers between the executive, legislature and judiciary.

On the one hand, one could argue that overly prescriptive legislation undermines the inherent separation between judiciary from the executive and legislature, thereby reducing its independence.

We invest in our judiciary the extremely important function of interpreting and applying the laws we make in this place. It is a fundamental principle of an advanced pluralistic democracy, such as ours, that the makers of law do not interpret and apply it.

On the other hand, we already have legislation which guides and directs the judiciary on matters such as the Sentencing Act, which already has this function.

I question whether mandatory sentencing leans too far the wrong way and what implications that has on the confidence we invest in our judiciary. I am not stating any particular leaning one way or the other here. I am simply pointing out the arguments at play.

Conversely, proposed new section 16E provides the court with discretion to determine whether exceptional circumstances exist and therefore whether any mandatory sentencing should be applicable at all. Any defence lawyer worth their salt will use all the case law at their disposal to demonstrate that exceptional circumstances exist for their client if they are charged with one of the offences in this bill.

It just comes down to how well the case is argued and how well they can convince the judge. We could not possibly begin to predict how this provision may be used so if taken to its logical conclusion, giving the court this discretion could render this bill and the entire concept it is based upon pointless.

In contrast, however, the offences listed in this bill are very serious ones which frankly deserve commensurate sentences. We should consider the human element, particularly where vulnerable young people are involved. The significant and lifelong harm that sexual offences, rape and aggravated circumstances can have should not be understated.

People who are harmed in this manner as children have to live with the consequences for their entire life. For many victims moving towards healing necessarily means the perpetrator ought to be punished. This is why so many victims struggle when their perpetrator dies before being charged with their crimes. It takes away a large element of closure. Mandatory sentencing arguably addresses this. The community also rightfully has the expectation that people who cause harm in the community, whether it be to frontline workers or to young people, will be put away and, if possible, rehabilitated.

This is why I imagine the Government put forward this bill as a product of the constituency's mandate when it was voted in. I certainly listened to the member for Rosevears - and I read the letter. We received a couple of letters from victims and associated groups that represent victims. It is a difficult one and I understand - I am against mandatory sentencing, but I still believe it is important to take each bill on its merit.

One thing we can all agree on is we want less harm to be taking place in our community and that sexual offences, rape and aggravating circumstances where young people are involved or harm is done to our frontline workers are particularly distressing and thus particularly deserving of a commensurate penalty. Whether this bill will achieve that aim, I am unsure. I feel there are questionable practicalities and consequences we cannot possibly foresee that have the potential to undermine its entire point. I also believe we need to have confidence in our judiciary, our experts in interpreting and applying our laws to maintain the robustness of our democracy.

As mentioned, I find I could go either way but in this particular case, because, I believe, of the seriousness of the situation - particularly with our vulnerable, our young people and also our frontline workers who put themselves in harm's way all the time, our police and our firemen. If you look at those two groups it has often been said, and it might be the member for

Windermere who said it, that they go in when everybody else is running out. When we are seeking safety, our frontline workers are going in. It is important we protect them and also our ambulance officers. How many times have we heard that an ambulance officer at what could be a life-threatening incident is assaulted by people who are there possibly supporting the injured person or even the injured person themselves?

It is a difficult one but, on this occasion, I will be supporting the bill.

[11.37 a.m.]

Mr VALENTINE (Hobart) - Mr President, when I was preparing for this particular bill I went back to my previous offering on mandatory minimum sentencing. There has been no significant change to the circumstances in relation to what is before us today that will change my mind. I honestly believe what I am being asked to do by passing this bill is to transfer the sovereignty that 25 000 people placed in me - whatever the number is in the electorate, they placed their sovereignty in me. This bill expects us to transfer that to an act of parliament as opposed to a judge, who is employed to make judgments on the serious matters - and they are serious matters; there is no question about that.

I do not want to go over my own circumstances again. I have told this Chamber before: I am a survivor of sexual abuse as a young child outside my family. I can identify with those people who feel aggrieved and carry a burden through their life, but there is nothing I want more than true justice to be applied. We cannot, I believe, when it comes to jail sentences, which is a very significant thing - sending somebody to jail, the course of their whole life can be changed by that sentence. They can be a totally different person when they come out because of their experiences in jail, and I believe their chances of rehabilitation are very limited.

Mr Dean - What about the sentence on the victim?

Mr VALENTINE - That may well be the case, but my point is that the judges determine the case according to all the facts before them. We do not have all the facts before us for every case that may come before a judge. We don't have those facts to say, 'Well, this demands a four-year term', or whatever it is. I believe it is a separation of powers matter, something the member for Launceston raised.

We are here to set the law, to a degree that the judges use to help make their decisions. We are not here to direct the judge to set a minimum sentence. We are to provide the mechanism with which the judge can work. Maximums - I do not have a problem with maximums in that sense. But minimums? I do not have that capacity; I am not a lawyer. Yes, I am here setting the parameters, but I am not a lawyer, and I am certainly not a judge, in that sense, to be able to tell them how to run their business. That is really what we are trying to do here.

I am not convinced. We talked about a component of the bill relating to assaults on frontline workers. A very good point was raised during the briefings, and the member for Murchison may talk to that if she gets up.

The fact is that only frontline workers who are public servants are being talked about. That is a concern. The fact is that people who work in private enterprise will not be as protected as those who are working in the public sector, and yet they are just as vulnerable. In some cases, they deal with patients who might be affected by drugs or whatever it is that they are in hospital for. Private enterprise workers have the capacity to be assaulted in that circumstance

just the same as any public servant. It falls short. My main concern is that we, as a parliament, are sitting here thinking about this particular bill, and basically saying, 'Well, there is no way that it could ever be less than a certain period of imprisonment.'

We have heard over time about restorative justice. If COVID-19 has taught us nothing, it is about how to be compassionate, and how to think more particularly about society, how it is going into the future, and how we need to change our approach.

It is so much the case that we need to think about better ways than just putting people in prison. There have to be better programs and processes in place to restore people, to enable them to be better citizens in society, not just locking them up and thinking that is the answer.

I do not think it is the answer. I understand that people sexually abuse young ones, in particular - it is abhorrent stuff. It is absolutely abhorrent. I understand that, but the way we deal with them, the way we try to restore them to be a citizen who respects others, is by putting a lot more effort into that rather than just putting them into prison. I speak from the perspective of somebody who has suffered that sort of abuse.

I want to read from an email I received today, as other members may have; it is from Don Snodgrass from West Hobart -

Dear Mr Valentine

Please do not support any bill that includes mandatory sentencing including that coming to the Legislative Council now. Mandatory sentencing undermines judicial options and it has never been demonstrated to reduce risk.

It has the effect of undermining the judiciary and is, in effect, a vote by the Government of 'no-confidence' in the judiciary. It has no place in our society. Mandatory sentencing like the death sentence may also influence jury's deliberations. Government frequently attempts to garner support by appealing to base motives in the electorate and mandatory sentencing is no exception. Please do not support mandatory sentencing.

The rest of the email just thanks us for the work we do in this House and wishing us a merry Christmas.

There are people out there in the community who do not want this. They see it as a backward step. I see it that way. I remain to be convinced. I will listen to other members, I will, but I think last time we heard from a retired magistrate about all these sorts of things - we go through it, we weigh it up. I do not think I have heard anything this time that changes the way I thought last time. I think it is a backward step.

I do not think it will keep children any safer, to be honest. People do not stop to think of the consequences when they are drunk, when they are about to perpetrate abuse on a child. They do not stop to think about what section 64 of an act says. They think they have frightened a child so much that the child is never going to talk out about it and, unfortunately, that is quite often the case. This royal commission brought much of that out. It has brought people forward and out into the open.

The judges know what the royal commission has said. The judges know now and can be guided somewhat by the findings of the royal commission, not this Chamber saying it has to be a minimum jail term.

I think I have made my point.

[11.48 a.m.]

Ms LOVELL (Rumney) - Mr President, Labor's position on mandatory sentencing has long been on the record but I will put it on record again today because I have no doubt that there will be some public commentary, probably led by the Government, on this. I want to be very clear about our position and why we have reached the position we have.

First, I want to be absolutely clear that this position comes from a 100 per cent focus on outcomes for survivor victims. As much as the Government will try to tell a different story, we have thought long and hard about this and considered a great deal of evidence and research in reaching our position.

Normally, I never speak on behalf of other people but I am quite confident to say today that we all abhor crimes of child sex abuse of any kind. I do not think there is any question about that. The bottom line is that evidence shows that mandatory sentencing does not work. It does not work no matter the crime or offence you apply it to. It does not reduce crime. It puts victims and survivors through unnecessary trauma and it does not lead to better outcomes for victims or survivors.

As we have heard in this place before, the Government commissioned a report from the Sentencing Advisory Council in 2015 which dealt with sentencing for all types of sex offending. In that report, the council said this about mandatory sentencing -

- (1) It does not reduce crime.
- (2) It reduces the likelihood of offenders pleading guilty even if their case has no chance, which forces victims to go through a trial giving evidence against their abuser, being horribly and unnecessarily retraumatised; and
- (3) it tells the courts the Government and the parliament do not trust the judiciary.

The Government then commissioned a further report specifically into mandatory sentencing for child sexual abuse because obviously, the first report did not give them the answers they wanted.

With these new terms of reference, the Sentencing Advisory Council provided a new report in 2016 - as requested - that outlined the scheme we see in this bill, but they prefaced that report with an unprecedented statement explaining they still oppose mandatory sentencing.

The Sentencing Advisory Council said -

The Council has previously indicated that it does not recommend the introduction of mandatory sentencing in Tasmania.

They stated that mandatory sentencing schemes lead to unrealistic expectations in the community that offenders will be deterred when they will not; lead to a reduction in guilty pleas putting victims through unnecessary trials and trauma; they do not deter crime, and they are inherently flawed.

The Sentencing Advisory Council made it very clear the scheme that they wrote, which we see reflected in the bill, should be read in conjunction with their strong warning that the scheme not be implemented.

Other experts in sentencing have made similar comments. The Law Society of Tasmania has said that mandatory sentences create unjust outcomes for victims and do not reduce crime. The Australian Lawyers Alliance has said that mandatory sentences discourage early pleas of guilty, meaning more trials and more victims of abuse needing to be cross-examined.

The Sexual Assault Support Service has said they do not support mandatory sentencing and instead want the Government to explore the other options put forward in the sentencing advisory report.

Even the royal commission did not recommend minimum mandatory sentences. After hearing from 16 000 people, 1000 written accounts of abuse, reviewing allegations of abuse in more than 4000 institutions, 57 public hearings and 35 roundtables, the royal commission did not recommend mandatory sentencing.

The knowmore legal service, established especially to assist people engage with the royal commission, said they do not support mandatory sentencing as there is no evidence to support it.

The Commonwealth Attorney-General's Department said mandatory minimum sentences should be avoided as they create an incentive for a defendant to fight charges even when there is little merit to do so, forcing victim survivors to go through a court process.

Mr President, our position is that those who are found guilty of committing these heinous crimes deserve to go to jail and for long periods of time. They deserve punishment of the highest order. That is why we have argued that instead of imposing a rule where the judge must send an offender to jail for four years - it is only four years we are talking about - the judge would have the option of sending an offender to jail for life.

Labor believes allowing life sentences for child sex offences sends the strongest message possible that society, the community and this parliament want perpetrators to be punished for crimes like this that prey on our most vulnerable and subject them to unspeakable horror.

This is what we have advocated for and encourage the Government to adopt, but they have not.

The minimum mandatory sentence this bill would provide for is four years. The Sentencing Advisory Council found in its 2016 report that sentences being handed down for child sexual abuse are actually increasing and are already greater on average than the four-year mandatory sentence proposed by this bill. This means courts are already sentencing higher than the Government is suggesting in its own bill.

I honestly believe the Government has presented this bill for political reasons. It knows mandatory sentencing does not work to deter crime or protect victims of any crime. By specifically bringing it forward for child sex abuse - because child sex offending is such an abhorrent and awful type of offending - it is an easy argument for the Government to make even when it is not backed up by evidence.

The Government is doing it simply for the political mileage of being able to say they think these offenders should go to jail and Labor does not, which is patently untrue and I cannot be clearer than that.

If that were not the case, why then is Labor the only opposition to this principle of mandatory sentencing ever mentioned publicly by the Government? Why are other members not included in those press releases? It has never been Labor members alone voting against these bills.

I cannot get past the fact mandatory does not improve things for survivors and in fact can make things worse. I cannot support a bill that risks that. It can deter children from reporting. It can increase the likelihood they will have to testify in a trial and it does not work as a deterrent for perpetrators in the first place.

The Government should never have brought this bill back to the parliament, having had the principle of mandatory sentencing rejected before. If the Government truly wants to be tough on crime, it should stop playing politics and start again.

[11.55 a.m.]

Ms RATTRAY (McIntyre) - Mr President, I have listened to the contributions. We had a fairly short briefing this morning, compared to those we have been given on previous occasions. Quite a few of us have previously had this matter before us, and we also possibly have a position. The briefing was going over the bill as it stands, pointing out the differences - although there are not very many - and that it has joined mandatory sentencing for serious sexual offences against children and assaults on frontline workers.

I looked again at what is happening in other places and I know the adviser touched on that as well. I am not always a strong supporter of what happens in other states, but sometimes it is a good guide to see what is in place elsewhere. I have some information I am happy to share with members. I am informed there is no uniform approach in other jurisdictions to mandatory minimum penalties. Only three other Australian jurisdictions have a mandatory minimum penalty for sexual offences committed against children applying in some circumstances. Exceptional circumstances matters are also covered in this bill. The determination of whether exceptional circumstances exist under section 16A and proposed new sections 16B or 16C of the bill.

I am informed the Northern Territory has a level range of offences. The offence category level will determine the mandatory minimum for the offence. It also changes depending on whether it is the first offence or a second or a subsequent offence. It is hard to read that wording, when one offence is bad enough, without second and subsequent. This is a difficult area for members to deal with. I appreciate the member for Hobart's contribution. You have shared your personal story with the House before, and again I acknowledge it, although I have no concept of what that would be like. Thank you for again sharing your story. It is such a

difficult area. As a parent, you want to keep your children safe. That is what parents feel they need to do, in everything they do.

The Northern Territory also has a sentencing act that requires a term of actual imprisonment for sexual offences. There is an additional requirement for a fixed non-parole period if the offence is against a person under 16 years of age. I noticed in our bill that 17 is the age referred to - I am fairly sure that is the case.

Western Australia has provisions for mandatory minimum sentences for youth offenders, and also some mandatory minimum sentences for adult offenders.

Victoria has mandatory minimum sentencing for assaults on frontline workers and the relevant provisions are in the Sentencing Act in Victoria. That legislation provides for the court to make a finding that special reasons exist, and provides that mandatory sentencing with those special reasons will not apply for a sentence in that area.

The Queensland Penalties and Sentences Act 1992 relates to serious sex offences against children and requires mandatory sentencing for repeat serious child sex offences. The sentencing principles also require the imposition of a term of imprisonment when the offence is of a sexual nature committed against a child of 16 years and younger.

Serious sex offences against children in the South Australian jurisdiction come under the Criminal Law (High Risk Offenders) Act 2015; South Australia also passed a sentencing act in 2017, repealing the previous Criminal Law (Sentencing) Act 1988. That tells me the acts need to be read in their entirety to gain an understanding of how mandatory sentencing works in South Australia.

That is a summary, Mr President, on what is happening elsewhere. We were advised the Commonwealth is also looking at, or has made, some changes in regard to this matter. I am sure the Leader will add this in her contribution, because what has been progressed in the Commonwealth arena merits putting on the public record. I am absolutely certain I heard that this morning in the briefing.

Turning to my position, Mr President. I supported mandatory sentencing in 2017 and, like the member for Hobart, I see no reason to move away from my original position when it comes to serious sexual offences against children. I hear all the arguments around interfering in the judicial system and giving direction, but we give direction in so many other areas. We have mandatory sentencing in this state for a number of areas. We have it for drink driving, for example. There are many. In some respects, we have already inserted ourselves as parliamentarians on behalf of the people we represent. Do I believe in my mind there is a community expectation around this? Yes, I do. Whether it be right or wrong, we have to decide in this place - and that is what we are here for, to present those views. I have not received any personal emails from anyone directly whom I represent asking me not to support this. Perhaps that is because I have been on the public record in support of mandatory sentencing in the past. Perhaps people felt there is not any point because that is the position I hold and they do not see any point making contact. I hope that is not the case because I am always open to discussing people's thoughts and views. That is what we do in this place.

I have changed my mind on a number of things from time to time. I did not support legislation in the past for assaults against off-duty police officers. I re-read my contribution to

that particular debate and I was confused reading what I was reading. At the time it was confusing.

Mr Dean - Off-duty?

Ms RATTRAY - Yes, we did that.

Ms Forrest - We have done it once and it was rejected.

Ms RATTRAY - The Sentencing Amendment (Assaults on Off-Duty Police) Bill 2017.

Mr Willie - There was one in this term too, but it did not get through the lower House.

Ms RATTRAY - I re-read a couple of contributions I had previously made. I did not support that because it was very confusing around off-duty, on-duty, that sort of thing. It is not that I have not considered this, but when I consider this piece of legislation we have in front of us and my contribution back in 2017 when we debated the Sentencing Amendment (Mandatory Sentencing for Serious Sexual Offences against Children) Bill, I still sit on the side of what I believe is the community expectation.

I will take the opportunity to read out the email everyone received from Grace Tame. Grace is the 2021 Tasmanian Australian of the Year - a very proactive young Tasmanian. I thank the member for Rosevears for reading the Beyond Abuse letter. It was also in our kitbag for addressing this. In the interests of having Grace's thoughts on the public record - and nobody else has read it in - I will read from Grace's email, which is dated 9 December 2020 -

Dear honourable members of the Legislative Council

It must be made clear that there is zero tolerance of child sexual abuse. Mandatory minimum sentencing of child sex offenders would reinforce this notion at the structural level, which is essential for effective systemic change. Positive progress was made as a result of the Royal Commission into Institutional Responses to Child Sexual Abuse. However, children are still being abused. Much time and resources have been spent on responses to crimes of this nature. Our primary focus must be on the prevention and deterrence.

There has been outrage in Australia over 'one punch' attacks, which has resulted in the introduction of mandatory minimum sentencing in some jurisdictions. The message being one of zero tolerance. These are cases of impulsive offending with shocking results. Child sex abuse is premeditated, persistent and inflicted on the most vulnerable members of society and the impacts are immeasurable. Survivors and those close to them are often faced with a lifetime of processing trauma. We need legislation proportionate to offences and reflective of society's comparable outrage towards sexual abuse.

Through no fault of their own there are many people who fail to understand the gravity of sexual offences against children. While we continue to develop adequate means of education, legislating mandatory minimum sentencing

would help to better inform judgment of these crimes. Change begins with action. This is a powerful opportunity for action against child sexual abuse.

Thank you for your time and consideration of this letter.

Yours sincerely

Grace Tame

I thank Grace for being a proactive young Tasmanian and making that contact with all members. It is important in some of these instances that we provide that information into the public arena. Again, thank you.

A difficult area, not an easy matter for us to challenge ourselves with, but, as I said, I revisited my position from 2017 and, like the member for Hobart, I see no reason to change my position in regard to protecting our children and at least sending that strong message to protect children. There is no guarantee this will do that, but what we can do, or what I can do, by supporting this may make a change; if it does, I would be very grateful. If it does not, I still feel I have done what I need to.

Our frontline workers need to be as protected as possible as well.

I found it interesting that the bill does not cover people who are not employed by the state. I particularly would like to see it extended to all frontline workers, no matter who they are employed by. If the Government was of a mind to bring forward an amendment in regard to that, or at least give a commitment to amend in the future so it covers all frontline workers, I certainly would support that as well. Food for thought for the Leader - perhaps if not today but to take back to her Cabinet colleagues and certainly to the Attorney-General who has carriage as the first law officer.

At this time I support this bill.

[12.14 p.m.]

Ms HOWLETT (Prosser) - Mr President, any sexual offence against children is abhorrent. The community rightly expects that anyone who commits serious sexual offences against children should be incarcerated in order to protect the most precious, innocent and vulnerable members of our community, our children.

The certainty of a term of imprisonment is the clearest message we as a society can send to those who would consider sexual offending against our children. That is why the Government has brought on this legislation for debate.

We are calling on members in this place, one-third of whom are members of the Labor Party, to support our Justice Legislation (Mandatory Sentencing) Bill 2019. I understand that Labor has previously voted against mandatory sentencing. Labor members have given no valid reason.

Mr Dean - You might be able to change their mind.

Ms HOWLETT - I hope that they do. Mandatory penalties are commonplace throughout our justice system.

As my colleague, the Minister for Justice, has explained, talking about the alternative of a maximum prison sentence does nothing to ensure that any sentence of imprisonment is imposed at all because maximum sentences are already available in the Criminal Code.

This Government has been urging for this reform for six years. It has been opposed and blocked at every stage, particularly by the Opposition. The Opposition's support for this bill in this place would ensure its passage, and, more importantly, would bolster the protection of vulnerable Tasmanian children from those who would sexually exploit them.

With no help from the Opposition, the Government has already achieved mandatory minimum sentencing for assaults on Tasmanian police officers. Tasmanian children deserve at least the same level of protection as a deterrent to child sex offenders.

Ms Lovell - Then they should not need our help with this one either.

Ms HOWLETT - Under the law, as it stands, serious child sex offenders can avoid jail entirely for the rape of a child under 17, for persistent sexual abuse of a child or young person where there are circumstances of aggravation. Our bill will rightly change this by guaranteeing at least four years minimum jail time for serious child sex offenders.

Sexual abuse survivors and advocates have urged us, as elected representatives, to support this reform. Survivors, such as Steve Fisher from Beyond Abuse and Hetty Johnston from Bravehearts. Hetty Johnston from Bravehearts has said, in support of this reform -

- Bravehearts support mandatory minimum sentencing for convicted child sex offenders only because the current system of sentencing, which relies on case law and precedent, ties the hands of judges stopping them from delivering the sentences that the community expect for fear of Appeal. The system needs a complete overhaul but in lieu of same the only way to get common sense and safe sentences for dangerous sex offenders is to apply mandatory minimum sentences with only small opportunity for exemption.
- It is Bravehearts view that the entire sentencing regime has been tinkered with for too many years and is now no longer serving the best interests and safety of the community and that it requires a complete overhaul.

This reform is overwhelmingly supported by the community we serve. It is time to act. Our bill would not fetter the court from imposing a longer sentence. Like the member for McIntyre, I too intended on reading out Grace Tame's email, which she sent to all members.

Ms Rattray - Beat you to it, honourable member.

Ms HOWLETT - What an extraordinary, courageous woman she is, the survivor of sexual abuse as a minor and our 2021 Tasmanian of the Year.

Thank you for putting that on *Hansard*, and reading that out, honourable member.

Tasmanian Labor is now at odds with its federal colleagues, refusing to support guaranteed jail time for convicted sex offenders.

We have now seen federal Labor backflip on its opposition to mandatory minimum sentences for serious child sex offenders, and support the Coalition Government's bill.

If federal Labor can back community and survivors' calls to support mandatory minimum sentences, why cannot Labor do it here today? Other states have mandatory terms of imprisonment. Queensland has mandatory minimums for various sexual offences against children under 16 years.

During my election campaign in 2018, I heavily campaigned on this matter. The communities in my electorate of Prosser want mandatory minimum sentences for serious child sex offenders. Children are the most vulnerable members of our society, and we need to do everything that we can to send a strong deterrent message to protect them from sexual predators.

Let us, as legislators, show the courage of Grace Tame. Let us enact legislation that will protect Tasmanian children. I encourage all members of this House to vote in support for this bill.

[12.20 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have a few responses and comments to make so I will work my way through them.

The member for Launceston and the member for Hobart first raised the comments on the separation of powers.

With regard to the courts on mandatory sentencing, the High Court has upheld the validity of mandatory sentences in the *Magaming v The Queen* case.

The Supreme Court of Tasmania has recognised the existing mandatory minimum sentencing provisions in 16A for police officers.

Sentencing Advisory Council recognises the parliament's jurisdiction to set sentencing maximums and minimum sanctions and to guide or direct the judiciary.

As the Supreme Court of Tasmania has said, it is up to the parliament to set specific penalties for specific crimes, should it wish to do so. In that I refer to his Honour Justice Estcourt in *State of Tasmania v Lindsay Trevor Reid*, 5 September 2016.

A few comments here for the member for Rumney. In response to comments regarding the SAC report and the offences regarding child sex offences, the offence is subject to a pattern of inadequate sentencing. I think you said something like that.

As to sentencing generally, the court has previously recognised when measured against others it appears that Tasmanian sentence lengths for sexual offences are lower than sentences imposed for sex offences in other jurisdictions.

This bill guarantees jail time for these heinous crimes while offering a so-called alternative of a maximum prison sentence does nothing to ensure a sentence of imprisonment is imposed. Maximum sentences are already available to the Criminal Code.

SAC research shows the highest sentence imposed in recent years for a crime covered in this bill is 15 years. Well short of the current maximum already in the Criminal Code. To quote the SAC -

The experience in other jurisdictions is that sentences rarely increase in the same proportion as an increase in maximum penalty.

The member for McIntyre asked about Commonwealth acts. The Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Act 2020 (Cwlth) introduced measures to better protect the community from the dangers of child sexual abuse and criminal justice outcomes that insufficiently punish, deter or rehabilitate offenders.

The act includes amendments to the Commonwealth Crimes Act 1914 and the Criminal Code Act 1995 which was amended to introduce a mandatory minimum sentencing scheme to apply to the Commonwealth child sex offences that attract the highest maximum penalties and all other Commonwealth child sex offences if the offender is a repeat child sex offender.

Section 16AAA of the Commonwealth Crimes Act now provides if a person is convicted of an offence described in the acts table, the court must impose a sentence of imprisonment of at least the period specified.

The maximum sentencing range is from five to seven years, for example; sexual intercourse with a child outside Australia is six years, or seven years if aggravated; sexual activity other than intercourse with a child under 16 outside Australia is five years; and persistent sexual abuse of a child outside Australia is seven years.

Section 16AAB provides for minimum sentencing for a range of offences, including sex offences for young persons who are at least 16 but under 18 where the convicted person has a previous child sex offence conviction. For example, a person with a previous child sex offence conviction who engages in sexual intercourse with a young person outside Australia where the person is in a position of trust or authority faces a minimum penalty of three years.

Some comments were made in the briefing about why the bill relates only to people acting on behalf of the state and not private. I will respond to some of those comments so they are on the record. The bill returns the focus to public frontline workers drawing on recommendations by a Sentencing Advisory Council report called *Assaults on Emergency Service Workers*, which related, of course, to public officers. The bill adds minimum mandatory sentences for public frontline workers.

The Queensland Sentencing Advisory Council released a report this year, saying there are legitimate public policy reasons for treating assaults on public officers in a different category, justifying a special targeted response towards those officers. Queensland noted the 14-year maximum aggravated penalty as appropriate for public officers.

This bill looks at frontline workers engaged on behalf of the state. If the bill is passed today, the Government will take on board and consider comments made by members and will seriously look at this matter regarding additional frontline workers.

The member for Hobart was concerned about the parliament's expertise to set directions, querying the four specific sexual offences included in the bill. The inclusion of the four sexual offences contained in the bill is based on advice from the SAC, which evaluated sexual crimes on the basis of the following principles -

- the offence is triable on indictment only;
- the offence is prevalent;
- the offence involves a vulnerable victim;
- the offence involves elements of aggravation;
- there is a special risk or better understanding of serious consequences for victims and the community, including the need to recognise the exceptional harm which the offence might cause; and
- the offence is subject to a pattern of inadequate sentencing.

Another issue raised was how the mandatory minimum terms of imprisonment in the bill were determined. SAC considered sentencing patterns for specific offences and determined that -

- (1) The sentencing age for rape may be unduly truncated.
- (2) There is insufficient recognition of violence inherent to the act of rape in the sentencing imposed.
- (3) There should be an incremental increase in the length of sentence where the indecent assault is committed by an adult on a young person.
- (4) There should be incremental increase in the sentencing for maintaining a sexual relationship with a young person in cases involving young children as well as cases where the offender is in a position of trust or authority or cases of grooming and manipulation.
- (5) There should be incremental increase in the sentencing for sexual intercourse with a young person in cases where the offender is in a position of trust or authority or cases of grooming and manipulation.
- (6) Suspended sentences and non-custodial sentences are generally inappropriate for the offences for sexual intercourse with a young person, unless the offending occurs in the context of a mutual relationship involving older complainants and closer-in-age offenders or where there is a young offender or an offender has a cognitive or intellectual impairment.

The length of the mandatory minimum sentences in the bill are based on the SAC's recommendations and analysis of sentencing practices in Tasmania and other Australian jurisdictions.

Mr PRESIDENT - The question is that the bill be now read the second time.

The Council divided -

AYES (5)

Ms Armitage
Mr Dean (Teller)
Mrs Hiscutt
Ms Howlett
Ms Rattray

NOES (7)

Ms Forrest
Mr Gaffney
Ms Lovell
Dr Seidel (Teller)
Ms Siejka
Mr Valentine
Mr Willie

PAIRS

Ms Palmer

Ms Webb

Second reading negatived.

SUSPENSION OF STANDING ORDERS

Sitting Time Extended

[12.35 p.m.]

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

That so much of Standing Order No. 26 be suspended to allow the Council to continue to sit beyond 1.00 p.m.

The reason, members, is we have some questions. We might bring question time forward in the next motion.

Motion agreed to.

Questions Without Notice

12.38 p.m.]

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

That so much of standing order 49 be suspended for this day's sitting to allow Question Time to be now brought on.

Motion agreed to.

QUESTIONS

Federal Budget - Tasmanian Bushfires - Huon Valley

Dr SEIDEL to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[12.44 p.m.]

The federal budget was delivered on 6 October 2020. The following day the *Mercury* put on its front page -

Budget papers show the Federal Government will provide \$13.7m to the State Government in recognition of the impacts of the 2018-19 Tasmanian bushfires which severely impacted the Huon Valley.

Can the Government confirm that it actually has received the \$13.7 million from the federal government since 6 October 2020?

ANSWER

Mr President, I thank the member for Huon for his question.

Tasmania has not yet received the \$13.7 million referred to in the federal budget papers and reported by the *Mercury*. These funds are part of a package of Australian Government financial assistance provided in relation to the 2018-19 Tasmanian bushfires through the Disaster Recovery Funding Arrangements.

The Prime Minister has agreed that the Australian Government's financial assistance will include \$13.7 million of extraordinary support to share the significant costs incurred by firefighting agencies defending the Tasmanian Wilderness World Heritage Area during the 2018-19 bushfires.

Tasmania will receive this assistance through the normal claims process under the Disaster Recovery Funding Arrangements. Most of the costs have been included in Tasmania's 2018-19 claim, which was submitted on 14 August 2020, with a small share of the costs to be included in the 2019-20 claim. Claims are subject to audit before payment. Payment of the Australian Government's contribution to the 2018-19 bushfires will occur in 2020-21.

Tobacco and Nicotine Products - Revenue Generated

Dr SEIDEL to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

The Commonwealth Government generates substantial revenue through raising excise and customs duties and GST on tobacco and other nicotine and nicotine replacement products. The published revenue for the tobacco excise in 2018 alone was almost \$12 billion.

Can the Tasmanian Government please advise on the total revenue generated directly and indirectly through the sale and consumption of tobacco and other nicotine products, in

particular with regard to state tobacco licence fees and the GST distribution from the Commonwealth in the last five years?

ANSWER

Mr President, I thank the member for Huon for his question.

I have answers to the GST part of the member's questions but the licence revenue is to come from a different department and I have not received it yet.

The answer to the GST part of it: the Commonwealth collects the goods and services tax, but does not collect information about the contribution of specific goods and services, such as tobacco and other nicotine products, which is attributed to the GST revenue raised.

TasWater - Waratah Reservoir - Decommission Application

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

With regard to the Waratah Reservoir, I am informed that TasWater has sought permission from the Department of Primary Industries, Parks, Water and Environment - DPIPWE - to decommission the Waratah Reservoir during the week of 8 December 2020. Please provide full details regarding -

- (1) The contents of this application.
- (2) Details as to when the two-week public input period commences and finishes.
- (3) When TasWater proposes to commence the decommissioning.

ANSWER

Mr President, I thank the member for Murchison for her question.

- (1) TasWater has recently submitted a dam works permit application to DPIPWE to decommission the dam. For a permit to be granted, DPIPWE needs to first assess the application. The process of assessing an application is detailed in DPIPWE's guidelines 'Obtaining a Division 3 dam works permit'. The contents of TasWater's application is in accordance with DPIPWE's application to undertake dam works.

Division 3 Permit - Removal of Dams - the criteria are summarised below:

- a consequence category assessment of the proposed dam works satisfying the requirements of the Water Management (Safety of Dams) Regulations 2015;
- a dam works site plan in accordance with Division 3 Permit Dam Works Code 2015;

- if the dam is over 10 metres in maximum height or classified as low or above consequence category, a pre-construction investigation and design report undertaken in accordance with the department's guidelines for pre-construction reports and satisfying the requirements of the Water Management (Safety of Dams) Regulations 2015;
 - if potential for loss of life in the event of a dam failure has been identified by a consequence category assessment, a dam safety emergency management plan in accordance with the department's Guidelines for Dam Safety Emergency Plans;
 - a report detailing how the current dam's material will be managed to avoid significant adverse impacts on water quality and downstream water users, natural values and public or private assets;
 - a report detailing how the existing infrastructure and site conditions will be managed to accommodate dam removal works, including management of water in existing dam or likely to flow into the dam during dam works; management of silt in the existing dam; how the site will be rehabilitated and its ongoing management; a full copy of title including details of any restrictions; easements, covenants, or Part 5 agreements under section 71 of LUPAA on the title; photographs of the full extent of the location of the proposed dam works.
- (2) DPIPWE will advertise for public comment. The time frame for lodging a representation under the Water Management Act 1999 (section 145 subsection (2)(d) is to be a period of not less than 14 days, commencing on the day the notice of the application is published in a local newspaper under subsection (1)(a).

Ms Forrest - What is the date of that then? That was the question.

Mrs HISCUTT - The date of?

Ms Forrest - Have we a date when the application was put in so that people know when the two weeks starts ticking?

Mrs HISCUTT - Question (3) says -

Should TasWater receive approval to remove the dam, the process to commence decommissioning work would commence in mid to late March 2021.

Ms Forrest - It is a bit late then. Anyway, I will get onto them next week.

Tasracing - Betting on Races - Jockeys Penalised

Mr DEAN to MINISTER for RACING, Ms HOWLETT

[12.51 p.m.]

My questions relate to matters I raised in Estimates and again yesterday.

- (1) How many jockeys in Tasmania have been penalised for betting on races?
- (2) How do Tasmanian authorities monitor the rules about betting by jockeys?

ANSWER

Mr President, I thank the member for Windermere for his question and his interest in the Tasmanian racing industry.

- (1) The Office of Racing Integrity has been advised that one jockey in Tasmania has been fined for betting on races over the past 10 years. Advice from ORI indicates 26 jockeys were found guilty of similar offences across all Australian jurisdictions during this same period.
- (2) ORI has provided the following advice regarding the policing of rules regarding betting by jockeys -
 - Race day checking at race meets where stewards identify a horse may not have been given the best opportunity to win. Betting records are then requested. Any obvious abnormalities are investigated. This may include requesting the names of certain betting accounts in an attempt to establish links to jockeys, drivers, or disqualified persons.
 - Corporate bookmakers have electronic auditing processes that identify jockeys and disqualified persons and, when a match is made, ORI is then notified. Any information received regarding suspended betting, including jockeys, is investigated. This includes sharing of information between interstate racing integrity officers.

An example of this is a recent joint investigation between ORI and Integrity Racing Victoria where it suspected a jockey was using a family member's betting account. No charges were laid in relation to this matter. Local bookmakers and corporate bookmakers are required to provide information upon request as part of the registration process.

Medicinal Cannabis - Legalisation

Mr DEAN to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[12.54 p.m.]

My questions relate to medicinal cannabis and the motion unanimously - unanimously, I repeat that - supported by the Legislative Council on 10 November 2020 calling on the Government to revisit the legalisation of medicinal cannabis in order -

Ms Forrest - Did the Government support that motion?

Mr DEAN - I think they did.

Ms Forrest - Anyway, carry on.

Mr DEAN - They might not have done. I might have that wrong.

Ms Howlett - It was noted, I believe.

Mr DEAN - I might have that wrong. I might need to correct that, Mr President.

The motion was unanimously supported, except by the Government.

The motion was to revisit legalisation of medicinal cannabis in order to bring the laws into line with those on the mainland, to allow for the prescribing of medicinal cannabis under proper process for those patients whom it would benefit and also prevent these patients' carers from having to act unlawfully for treatment.

In addition, I am now aware of a sick woman who recently had her medicine, medicinal cannabis, confiscated by police, leaving her traumatised and suffering.

Ms Rattray - Shame.

Mr DEAN - Will the Leader please advise -

- (1) Is the Government giving any consideration whatsoever to the motion passed by this House?
- (2) If yes, what action is being taken, or will be taken, or likely to be taken?
- (3) If no, is the Government content knowing that law-abiding people accessing medicinal cannabis products to treat sicknesses that do not respond to traditional medicines are acting unlawfully and are at risk of having their medicines confiscated and being arrested?

ANSWER

Mr President, I thank the member for Windermere for his questions.

(1) and (2)

The Tasmanian Government continues to support the safe and responsible use of prescribing of unregistered medical cannabis products through a rigorous assessment of application under the Controlled Access Scheme - CAS. This assessment is informed by current medical evidence and expert clinical advice.

The Government will continue to support the advice of our specialist clinicians and Public Health experts on the prescribing of unregistered medical cannabis products. The Department of Health has advised it is important we continue to monitor emerging high-quality medical evidence examining the potential use of these unproven products in therapeutic care.

The Tasmanian Government looks forward to the registration of additional medical cannabis products by the TGA, which have been evaluated as safe, efficacious and of sufficient quality.

As a government, we will continue to consider improvements to care and medical advancements right across our health system, so we can best support Tasmanian patients and their families.

- (3) Tasmanians suffering from illnesses that are not responsive to registered medicines should discuss the potential role of unregistered medical cannabis with their treating medical practitioner.

This will ensure all available evidence-based options are trialled under appropriate clinical oversight. I am advised Tasmania Police continue to take a diversionary approach for possessions of small amounts of personal use drugs and these offenders are diverted to health-based intervention as part of the illicit drug diversion initiative.

While I am on my feet, Mr President, I have a follow-up question for the member for Huon. We are trying the best we can.

With smoking products including tobacco, the licenced fee income over the last financial years is set out in this table. I will have to read it because I cannot table it, of course.

It will give financial years, and then smoking product licence incomes -

2015-16 - \$297 771
2016-17 - \$421 557
2017-18 - \$665 482
2019-20 - \$720 776

It should be noted the Government increased the licence fee to sell tobacco, from \$370.45 to \$731.34 as at 1 January 2017 and to \$1111.35 from 1 January 2018.

TasWater - Waratah Reservoir

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

On Tuesday I received one answer to a question related to the Waratah Reservoir; there were four questions in total and I do not think I have them all but I will ask the other three and the Leader will hopefully be able to provide the answers.

With regard to previous questions and responses I have received related to the Waratah Reservoir and in response to my question on 27 October, I quote what I asked at the time -

- (2) TasWater commissioned Nick Haygarth to provide a report on the historical and/or cultural significance of the Waratah Reservoir -
- (a) why is this not publicly available; and
 - (b) will TasWater release the report to the community?

My question in regard to this one is -

This question was not answered in any form in the previous response, why not and what are the answers?

The third question was -

TasWater has publicly announced they have withdrawn the EOI for the remediation of the Waratah Reservoir because of lack of interest by a potential proponent and as a result will decommission the dam.

We now know that an application for a dam permit has been issued for that -

I have been informed that a proponent still wishes to proceed with their proposal, please provide the written communication between TasWater and the proponent which indicated the proponent does not wish to proceed.

A quote from Mr Ferguson -

TasWater has indicated as per the response provided by the minister, Mr Ferguson, that the Tasmanian Fire Service is not concerned about the decommissioning of the Waratah Reservoir as there is an abundant supply of water sources in the area.

My question with regard to that is -

Please provide the written communications from the TFS that support this and does that communication include input from the local volunteer fire service chief?

ANSWER

Mr President, I thank the member for Murchison for her questions.

As the member for Murchison has said we have answered question (1) and I do not have answers to questions (2) or (3), but I have an answer to your question (4) -

The chief officer has advised that the Tasmania Fire Service water supply for firefighting within the township of Waratah is accessed via firefighting hydrants from the mains water supply. Both the Waratah Reservoir and the Bischoff Reservoir are in the Waratah catchment area. Provided there is capacity for one of those reservoirs to supply water for the mains water supply there is no issue with the firefighting capabilities with the Tasmania Fire Service.

For larger fires around the Waratah area there are a number of water catchment areas, which include the Waratah River Road, the Arthur River, Talbots Lagoon, Hellyer River, Long Plains and the Magnet Dam. Tasmania Fire Service and TasWater are involved in a working group with the objectives to discuss, resolve and share information regarding access to water sources at a statewide level in a

consultative, collaborative and constructive way for the mutual benefit of the Tasmania Fire Service, its members and the community.

The issue of the Waratah Reservoir was raised at this working group and the north-west regional chief and district officers engaged the Bushfire Risk Unit to complete an assessment of the water sources in that area. As a result of that assessment it was determined there was an abundant supply of water sources in the area and that the loss of the Waratah Reservoir would have no impact on the Tasmania Fire Service's aerial firefighting capabilities. The Waratah Reservoir is inaccessible by aerial applications. A tanker would not be able to access the water source.

Ms FORREST - Mr President, the request was to provide the written communications from the Tasmania Fire Service, including whether the local volunteer fire service chief who works in the area was included in that. The Leader has given a description of what the outcomes of various meetings have been, or discussions about it, but not the actual communication that says it is not needed.

AFL Games - Future in Northern Tasmania

Mr DEAN to MINISTER for SPORT and RECREATION, Ms HOWLETT

[1.04 p.m.]

I am sorry I have not been able to give prior notice of this question, but I am taking it from the media this morning.

Businesses in the north of the state in the main - I suspect there is a similar concern of businesses in the south - are concerned about the future of AFL games in the north of the state following the statements made by the Premier about using those contracts to gain an AFL team in the state.

Minister, have you been able to have any discussions with these businesses or have they been to you? Has tourism raised the issue with you? What background and knowledge do you have of what is likely to occur in this space?

ANSWER

Mr President, I thank the member for Windermere for his question and his keen interest in this matter.

As yet, I have not received any information from any small businesses or from the tourism sector. I will certainly look into it, and will contact Ms Courtney's office to see if she has had information through the events portfolio. I will also contact the Premier to see if he has had any information through the tourism portfolio.

AFL Games - Future in Northern Tasmania

Mr DEAN to MINISTER for SPORT AND RECREATION/RACING, Ms HOWLETT

Have there been any discussions between yourself and the Premier as to what might occur if a position with Hawthorn and North Melbourne cannot be reached because of the current position with the AFL and the state team? Have there been any discussions about how this may impact into the future? If not, then I accept that and I wish that you continue to look at it.

ANSWER

Mr President, I thank the member for Windermere for his question.

The Premier is waiting for a response from the AFL. As you are aware, he has sent them a letter. He has given a very strong directive to AFL and we are waiting to hear their response.

Mr Dean - Have any Tasmanians been drafted?

Ms HOWLETT - Not drafted; however, the announcement has been made that we have had two through the rookie draft. One is from Launceston, going to Collingwood, and one to North Melbourne. That was announced about 30 minutes minutes ago.

That was through the rookie draft, but unfortunately none was announced last night.

COVID-19 - Travellers - Medihotels

**Ms LOVELL to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL,
Mrs HISCUTT**

The Premier has stated publicly that any traveller coming into the state through the repatriation agreement with the federal government who tests positive to COVID-19 will be treated in a medihotel not a hospital.

Can the Leader please explain -

- (1) Under what circumstances medihotels will be utilised and what capacity for medical treatment medihotels will be equipped to deliver?
- (2) Under what circumstances will COVID-19 patients be treated in hospital?
- (3) What procedures are in place for transfer of passengers between the quarantine hotel and the medihotel and which department or agency is responsible for this?
- (4) Which department or agency is responsible for the management of and operations of the medihotel?
- (5) If any private companies or organisations have interactions with medihotels - for example, transport, cleaning or security - what arrangements are in place for staffing of medihotels?
- (6) Will any staff be required or permitted to work across multiple facilities while rostered to work at a medihotel?

- (7) What measures have been agreed to to support medical staff who may normally work across multiple facilities?

ANSWER

Mr President, I thank the member for Rumney for her questions.

- (1) The Community Case Management Facility - CCMF - Fountainside has been established to accommodate COVID-19 positive individuals who do not require inpatient, hospital-level care.

Patients in the CCMF Fountainside will be monitored with regard to their clinical condition and appropriate management supported by onsite and remote Tasmanian Health Service clinicians.

- (2) COVID-19-positive individuals will be treated in hospital where there is a clinically assessed need for hospital-level care or in emergency care situations.

There are also some specific exclusions for management in CCMF Fountainside which have been identified. These will be managed in a hospital setting. Some examples of these specific exclusions include alcohol dependency or active injecting drug use.

- (3) Transfer of COVID-19-positive patients between quarantined hotels and CCMF Fountainside will be undertaken by Ambulance Tasmania, and will be carried out in line with appropriate Ambulance Tasmania transfer protocols.

- (4) Clinical care within CCMF Fountainside will be managed under THS Hospitals South governance. Relevant THS Hospitals South protocols and guidelines will apply within this facility. Security operations on the site are managed by Tasmania Police.

- (5) THS nursing staff will be complemented by nursing staff contracted through Aspen Medical. Police and ADF will be supported by private security. These staff are under the direction of Tasmania Police who have responsibility for security.

- (6) and (7)

Nursing staff within the CCMF Fountainside have been sourced from within existing THS resources and are complemented by nursing staff from Aspen Medical as required. The Department of Health policy is in place, which limits staff working in hotel quarantine facilities from participating in other employment including any health care, aged care or prison/detention settings. Under this policy no staff member will be financially disadvantaged. There is a \$150 per day supplement available to staff, and any further arrangements can be managed on a case by case basis.

ADJOURNMENT

[1.12 p.m.]

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

That the Council at its rising adjourns until 9 a.m. Friday, 19 March 2021.

Christmas Adjournment

Honourable members, it is that time again - 2020 has come and it has nearly gone, and how quickly it has come around. The year itself seems to have been longer and harder than any other year. I am sure it was due to COVID-19, and I, for one, am looking forward to tomorrow.

I am not going to dwell on the COVID-19 negativities we have had. I am going to look to the future. I am going to focus on family and Christmas, and look forward to a few days off.

Again, I take the opportunity to say thanks to all Legislative Council staff, to Hansard, to the Office of Parliamentary Counsel, Library staff, the IT crowd, and the utilities staff, of course. As members of parliament we are reliant on all staff to help us to get this job done. So merry Christmas to each and every one of them, and I hope you have a merry Christmas.

Mr Dean - Special thanks to our cleaners for the admirable job they have done.

Members - Hear, hear.

Mrs HISCUTT - Mr President, I thank you for your counsel to me, for your friendship and your advice over the years. I appreciate that. We have received good and trusty advice from our Clerks, David and Catherine. The collective minds are very thoughtful, always observe procedure and are never wrong. I also acknowledge Deb from Hansard. She is tolerant, patient and persistent. It has been a pleasure to get to know you better over the year, Deb.

Of course, Mark Baily, affectionately known as Beetle; he is always very attentive to our needs in the Chamber, and I appreciate the glasses of water which he gets me when I need them.

Of course, all the utilities, Shane, Gaye and Gaye, and Carol and now we have our COVID-19 cleaners. Thank you very much to each and every one of them. They have all done a wonderful job in looking after us. I might take the liberty on behalf of all members here to say that we do appreciate them. Merry Christmas and thank you to them.

Mr President, the support I have received from my staff is, and has been, second to none and I have full confidence in my team. Members can see the work that Will Coats has been doing for me today. Will has been very persistent in trying to get answers for the members' questions. He has brought in the big guns - that is probably me - from time to time to help him get the answers and I apologise to members if they have not been completely happy with their answers. We have done the best we can to get the answers that you need.

We have only once or twice this year had to walk the ministers' corridors looking for answers so we do try the best we can to get all the answers. Jonathan - as members know, he

is a different kettle of fish, isn't he. He and Vader make a very good pair. But, all jokes aside, Mr President, Jonathan has provided me with excellent, solid, sound advice without fear or favour. When we discuss issues there is no beating around the bush. We thrash out all aspects of a particular situation. He is always there at the end of the phone for me - early in the mornings, on the weekends - and I certainly thank Jonathan and I appreciate his counsel. Mind you, we have a little bet going - these good words do not mean I am going to let him off that bet. I just want you to know that, Jonathan.

Mr President, Mandy - every year it is the same thing. I cannot find the words to tell Mandy how much I appreciate her. We, in my office, have decided that we are going to call Mandy 'The Rock' - she is the rock, she is the rock of our office, and she is the glue which keeps our feet on the ground. I just want to say thank you very much to Mandy for her loyalty and her good advice. The work she does is outstanding. The many hours she put into getting our Estimates together were unbelievable. Mandy organised and coordinated over a hundred advisers through this place in a day-and-a-bit. It was a magnificent effort, so well done and thank you to Mandy.

Thank you to my whole team. We have gelled quite nicely and it is very good to have a couple of lady colleagues - not particularly, it could be ladies or men, I do not want to be sexist - a couple of colleagues to help me through. Some notable faces have come about in the Leader's Reserve over the year. Well done to all my advisers over the year. They have put in a tremendous effort. Just a couple of mentions to three of them. Sean Hollick has done a wonderful job; Daniel Gillie has been a source of constant good advice for me and Chris Edwards in the minister's office - the minister for Health's office - really deserves a mention. Some of that hot-off-the-press stuff that I was reading during question time came from Chris, so well done to Chris.

Mr President, honourable members, it has been a pleasure working with you all. Even though there are political differences here in this House, we do not let them get in the way of our friendship and I appreciate that.

Do take care during this Christmas break. Look after your families; I know that Santa will be visiting some of these homes so that is good. I wish you all a merry Christmas and a safe and happy New Year and, Mr President, a well-earned rest. Merry Christmas.

Christmas Adjournment

[1.18 p.m.]

Mr PRESIDENT - Honourable members, before I call the adjournment, I too echo the Leader's comments and I thank the many people who work around our part of the parliament. I particularly thank David Pearce, our Clerk, who is our rock-solid person and ably assisted by the Deputy Clerk, Catherine Vickers. We are very fortunate to have such fine people in our parliament and also in the office - Sandra Phillips, who is great and probably puts up with some interesting things at times, but seems to just steam on through; and, of course, Nicole, who does all our corporate service management. She puts in a lot of time and is very good and very precise with what she does.

Our committee secretaries Natasha, Julie, Ali and Jenny - I know the committee chairs and every member who works on committees is very appreciative of the work they do. Our

committee chairs, the member for Murchison and the member for McIntyre, who do a tremendous amount of work, particularly over the last few weeks when we have had lots of committee work to do and their great chairing and good practices makes it a lot easier for other members and shows the Legislative Council in a very good light. I think we run very good committees.

I would also like to thank all our electorate officers. They do a tremendous job while we are in here having a hoot they are out there on the front line doing a tremendous amount of work, specifically to my electorate officer, Debbie Cleaver. She has had a pretty tough sort of year but she has pushed on through.

Hansard - Deb, who sits in with us, is like the secret service up the back there. We know she is there and all the others who are working away downstairs in Hansard to make sure they get everything we say on record, whether it be good, bad or otherwise.

Computer and Electronic Services: Peter and the boys are always there ready to replace Josh's laptops when he breaks them all the time and all the other bits and pieces that seem to malfunction.

Marijana in the Library and all the people who work in the Library down there. It is a wonderful place and we probably need to use it more than we do. I know different ones are there from time to time; the wonderful Bryan Stait who researches anything you want him to, he is there ready to find out whatever it is that you ask.

The parliamentary dining room - we are very fortunate to have such a fine dining room. It is challenging at times, I am sure, for them to cater for all the different tastes and bits and pieces but they seem to do that.

We have a great range of food - to Mandie Donnelly and Jacqui who are there all the time, thank you very much for looking after us so well, and Jo in the Bistro is great. We have probably one of the best little cafes around, the selection of bits and pieces, and she is always there to help us out.

Mark 'Beetle' Baily has been mentioned. He looks after us so well in the Chamber - he sits there and does what he is told to do, gets us some water. Mark, we really appreciate what you do for us all, keeping us going when we need it. Thanks also to the other staff - Leigh and Robyn and Mandy, Brendan, Shane and Gaye and Gaye who keep the place clean, and, of course, Craig Thorp, who looks after our motor vehicle needs. I think that has been a bit of a challenge because of COVID-19. We have had cars on back order because they are not coming to the country so by the time we have our cars replaced, they will be needing replacement. We will work through that, but he is very particular with the way he looks after us with all our needs he is responsible for.

I thank all members this year. It has been a challenging year dealing with COVID-19. We had members all over the Chamber. It was difficult to get used to operating in a different way and all members worked really well together through that process.

We have had some challenging legislation and members have had their own issues outside the Chamber. Everyone has performed so well. It was just made that little bit tougher by the whole COVID-19 situation but it shows the strength of our friendship in this Council

that we do, on the whole, really enjoy each other's company. I know members are always very supportive of other members in their time of need and when those challenges appear.

A little aside, I also think we should just pay a special little thank you to the member for McIntyre. Every year the member gives us a little light relief by organising our Christmas function. I think most members enjoy that and it is just a good way to take a bit of the seriousness off the role we play here.

Members - Hear, hear.

Ms Rattray - My pleasure, Mr President.

Mr PRESIDENT - I wish you all a very merry Christmas and hopefully a very prosperous New Year. I know this has been an interesting year. Of course, our new members, the member for Rosevears and the member for Huon had a late start, but they caught up very quickly. I am sure they both realise how fortunate they are to be members of the Tasmanian Legislative Council.

I do not think I have forgotten anyone. Normally the member for Windermere reminds me if I have. I think I have everyone. If I have missed someone, I am really sorry. I will make it up to you next year.

Early Media Release

[1.25 p.m.]

Ms LOVELL (Rumney) - Mr President, it gives me no pleasure to rise on adjournment, particularly after some heartfelt wishes from the Leader and the President. I would have preferred to have been able to end the year on that note.

However, I took the liberty of having a quick look at Twitter, as you do #politas , when we finished our debate. I think the Leader knows what I am about to talk about.

On the bill we debated today, I mentioned in my contribution earlier that I was sure some kind of statement would be about the bill being opposed and how that would be Labor's fault.

Imagine my surprise, Mr President, when I saw a tweet from Emily Baker, from ABC news, that read -

Helpful of the government to put out a media release blaming Labor for blocking mandatory sentences for child sex offenders BEFORE the vote has happened in Legislative Council.

I checked that and I should be clear, Mr President, when I say imagine my surprise, because I know *Hansard* does not reflect sarcasm. There was not a lot of surprise - disappointment, yes, but not a lot of surprise.

I checked that, because I thought surely that can't be true. So I checked, and I confirmed with a recipient of the email from the Government's media office and I checked with the Deputy Clerk about the time the division was called. I was very careful.

The division was called at 12.34 pm. The recipient of this email, from the Government's media office, had this land in his inbox - and I have seen the time stamp - at 12.33 pm. While it is only a matter of a minute, it means that media release was drafted, was ready to go and somebody hit send before a division had even been called in this place.

What that says to me, is that the Government is either being unashamedly political about this very important issue or it has absolutely no regard for the opinion of the independent members in this place.

I remind the Government that the vote, and the result of the division, was six in favour of the bill and eight members opposed. Four Labor members cast a vote, and that includes the two pairs included in that vote. There were four members of the Labor Party casting a vote on this bill, which again, I will remind the Government, four voting members out of 14 is not one-third.

I did not feel like we could let that pass. This is a critical issue. This is an issue that Tasmanians feel very strongly about. The very least the Government could do for those members of our community who feel strongly about this is to treat them with the respect of being honest about what is happening in this place and not treating this as a political issue.

Mr President, I am disappointed - it is an absolute shame to end the year on this note. I add my thanks and best wishes to the staff who support us here in Parliament House, our electoral offices that support us and all of those who support us in the work we do in this place.

I wish everyone a merry Christmas and I look forward to a parliamentary year, next year, which I live in hope could perhaps be a little less political around issues such as this.

The Council adjourned at 1.29 p.m.