

Thursday 22 September 2016

The Speaker, **Ms Archer**, took the Chair at 10 a.m. and read Prayers.

RECOGNITION OF VISITORS

Madam SPEAKER - I welcome students from Taroom High School to the Gallery today.

Members - Hear, hear.

QUESTIONS

MINISTER FOR INFRASTRUCTURE - ALLEGATIONS BY MEMBER FOR MURCHISON

Mr GREEN question to MINISTER for INFRASTRUCTURE, Mr HIDDING

[10.01 a.m.]

Last night the upper House member for Murchison, Ruth Forrest, gave a deeply concerning account of your conduct at Tuesday night's Commonwealth Parliamentary Association dinner held in this Parliament. Ms Forrest says she was bullied, intimidated and browbeaten by you at the dinner, with threats that funding for infrastructure projects in Burnie would be withdrawn or withheld if she does not agree to help pass your rail corridor legislation through the upper House. Have you grasped the seriousness of this conduct? Now you have had 48 hours to reflect on this extremely ugly incident and the gravity of the situation and your appalling conduct, will you take the only appropriate action and resign?

ANSWER

Madam Speaker, I thank the Leader for his question. It was last night the member for Murchison spoke in the Chamber. I read the *Hansard* of that this morning and noted she feels she was bullied. I immediately apologised. I sent that to her this morning. I also pointed out to her that the alarm I expressed to her was not for her vote, or which way she would vote; it was whether she should hold up the bill. It was done in absolute good faith. It was expressed to her that a major development in her area between Wynyard and Burnie, a cycleway-pathway application, has been made to the federal government and is currently under active consideration for millions in funding. The passage of this legislation was vital; it was the only way that development could occur. If it was necessary to hold it up - and the House found it to be necessary last night and it is absolutely within their power to do so - it does not, I would not have thought, assist the positive consideration of the funding application before the federal government. If there is no legislative ability to build that, to take up the rail -

Mr Green - So you're not going to resign?

Mr HIDDING - Absolutely not. I have apologised for the manner of my conversation if the member feels she was bullied. Within minutes of reading that in *Hansard* this morning I apologised.

I expressed alarm that the bill would be held up and therefore could in fact affect a key development in your electorate, Leader of the Opposition, on a project for which I have received more political pressure from the electorate than anything else since I have been minister - to get this cycleway-walkway up between Burnie and Wynyard. Clearly, your party is indicating they are going to vote against the bill when it eventually comes back on and has taken a set against that cycleway-walkway. That is likely because you have only one seat in Braddon and you don't care about that one. Why would you be against something like that?

Mr Shelton - Against the north-east trail.

Mr HIDDING - And against the north-east rail trail as well. It was my alarm that the optics of the local member holding up a crucial live consideration of something before the federal government was not going to be helpful at all. She -

Ms O'Connor - Not 'she', Ms Forrest.

Madam SPEAKER - Order.

Mr HIDDING - Ms Forrest clearly took exception to my putting it to her in that way. I am certainly not apologising for expressing the view, but if she felt that I bullied her in the manner in which I did, I immediately apologised.

Ms Giddings - A qualified apology.

Mr HIDDING - No, an unreserved apology for the manner in which I conducted that conversation; they were the words I used. I was appalled to learn she felt she was bullied, therefore I immediately apologised.

However, I was absolutely justified in raising the matter with a local member whom I believe to be absolutely in favour of a major development, millions dollars worth of development in her area. The Opposition appeared to vote for the bill in this place and now has changed their mind in the other place. That situation does this project in Burnie no good whatsoever. The Council has chosen to do what it does up there and we will not be reflecting on their vote because that would be against Standing Orders.

I have apologised to Ms Forrest and I did so at the first available opportunity.

MINISTER FOR INFRASTRUCTURE - ALLEGATIONS BY MEMBER FOR MURCHISON

Mr GREEN question to MINISTER for INFRASTRUCTURE, Mr HIDDING

[10.08 a.m.]

My question goes again to your conduct inside Parliament House on Tuesday evening. The independent member for Murchison, Ruth Forrest, described what happened on the public record last night. She said:

Mr President, I do not appreciate being threatened, being coerced, being intimidated or having bullying tactics used to try to browbeat me into supporting this.

The member went on to say:

I do not appreciate the minister doing that in a public forum, at a social event. I do not appreciate him attacking me in such a personal manner.

The code of conduct for ministers, under 'respect for persons', says:

Ministers are to treat everyone with respect, courtesy and in a fair and equitable manner without harassment, victimisation or discrimination.

Do you agree your conduct constitutes a clear breach of the ministerial code?

Members interjecting.

Madam SPEAKER - Order. Members will not interject.

ANSWER

That code exists for a good reason and I absolutely subscribe to it. I believed at the time that none of those standards were breached in the conversation I had with Ms Forrest.

Mr Green - It was witnessed.

Madam SPEAKER - Order. This is a serious matter. The minister should be given an opportunity to answer the question.

Mr HIDDING - I sat down next to the member. We engaged in a conversation and, after I expressed my alarm for the future of that project, the conversation got a little more heated, but I do not believe at any time my conversation with her breached those standards. However, on reflection, having read the *Hansard* of how she believed the conduct of that discussion went, I immediately apologised.

ANTI-DISCRIMINATION AMENDMENT BILL

Ms O'CONNOR question to PREMIER, Mr HODGMAN

[10.10 a.m.]

The Anti-Discrimination Commissioner, the Law Society, community legal centres, Civil Liberties Australia and LGBTI advocates do not support your attempt to weaken protections in the Anti-Discrimination Act. Yesterday, the Commissioner for Children and Young People, Mark Morrissey, also came out against the changes. He said:

There is a very real risk that, as a result of the proposed amendments, public conduct which for example offends, humiliates or intimidates a child or young person on the basis of factors such as race, gender, pregnancy, sexual orientation or disability may be permitted.

Mr Morrissey also said:

I am particularly concerned at the message these amendments send to children and young people, especially those who by virtue of a particular attribute are seen as different and can be ridiculed, harassed or insulted on the basis of that attribute. This is the essence of bullying.

What is your response to the Children's Commissioner's concerns and why are you supporting legislation that risks exposing children to bullying?

ANSWER

Madam Speaker, I thank the member for her question and make the point again that we are not seeking at all to weaken the legislation. We are seeking to broaden and to improve it, to afford the same rights and opportunities to those who might express a view with a religious purpose to those already afforded to artists, scientists, researchers as outlined in the act that you were happy to have in place during your time in government. What you are now saying will be possible under this legislation was also possible under yours to a number of groups. An exemption exists, but not for those expressing a view with a religious purpose. We do not believe that is right. We do not believe it strikes the right balance and as a result we have brought forward legislation.

We have been very up-front about the provisions we seek to progress. We have consulted. People have expressed a view. Yes, there are a number of people who are not happy with what we propose. If the Australian Christian Lobby were supporting the legislation you would then claim we were doing what they want. You would say they are leading us by the nose and we are doing it because of them.

Greens members interjecting.

Madam SPEAKER - Order. The House will come to order.

Mr HODGMAN - We believe there is an appropriate balance. We do not believe, as members opposite would have it, that they, or any individual, should be the arbiter of free speech. It is required under this legislation that hate speech, vilification and bullying are not acceptable. This legislation we seek to introduce does not provide for that to occur.

Yes, a number of groups have expressed a view one way or another on it. I make the point again -

Ms Giddings - Who supports it?

Mr HODGMAN - David Llewellyn does for one. He supports the principle, as I outlined yesterday, and we agree with him.

TASMANIA'S ECONOMY

Mr BROOKS question to PREMIER, Mr HODGMAN -

[10.14 a.m.]

Can the Premier provide an update on Tasmania's economy?

ANSWER

Madam Speaker, I thank the member for his question and will take the opportunity to provide an update on the state of our economy and on what we are endeavouring to do to support continued growth in our economy and support more jobs for Tasmanians, which is a priority for this Government.

It is true to say that our economy is in better shape now than when we came into government just over two years ago when our economy was slipping into recession. Last year our economy grew at its fastest rate in six years. The latest State Final Demand June quarter figures record Tasmania having the third fastest rate of growth in the country. Our export sector is also the fastest growing in the nation, growing at 8.4 per cent in the past year compared to negative 4 per cent nationally. Our retail sector is growing, business investment is up and visitor numbers in our booming tourism industry are very strong. Our unemployment rate is down to 6.7 per cent, down 0.8 per cent from what it was at the time of the last election, a rate Labor now recklessly describes as a jobs crisis, yet when the unemployment rate under Labor was 8.6 per cent the former finance minister, Scott Bacon, said it was a bit disappointing.

According to these statistics, our economy is in better shape than it was under the recession-leading Labor-Greens government, but we recognise a lot more needs to be done. A strong economy creating more job opportunities for Tasmanians remains our priority. It is a real concern to see a decline in the total number of Tasmanians employed and to see certain regions of Tasmania not performing as well as others. Tasmania has been described as having a two-speed economy. Hobart is moving ahead, the north-west is holding up well and in some measures leading the state, but Launceston and the north are doing it tough. The job figures reflect record deterioration in the number of jobs in the north of the state, around Launceston and the north-east in particular.

While the unemployment rate in the north-west is 6.0 per cent and in the south 6.1 per cent, the unemployment rate in the north is 7.6 per cent. It is evident Hobart and the southern eastern region of Tasmania has benefited from a number of high value construction projects, particularly in the Hobart area. Some of those have been driven by government investment, such as the Royal Hobart Hospital project, but most has been driven by the private sector, particularly in a number of new hotels under development and construction.

The north has not benefited from a similar boost in construction. That is why in the recent Budget we committed extra funds to the Northern Cities Major Development Initiative with \$90 million to support the relocation of UTAS campuses in Launceston and Burnie. We are working to disperse more tourists across the state, including through increased sailings of the *Spirits of Tasmania*. This is bringing record numbers to the north and north-west and further specific measures, such as our Regional Events Start-up Program.

More does need to be done and, as the northern economy has not risen as quickly as the south, we are taking action. I can confirm the Government is in the final stages of preparing a major targeted stimulus package for the north. I will outline the details of this in an address to the Committee for Economic Development in Australia and the Tasmanian Chamber of Commerce and Industry next week. I can advise the House this will be a significant package designed to bring forward and underpin economic activity valued in excess of \$100 million.

In conclusion, our economy is certainly in much better shape now than when we came into government. I have always said more needs to be done and that includes in the beautiful north of

our state. That is why we are taking direct action to improve economic conditions in the north to create more job opportunities. It is a reminder of what you can do when you have the Budget back under control. You can better afford to reinvest in Tasmania, in our economy, in more job opportunities for Tasmanians and into our regions that might need a little more support.

MINISTER FOR INFRASTRUCTURE - ALLEGATIONS BY MEMBER FOR MURCHISON

Ms GIDDINGS question to MINISTER for INFRASTRUCTURE, Mr HIDDING

[10.19 a.m.]

My question goes to your conduct as a minister. On top of allegations of threatening behaviour, intimidation and bullying, the Independent member for Murchison told the Legislative Council you put pressure on her to secure her vote for your rail legislation. She said:

... because if I do not he will not bother with the amendments that seek to address the concerns of the tourism and heritage rail people, and funding will just be gone for the Burnie project. It will be on my head. It will be my fault. I will have to wear that.

In other words, vote for my bill or I will withhold funding for projects in your electorate. Section 70 of the Criminal Code relates to interference of parliament and unlawfully influencing members. Is your conduct in breach of section 70 of the Criminal Code?

ANSWER

Madam Speaker, I am confident it does not. As I pointed out in the correspondence with the member for Murchison this morning, the conversation was not about her vote. It is not something I would raise with any member of the upper House. Their vote is their own to exercise. It was a proposal it be either sent to a committee or adjourned for an indefinite period. I expressed alarm about that project between Wynyard and Burnie as there was a live funding application. I reject there was any discussion about her vote on the bill. It was over concern for that project between Burnie and Wynyard. I am confident nothing I said to that member breached the code of conduct, or any other law. It was a perfectly reasonable conversation to have. The manner in which I conducted it gave offence and for that I have apologised.

SALMON FARMING, OKEHAMPTON BAY

Ms WOODRUFF question to MINISTER for PRIMARY INDUSTRIES and WATER, Mr ROCKLIFF

[10.22 a.m.]

You have requested an independent assessment by the Marine Farming Planning Review Panel of the 20-year-old lease for salmon farming at Okehampton Bay. You said the purpose is to give the community confidence. The panel's findings are not due until February next year and the community is preparing its submissions now. Despite the assessment under way, Tassal does not seem to think there is any reason to put their projects on hold. Their sustainability manager said on 8 September:

As far as I am concerned, we have a lease in place and we have a licence. We could put a pen out there tomorrow if we wanted to and start growing fish.

Which one is true? Have you cancelled Tassal's permits and told them to halt their plans? Is this another fake process designed to hide the fact Tassal will go full steam ahead with their expansion onto the east coast, regardless of the panel's finding? Will you talk to Tassal and tell them to stop work now?

ANSWER

Madam Speaker, I thank the member for her question. In the last few months the Government has made significant reforms to the salmon industry. We want to bring community confidence in the industry along with us. A great majority of Tasmanian people want to see sustainable expansion of the salmon industry in Tasmania. It employs many thousands of people and is worth more than \$700 million to this state. To strengthen the regulatory regime around salmon, we have made a number of welcome changes. For example, we have strengthened the environmental regulation system to take it right throughout the supply chain with the EPA - environmental management and regulation - in the factories or hatcheries and right through the supply chain to the fish farms. I would hope the member would welcome that. We have strengthened the penalty regime as well. I would expect the Greens to welcome that and a number of other reforms.

I recognise of course the discussion and debate around the Okehampton Bay expansion. It is a 20-year-old lease, first approved, I believe, in 1998. A review was undertaken in 2007 of that lease and a review is due in 2018.

Ms Woodruff *interjecting.*

Madam SPEAKER - Order. The member for Franklin will cease her interjections.

Mr ROCKLIFF - It seemed to me in ensuring that we have community confidence in the salmon industry and to ensure sustainable management, we needed to give the community a say when it comes to Tassal's plans for expansion in Okehampton Bay. We have done that around the opportunity for people to submit their views on the expansion, particularly around environmental management and monitoring. I expect the Marine Farming Planning Review Panel to report back to me towards the end of February 2017 and will welcome that. We want a very balanced -

Ms Woodruff *interjecting.*

Madam SPEAKER - Order, I warn the member for Franklin, Ms Woodruff, for constant interjection.

Mr ROCKLIFF - When it comes to any sector in primary industry we want the balance to be right. We recognise that the agriculture and primary industries, and the aquaculture and fishing sectors, employ many thousands of Tasmanians. Not only is it growing under this Government, but it also needs to have that sustainable growth and community confidence. That is why it is important that we have appropriate regulations in place, and bring the community along with us when it comes to expanding our agricultural enterprises. We need to ensure that the integrity of our clean, natural, safe brand - off which we can leverage so many well-renowned products that are grown and produced in Tasmania - is strongly maintained.

EARLY CHILDHOOD EDUCATION

Mr STREET question to MINISTER for EDUCATION and TRAINING, Mr ROCKLIFF

[10.27 a.m.]

Can the minister outline for the House the plans to support the early childhood education and care sector?

ANSWER

Madam Speaker, I thank the member for Franklin, Mr Street, for his interest in education more generally but particularly the education and care sector. I welcome the students from Taroom as well.

The reforms that I tabled in the House yesterday represent a once-in-a-generation opportunity to transform our education system for the betterment of Tasmania. Throughout the consultation process I have consistently confirmed that this Government values the early childhood education and care sector and the important support -

Madam SPEAKER - Order. I remind the minister that the bill is an order of the day so you should restrict your comments to education generally. I want to direct the House that they need to be very careful of all the questions they ask. If matters are an order of the day that does restrict you somewhat. I do not want to stop you from being able to ask a question on an issue but not specifically on a bill itself or any clauses that are likely to be scrutinised therein. Hopefully that is clear now.

Mr ROCKLIFF - Thank you, Madam Speaker, I respect your ruling.

I have acknowledged that our policy for reforms will have an impact on the sector and that we would announce transitional support. Today I can announce that the Government will invest an additional \$2.25 million in the early childhood education and care sector to assist in the transition to new arrangements.

Opposition members interjecting.

Madam SPEAKER - Order. The minister is attempting to answer the question.

Mr ROCKLIFF - Also, we will build on our existing strong partnership with the University of Tasmania. They will provide HECS-free university qualifications for employees in the sector. As a result there will be greater training opportunities for staff, additional investment in infrastructure, one-on-one business advice and more grants available to centres.

From 2017, the university will provide scholarships for university level qualifications for those in the education and care sector, including diploma and professional honours. This study opportunity is valued in excess of \$6300 per student and is uncapped. Subject to the earlier prep starting age passing the Parliament we are also investing \$2.25 million, including up to \$2 million to support centres to transition and \$250 000 to provide individual business advice to the sector.

A one-size-fits-all approach to supporting this sector will not work. Every business is different and this initiative will ensure individual providers receive advice on their business model and how

it can thrive in the future. There will be up to \$2 million in funding for support, including capital work upgrades for professional development and ensuring centres are up to date.

In addition, on top of the \$600 000 already provided in grants to the sector, we will provide a further \$150 000 recurrent from next year, totalling \$750 000 to support the centres. This means more projects can be undertaken, including infrastructure updates and operational support, to ensure they provide a safe and stimulating environment for our children.

A further additional new position, Principal Project Officer (Early Years), has been created in the Department of Education. This position is to work collaboratively with early childhood educators in all sectors to strengthen early learning in Tasmania. This week's announcements from the Government on education demonstrate our commitment to education and to our commitment to change the future for our children. It will be a positive change. It is high time the Labor Party recognised the support from many sectors in this community for the important and vital changes in our education sector that we announced and have been consulting on over the course of the last two years.

MINISTER FOR INFRASTRUCTURE - ALLEGATIONS BY MEMBER FOR MURCHISON

Ms GIDDINGS question to MINISTER for INFRASTRUCTURE, Mr HIDDING

[10.32 a.m.]

Your threats to Ms Forrest to withhold funding for projects in the Braddon electorate if your legislation is not passed through the upper House has a genuine potential to constitute -

Government members interjecting.

Madam SPEAKER - Order. The House will come to order.

Ms GIDDINGS - I am very happy to read the direct quote from Ms Forrest again. It is very clear. She said:

... because if I do not he will not bother with the amendments that seek to address the concerns of the tourism and heritage rail people, and funding will just be gone for the Burnie project. It will be on my head. It will be my fault. I will have to wear that.

Your threats to Ms Forrest to withhold funding for projects in the Braddon electorate -

Government members interjecting.

Madam SPEAKER - Order. Allow the member to ask the question. The minister will be given an opportunity to answer or refute it. The member will resume asking the question.

Ms GIDDINGS - if your legislation is not passed through the upper House has the genuine potential to constitute offences under the Criminal Code. This matter should rightfully be referred to police for investigation, which makes your position as Tasmania's Police minister untenable. Will you step down from your ministry today?

ANSWER

Madam Speaker, the funding in question, as I indicated earlier, I think is from a Stronger Regions Fund with the federal government. As I indicated earlier, strong political pressure was brought on me and our Government to provide for the two councils to be able to apply to that fund - Waratah, Wynyard and Burnie - together. They needed permission from us to be able to apply for that fund for millions to do a cycle-walkway between Cooee and Wynyard. It will be a beautiful development. We worked very hard to get into a position where we could give them the permission. The reason we had to wait before we could give them permission - and Mr Jaensch delivered the letters to both mayors - was the development of this very legislation we are talking about.

The cycle-walkway between Wynyard and Cooee will not occur unless this legislation goes through. There are two things: the federal funding; and this legislation is needed for that to occur. What I was doing was lobbying for an important bill.

Ms O'Connor - 'Lobbying' was not the way Ms Forrest described it.

Mr HIDDING - That is right, and I accept that. I was lobbying for an important bill with an upper House member whose electorate was going to be favoured by its passage. I wanted to be sure she understood any unnecessary delay of the bill may well have a material effect on the outcome of the funding application -

Opposition members interjecting.

Madam SPEAKER - Order. Members will allow the minister to reply.

Mr HIDDING - On the matter of the amendment, the amendment bill is the best chance ever in the history of Tasmanian rail for tourism and heritage rail bodies in Tasmania to get on a rail track. Labor has said they are voting against it so I have these substantial and consequential amendments. My conversation with the member was to inform her of those amendments, but she was not particularly interested in that, so the conversation was about holding the bill up. It was fair lobbying, done in a way to which she took exception and for which I have apologised. There is no question in my mind that I have breached any code of ethics.

MINISTER FOR INFRASTRUCTURE - ALLEGATIONS BY MEMBER FOR MURCHISON

Mr GREEN question to PREMIER, Mr HODGMAN

[10.37 a.m.]

Your Minister for Infrastructure has made threats and tried to intimidate and coerce a very highly respected independent member for Murchison in the upper House, Ms Forrest. Do you believe this constitutes a clear breach of your ministerial code of conduct and what action will you be taking?

ANSWER

Madam Speaker, I thank the Leader for his question. We will always treat with great caution characterisation of events by members opposite, given their track record for not being honest in this

place, not accurately reflecting the facts and doing and saying whatever they can to create mayhem and political distraction. Given the track record of a number of members opposite for their behaviour in public, there is no better example of that than the Leader of the Opposition, Bryan Green.

The minister has outlined the events as they occurred. He has expressed very confidently he has not contravened any provisions of the Criminal Code, as you assert, desperately grasping at straws, as you always do. He has outlined the nature of the discussion that went to what is a federally-funded program, not a state government program. Most importantly, he has apologised directly to the member for the manner in which he conducted the conversation.

BASS STRAIT FREIGHT

Mr JAENSCH question to MINISTER for INFRASTRUCTURE, Mr HIDDING

[10.39 a.m.]

Can the minister please update the House on developments to increase the freight shipping capacity on Bass Strait?

ANSWER

Madam Speaker, the Hodgman Liberal Government has a plan to grow the Tasmanian economy and create jobs. In order to enable that growth and job creation the Government needed an infrastructure strategy that would be embraced by industry and cater for the state's growing exports, whether they be manufactured goods, bulk commodities or our fast-growing fresh produce sector.

When the Government came to office it was clear that there were emerging capacity constraints in our overnight containerised and trailered freight sector which, if not addressed in the medium term, could work as a drag on our state's growth and job creation.

The Hodgman Liberal Government met that challenge head-on. We engaged early with our exporters and developed a blueprint that is understood by industry to guide our future infrastructure delivery, crucial for our Bass Strait freight shippers. The former government saw state control as the answer to all its problems. It seriously contemplated a costly intervention in the Bass Strait freight market - to be funded by taxpayers - to take over the market and drive a commercial operator out of business.

In contrast, this Government's strategy provided investment certainty for industry, resulting in an almost immediate announcement by a key player, the Tasmanian-owned SeaRoad company, that it would dramatically increase the capacity of its vehicle vessel fleet. I know all in this House will congratulate Chas Kelly, the Tasmanian chairman of SeaRoad, for the construction of the SeaRoad *Mersey II* which is proudly floating in northern Germany looking to head for the Mersey in a couple of months time.

When the first of SeaRoad's new \$100 million vessels comes into service later this year the overall capacity on Bass Strait will increase by 15 per cent overnight. This will give the industry confidence to continue to invest and grow in the knowledge that products can reach their markets with increased reliability. I look forward to an announcement of another new SeaRoad vessel contract being signed.

I am delighted that our strategy continues to pay dividends for Tasmania's economy, with the announcement by Toll, the largest of the Bass Strait overnight shippers, that it too will invest in new larger ships. The announcement by Toll that it will invest an estimated \$170 million on two new vessels for its overnight service between Melbourne and Burnie is a vote of confidence in the future growth of the Bass Strait freight market. I am advised that this will immediately lift Toll's capacity by 40 per cent when they come into service in late 2018 and that will raise overall capacity on Bass Strait by a further 20 per cent. I also understand that Toll has come to commercial terms to secure extra leasehold at the Port of Melbourne to cater for the extra container capacity required. I expect that Toll will also continue to invest in the Port of Burnie.

Of course, our own *Spirits of Tasmania* are a key player in Bass Strait freight, particularly for the fast-growing trailerised freight sector which is favoured by fresh and perishable markets. We have a program to look at the replacement of those two ships. We have an investment climate and a confidence in the state's economy that will see six brand-new vessels being ordered or delivered in the time of this Government.

MINISTER FOR INFRASTRUCTURE - ALLEGATIONS BY MEMBER FOR MURCHISON

Mr GREEN question to PREMIER, Mr HODGMAN

[10.43 a.m.]

The Police minister has engaged in what could constitute criminal behaviour. Do you accept that the minister has breached the Criminal Code? Again, what action have you taken? Have you referred the matter to police and if not, will you refer it to police today?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for his question. I certainly do not accept his characterisation of this, nor his free legal advice. The last time he suggested we refer something to the police it was found to be completely and utterly unfounded, so I will certainly not take the advice of the Leader of the Opposition when it comes to how we should involve the police - notwithstanding his very good experience of his own involvement with police.

MINISTER FOR INFRASTRUCTURE - ALLEGATIONS BY MEMBER FOR MURCHISON

Mr GREEN question to PREMIER, Mr HODGMAN

[10.43 a.m.]

Is the behaviour we have witnessed from your Minister for Police, Fire and Emergency Management the type of behaviour you are prepared to tolerate? Is this the standard of behaviour by a member of your ministry you are prepared to accept? Do you accept that by doing anything short of sacking this minister or accepting his resignation today you are condoning his appalling and potentially criminal behaviour?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for his question. Again, I do not accept his characterisation of these matters, nor the consequences he claimed should follow, given his track

record and that matters he has previously claimed should be referred to police have been found to be utterly baseless.

He commences this question by claiming we all witnessed this event. I ask the Leader of the Opposition, are you in a position to say you witnessed these events?

Mr Green - I certainly witnessed what Ms Forrest had to say -

Mr HODGMAN - You did not say that in your question. You opened with a broad, sweeping statement as you usually do.

Opposition members interjecting.

Madam SPEAKER - Order. The House will come to order immediately.

Mr HODGMAN - As usual you have made a broad, sweeping statement, unfounded in truth, that we all witnessed it. The Leader of the Opposition has just admitted that was a false thing to say; he was not even there.

HEALTH - ELECTIVE SURGERY

Ms COURTNEY question to MINISTER for HEALTH, Mr FERGUSON

[10.46 a.m.]

Will the minister update the House on what the Liberal Government is doing to reform and fund our health system so that Tasmanians can receive their much-needed elective surgery?

ANSWER

Madam Speaker, I thank the member for her question. This Government cares for Tasmanians who have been made to wait far too long for their health care. In particular, their elective surgery under the former Labor-Greens government's waiting times and waiting lists across our state were simply unacceptable. Huge numbers of patients were unable to undergo surgery. Unfortunately, when they did receive a date there was a higher than acceptable chance of cancellation. The Government has been taking action to rebuild Tasmania's vital health services, including elective surgery, with our record \$76 million investment, opposed by members opposite and only made possible through our budget repair.

We have opened more theatres, recruited more staff and are making better use of our public and private hospitals as we deliver our One Health System plan for Tasmania. We have made significant progress and I am pleased, Madam Speaker, to advise you and the House we are now seeing the early benefit of those reforms.

Across 2015-16 we saw an all-time record number of Tasmanians receiving surgery. The elective surgery waiting list has come down to its lowest number since records commenced more than one decade ago. I am proud and grateful to be part of a team so committed to helping Tasmanians receiving health care. This achievement for the Tasmanian Health Service has continued over the most challenging period, Tasmania's winter.

I am advised more than 5300 Tasmanians received elective surgery during the past winter. This is made up of 2100 people from the RHH, 2100 people from the LGH and almost 1100 people from the north-west waiting list. In total, compared to the same period last year, we treated more than 900 additional people in winter. This was a fantastic achievement. It is the highest number of surgeries provided in winter since at least 2010 and almost 1250 more than the winter of 2013.

At the same time we saw around 300 fewer cancellations of surgery compared to last winter, a drop of 40 per cent in cancellations. Our elective surgery plan is working and delivering real benefits for Tasmanians with almost 500 children, nearly 3000 adults and almost 2000 older Tasmanians receiving surgery during the months of June, July and August.

The most common surgeries for children were ear, nose and throat procedures, such as tonsillectomy and adenoid removal. General surgery was the most common specialty for adults, including hernia repair, gall bladder removal and lesion incision, followed by gynaecological procedures. Ophthalmology was the most common specialty for older Tasmanians, with more than 400 cataract procedures conducted.

I am pleased to advise the House that, as at the end of August, the elective surgery waiting list remained at a record low - at the end of winter - of just over 5900 people. This compares to more than 7200 at the end of August 2013. That was the end of the last Labor-Greens winter, a very long winter indeed.

The size of the waiting list is one thing, but the length of time that people have been made to wait is also important. Since the election we have seen significant reductions in the number of people waiting too long. We often refer to these patients as over-boundary patients. As a result of our investments and reforms, the over-boundary waiting list has fallen to its lowest point since current data collection commenced in 2005. I am pleased to advise members that at the end of August 2016, 1221 Tasmanians were waiting too long for surgery, compared to almost 3400 who waited too long at the end of Ms O'Byrne's last winter.

This Government is focused on results and on the needs of Tasmanians. It is not only about funding -

Ms O'Byrne - You are filibustering and should sit down and let question time continue.

Mr FERGUSON - I will not sit down until I have made the point or, Madam Speaker, you make me sit down.

We are providing a new record health budget for Tasmanians and it is working. It is making a difference, despite Labor's relentless opposition, including opposing our \$76 million investment.

BACKPACKER TAX

Ms DAWKINS question to MINISTER for PRIMARY INDUSTRIES and WATER, Mr ROCKLIFF

[10.51 a.m.]

Your Canberra colleagues' backpacker tax policy, and the uncertainty around it, is having a profound effect on an already strained sector. Droughts, floods, falling product prices, and now

employment instability for crop harvest have taken a toll on producers. With an estimated 10 000 workers needed to pick next season's crop, and the failed delegation to Canberra, haven't our farmers had enough? What have you as minister done to reverse this decision of your federal colleagues? How will you ensure a willing workforce to harvest next season's crops?

ANSWER

Madam Speaker, I thank the member for her question. I share her concerns about the impact of the backpacker tax. I have spoken, written, telephoned a number of my federal colleagues about the impact it is having on Tasmania right now. I acknowledge that fear of the backpacker tax has affected registrations for businesses. Workforce registrations have diminished considerably. In the media the other day one business which usually has around 1600 registrations now has less than 600. We are concerned about the potential impact of the federal government's proposed backpacker tax on our horticulture, agriculture and tourism industries.

I have written to the Australian Government noting the Tasmanian Government's concern, and recently made a submission to the working holiday maker visa review reiterating these concerns. I spoke to Luke Hartsuyker a few weeks ago, urging the federal government to act on this. We again communicated two days ago, and I urged a quick resolution to this matter. It is all very well to indicate this will be resolved but we need it resolved now. It is having an impact now on our agriculture and horticulture and tourism industries.

I commend the good work of Senator Jonathon Duniam, who has been instrumental in Tasmania's industry advocacy. He led a delegation to Canberra just last Thursday, seven days ago. A number of representatives, including Primary Employers Tasmania, the horticultural and tourism sectors, individual businesses, and the TFGA were represented. I commend him, and we are working closely with Senator Duniam in advocating for a change to the current federal government policy.

I acknowledge, Ms Dawkins - as I have done many times and it has been well reported - Tasmania's very strong concerns and advocacy to see the backpacker tax, as it currently stands, reversed for the benefit of our tourism, horticultural and agricultural industries which are so vital when it comes to producing a clean, safe and natural product we can all be extremely proud of.

I have said on radio on *The Country Hour* a number of weeks ago that if this continues in terms of the 32.5 per cent tax rate, we will not have the workforce in Tasmania to pick the fruit. It would be horrific for rural communities and individual business to see that fruit rot on the vines. There are no stronger advocates calling for a federal government backdown on the backpacker tax than the Tasmanian Government.

MINISTER FOR INFRASTRUCTURE - ALLEGATIONS BY MEMBER FOR MURCHISON

Mr GREEN question to PREMIER, Mr HODGMAN

[10.56 a.m.]

Your minister responsible for child protection, Mrs Petrusma, was forced to admit she knew nothing about the 151 child protection notifications that slipped through the cracks - and you did

nothing. When your Minister for State Growth, Matthew Groom, knowingly lied to Parliament about the existence of a secret land deal with the University of Tasmania, which he had signed days before, you said he had simply 'stuffed up'. When your minister for mining, Adam Brooks, knowingly and repeatedly lied to the Estimates committee about the existence of a company email, your weak response was to order an audit that has been delayed indefinitely. Now your Minister for Police, Fire and Emergency Services has clearly breached the ministerial code of conduct and potentially committed an offence against the Criminal Code, yet again you do absolutely nothing. The message you have sent to your ministers is that anything goes. As a result, we are repeatedly seeing conduct from members that is unbecoming and completely unacceptable. When will you accept that this is all down to your weak leadership?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for his question, and for his ongoing character assessments which most Tasmanians find laughable, given his track record and lack of strength of character he has shown on many occasions, not just in this place but also outside it. You could ask how on earth the Leader of the Opposition, Bryan Green, could get up in this place and talk about character.

Opposition members interjecting.

Mr HODGMAN - How could the Leader of the Opposition talk about lack of integrity and breaching the ministerial code of conduct and criminal laws? How could the Leader of the Opposition, Bryan Green, seriously ask questions about those sorts of things? The answer of course is he would know all about those things because he has had his own experiences in these matters and has actually been charged.

Opposition members interjecting.

Madam SPEAKER - Order. I am not going to put with the shouting across the Chamber. Substantial allegations have been made - most of which have been dealt with by the House already, I might note - but there has been a more recent allegation. The Premier is entitled to address the strong allegation that has been made, rather than be yelled at.

Mr HODGMAN - Thank you, Madam Speaker. That is why the Leader of the Opposition would ask questions about these sorts of matters, because he knows all about them. He actually broke the law, was charged and was arrested. He had to go to court, was found not innocent, twice, of breaking the law, so he would know all about that.

Ms O'BYRNE - Point of order. Madam Speaker, could I ask a question on your ruling? You did say that a serious allegation had been made and the Premier should be allowed to address that without being yelled at, so could he address the allegation that was made in the question?

Madam SPEAKER - The House knows my ruling in relation to lengthy questions. The door has been opened by the Leader of the Opposition by making a whole raft of allegations and the Premier is entitled to have the same latitude in answering those broad allegations.

Mr HODGMAN - Did the Leader of the Opposition resign? No, he was forced to resign. He was dragged kicking and screaming to resign. It was very weak when he was not even able to accept the nature of his conduct which saw him being charged and having to go to court twice,

during which proceedings it was made clear by senior law officers in this state that he had an inability to tell the truth. Remember the famous quotes about him being unable to tell the truth?

Ms OGILVIE - Point of order, Madam Speaker. The Premier has been asked a very specific question and he is just rambling. We would like him to answer the question.

Members interjecting.

Madam SPEAKER - Order. I stand by my ruling. The Premier has not been asked a specific question at all. Members know my ruling about lengthy preambles and numerous questions contained within the one question. It is not a specific question and the Premier is entitled to have latitude in this instance.

Mr HODGMAN - It was not a very good passing of a test of character when he was found to be not innocent twice by the Supreme Court, and senior legal officials said he was incapable of telling the truth and did not understand the nature of the truth. He did not resign or apologise. Eventually he might have, but at the time he did not and had to be dragged kicking and screaming.

I do not recall the Leader of the Opposition apologising or resigning when he was involved in a physical altercation with a member of the public at the AFL Grand Final. Once again, the last person who should be coming into this place and talking about leadership, integrity, doing the right thing and strength of character is Bryan Green.

HEAVY VEHICLE NATIONAL LAW (TASMANIA) AMENDMENT BILL 2016 (No. 37)

Bill agreed to by the Legislative Council without amendment.

MOTION Sitting Dates

[11.03 a.m.]

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

That the House at its rising adjourn until Tuesday 11 October 2016 at 10 a.m.

[11.03 a.m.]

Ms O'CONNOR (Denison - Leader of the Greens) - Madam Speaker, the blue today is a mysterious document. It has one of the most pressing bills to come before the House, and one of the most contentious bills, backed into the end of the day after bills which have very little urgency to them - the Statutory Appointments (Validation) Bill, the Public Account Act Section 19 Return, Financial Management Bill amendments and the Traffic Amendment Bill. Tucked away, at the end of the day, is the Anti-Discrimination Amendment Bill. We know why they are doing this - because it has gone down like a steaming cow pat. They do not have support from LGBTI advocates or the Mental Health Council of Tasmania. They do not even have the support of their old friends in the Australian Christian Lobby for this legislation. It looks like they are waking up to the fact this is a huge mistake on their part.

The Children's Commissioner yesterday condemned the amendments, saying he is concerned they will lead to the bullying of young people on the basis of perceived difference. Very substantial concerns have been raised about this odious legislation. You have stuffed it away to the end of the day to the blue; thus, we will sit late. We will sit and sit and sit on this legislation. All of us will speak to it and if we have to sit until 6 o'clock in the morning, we will.

Mr FERGUSON - Point of order, Madam Speaker. To be helpful and for the member to understand -

Madam SPEAKER - That is not technically a point of order. There are members who can make a contribution -

Mr FERGUSON - In which case, Madam Speaker, I point to relevance because I have moved a motion that has nothing to do with the sitting hours.

Ms O'CONNOR - So we are not sitting late? So are you going to gag debate?

Madam SPEAKER - Order.

Mr Ferguson - Let's see what happens.

Ms O'CONNOR - Madam Speaker, we saw the order of business come through late yesterday and are concerned that the Government is attempting to conceal debate on this bill late in the day.

Mr Ferguson - You mucked up. Just admit it and sit down.

Ms O'CONNOR - Do not tell me what to do.

Mr Ferguson - You are on the wrong motion.

Ms O'CONNOR - No, I am speaking to the blue.

Mr Ferguson - Sitting dates.

Madam SPEAKER - Order. Members will speak through the Chair and we will not use language directed at each other.

Ms O'CONNOR - Thank you, Madam Speaker. I simply wanted to make the point that we recognise what the Liberals are seeking to do with this legislation, which has no support in the community. The only people who support it are Mr Ferguson, Mr Barnett and Mr Hidding, as far as we can tell, who are the extremists within the Liberal Cabinet. We recognise that this blue is a cynical manipulation of parliamentary business. The Liberals are the ones who have stuffed up by bringing in this legislation in the first place.

Motion agreed to.

MATTER OF PUBLIC IMPORTANCE **Forest Industry Jobs**

[11.28 a.m.]

Mr BROOKS (Braddon - Motion) - Madam Speaker, I move -

That the House take note of the following matter: forest industry jobs.

It is exciting to talk about forestry jobs under the majority Hodgman Liberal Government. Compare it to the disaster and dysfunction of a once-proud Labor Party that sold its soul to appease their Greens masters in Cabinet - until they got sacked. Senator McKim and Ms O'Connor, the leader of the so-called Greens, did anything and everything that was demanded. That was the evidence. We saw an industry that was smashed by the Labor-Greens forest deal. The Tasmanian forest industry is now responding to the pro-growth policies of the Hodgman Liberal Government. We had a clear plan.

Labor's deal with the Greens to remove resource security and spend \$25 million of taxpayer money to aid and abet the sale and destruction of the Triabunna mill absolutely hammered an industry that had already been hit by the Gunns collapse and the GFC. As a result, jobs, sales and earnings fell off the wall. By the last financial year of the Labor-Greens coalition, forestry exports had plummeted to less than a quarter of what they had been five years earlier.

If you look at the real impact that it had and also the follow-on policies that Labor set about putting in place following their destruction of the forest deal, it only paints a minute fraction of the picture of what Tasmanians felt under that disaster that was led by Ms Giddings, Mr Green, Mr Bartlett, Mr McKim and Ms O'Connor. We saw the dysfunction. We saw the destruction of communities, jobs and the destruction of a key industry, a proud industry that Labor used to support.

If you look at small towns in Circular Head such as Scottsdale, Irishtown and Edith Creek, we saw the corner stores and takeaways starting to see a real impact in their turnover, because there were no log trucks going through because the Labor-Greens disaster and the once-proud Labor Party sold its soul to appease their Greens masters to keep themselves in government. Even worse, because of the disaster of their budget management their solution was to shut 20 schools. One of them was Edith Creek Primary School. I remember going to that school when it was announced in the budget that that school was going to close.

Ms O'Connor - You're not even worth heckling these days you're so irrelevant.

Mr BROOKS - Okay, no worries, thanks, Ms Relevant herself. That is pretty soft for you, Ms O'Connor.

What we saw at that school was devastation. They destroyed an industry in that area and then tried to close the school. Then they wonder why they got absolutely belted at the election. They were belted at the election because they sold out an industry. Our plan changed it for the better after the election of the Hodgman Liberal Government. Jobs have been the number one priority for this Government since day one. We tore up the job-destroying forestry deal that Bryan Green sold his soul and his electorate out for. We provided the strongest laws in Australia to protect workers from radical protesters. We also provided new opportunities for private investment and jobs growth.

As a result, the industry's fortunes are turning around. There is more confidence after the sellout by Labor. The shutdowns and the lockups saw a massive job loss under Labor and the Greens. Two out of every three jobs in the industry have now been replaced by a new spirit of progress. There is more work to be done; we accept that. I congratulate the minister, Mr Barnett, my good friend and colleague, on the work that he is doing, continuing on from Mr Paul Harriss, who did an exceptional job.

Ms O'Connor - Whatever happened to Mr Harriss?

Mr BROOKS - He did not sell out an industry like Bryan Green did. That is what happened to Mr Harriss.

Ms Ogilvie - Do you have any new material? You've been going on about this for two years.

Mr BROOKS - The new material is that jobs are growing. Forestry is back on track.

Ms O'Connor - Give us some numbers.

Mr BROOKS - It is growing; confidence is up. What part of that don't you get? I know you do not like people having jobs in the forestry industry. We will never apologise for standing up for the forest industry. We will never sell out the forest industry like you and your Labor mates did, just to appease the Greens and the front groups they represent.

Investment, employment, exports and earnings are all rising. The estimated value of logs delivered to customers under the first full year of the Hodgman Government was almost 50 per cent higher than during the dark days of the Labor-Green coalition. Mr Deputy Speaker, you are a proud supporter of the forest industry, unlike the Labor sellout frauds who sit opposite. The minister has been involved in a series of announcements indicating that the forest industry has turned the corner and that renewed figures -

Time expired.

[11.35 a.m.]

Mr LLEWELLYN (Lyons) - Mr Deputy Speaker, I will respond to the bluff and bluster of the member accusing this side of the House of many things that he knows are not true. The issues that faced Tasmania from 2010 through to 2014 were unfortunate, there is no doubt about that. They were issues that related largely to the global financial crisis which put huge pressure on resource industries in this state and particularly in the forest industry. We saw also during that period the demise of Gunns, which created huge upheaval right throughout the industry because Gunns was so integral to the industry itself.

Ms O'Connor - That's what happens when you have an economic monoculture in place.

Mr LLEWELLYN - For the benefit of the member for Denison, we saw issues on a world scale with wholesale undermining of our markets from lobbyists who were inferring things about forest operations here in Tasmania that in fact were not true.

Ms O'Connor - They were just telling the truth. Are you saying customers are stupid?

Mr LLEWELLYN - They perpetrated untruths in the market, particularly in our traditional markets such as Japan.

Ms O'Connor - Are you saying the customers can't think for themselves and assess the facts?

Mr DEPUTY SPEAKER - Order. Ms O'Connor, you will have a chance.

Mr LLEWELLYN - I know because I spent an inordinate amount of time during the election campaign in 2010 in Japan trying to shore up those markets in the face of a whole lot of pressure that was being exerted. The member really should be focusing on the matter of public importance and not trying to vilify this side of the House.

I have to say it is pleasing that the member for Braddon has finally focused on forestry and the future of the industry because we have not seen or heard that much of him in recent times. At the end of the day there are not too many issues that set this side of the House apart from the Government with respect to being genuine in wanting to see a strong and innovative forestry industry going forward. Despite those comments coming from the Greens, I hope they would also want to see a strong and innovative forest industry going forward.

Greens members interjecting.

Mr DEPUTY SPEAKER - Order.

Mr LLEWELLYN - The trouble is, their track record is far from that. For years they have been lead weights around the necks of people within the forest industry.

The forest industry has experienced many changes over the years with the changing resource, the changes in technology and the international markets. At every turn the industry gears up to meet those changing demands head-on. I give the forest industry great credit for being able to meet the challenges that have come along.

One other matter I wanted to speak about, because it has continually come up in this Chamber and we on this side have been hammered in regard to it, is the Triabunna woodchip mill. From reading *Hansard* and the comments from the Government side you would think that indeed it was the Labor Party that allowed the situation with the Triabunna mill to occur. That is very clearly not the case. The committee that met to discuss this, which had as its chair the now minister responsible for forests, ought to be the first to acknowledge that a set of circumstances occurred that in fact were not initiated by the Labor-Greens government of those four years, so I think it is untruthful to continue to pursue that particular angle.

It has taken some two-and-a-half years for the Government to get to a point of dealing with the issue that has most recently been announced in regard to the exporting of our southern residues through the Port of Hobart and transporting additional resources through to Bell Bay.

Time expired.

[11.42 a.m.]

Ms O'CONNOR (Denison - Leader of the Greens) - Mr Deputy Speaker, it is pretty clear that the age of the dinosaurs has not passed. The contributions of the previous two speakers were of people who are trapped in the past, refuse to acknowledge the facts and are wedded to an unsustainable and dying native forest industrial logging industry.

It is interesting that the member who brought this motion on could not provide any data at all on the state of native forest logging jobs in Tasmania, but I am here to help him. The Department of State Growth undertook a comprehensive study of native forest jobs in 2014. It stated that in November 2013 there were 1155 people employed in the native forest sector, down from 3459 people in August 2006. The data is very clear that the native forest logging industry began its slow

death well before the Labor-Greens government was formed. That is why native forest sector leaders came to the previous government on their knees and said, 'Can you help us?'. That was the foundation for the Tasmanian Forest Agreement.

The native forest logging industry was in dire straits even before the global financial crisis because the global markets were walking away from the kind of timber that Gunns and Forestry Tasmania were logging, chipping and shipping overseas. They were walking away from high-conservation-value timber. They were after Forest Stewardship Council certified plantation timber. The growth in the sector in Tasmania to this day is in FSC plantation timber.

When Mr Barnett seeks to mislead the House over the alleged thousands of jobs in the native forest industry, he is simply misleading the House, just as he misled the House when he said there would be no public funds used to prop up the so-called southern residues project proponent solutions. Of course there will be public funding. We have done the maths. Majestic Timbers is the mysterious company formed on 18 July this year after the minister said negotiations were underway and conditions agreed to. Its business case is modelled around \$10 million per annum in public subsidy, through the expanded Freight Equalisation Scheme. We have no answers from the minister about who Majestic Timbers are.

The Greens know that at least one of the key players in Majestic Timbers received a payout under the Forest Contractors Exit Assistance Program. We have a player in the native forest industry doing exactly what the industry has done for a very long time - put its hands out for public funding, allegedly to exit the industry, and pop up in another guise in a mysterious company called Majestic Timbers and again seek to use taxpayer funds to exploit native forest in Tasmania. While this is happening, this Government is not enabling Forestry Tasmania to secure FSC certification. Forestry Tasmania is still logging threatened species habitat. The 137 000 cubic metre minimum sawlog quota is unsustainable and is a blockage to Forestry Tasmania securing FSC certification.

The member for Braddon, Mr Brooks, gave exactly the same rant a short time ago - unstructured, with no facts - as he has given in this place any number of times since elected. No facts or data. It was the Liberal strategists this morning thinking, 'What are we going to do with our fake MPI today? We'd better give Mr Brooks something to do and we'll pop him up there to have a bash at the Greens and Labor'. This is a waste of the Parliament's time.

We have not had a substantive debate from either of the previous speakers on the facts of an industry that has been dying since 2006. Before the global financial crisis and the high Australian dollar, well before then, the native forest logging industry in Tasmania was dying. It was dying because it is unsustainable. We had a political structure that propped up an economic monoculture in Gunns, in which the whole industry was entirely dependent on the interconnection between Forestry Tasmania and the Gunns corporation. Once the global markets started rejecting Gunns timber and Gunns went into decline and began to collapse, there was going to be an impact in Tasmania. So many jobs were dependent on one company. Neither of the old parties in this place understood the importance of economic diversity. Gunns was the architect of its own demise. The native forest logging industry in Tasmania was also the victim of Gunns' monopoly in Tasmania under two political parties that were complicit in allowing that situation to happen.

Mr Llewellyn, you might get up in here and say we have been a lead weight on Tasmania's economy, but the Greens and the conservation movement have defined, defended and fought for the brand that underpins our economy for decades, and we will continue to do so.

Time expired.

[11.49 a.m.]

Mrs RYLAH (Braddon) - Madam Speaker, forestry jobs and growth in Tasmania come from plantation and native forest sectors. Labor and the Greens have no credibility with jobs in the forest industry, and it is jobs we are talking about now. I see hundreds of workers every day at Massy Greene, hundreds of workers who were not there before, log trucks on our highways, the equipment yard at William Adams empty because the machines are out in the forests. They are out there working. I see families putting food on their table and children being educated because people are confident in regional areas, they have jobs in our forest industry.

I return to what it was like in 2010. In 2010, the government went to the people promising jobs in the forest industry, but they did not deliver. Instead, they produced the disastrous Tasmanian Forest Agreement. I know its intent was not to be disastrous, but it was a disaster. There was a loss of more than 4300 jobs, as was noted earlier today. Two out of three jobs in the industry were destroyed.

Labor then added insult to injury by going to the 2014 election expecting Tasmanians would have developed some sort of amnesia over the disastrous attack on the industry. That did not happen. They promised to produce a pulp mill with 3000 new jobs and a \$10 billion boost to economic activity. Tasmanians were sensible enough not to fall for it a second time. They voted on Labor's record, not its empty promises, and handed the ALP the biggest electoral thrashing in 100 years.

The Greens were no better. The Greens went to the 2010 election promising 542 new jobs in the timber industry. They delivered instead the disastrous coalition with Labor and the job destroying TFA. The Greens promised the TFA would deliver peace in our time. I cannot tell you how cynically that was taken. Radical environmentalists continued to attack industries, workers and -

Ms O'CONNOR - Point of order. We made no such promises that the TFA would deliver peace in our time.

Mr DEPUTY SPEAKER - A point of order is not for clarification.

Ms O'CONNOR - Under standing order 181 I am entitled to express my point of order. I ask Mrs Rylah to stick to the facts.

Mr DEPUTY SPEAKER - Again, that is not a point of order.

Ms O'Connor *interjecting*.

Mr DEPUTY SPEAKER - Ms O'Connor, you have had your seven minutes and I would ask you to respect that Mrs Rylah has the seven minutes belonging to her now. She has the call.

Mrs RYLAH - The Greens activist supporter base were never satisfied and we hear that again today. More than half of Tasmania is already in formal or informal reserves, a level of protection extraordinary by any measure anywhere on the planet. In contrast, for Australia as a whole that figure is only 12.8 per cent. There will never be enough to satisfy the radicals. The next target, and

we know it, is the further lockup of the Tarkine and beyond that, down the west coast in a land grab north and south of Macquarie Harbour. Again, a design to attack a conservation area on the agenda -

Ms O'Connor *interjecting.*

Mr DEPUTY SPEAKER - Order. Ms O'Connor, please show some respect for the process.

Mrs RYLAH - we know, for the World Heritage Committee, by the Wilderness Society. That is a shame. The greatest risk facing Tasmania's resource industries, the forest and the mining sectors, is a repeat of the devastation caused by Labor's sellout to the Greens last time.

We heard new figures from TasPorts brought by the minister, showing in the year to June export of wood products passed 3 million tonnes for the first time in five years. It is an increase of more than 160 per cent on wood product exports during the dark days of the failed Labor-Greens government.

Today I note the incredible growth of jobs in Braddon. For the first time we are seeing Braddon leading the way in reducing unemployment. They are forestry and agricultural jobs. Since the Government has been elected we said that we would end the lockups, protect the forest industry from radical protesters, put forestry on a pathway to financial sustainability, and develop with the industry a strategy to grow the industry and grow jobs into the future. We are well down that path. We have ended the lockups and passed the strongest laws in the country to protect workers from the people who want to shut down our native forest industry.

Last week the Minister for Resources announced that Forestry Tasmania has now finalised contracts for southern residue solutions identified in the Liberal Government's expression of interest process. Majestic Timbers Australia will take up to 180 000 tonnes annually for export in containers from Hobart's Macquarie Wharf to markets in South-East Asia. Up to another 150 000 tonnes a year will go to Les Walkden Enterprises which will transport the residues to Bell Bay for processing and export for paper production. Importantly, no public funds will be or have been provided for either of these successful proposals. Both companies have entered into commercial arrangements that will result in positive returns for Forestry Tasmania, improving its bottom line. This means that for the wood taken up by these contracts there will no longer be a need for any form of subsidy.

Time expired.

[11.56 a.m.]

Ms WOODRUFF (Franklin) - Mr Deputy Speakers, the Greens have been waiting to hear a single job number from the Government. They can provide nothing. All they can do is provide promises of volumes, general statements about jobs that have been increased and an industry that has been stimulated, but not a single number. We continue to hear rhetoric and this whole matter of public importance is based on nothing. It is a fiction. There are no jobs that have been stimulated in Tasmania from this Government's approach to anything. There are 5300 fewer jobs than there were last year. How many in the forestry sector? Nothing. We have just had 15 minutes from the Government talking about stimulation to the forestry industry and they could not even come up with a number. That is shameful.

At the same time, we know that the promise this Government made to the Tasmanian people that it would stop the subsidies and take Forestry Tasmania off the public purse and get it off the teat is a lie. In 2014-15 this Government spent \$113 000 on the private forestry industry

development program and promised \$138 000 per year to investigate alternatives to forest residues. This year, a wood and fibre processing innovation program was given \$500 000 on top of the \$750 000 commitment to kick-start an incredibly divisive biomass industry. That means more destruction to the environment and more money to an industry that they cannot even come up with a job number for as the basis for their terrible and divisive policy.

This Government has made available \$1 million for the past native forest contractor hardship relief program. If only that \$1 million could have been put into something that would have created jobs. Instead, it has been put into a sink fund for an industry which is not providing new jobs in Tasmania. It is not providing jobs where we need them in regional communities that are sustainable and build on the clean, green brand which the Greens started. This Government is doing its best to destroy it.

Look at what is happening on the east coast. How dare this Government push the east coast as a clean, green, pristine wilderness area for tourists while at the same time signing off on state planning provisions for the Tasmanian Planning Scheme which will allow unfettered clear-fell permitted on private land at six times the current level. It will take away any appeal rights and any community ability to have a say about the ribbon development slated for that coast. Who knows how many people the Premier and the Minister for Environment, Parks and Heritage chatted to on their overseas trips about getting developments started on the east coast of Tasmania. Well, we will all find out but we will not have a chance to have any say in it.

This is a government that does not care about regional communities. It did not care about Scottsdale or Geeveston. It is not helping those communities find a new career path. Instead it is trying to reactivate an incredibly divisive southern forestry woodchipping campaign that will kill the sort of fantastic community work that has been happening in those regional areas in the south. It will also mean there is no possibility of getting Forest Stewardship Council certification with the current approach.

There has to be an end to logging in swift parrot and masked owl habitats. There is a level of cognitive dissonance with this Government. It is impossible to protect those habitats and at the same time try to start an industry, and it is indefensible if you cannot come up with a number. In 15 minutes of talking about the forest industry, no jobs were discussed.

Mr Ferguson - Do you want jobs in the native forest sector?

Ms WOODRUFF - Yes. I want that million dollars you spent on the past native forest contractors to go into new jobs.

Mrs Rylah - Which jobs?

Ms WOODRUFF - New jobs for the region. Would you like us to tell you? Mrs Rylah, let us sit down and have a conversation one day. I would love to tell you how you could create jobs in Braddon with the money you are spending on a divisive, unsustainable forestry industry. Let us have a chat because the Greens have a program. It is our alternative budget. We have found that not only can you get out of pokies in pubs and clubs but we can create a fantastic new range of jobs in the preventive health care sector.

Ms Courtney - Well, it's not going to be in tourism after you cut AFL and the V8s.

Ms WOODRUFF - Exactly. The Liberal Government does not understand that the tourism industry is good for electricians. It is good for people in trades. It is good for construction industry. All of these places support the tourism industry. They are regional jobs in rural areas. We need to be supporting a tourism industry that works with communities and provides jobs where we need them, not to companies overseas or companies with shareholders who are interstate. We want jobs for people who are Tasmanians, people who have an investment in our future.

Time expired.

Matter noted.

STATUTORY APPOINTMENTS (VALIDATION) BILL 2016 (No. 52)

Second Reading

[12.03 p.m.]

Mr HODGMAN (Franklin - Premier - 2R) - Mr Deputy Speaker, I move -

That the bill be now read the second time.

During recent work within the Department of Justice to standardise and clarify appointment procedures for statutory officers, it became apparent that over a number of years there may have inadvertently been either the appointment of persons to statutory offices who failed to meet the statutory appointment criteria, or the invalid constitution of tribunals or boards.

The problems stem from the replacement of the Legal Profession Act 1993 with the Legal Profession Act 2007, which changed definitions relating to members of the legal profession. Under the 1993 act, a 'legal practitioner' was defined as 'a person admitted and enrolled as a barrister and solicitor under this act', and did not require that the person held a practising certificate. Under the 2007 act, the phrase 'Australian legal practitioner' is defined as a person entitled to practice; that is, both admitted to the legal profession and in possession of a practising certificate.

Consequential amendments at the time of the 2007 act substituted phrases referring to members of the legal profession in many acts, including in statutes that require persons who are lawyers to be appointed as members of boards, tribunals or other statutory offices. However, since the 2007 act commenced, it has not necessarily been appreciated that the new term 'Australian legal practitioner' has brought with it a requirement that the person appointed be in possession of a practising certificate at the time of appointment.

There are common law doctrines, such as the 'de facto public officer doctrine', that could be relied upon to support any decision made by an invalidly appointed person. In short, this doctrine basically provides that if a statutory officer acts in a legally recognised role that they and others believe they have been properly appointed to, their exercise of power will remain valid despite any errors or irregularities in their appointment process. However, this doctrine also requires action to be taken to remedy the defect once the problem is known.

The Government has therefore decided that the best way to proceed is to draft legislation to retrospectively validate decisions made by commissioners, boards or tribunals, notwithstanding that at the time the decision or action was taken, there was a defect in the appointment of a commissioner

or member of a board or tribunal, or where a board or tribunal had been improperly constituted. As the problems arise from the commencement of the Legal Profession Act 2007, the retrospective effect of the provision will be to the date of commencement of that act.

Several acts already contain provisions to prevent decisions being overturned on the basis of an invalid appointment. Boards or tribunals created by statutes containing such provisions have not been included in this bill. It would take considerable time and resources to review every statutory appointment and any decisions made by any potentially affected person over the nine years since the commencement of the Legal Profession Act 2007. So that this bill can proceed expeditiously, it has been drafted with a 'belt and braces' approach; that is, that the decision of any statutory office holder whose appointment might be called into question be validated.

The statutory officers, boards or tribunals included in the bill meet three criteria. First, the relevant act requires that a person appointed be an Australian legal practitioner; second, the statutory officer, either alone or as a member of a board or tribunal, has a decision-making function; and third, the relevant act does not include a provision validating a decision despite the fact of later discovery of an invalid appointment. This broad approach is the safest, notwithstanding that most of the statutory officers and members of boards and tribunals will have been validly appointed and the tribunals and boards validly constituted.

This bill does not intend to call into question the professionalism or expertise of the statutory officers or members of a board or tribunal who have made decisions that are now potentially invalid. The potential invalidity arises as the result of a failure to appreciate the effect a change of terminology in one piece of legislation had on other acts that have been consequentially amended to use that particular phrase. It does not in any way reflect on the valuable work done by the statutory officers, boards and tribunals included in the bill.

The Department of Justice has embarked on a thorough review of statutory appointment criteria to ensure they are appropriate and reflect the reality of the flexible modern workplace. Any amendments required as a result of this review will be tabled in due course. Until the review is completed, the department has taken steps to ensure that all persons appointed to statutory offices comply with the current appointment criteria to guard against any further need for validation. I commend the bill to the House.

[12.09 p.m.]

Ms GIDDINGS (Franklin) - Madam Speaker, I rise on behalf of the Labor Party in support of this legislation. There is really not much comment that can be made in relation to it. It is a problem that has been identified and needs to be rectified. We are always concerned about legislation that has a retrospective element to it but I do not see that there is any harm in relation to this. Of course we want certainty and not to have a situation where litigation ends up occurring on the basis that an appointment may not have been made in accordance with conflicting legislation, rather than the essence of the decision or the evidence presented and how that decision came about.

It makes sense that this is rectified. It highlights the fact that these are complex areas and that it is difficult to keep tabs on every possible impact that a piece of legislation could have, particularly when it is not our state legislation, in relation to the impact of the Australian laws that came into effect after our own Legal Profession Act 2007. It also highlights the importance of ensuring that we adequately resource our government departments and the Office of Parliamentary Counsel so that they can, to their best ability, keep tabs on these sorts of national changes and the impact of state legislation so that we can jump more quickly onto these sorts of emerging issues rather than

have to deal with it in the way we are dealing with it today. We have no problem with the legislation and we will be supporting it.

[12.11 p.m.]

Ms O'CONNOR (Denison - Leader of the Greens) - Madam Speaker, this is a non-controversial bill - a tidy-up. The Greens will support the passage of this bill through the Parliament.

We are also always a bit wary about legislation that has retrospective effect but it is clear when you read this bill that it is necessary that there be a retrospective correction to ensure statutory appointments which have been made under a number of acts - the Anti-Discrimination Act 1998, the Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011, the Victims of Crime Assistance Act 1976, the Legal Profession Act 2007, and the Forest Practices Act 1985. We have had a new Forest Practices Commissioner appointed relatively recently. I believe that this legislation will also validate that appointment. Other acts include the Guardianship and Administration Act 1995, the Legal Aid Commission Act 1990, the Resource Management and Planning Appeal Tribunal Act 1993, and the Industrial Relations Act 1984. Again, we have had appointments in relatively recent times of commissioners to the Industrial Relations Commission.

It is concerning to understand that those appointments might not have been validly made. This bill is effectively a doubts-removal bill. The final act that is referenced in Schedule 1 is the Workers Rehabilitation and Compensation Act 1998. There is a large suite of legislation, and potential appointments, that this act seeks to validate.

I ask the Premier when did this issue first come to the Government's attention? How was it raised with the Government? Was there a concern about a particular appointment or was it simply that the Department of Justice had become aware relatively recently? Which appointments made by this Government may have been affected by what was an anomaly in the law because of the change of definition under the Legal Profession Act nine years ago?

[12.14 p.m.]

Mr HODGMAN (Franklin - Premier) - Madam Speaker, I thank members for their contribution and support for the bill. It is not entirely uncommon for this to occur on occasions. When the Legal Profession Act was debated in 2007, a number of members who debated in this place on that bill accepted, including myself in opposition, that there would very likely be some unintended or unexpected consequences of what was, I am told, the largest piece of legislation that had, at that time, been introduced. It has since been superseded but it was very substantive legislation.

It was anticipated that issues of this nature might arise, given existing legislation definitions, as have been discovered, I understand, in recent months. Following an appointment process, it was picked up that there may be an issue. Once discovered, it is required of the Government to move to act as speedily as possible. That has been accelerated due to the fact there is a live matter before an appeals jurisdiction in which that matter has also raised this issue.

Mr Llewellyn - An appeal or an appeal in the tribunal?

Mr HODGMAN - An appeal relating to a decision of the Anti-Discrimination Tribunal. This will seek to remedy the situation and ensure it will not be an issue again. The concept of

retrospectivity is always a concern but when we are dealing with matters where decisions have been made previously it is also important to provide legal certainty with respect to those.

Ms O'Connor - Which specific appeal? Can you detail that to the House?

Mr HODGMAN - I do not have the details of the appeal but we will be able to provide that to you. It is underway. It is an appeal not on the basis of the matter that will be resolved in this bill. It goes to other matters of substance but it has been raised in those proceedings by counsel as an issue. That is expedited -

Ms O'Connor - Because of the potentially invalid appointment of the Anti-Discrimination Commissioner?

Mr HODGMAN - No. It is not as a result of a decision of the commissioner. It relates to a member of the tribunal sitting as a single member determining a matter which could, as this bill envisages, be invalid. It is not in relation to the validity of a decision of the commissioner.

I thank members for their support of the bill. I take the opportunity to thank members of the department, who have not only been quick to respond to this matter on its becoming apparent, but have also assisted in the drafting of this legislation. I thank them in advance of their work to undertake a more thorough review of statutory appointment criteria. There are various ways things that could be done to enable more contemporary and flexible arrangements to ensure these sorts of bodies are not only constituted well by qualified people who are able to contribute to the operations of these bodies but also do so in a way that is not legally invalid.

Bill read the second time.

Bill read the third time.

POISONS AMENDMENT (POPPY INDUSTRY REFORM) BILL 2016 (No. 45)

Bill agreed to by the Legislative Council without amendment.

RACING REGULATION AMENDMENT (BOOKMAKER BETTING AND MISCELLANEOUS PROVISIONS) BILL 2016 (No. 38)

Bill returned from the Legislative Council with amendments.

Motion

Mr ROCKLIFF (Braddon - Minister for Racing - Motion) - Mr Deputy Speaker, I move -

That the amendment be made an order of the day forthwith.

Motion agreed to.

**RACING REGULATION AMENDMENT (BOOKMAKER BETTING AND
MISCELLANEOUS PROVISIONS) BILL 2016 (No. 38)**

In Committee

Council amendment - new clause A -

Mr ROCKLIFF - Mr Chairman, I move -

That new Clause A be agreed to.

The Government supports the amendment brought on by the member for Windermere, Mr Dean. It provides the Director of Racing the ability to issue an infringement notice for an offence under the act, and according to section 14 of the Monetary Enforcement Act 2005. This will result in a more timely and efficient mechanism for offences under the act to be actioned.

Mr BACON - Mr Chairman, the Opposition will be supporting the amendment put forward by the member for Windermere, Mr Ivan Dean, and supported by the Government. We hope this allows the Director of Racing to deal with these matters in a more timely and efficient manner. If that is so, we are happy to support it.

Ms O'CONNOR - Mr Chairman, the Greens have no issue with the amendment. No concerns have been raised with us, and on that basis we are comfortable supporting the amendment.

New clause A agreed to.

Reported the Committee had resolved to agree to the Council amendments.

Resolution agreed to.

MOTION

Public Account Act 1986 - Additional Expenditure

Resumed from 21 September 2016 (Page 49)

[12.26 p.m.]

Mr GUTWEIN (Bass - Treasurer) - Mr Deputy Speaker, I thank members for their contributions. In answer to questions on the inclusion of the additional column headed '2016-17 Budget', that is a new addition. It indicates whether you have already agreed to the measure through the budget process, so where 'yes' is written, it relates to spending in the estimated outcome figure included in the budget.

Mr Bacon - So it is going to be in the 2016-17 year?

Mr GUTWEIN - There is an estimated outcome in the 2016-17 Budget for 2015-16. It indicates whether the measure was included in the estimated outcome for last year that was included in the budget. Does that make sense?

Ms O'Connor - So 2015 is correct?

Mr GUTWEIN - Yes. That is the additional column.

Mr Bacon - Yes, but then does that mean if it is recurrent funding for the Prison Service, for instance, it is expected to be included in the 2016-17 budget figure?

Mr GUTWEIN - No, it is a RAF in the estimated outcome. When calculating the estimated outcome for expenditure for the 2015-16 Budget, the best update we can provide is in the 2016-17 Budget. In that estimated outcome, it indicates whether this spending was included.

Mr Bacon - If you use the Silverdome overspend as an example, I think that one says 'no' in the column.

Mr GUTWEIN - In that case, it was not included in the estimated outcome included in the 2016-17 Budget. It would have been a RAF that would have been approved towards the end of the last quarter of 2015-16 and therefore not in the budget.

Mr Bacon - There is no indication whether or not that means in next year's Budget there will be an additional \$400 000 for the Silverdome, another RAF.

Mr GUTWEIN - Let me deal with the Silverdome. They might have a cracker of a year this year in regard to events. As a former finance minister I think you understand how it works. I will put the explanation from Treasury so we have both my explanation and this added information on record. The inclusion of the additional column headed 2016-17 Budget was included as part of the process of improving transparency and information provided to members. Many of the issues included in the Section 19 Return have already been included in the 2016-17 budget papers and the calculation of the estimated outcome. Information in the new column indicates whether the RAF has been included in the 2016-17 budget papers or not and therefore whether they were available for scrutiny through the Estimates committee process already.

There was a question regarding the transfer of \$23.379 million in respect of DHHS. Following the completion of the department's organisational review, a review was undertaken into the allocation of overheads across outputs. These changes reflect the reallocation of overheads to reflect the new organisational structure. They reflect administrative changes only, have a budget-neutral impact and have no impact on service delivery.

There was a further RAF of \$4.7 million for the health management system. This essentially reflects a cash flow adjustment between the 2014-15 year and the 2015-16 year due to the timing of payments required to the Commonwealth. A saving was made in 2014-15 and the cost was incurred in 2015-16, which is why that appears.

There was a RAF of \$14.5 million for Disability Services. This RAF reflects a change in the provision of Australian Government disability funding between the disability specific purpose payment and payments made for disability services through the national partnership agreement. There was a reduction in funding under the NPA and an increase in the funding under the specific purpose payment.

Ms O'Connor - So that balanced out without there being a negative impact on -

Mr GUTWEIN - I do not have that information in front of me but that appears to be the case.

Ms O'Connor - That wasn't really an answer. You're just reading from the legislation.

Mr GUTWEIN - I am trying to be helpful. There were some questions that were raised about Prison Service transfers. I want to point that in regard to Prison Service transfers - and this is an added level of transparency in these papers compared to previous papers - these are decisions taken by secretaries within their departments, not taken specifically by the Treasurer. I am making certain I am on safe ground there.

What normally happens in all agencies is that if the secretaries are managing their agency appropriately they will look to areas where they have underspent, and where they have pressures they will transfer money. To me it makes sense. It is sensible budget management. Ms Woodruff took quite some time to explain how she felt about this matter and the fact that we were not funding the prison system adequately, which does have pressures and I think that is well understood, but if I look back at previous years with previous ministers, there was a prison transfer of just on \$1 million back in 2012-13, another \$100 000 in 2013-14, in 2014-15 - of which we had three months of the year and you had nine months - about \$660 000, and then on top of that, in 2012-13 and 2013-14, again coming back to how matters were managed, there were RAFS required as well and some supplementary appropriations to the Prison Service and Corrective Services. What is happening here is not unusual and, as I have said, it is effectively the process of a secretary managing their department.

Mr Bacon - If they take it out of your Planning portfolio and put it into Corrections, do you get a say in that at all?

Mr GUTWEIN - As Treasurer? No.

Mr Bacon - No, as Minister for Planning.

Mr GUTWEIN - No, I don't. For example, in Planning we might have been looking for somebody with particular planning skills and it took a period of time before we could appoint them so an allocation was made for the full year that is not going to be spent. It makes sense to utilise that funding.

Mr Bacon - And the secretary makes that decision without any reference to you?

Mr GUTWEIN - The secretaries of departments can manage it, and have been doing so. They did the same thing under you.

Mr Bacon - Across portfolios, though.

Mr GUTWEIN - No, a secretary within a department manages those particular portfolio areas.

Mr Llewellyn - He is talking about across portfolios.

Mr GUTWEIN - I understood the question. As I said, it is the one secretary that manages those portfolio areas.

Mr Llewellyn - He wanted confirmation of the fact that one secretary could not transfer money to another section.

Mr GUTWEIN - I understand what you are saying. Did I have line of sight on that? No, at the end of the day the secretary was managing the budget for the combined agency.

In regard to Metro, there was a question that was raised regarding the \$13 million. Interestingly enough, that was included in the budget papers. Included in the estimated outcome calculation, page 123 of budget paper 1 notes, for example - and this was in regard to the Metro bus infrastructure capital initiative:

Funding of \$4.5 million per annum over the 2016-17 Budget and forward Estimates period will be provided as an equity contribution to Metro Tasmania Pty Ltd to implement a bus infrastructure capital initiative that will give the advanced manufacturing sector in Tasmania an opportunity to bid for customisation and fit-out work to deliver an accelerated replacement Metro Tasmania bus fleet. This equity payment will be made by Finance-General. This funding, together with an additional \$13 million, will also be provided as an equity contribution in 2015-16 and will be used to fund the Metro bus replacement program.

It was about strengthening Metro's capital base to ensure it could go forward.

Mr Bacon - Is it usual to do it in that manner rather than just give them the money?

Mr GUTWEIN - It is unusual that we would buy 100 new buses. This is a significant capital program and was a way of ensuring they had a sufficiently strong balance sheet, so we did it that way.

Legal Aid funding was transitional funding for 2015-16. I believe Ms O'Connor raised this issue. We intend to pursue the federal government over further funding in that area. We funded the program through the Budget for the coming 12 months and will work closely with the federal government to get a better outcome for the state in that area.

There was a question on biosecurity and the blueberry rust-related costs of \$8000 in the context of the total of \$177 000. I am informed that the majority of these funds were for travel to facilitate staff undertaking field surveys to inspect properties. These surveys occurred in November and December 2015.

We have already discussed the Silverdome deficit, but whether they will need additional funding in years going forward will depend upon the number of events, the ticketing sales, the revenue stream et cetera that that asset can generate.

At the present time the total 2015-16 cost of bushfire funding is estimated to be approximately \$55.1 million. These costs are broken down into a number of categories. We are still collating the invoices and the detail to take forward the claim, so I cannot give you the breakdown on a department-by-department basis but I can provide you with the nature of costs that make up the \$55.1 million. They are: salary costs, \$5.771 million; equipment hire, \$4.443 million; aerial and helicopter costs, \$20.996 million; and other costs, \$23.925 million. The \$23.925 million includes almost \$16 million paid to other jurisdictions and entities for support and services during the event, as well as for catering, protective clothing, travel and accommodation costs, minor equipment purchases, consumables, communications and other various incident costs. The aerial support costs are significant due to the nature and location of some of the bushfire events.

I can give you a breakdown department by department, Ms O'Connor. The \$55.1 million has been allocated to entities on the basis of tenured land affected by the fires: Department of Police, Fire and Emergency Management, \$22.939 million; Parks and Wildlife Service, DPIPWE, \$21.587 million; and Forestry Tasmania, \$10.609 million, for a total of \$55.135 million.

Mr Bacon - Is there a breakdown of that \$10.609 million?

Mr GUTWEIN - I do not have that here, but that will be something you can get during GBE hearings this year. These costs are still subject to final review and it is possible that further final costs will be identified or transferred between entities.

DPIPWE keeps raising the question of why the payment of the grant was delayed. It is understood that the delay in the payment of the grant reflected the eventual timing of the project.

I am still seeking some information on the \$155 000 Aboriginal Community Cultural Walk, if members wish that.

There was a question regarding the council inquiries. The Huon Valley Council, \$258 000, and Glenorchy, \$223 000, are the costs for the boards of inquiry. The mediation costs have been met by councils over the last couple of months in respect of the Huon.

Mr Llewellyn - There were not many of those.

Mr GUTWEIN - The budget was not fully expended for mediation, Mr Llewellyn. I am quite prepared to answer whatever questions I can around the council inquiries. Democracy does have a cost when you have to implement a board of inquiry; it really is that simple. They have been important - one independent review, one completed and one still underway. As Local Government minister there is a decision I will need to make as to whether those costs are borne by the councils. I am considering that at the moment. Under the act, there is a provision for all councils to be responsible for any costs in regard to what is ultimately an inquiry into their actions.

Ms O'Connor - So ratepayers will pay for the costs.

Mr GUTWEIN - At the moment, the ratepayers of Hobart or Launceston, Dorset or Flinders Island are paying for the fact that we needed an inquiry into the Huon Valley Council. A judgment will need to be made. I am considering advice on that at the moment.

A question was asked in regard to a former staffer, Mr Duniam. He did not receive a termination payment. He resigned and received his agreed entitlements, as would anybody else.

Mr Bacon - Is there a breakdown of the \$150 000?

Mr GUTWEIN - I will give you a headline figure: a combination of termination and leave payments; one member from a Labor Party electorate office; three staff members from Liberal ministerial offices. For the three Liberal ministerial officers, \$136 000; and \$14 000 for the Labor electorate office.

Ms O'Connor raised some questions. There were RAFs in the June quarter that were not offset to the total of \$64.7 million.

Ms O'Connor - I was checking because that was our mathematics and we wanted to know if that was correct.

Mr GUTWEIN - When Australian Government funding, asset sales, proceeds and the whole of government is taken account of, the value of RAFs not offset in the June quarter is \$57.1 million. Very importantly, \$22 million related to the cost of bushfires and \$5 million to immediate flood costs. If those costs are removed from this amount, the impact is reduced to \$30 million. Interestingly, this impact is below the net impact of RAFs in 2012-13 of \$34 million, and in 2013-14, when you were in government, of \$63 million.

Ms O'Connor - Did you include the cost of the Dunalley bushfires in the 2012-13 numbers you have just cited, or did you subtract those numbers for yourselves and not for us?

Mr GUTWEIN - I am not sure.

Ms O'Connor - We know how tricky you can be with numbers.

Mr GUTWEIN - I am doing my best to provide answers to the questions you raised. That covers the matters that were raised.

Motion agreed to.

FINANCIAL MANAGEMENT BILL 2015 (No. 41)

In Committee

Council amendments to clause 51 and Schedule 1 and new clause A -

Mr GUTWEIN - Madam Deputy Chair, I move -

That the Council amendments to clause 51 and Schedule 1 and new clause A be agreed to.

The Financial Management Bill has been passed by the Legislative Council with three minor amendments. The first amendment preserves the necessary separation of powers between the Parliament and the executive in relation to the application of Treasurer's Instructions to the parliamentary entities. The amendment provides that the Treasurer's Instructions do not apply to the House of Assembly, the Legislative Council, the Legislative-General or the Office of the Governor. This amendment has been discussed with and is supported by the Speaker, the President of the Legislative Council and the Clerks of both Houses.

The second amendment inserts a new clause 51 which authorises the Treasurer to borrow money as may be required for the purposes of the state. It has been the past practice for many years in Tasmania that appropriation acts typically contain a standard clause to enable the Treasurer to borrow such money as may be required for the purposes of the state. During the preparation of the 2016-17 state Budget a concern was raised that the inclusion of this authority may not be consistent with section 40 of the Constitution Act of 1934.

The Treasury (Borrowing) Act 2016 was passed in order to clarify the standard authority of the Treasurer to borrow money for the purposes of the state for the period covered by the 2016-17 Budget. However, that act is time-limited. It is the Government's view that in order to comply with the general principles set out in the Constitution Act it is sensible for any borrowing powers to be explicitly conferred by legislative authority. At the time that the Treasury (Borrowing) Bill was debated, I indicated that an enduring borrowing power would be added to the Financial Management Act.

The third amendment changes the name 'Inland Fisheries' to 'Director of Inland Fisheries' in Schedule 1. This is consistent with the description provided for the corporation in the Inland Fisheries Act of 1995. The intention of the Financial Management Bill is to establish a single framework for entities in the general government sector. As you may be aware, the passage of the bill in the Legislative Council was delayed to enable further consultation with general government sector entities that currently operate outside the Public Account.

After a lengthy consultation process all these entities have given in-principle support to the bill. During the debate of the bill in the Legislative Council, a copy of correspondence between myself and the chair of the Marine and Safety Authority was read into *Hansard* in order to confirm the agreed arrangements.

I know that this bill has been under development for a long time. It had its genesis when we were in opposition, I think. We started discussing this around 2010. I welcome the amendments and its passing through the upper House.

Ms O'Connor - Why did it take so long upstairs?

Mr GUTWEIN - One of the things we needed to do was ensure the minor agencies - MAST, for example - were comfortable to continue, as boards, to manage their business. As the money is capped under the Public Account, should they not be doing that well or the Government needs to provide direction, it can.

Mr Hidding - They have to get their own advice and so forth.

Mr GUTWEIN - Yes. The initial conversations and consultation went on during the change of government, so there were -

Mr Hidding - People had moved on.

Mr GUTWEIN - People had moved on. There was a need for those conversations. I commend the amendments to the House.

Mr BACON - The Labor Party will be supporting these three amendments from the Legislative Council. As the Treasurer said, one is around the separation of powers supported by the Speaker, the President and the Clerks of both Houses, the second is to make sure it is legal for the Treasurer to borrow money on behalf of the state, and then there is the change to Inland Fisheries. The Labor Party is happy to support those three amendments.

Ms O'CONNOR - The Greens are comfortable with the amendments made by the upper House. We note the Treasurer's statement about the delay in the House being dealt with in the other

place, given that we debated this in May this year. We see no issues with these amendments. On that basis, we do not need to make any further comment.

Council amendments to clause 51 and Schedule 1 agreed to.

New clause A agreed to.

Reported the Committee had resolved to agree to the Council amendments.

Resolution agreed to.

TRAFFIC AMENDMENT BILL 2016 (No. 42)

Second Reading

[12.53 p.m.]

Mr HIDDING (Lyons - Minister for Infrastructure - 2R) - Mr Deputy Speaker, I move -

That the bill be now read the second time.

This bill amends the Traffic Act 1925. The primary purpose of this bill is to enable the certain service of notices of demand by authorised officers within the information services area of the Department of Police, Fire and Emergency Management to facilitate the enforcement of speed camera detections involving vehicles registered to bodies corporate.

Where a speed camera detects a speeding offence by a vehicle registered to a natural person, a speed camera infringement notice is issued in the first instance. However, for bodies corporate, a notice of demand is issued to the organisation for the driver to be nominated. Once this name is put forward, the infringement notice is then issued to that person.

Currently section 43G of the Traffic Act only allows a notice of demand to be served by a police officer. To allow for a more efficient and effective use of human resources within the Department of Police, Fire and Emergency Management, the amendments in this bill will allow State Service members appointed as authorised officers to issue infringement notices rather than tying up valuable police resources. I commend this bill to the House.

[12.54 p.m.]

Mr LLEWELLYN (Lyons) - Mr Deputy Speaker, the Labor Party supports this legislation, and anything that saves time for our valuable Police Service personnel. It is a step in the right direction, provided it is a logical thing to do. I think the bill sets out that provision adequately.

[12.55 p.m.]

Ms O'CONNOR (Denison - Leader of the Greens) - Mr Deputy Speaker, this seems like a straightforward bill. We agree with the principle of ensuring Tasmanian police officers are focused on keeping our communities safer, and that to the greatest extent their work should not be taken up with administrative matters. On that basis, we support the legislation.

[12.55 p.m.]

Mr HIDDING (Lyons - Minister for Infrastructure) - Mr Deputy Speaker, I welcome the House's support for this important legislation. It allows frontline police to do their job without being distracted by clerical matters. You would understand why the Traffic Act says this. Ordinarily you would not have public servants out in the street issuing traffic infringement notices. In this case, it puts them on exactly the same arrangement as happens with a natural person. If I were to receive a speeding ticket then this same authorised officer would issue it to me. If it were to a company registered in my name, a police officer has to deliver it to me after I have been identified as the driver. It goes to utilising our resources as best we can.

Mr Llewellyn - By the way, I checked on that load limit on Mud Walls Road, and it is still there.

Mr HIDDING - The sign? Thank you. I asked them to check for me. I couldn't remember seeing it.

Mr Gutwein - You can't bring your semi-trailer down there anymore?

Mr Llewellyn - As long as it is less than 25 tonnes it will be all right.

Mr HIDDING - The Government is raising the number of police officers back to its original establishment of 1228. On top of that there is another five for the Family Violence Unit, so that is 1233 we intend to arrive at during the term of this Government. I recently gave an answer in the House as to how it is going. We are on track. I indicated the academy is going to be busier than New York's Grand Central Station over the next year or so, as course after course comes through to reach to that number.

Mr Gutwein - I hear that is a very good day to attend.

Mr HIDDING - It is an excellent day to attend. I know our colleague for Lyons, Mr Llewellyn, has often been the reviewing officer for graduations. I indicated last time, and I indicate to the House, to do so if they are able to attend a graduation event some time.

Ms O'Connor - Ms Woodruff did not receive an invitation for this week's graduation. I thought I might raise it with you now. It may have gone missing in the mail but she would have loved to attend.

Mr HIDDING - Having said that in the House, clearly I want you all to be invited.

With those new police officers coming on board the Police Service is being transformed. Activity is happening within the Cold Case Unit; we also have two police officers in the Unexplained Wealth Unit and that is going well. We have strong policing in Tasmania, supported by a government committed to restoring police numbers. I thank the House for its agreement to this small bill.

Bill read the second time.

Bill read the third time.

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

ANTI-DISCRIMINATION AMENDMENT BILL 2016 (No. 54)

Second Reading

[2.30 p.m.]

Mr FERGUSON (Bass - Minister for Health - 2R) - Madam Speaker, I move -

That the bill be now read the second time.

This bill makes amendments to the Anti-Discrimination Act 1998 in response to concerns about the impact of the act on free speech and public debate.

As members are aware, the act prohibits discrimination on the basis of protected attributes including, amongst others, gender, race, age, disability, sexual orientation, intersex, gender identity, marital status, family responsibilities, religious beliefs and affiliation, and political beliefs and affiliations. The act also prohibits various other forms of conduct, including sexual harassment, victimisation of complainants, offensive and insulting conduct, and incitement of hatred. This bill is concerned with the provisions that relate to offensive conduct and the incitement of hatred and severe contempt.

Section 17(1) of the act provides that:

A person must not engage in any conduct which offends, humiliates, intimidates, insults or ridicules another person on the basis of an attribute referred to in section 16(e), (a), (b), (c), (d), (ea), (eb) and (k), (f), (fa), (g), (h), (i) or (j) in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed.

Section 17(1) has been a part of the act since its commencement in December 1999. It was transferred over from the Sex Discrimination Act 1994, which was subsequently repealed by the Anti-Discrimination Act, and was initially limited to the attributes of gender, marital status, pregnancy, breastfeeding, parental status and family responsibilities.

In the years since the act came into effect, section 17(1) has been amended twice, and on both occasions extra attributes were added. Section 17(1) now prohibits conduct which offends, humiliates, intimidates, insults or ridicules another person on the basis of one or more of the following attributes: race, age, sexual orientation, lawful sexual activity, gender, gender identity, intersex, marital status, relationship status, pregnancy, breastfeeding, parental status, family responsibilities and disability.

No other Australian state or territory has a law prohibiting conduct that offends, humiliates, insults or ridicules. Other states and territories have laws in relation to vilification similar to section 19 of our act. Some states only prohibit racial vilification, some prohibit racial and religious vilification, and others are broader, covering other attributes including sexual orientation.

More serious conduct is provided for in section 19 of the act, which provides that:

A person, by a public act, must not incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of -

- (a) the race of the person or any member of the group; or
- (b) any disability of the person or any member of the group; or
- (c) the sexual orientation or lawful sexual activity of the person or any member of the group; or
- (d) the religious belief or affiliation or religious activity of the person or any member of the group.

Section 55 of the act provides an exception to sections 17(1) and 19 for certain conduct, including a public act done in good faith for academic, artistic, scientific or research purposes or for any purpose in the public interest.

During the debate on the most recent amendments to section 17(1) in 2012, which were introduced by the former Labor-Greens government, the Liberal Party strongly opposed the proposal to extend the provision to additional attributes and at that time warned about the potential impact on freedom of speech in our state.

In fact, during the 2012 debate in the House of Assembly, the then attorney-general reassured members that the amendments were intended to address the issue of bullying and would not operate to stifle public debate about issues such as same-sex marriage, which had been the subject of public forums and meetings held by the Christian community that very year with the introduction of the Same-Sex Marriage Bill 2012 in the Tasmanian Parliament.

Unfortunately this reassurance has failed to stand the test of time. Section 17(1) has again become the focus of public attention and debate due to the same-sex marriage debate and a recent complaint made using that provision. The complaint related to a publication concerning same-sex marriage that was distributed to members of the Catholic school community. This complaint generated much discussion on section 17(1) and has received significant attention across this state, and indeed, throughout Australia. Concerns were raised directly with the Government, and also in commentary in the media, that section 17(1) imposes a low threshold on unlawful behaviour and would stifle public debate on issues of importance such as same-sex marriage and no doubt any number of other issues.

This complaint also highlighted an apparently low threshold for acceptance of a complaint by the Anti-Discrimination Commissioner. Under section 64(2) of the act, the commissioner is to accept or reject a complaint within 42 days of receiving it. Section 64(1) allows the commissioner to reject a complaint in certain circumstances including, amongst other things, if, in the commissioner's opinion, it is trivial, vexatious, misconceived or lacking in substance, or there is a more appropriate remedy that is reasonably available, or it does not relate to discrimination or prohibited conduct.

The Government acknowledges concerns about the impact of the current act on free speech and has considered whether legislative reform is required. The Government is mindful that the act should provide an appropriate balance between providing protection from discrimination and other prohibited conduct whilst allowing for genuine respectful public debate and discussion on important

issues. The Premier acknowledged this during his contribution to the November 2015 debate, when he said:

It is important to ensure that there is an appropriate balance and that a very important feature of our society - free speech - is preserved. As a government and as a community, we would want to ensure the balance is right and we need to consider the adequacy and appropriateness of current laws and protections.

This bill does not make any amendments to section 17(1) or 19. However, the Government also believes that it is necessary to make some adjustments to the act to strengthen the exceptions for free speech, particularly in the current climate where there are important issues generating public debate and discussion.

The bill proposes an amendment to section 55 to clarify that the exception will apply in relation to public acts done for religious purposes. This means that the provisions of sections 17(1) and 19 will not apply if the relevant conduct is:

- (a) a fair report of a public act; or
- (b) a communication or dissemination of a matter that is subject to a defence of absolute privilege in proceedings for defamation; or
- (c) a public act done in good faith for
 - (i) academic, artistic, scientific, religious or research purposes; or
 - (ii) any purpose in the public interest.

I note that some may argue this amendment is not required, as a public act done in good faith for religious purposes may already fall within the general catch-all provision of section 55(c)(ii) - a public act done in good faith for any purpose in the public interest. This may or may not be the case. The question of whether this type of matter would fall within the existing exception was not resolved in the recent matter involving a complaint about material relating to same-sex marriage. The complaint was withdrawn before it could be referred to the tribunal. It is the Government's view that this amendment will make it clear and up-front in the act that the exception includes public acts done in good faith for religious purposes.

The additional exception in section 55 as it applies to section 19 does not, as some have claimed, allow for hate speech. Section 55(c) is clear that it must be 'a public act done in good faith'. The bill does not override this important test, and exceptions already exist for a diverse range of other purposes, including artistic, academic and scientific. In addition, the 'any purpose in the public interest' catch-all applies to section 19 as well as section 17(1).

I want to make it clear that the act currently does not, and as proposed will not, allow hate speech or vilification. Similar types of exceptions are provided in legislation in New South Wales, Victoria and Western Australia in relation to their vilification provisions.

The Government acknowledges that this proposed amendment will not entirely address concerns about the limitations imposed by section 17(1) on freedom of speech or on what some see as the low threshold for unlawful conduct. However, it may provide some greater certainty or comfort in relation to comments made in the context of religious discussions or debates.

As I mentioned earlier, another concern which has been raised more broadly relates to what some perceive to be a low threshold for acceptance of complaints. If a complaint is accepted by the commissioner then the respondent may be subjected to lengthy, costly and stressful proceedings. Even if the complaint is ultimately dismissed, there is a substantial cost to the respondent. The concern is that the mere threat of a complaint may, in itself, suppress discussion and debate, as we have seen occur in Tasmania.

The bill proposes amendments to section 64 of the act to require the commissioner to reject a complaint under section 17(1) or 19 in certain specified circumstances. In the case of section 17(1), the new provisions will require the commissioner to reject a complaint if satisfied that a reasonable person, having regard to all the circumstances, would not have anticipated that the person in respect of whom the complaint was made would be offended, humiliated, intimidated, insulted or ridiculed by the conduct. For section 19, the commissioner will be required to reject a complaint if he or she is satisfied that the public act does not constitute an incitement of hatred towards, serious contempt for, or severe ridicule of, the person or persons in respect of whom the complaint is made. The proposed new provisions also require the commissioner to reject a complaint if satisfied that an exception under section 55 applies. Consequential amendments are proposed to sections 71 and 99 to take account of the new provisions in section 64.

Some have expressed the opinion that these amendments are otiose, as the commissioner can already reject a complaint if the complaint does not relate to prohibited conduct. However, these amendments are intended to make it clear that the commissioner must turn his or her mind to consider the question of jurisdiction and whether the conduct was reasonable - in the case of section 17(1). I note that the proposed new provisions are mandatory. The commissioner must reject the complaint if satisfied of the relevant matters.

The Government's intention to make amendments to the way the Anti-Discrimination Act works was foreshadowed by the Premier in November last year during debate on the issue of same-sex marriage. The motion passed by the House during that debate was that the House 'affirms its strong support for every Tasmanian to enjoy full freedom of belief and freedom of expression in a respectful national debate'.

More than one month ago, prior to the release of the bill in draft form, the Premier also clearly outlined the scope of the proposed changes. A draft version of the bill was released for public consultation on 25 August 2016 and key stakeholders and interested parties were written to directly and invited to provide comment on the bill. A large number of submissions were received and the Government is grateful to the many organisations and individuals who took the time to consider the bill and provide feedback.

As can be expected on an issue such as this, there are divergent views. Many submissions argued that no change should be made to the act at all, as any change would weaken the act and open the door to hate speech. On the other side of the spectrum, there were many submissions strongly advocating the complete removal or amendment of section 17(1). Clearly this is a matter upon which there are strongly held views on both sides of the debate. As such, the Government has attempted to take a balanced approach in an attempt to provide some protection for debate and discussion engaged in in good faith for religious, artistic, academic, scientific or research purposes, whilst fully preserving the current provisions protecting members of the community from offensive conduct and vilification.

As a result of feedback received, a change was made to the bill. The consultation draft of the bill inserted a reasonableness test in section 55 so that the exception would only apply if the public act was done reasonably and in good faith. The inclusion of the word 'reasonably' in the consultation draft of the bill was based on a relevant Victorian provision which also forms the basis of the wording of the 'religious purpose' amendment. The proposed reasonableness test was taken out of the bill after a number of stakeholders expressed concerns about this test, given that there is already a reasonableness test in section 17(1). It was submitted that the duplication would lead to confusion and uncertainty, although I note that the Commonwealth Racial Discrimination Act 1975 effectively does the same thing in sections 18C and 18D.

In conclusion, this bill makes changes to the Anti-Discrimination Act to clarify the existing exceptions in relation to sections 17(1) and 19. The Government has endeavoured to strike the right balance with these changes but acknowledges that attempting to reform the act to address the free speech concerns raised is contentious and complex, as evidenced by the opposing views on the matter. I commend the bill to the House.

[2.46 a.m.]

Ms GIDDINGS (Franklin) - Madam Speaker, normally I welcome the opportunity to speak on legislation in this House, but today I do not. It is a shameful day and a shameful piece of legislation being presented by the Hodgman Liberal Government. It is a further example to me of the weakness of this Premier during this period of government. He is a premier who cannot stand up to some within his party who demand these forms of social control be lifted in the name of freedom of speech and religion. These protections are necessary for so many people in our community. I will come back to some of the personal stories I know of people who face discrimination every single day for whatever attribute they may hold, particularly in the LGBTIQI community. They are the most concerned, but they are not the only ones. People living with disability face discrimination, as do women and people of different races and ethnicities.

It is interesting we are having this debate right now. At a very similar time, the commonwealth government is going through a similar debate with the Commonwealth Racial Discrimination Act. A quote from Penny Wong summed it up well from her perspective in facing the national debate:

Nobody needs to defend Pauline Hanson's right to speak. Leadership is about defending those without a voice, those Pauline Hanson is attacking.

We can take Pauline Hanson's name out of it, and say it applies to anybody discriminated against in our community. These are the vulnerable people who do not have a strong voice, who need the protection of laws such as this to be their voice and protection. There is no such thing as total freedom of speech in a democracy, in Tasmania, or within this Chamber. Our speech is fettered by the Standing Orders of this House, and rightly so. Our speech, as citizens, is fettered by the section 10 of the Police Offences Act. We cannot go outside and say whatever we want or behave in any way we want. If it offends the public and is considered offensive language, we can be arrested under section 12 of the Police Offences Act, charged and potentially imprisoned.

The Anti-Discrimination Act does not go this far. There is no imprisonment under the Anti-Discrimination Act. There are no criminal charges under the Anti-Discrimination Act. It has an educative role. It is about helping to lay down what we consider, as a civilised modern society, to be appropriate language and interaction between each of us as individuals, respecting each other equally in our community regardless of our sexuality, gender, disability or ability, race, ethnicity, pregnancy, or whatever the attribute may be.

That is something the Liberal Party used to understand. Once upon a time it led on this issue. In doing my homework for this debate, I went back to the 1998 Anti-Discrimination Bill presented by the Liberal government of the day, a Liberal-Greens government I might say, considering the minister thought it appropriate to refer to a Labor-Greens government in 2012. I refer to the Liberal-Greens Government of 1996-1998, when the first bill came in. Interestingly, in that bill, clause 18, incites hatred, was picked up in the subsequent legislation brought in by the then Bacon Labor government shortly after the election in 1998. Most importantly, I was finding out whether there were the exceptions that suddenly the Government has concerns with.

Under clause 50, the public purpose of that bill, I will read what the section says:

The provisions of section 18 -

That is, the inciting hatred section -

do not apply if the person's conduct is -

- (a) a fair report of a public act; or
- (b) a communication or dissemination of a matter that is subject to a defence of absolute privilege and proceedings for defamation; or
- (c) A public act done in good faith for -
 - (i) academic, artistic, scientific or research purposes, or
 - (ii) any purpose in the public interest.

They were the exceptions the then Liberal government thought were appropriate. I would never have thought I would be saying in 2016 that the Liberal Party were more enlightened back in 1998. They were more enlightened than they appear today in the 21st century, when they are starting to try to undermine this critical legislation that provides an element of protection to vulnerable people in our community.

Mr Groom, the then attorney-general, understood the importance of this legislation. He said in his second reading speech:

In a democratic society, persons are entitled to equality and to live their lives without being subjected to discrimination.

It goes on to say:

The act is designed for its educational value as well as providing a remedy for those people who have suffered discrimination.

He understood the importance of having legislation of this nature and he did not change his mind after the election, when he spoke about the matter when Judy Jackson, the then attorney-general, reintroduced the bill with some changes. Predominantly, it was the same bill the previous attorney-general, Mr Groom, had brought in.

As I said yesterday in my debate, Mr Groom proudly talked about Liberal Party history leading the way on antidiscrimination legislation or sex discrimination legislation. He pointed to the fact that former Liberal premier, Dr Tonkin, introduced the first antidiscrimination bill in South Australia. He said the next bill was in Victoria, introduced by the then premier of Victoria, Mr Hamer. It is fair to say both major parties have played an important role in developing this body of law in Australia over many years, going back to 1975 when the first act of this kind was introduced. He then referred to the role of Mr Michael Hodgman. Who would have thought that Mr Michael Hodgman would have led some of the social reform that has helped to benefit this state with the introduction of the Sex Discrimination Act, which was then absorbed into the Anti-Discrimination Act? Mr Hodgman, who went on to support the Anti-Discrimination Bill, as it was going through the parliament at that time, talked about the tripartite support.

What is important here is that, as Mr Groom said:

The bill does respond to community concerns about a range of areas of discrimination which have been very evident in recent years. Everyone should be equal in Tasmania.

I agree that everyone should be equal in Tasmania. What you are doing, is starting to create again a community where there are second class citizens. There are those who can have protections because they fall under a category of 'religious' and therefore have the right to offend, humiliate and incite hatred. They have the right against others within the community. It is not good enough. You should all hang your heads in shame.

Mr Groom made the point that that legislation does not necessarily change people's actions, but it does change views and attitudes which eventually will lead to a change in actions by people. We have had the benefit now of almost 20 years of this legislation being in place in Tasmania and the sky has not fallen in. You would have to point to a case to prove that there is a need for change to get our side of this House to listen to you, but you have not been able to do that. I will come to the Martine Delaney case later on, but it is not an earth-shattering case that requires an earth-shattering response to existing legislation, which has provided good, solid protection to people in our community.

By having legislation like this, we do change cultures. I said yesterday that as a woman I have noticed the change in the way women are addressed and treated in the community. Wolf-whistles used to happen every time a woman walked past a construction site. It may happen randomly now - I would not say it would never happen, but it is not the 'norm'. When I grew up in Melbourne in the 1980s and into the 1990s it was the norm to walk past a construction site and get a wolf whistle. It was used to scare me; it used to intimidate me; and it used to make me feel vulnerable. Were those men going to take the next step and try to engage with me, touch me, or maybe go further? Was it just going to be what they considered a harmless wolf-whistle?

Ms O'Connor - They're like a pack of wolves.

Ms GIDDINGS - Absolutely. It is not harmless when it creates fear in you. It is not harmless when you walk past and start thinking about your own safety - 'Am I safe?'.

We have seen a huge cultural change when it comes to that sort of behaviour, which trivialises women. But we have not seen the same level of cultural change, as yet, for others in our community, particularly those from the LGBTQI community. They still say that they face discrimination to this

day, even with the antidiscrimination legislation there. You want to take the little protection they have away; under this legislation, you want to take it away in the name of religious freedom.

Yesterday I also made the point that Mr Groom himself said that he thought that the exemptions were appropriate, 'indeed are in line with the bill, that we previously brought into the House'. Mr Groom, it appears you are wrong. It appears that the current Liberal party thinks you stuffed up. They now have to fix the problem you left behind for them.

Mr Hodgman, in that same debate, said that it would be unfortunate if this did not pass through the upper House. He knew it was important for a modern society in Tasmania. He supported it, but now we find it is the Hodgman Liberal Government that is undermining it, which is weakening protections for vulnerable people.

Ms O'Connor - Yes, but there is not a Hodgman in the House.

Ms GIDDINGS - No, I am quite surprised considering the Premier took it upon himself to tell us about what he was planning to do. Apparently, that started the consultation period. His answer to a Dorothy Dix question in the House began public consultation.

Tell the community that they should have understood; that they should have read *Hansard*. They should have examined what he put out there on the public record as being what the Government was going to put in a draft bill. They should have started their consultations on the basis of that. But no, they rightly believed that they would be presented with draft legislation that they could review, understand, consult on, and then be able to present a position to the Government. They were given 10 days.

Ms O'Connor - And ignored.

Ms GIDDINGS - Yes, 10 days and ignored. How do you expect a group like TasCOSS with so many members under its umbrella to consult with all of their members within 10 days? What an absolute disgrace.

It was very different when you sat on this side of the Chamber and criticised us for consultation that was for four weeks. I remember as health minister with the Mental Health Act, we had to extend the consultation for quite some period because we recognised that the opposition might have a point; that we were dealing with vulnerable people in changing the law on the mental health legislation for this state. We listened. We ate the humble pie and extended the consultation, but not this arrogant Liberal Government. They do not know how to eat humble pie at all. They probably do not even know what it looks like.

When you were asked to extend the consultation, what was your answer? No. Did you not hear the Premier when he gave his answer? That is when the consultation began; that is when the clock started ticking. Not good enough.

I could go on pointing to the enlightened Liberal Party of the 1990s, but I will not waste any more time on it. We have to deal with what we have today, in this Parliament in the Liberal party that, unfortunately, has the power to make a difference in this place and is abusing that power against vulnerable people.

Then you say to yourself, 'All right, we have this bill. It did not have very long in the public arena for any consultation. Who supports it? Who thinks that this is a good bill?'. If the opposition leader was in the room, he would say that it has the 'big Roy Orbison' That is what he would say, 'The Big O' - zero. There is not one group that was consulted with that supports this bill. It is extraordinary. Do you know what this arrogant Hodgman Liberal Government says in response to that? 'It's just that we have the balance right. It means that if neither side of the debate is happy, we have the balance right.' Why won't you accept that it means you have it wrong? Everybody is trying to tell you that but you are so deaf to reality, you will not hear it.

The ACL is telling you that. In our discussions with the archbishop of the Catholic Church, he told us that, and they are on the side of the debate that wants change. I have some fundamental issues with what they want to see of the change, but I agree with them this is bad. They do not want religious institutions and people under the name of religion to be exempt from 'inciting hatred' laws.

The Law Society of Tasmania does not want it. They have said they will advocate against these amendments and they will urge the Government to withdraw the bill. Good luck with that. Failing that, they want the Legislative Council to vote it down. They have also complained about the lack of time for consultation, but do not worry because that will fall on deaf ears. They are concerned the way section 55 is worded. The proposed elements introduce a widely-framed exemption, for religious purposes, from provisions, which promote community harmony and the avoidance of conduct, which could lead to a breach of the peace and community division. They are concerned you are going to create a society that creates harm for people. They continue in their contribution to unpick, as lawyers are so good at doing, the various sections. We will be referring to more of what they say when we go into Committee.

They said in point 13 of their submission:

In a multicultural nation it is hard to understand the purpose of an amendment, which allows a person - by a public act - to incite hatred, serious contempt or severe ridicule because they have a genuine religious belief and undertake the public act in a reasonable manner.

I agree with them. We should not be supporting this legislation. Every single one of us should be opposing this bill and helping to build a stronger multicultural community in this state. We need to underpin it with educative laws already in existence, which provide protection to those of different multicultural groups and faiths in our community. This exemption could see religious groups fighting one another. It is not only about religious people against atheists, agnostics or others. This could end up being a very cruel amendment for various religious groups.

We only have to look around the world to see how many wars and civil conflicts are based on religion. I do not want to see that in Tasmania. I want to see laws that prevent inciting of hatred. I want to ensure that if we end up with those sorts of public battles we have various tools available to us to try to stop that sort of hateful, spiteful language. We do not have unfettered freedom of speech, and we should not have unfettered freedom of speech. No right comes without a responsibility. The responsibility is always what counters the negative side of having an absolute right.

The community legal services do not agree with you either, talking of the opposition to this bill, in my desperation to find someone who agrees with you. They have put forward a strong submission opposing the legislation. Civil Liberties Australia do not support this either, and yet

you would think a civil libertarian group might have some understanding of the point you are trying put across around freedom of speech. However, Civil Liberties Australia and the Tasmanian branch do not believe you have been able to mount a sustainable argument because they believe the amendments are not needed and are likely to be counterproductive. It is unnecessary.

The current Anti-Discrimination Act 1998 already achieves an acceptable balance between freedom of speech and protecting vulnerable people from harm. The ACL opposes. The Children's Commissioner opposes. The person you have insulted most through this process is the Equal Opportunities Tasmania Anti-Discrimination Commissioner, your own expert in this area, whom you have ignored on this issue every single day and treated so poorly. You did not even have the courtesy to show her the draft bill before you put it out into the public arena. You did not even have the courtesy to give her a copy of the final bill before it was tabled in this Parliament. You did not even give her the courtesy of being consulted earlier than the 10 days you gave everybody else. You did not give her the courtesy of asking her to address issues of concern. You have gone ahead and said you have the solution to this. You changed section 55 and try to make it look like you are doing a bit more work by codifying her processes into law.

This is another issue I have with other amendments in this legislation. I do not know why you believe you have to codify administrative processes into law. You do not have confidence in the way the processes currently work, the processes that see 31 per cent of complaints rejected at the very beginning and not go anywhere.

She has a submission in relation to all of this. In her analysis of what the impact is if you have these amendments, she says:

Look, so long as people speak respectfully and on the issues, rather than attacking or making demeaning comments about individuals or groups because they have a particular attribute, they will not be the subjects of a complaint that goes beyond the assessment stage. So long as they do not speak in ways that encourage others to feel hatred, serious ridicule or severe contempt towards others because they have a particular attribute, they will not be the subjects of a complaint that goes beyond the assessment stage.

It is the 31 per cent of complaints that fall into those categories that she speaks of. The harm causes these people to question their right to become part of the community, to lower their self-esteem, to silence them, and at worst, to cause them to inflict harm on themselves when they are subjected to discrimination, related derogatory, and demeaning speech and action.

I note one of the personal stories I received in the lead-up to this debate. This person said:

When I was in my early teens, my father told me I was going to hell for my sexuality. At the time I already had problems with self-harm because of my own religious beliefs that said he was right. It has taken me the better part of five years to become comfortable in my own skin, despite my parents' religious aversion to my existence as a bisexual transgender man. Their words had massive effect on my mind as a young person. Legalizing that kind of treatment in the workplace or in schools may cost lives. The Government must maintain the standards of public debate in Tasmania and not lower them.

While I am on the personal stories, I will refer to one from a good friend of mine, Rod Anderson. He wrote to each and every one of us. He said:

As a 70-year old gay man, I have had a lifetime of enduring the offensive statements driven by the beliefs of religious organizations. A belief is just that, a belief. It would be mad to allow any kind of offensive or hateful speech just because someone claims it is a belief they hold.

Tasmania's laws against such damaging statements have made Tasmania a better place and set a national standard. They are one of the reasons my partner and I moved here. The craziest part of this manoeuvre is there is no evidence the Anti-Discrimination Act has infringed the rights of religious organisations. It has simply meant they have had to limit themselves to their own belief-driven discussions within their own ranks. It does seem, however, that it has curbed their tendency to assert their beliefs over others, particularly those who lack a voice and the confidence to stand up for themselves.

Removing current protections against hate speech will adversely affect LGBTI Tasmanians, religious and ethnic minorities, people with disabilities and women. If you come from a relatively privileged, protected, white Anglo-Saxon, heterosexual background, you cannot be the best person to understand the impact of the judgments and proclamations made by sometimes well-meaning people, let alone those with malice in their hearts.

These laws have worked to protect some of the most vulnerable as well as many ordinary people. Please leave them alone. The Government must maintain the standards of public debate in Tasmania, not lower them.

Another personal story:

When it comes to these laws, we as gay people already deal with a massive amount of opinion thrown at us that is faith-based, not fact-based. They are not thrown in court for it, but if what we get now turns into open slather, I am not looking forward to waking up each day. They say to just ignore it if you don't want to participate or debate the topic or have the conversation, but when it's not factually based, how can you win? You can't. Your only choice is to stand up and fight every day or become oppressed.

The problem with these sorts of changes and providing exemptions for religious organisations or people of religious faith is that it is not the middle-road people. It is not the people in the middle road who understand and hopefully live by the mantra of 'love thy neighbour as you would wish to be loved' and those sorts of good, moral, ethical messages that can come out of religions, including Christianity. It is the ones on the extreme of the debate who suddenly feel they have the green light, people like Mr James Durston, who used what he believed was his right to go out and denigrate people of the homosexual community by sending pamphlets that offended, caused harm and made people feel that they were second-class citizens. The pamphlet warned that homosexuality should not be tolerated and that scripture rejects homosexuality as utterly abominable. Scripture tells us to do many other things as well that we no longer abide by or believe in. We eat pork, for instance, and rabbit. We do not worry about menstruating women, thank goodness.

Ms O'Connor - We don't seek an eye for an eye.

Ms GIDDINGS - We don't seek an eye for an eye or a tooth for a tooth. Why on Earth can't we be tolerant of all people and love all people on this earth, regardless of who they are or where they come from or what sexual identity they have? Why?

On a slightly lighter note, I was interested to see that even in the Bible there was some discrimination, and a pretty harsh penalty, I have to say. In 2 Kings 2.23-25 it says:

He went up from there to Bethel. While he was going up on the way, some small boys came out of the city and jeered at him saying, 'Go up you bald head. Go up you bald head.' And he turned around, and when he saw them he cursed them in the name of the Lord, and two she-bears came out of the woods and tore 42 of the boys. From there he went on to Mt Carmel and from there he returned to Samaria.

There you go, a bit of discrimination against bald people. Considering my partner is bald, that appealed to me as an example of discrimination. I see Mr Street over there a little concerned about where he might be heading, and what a punishment in the Bible in relation to that.

This is about tolerance and acceptance, not about providing the opportunity and a green light for the community to believe they can be hateful and insult others on the basis of their religion.

As I have only about five or so minutes left for my contribution I want to point quickly to the Martine Delaney case because, as was pointed out yesterday, the offensive booklet, 'Don't Mess with Marriage', is still available and on the public record. When you look at what Martine was trying to say she was very offended by what was said, that messing with marriage messes with children. I can understand that because the connotations of messing with children are not very nice. We all know what that means, so for her in a same-sex relationship she feels this booklet basically says that you have to watch the children in her family because messing with marriage messes with children. It is not very nice, and I can understand why she took it to the Anti-Discrimination Commissioner.

Martine provided us with a copy of how she wanted to rewrite the booklet, and it is not offensive. It is essentially saying, 'Acknowledge that this is what the church is teaching. Acknowledge that this is your faith. Do not state it as a fact. State it as the church's beliefs.' For example, instead of 'To ignore the particular values that real marriage serves', as printed in the book, she said why can't you say, 'To ignore the particular values we believe marriage serves'? It is a belief system. In regard to the statement that 'Messing with marriage therefore is also messing with kids - it is gravely unjust to them', she said why can't you say, 'It is the church's position that messing with marriage therefore is also placing the wellbeing of children at risk'? This is not earth-shattering stuff. This is a kind and compassionate conversation to say, 'I get that you've got a different perspective to me. I accept that you have a right to a different perspective to me, but can you please put yourself in my shoes and understand how what you have written makes me feel, or how it makes practising Christians who are gay feel?' - because they do exist.

Ms O'Connor - Plenty.

Ms GIDDINGS - Plenty exist and they have to read this material. Why can't it be considered through the eyes of the person it affects? It should be. That is all they are asking for, but instead

we have this bill which is opening Pandora's box, a bill that says all we are doing is expanding the section 55 exemption to include the word 'religious'.

As I said yesterday, I am told that the Australian Bureau of Statistics has something like 1200-plus groupings that could be categorised as religious. We are not talking just about Catholics, Anglicans, Muslims, Judaism or Buddhism, which is an interesting one because they do not have the belief in a bigger superior supernatural being but are still considered religious. It goes far wider than that so, in a sense, what is the point of having it?

On the other hand, there is the other legal argument to say the protection already exists. You do not need to add the word 'religious' into section 55(c)(i) because of section 55(c)(ii); a public act done in good faith for any purpose in the public interest. That would provide protection to anybody, including religious groups, if they can pass that test of good faith. Why do you have to put in the word 'religious', which sends a message to the wider community that if you are religious you can say whatever you want? That is the message that will go out. It is not the nuances or intricacies of the language we will debate with a fine toothcomb through this House. It will be the message that goes out to the community that you can say whatever you like under the banner of religion. You can be as hurtful as you like under the banner of religion.

I suspect we will go through the Committee stage and unpick this bill in its entirety. We must not forget that language is powerful. We use it in this House. Language can cut people down and it is important we give voice to the powerless in our community. We will oppose the bill.

Time expired.

[3.26 p.m.]

Ms O'CONNOR (Denison - Leader of the Greens) - The Greens will be opposing this odious piece of legislation, which is homophobia and bigotry dressed up as free speech. That is what we believe this is; nothing more, nothing less. No argument has been by any government minister or the Premier that the current act does not strike the right balance. It is telling how few government members are in the Chamber today during this debate, and in particular the absence of the Premier. It is very telling and an indictment on him. It is an indication to us he is ashamed of this piece of legislation, and so he should be.

On Tuesday night in Melbourne a radio station that provides voice, music and a source of comfort of LGBTI people had to be evacuated because of a bomb threat. The bomb threat was made on the basis that whoever made the threat does not agree with homosexuality or the message the radio station puts out into the community. That station is Joy 94.9, which was forced to evacuate on Tuesday night after receiving a threat via email. You can imagine how news of that threat impacted on people in Victoria who are lesbian, gay, bisexual, transgender, intersex and queer. They are people who already feel unequal in our society, and have endured vilification on the basis of their sexuality. It is the same fear events such as the Orlando massacre have instilled in people who are LGBTI all over the world; people who feel afraid.

The Anti-Discrimination Act 1998 was enacted to prevent that kind of vile language, hateful attitudes, homophobia, racism, misogyny and other discriminatory attitudes from hurting people. That is the foundation of this piece of legislation, to protect people on a range of attributes defined under section 16 of the act. Mr Ferguson, who is one of the key players behind this legislation, has put no sound argument for free speech. There has been no description of what people who oppose equal rights for LGBTI people might want to say that they cannot already say. This is not about

free speech. This is about a fundamental belief that people who are not heterosexual are unequal and they should not have the same rights and protections under law as people who are heterosexual.

The law is in place to protect people, whether they be LGBTI people, single mums, people who have a different gender identity, people from culturally and linguistically diverse backgrounds, people living with disability and a whole range of attributes. The law is in place to protect people from language that insults, offends, humiliates and intimidates them. This is the law that the Liberals want to weaken.

As Ms Giddings pointed out in her excellent contribution, this is not a free speech argument. Free speech is not an unfettered right. Free speech as it stands in Australia today is to challenge oppression, not to enable it. It is there to give people the right to speak and engage respectfully in public debate, but it is not an unfettered right. We need to protect people who are vulnerable, on the basis of perceived difference, from hateful and hurtful language, and from hate speech.

We already have people in our community who feel free to vilify others on the basis of their sexuality. Ms Giddings spoke of Mr Durston's vile pamphlet that is the subject of a matter before the Anti-Discrimination Commissioner. The pamphlet has been promulgated relatively widely and it says:

It is warned that homosexuality should not be tolerated, and therefore this will benefit both the individual and society. The American Psychological Association and American Public Health Association seek to supplant text values with social acceptance of homosexuality. Scripture rejects homosexuality as utterly abominable.

As Ms Giddings pointed out, there is a lot of material in scripture we no longer abide by. We do not, for example, stone adulterers anymore, as is in scripture. Mr Durston, who has used his religious belief as a defence against the complaint brought against him, says:

Any law made in Tasmania or Australia cannot prohibit the free exercise of the Christian faith - not true - and that there is, therefore, no lawful basis for the complainant to protest about the election flyer Homosexuality Stats.

He says:

The scripture and common law denounce sodomite homosexual practise as an abomination.

He also refutes the statement made by the complainant this sort of publication of prejudicial and false information is harmful to people, and particularly to LGBTI people. The complainant states that:

Young people struggle with their sexual identity and increased violence and suicide.

He says there is no evidence to support that. There is plenty of evidence to support that. It is a fact that the mental health of young LGBTI people is among the poorest in Australia. This is a briefing paper from the LGBTI National Health Alliance and it deals with the issue of mental health and suicide amongst LGBTI people. It states that:

Lesbian, gay and bisexual Australians are twice as likely to have a high to very high level of psychological distress as their homosexual peers. More than twice as many homosexual bisexual Australians experience anxiety disorders as heterosexual people. LGBTI people have the highest rates of suicidality of any population in Australia. Twenty per cent of trans Australians, and 15.7 per cent of lesbian, gay and bisexual Australians report current suicidal ideation.

Up to 50 per cent of trans people have actually attempted suicide at least once in their lives. Same-sex-attracted Australians have up to 14 times higher rates of suicide attempts than their heterosexual peers. Rates are six times higher for same-sex-attracted young people.

It further goes on to state, 'The average age of a first suicide attempt is 16 years, often before coming out.'

People can and are using their religious beliefs as an excuse to put out incorrect information, to vilify people on the basis of their sexuality, to describe people on the basis of their sexuality as abominable. That is happening in our community today.

If these changes go through they will unleash the hounds of hell in our community. It will give licence to people to say things that will hurt other people on the basis of their sexuality, gender, gender identity, race, disability, or whether they are pregnant or breastfeeding. It is the signal that these amendments will send to the community that are the most dangerous elements of this legislation.

We would like to know why it is that it is so difficult to find submissions that were made through the sham consultation process on these amendments. They may have been posted publicly in the last 24 hours. We have been looking and we cannot find the submissions made to this sham consultation. We know it is a sham consultation because submissions closed on 9 September.

A number of organisations, including Civil Liberties Australia, the community legal centres, the Tasmanian Greens, and the Anti-Discrimination Commissioner, believed they had an extension to the submission time. Our submission went in on Monday morning. On Tuesday morning there were reports in the *Mercury* that the Government is proceeding with the amendment bill. There was not a sincere consultation process; it was a sham consultation process.

From every submission we have been able to obtain from stakeholders, it is clear there is no support for the amendments to the Anti-Discrimination Act being put forward by the Liberals. We have, for example, 'There is so much opposition to these amendments that it is very difficult to understand why it is that the Government is proceeding.' We go to the Anti-Discrimination Commissioner's submission, which was wholly ignored by the Government. She discusses the alleged or potential harm of amending the act:

The harm that is known to come from people with particular characteristics being subjected to discrimination and related derogatory and demeaning speech and action, is to cause people with those characteristics to question their right to be part of the community, to lower their self-esteem, to silence them and, at worst, to cause them to inflict harm on themselves.

It is no overstatement to suggest that if these amendments go through, they will cause harm in our community. In some instances, for some individuals, that harm will be profound. This is a dangerous piece of legislation we are debating here today.

There are people on the government benches who know that and, sadly, do not have the courage to stand up in here and state it. We thought the Liberal Party was the party where every member had a conscience vote on every issue. Where are they? I note that the Premier has just entered the Chamber.

The Anti-Discrimination Commissioner's submission also states that the rationale for the bill is not sustainable. This is a point that has been made in this place many times. The rationale for the bill has never been properly argued by the Premier or any one of his ministers. There is an interesting excerpt in the Commissioner's submission where she refers to a letter received from the Department of Justice which states that the draft bill proposes amendments to the exception in section 55 'to introduce a reasonableness test'. So the exception will only apply if the act was done 'reasonably' and 'in good faith'. When you go back through *Hansard* and have a look at the Premier's statements on this issue, he talks about 'reasonably' and 'in good faith'. In fact it is the one proposed amendment that the Anti-Discrimination Commissioner was prepared to acknowledge, if it was included, would bring Tasmania in line with Queensland, New South Wales, Victoria, the ACT and the Commonwealth. Yet, the reasonableness test has been removed.

We have also completely ignored the submission from the Commissioner for Children and Young People, which the Premier in question time this morning, when asked specifically about the Commissioner for Children's concerns, refused to go near. That is probably because it says this:

I am particularly concerned that the message these amendments send to children and young people, especially those who by virtue of a particular attribute are seen as different and can be ridiculed, harassed or insulted on the basis of that attribute. This is the essence of bullying.

He goes on to say:

There is a very real risk that as a result of the proposed amendments public conduct which, for example, offends, humiliates, or intimidates a child or a young person on the basis of factors such as race, gender, pregnancy, sexual orientation or disability, may be permitted. Also, public conduct capable of inciting hatred, serious contempt or severe ridicule of a child on the ground of their race, disability, sexual orientation, lawful sexuality or religious belief would be excused if done so in good faith or religious purposes.

And then we have a very high quality submission from Community Legal Centres Tasmania, again completely ignored by the Government in its sham consultation process, in which Benedict Bartl on behalf of CLC Tasmania says:

We strongly oppose the proposed amendments. In short, we strongly believe that amending section 55 of the act is both unnecessary and dangerous.

The submission goes on to say:

The proposed amendments will provide a platform for persons with a religious purpose to discriminate and/or incite hatred against minority groups including women, the disabled and the LGTBI community.

It goes on to talk about section 17(1) of the act which prohibits conduct which offends, humiliates, intimidates, insults or ridicules another person on the basis of a range of attributes, including sexual orientation. In order to be unlawful the court must then be satisfied:

... that a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed.

Applying the reasonable person test to the conduct requires there to be an objective consideration answered by reference to what a reasonable person would have anticipated in all of the circumstances. That is another damning submission we cannot find anywhere on the public record other than by going to the stakeholders directly.

Civil Liberties Australia, in a submission put forward by Richard Griggs, said:

Civil Liberties Australia believes the amendments are not needed and are likely to be counterproductive and unnecessary, because the current Anti-Discrimination Act 1998 already achieves an acceptable balance between freedom of speech and protecting vulnerable people from harm.

The Hobart Women's Health Centre, which is rightly concerned that these changes will give licence to hurtful, sexist, hateful language towards women in our community, says:

The proposed changes are broadening the scope of protection for those who would offend or incite hatred, rather than reducing it.

We have an example of that in the Anti-Discrimination Commissioner's submission here. If you want to talk about the kind of language that the Hobart Women's Health Centre is concerned about, this goes back to a case in 2006 that as a woman I distinctly remember media reports about. In 2006 an Australian religious leader was publicly reported as having said, in response to reports of rapes of women in public places:

If you take out uncovered meat and place it outside on the street or in the garden or in the park or in the backyard without a cover, and a cat comes and eats it, whose fault is it? The cat's or the uncovered meat? The uncovered meat is the problem. If she was in her room in her home, no problem would have occurred.

Then the religious leader goes on to describe women as weapons used by Satan to control men.

This is such an offensive piece of legislation. It is destructive, biased and one of the most disingenuous bills to be tabled in this term of government. That is saying something, because there have been some really foul pieces of legislation coming through here, particularly the Workplaces (Protection from Protesters) Bill which was one of the most fascist pieces of legislation that has ever been through the Tasmanian Parliament.

On its face, the bill is driven by very specific bigotry thinly justified with soft language such as 'balance', 'free speech' and 'respectful', but we believe this amendment bill is anything but balanced, respectful or enabling of free speech and if the Government was serious about freedom of speech they would probably repeal entire sections of the bill or do away with it altogether.

We are seeing a very similar situation happen in the federal Parliament where the likes of Cory Bernardi and George Christensen, the hard right in the federal Liberal Party, are seeking to strike out section 18(C) of the Racial Discrimination Act. Again the free speech argument is falsely used as a cover for racism, just as the free speech argument here is being falsely used as a cover for homophobia, because you will not hear Cory Bernardi or George Christensen arguing for changes to defamation laws that are there to protect the privileged, or for changes to the Border Force Act, which makes it a crime, for example, for a person who has worked on Manus and Nauru and seen the abhorrent cruelty that is inflicted in Australia's name from speaking out about what they say.

The so-called champions of the free speech are very selective about the kind of free speech they want to promote, and of course they come from the most privileged groups of people in the Australian community - white, Anglo-Saxon, middle-class men. All the statistics will tell you that is the group of people who are the most privileged in our society and yet they are getting up in this Parliament and in the federal parliament and using free speech as a cover to give themselves more power to say more vile things.

Just as Malcolm Turnbull has not been able to contain the dark forces within his own party room, this Premier has not been able to rein in the right wing of his Cabinet. That is what we are dealing with here. I do not believe in his heart that Premier Hodgman supports this amendment bill, but he will get up here in a moment and pretend he does. When you listen to his answers to questions in this place over the last couple of days, he has been all over the place, knowing he is internally conflicted and standing on shaky ground because he knows this legislation is dangerous. As one of the members in this place who voted for in-principle support of marriage equality when we had the historic debate in this House last year, Mr Hodgman must know full well these changes will inflict harm in our community. They will inflict harm on young LGBTI people and same-sex couples, but the harm that can be caused goes so much further than the LGBTI community.

We have Liberal members who want these changes. They keep referring to 'balance' and yet have not put the argument about why the balance is not right now. It suggests they believe there are some hurtful and harmful things that are okay to say and some people it is okay to say those things about. They would be the people described in section 16 of the Anti-Discrimination Act. In fact, the section 55 exemption for religious groups shows that the Government also believes there are some things only religious groups or people of religious faith should be allowed to say.

In her submission, the Equal Opportunity Commissioner easily counters all the thinly-veiled justifications for the bill. On the issue of a claimed low threshold for accepting a complaint, the commission points out there are few civil jurisdiction laws that impose any threshold in this country. She also points out that 67 per cent of section 19 breach allegations - the hate speech provision - are not accepted, and 41 per cent of section 17 breach allegations are not accepted.

Despite being derided for the question by some of the drivers of this bill, the Government still has not been able to articulate what its opponents of marriage equality would like to say that they cannot say now. We have not had a single example. Remember, this issue in this Parliament goes back to last November. There were questions asked of the Premier in budget Estimates by the Greens and, again, he could not tell us. He could not put an argument for the changes. He just said,

'We want to get the balance right'. He could not give a single example of what opponents of marriage equality might want to say that they do not think they can say now. When it comes to changes to such a pivotal act for the protection of the vulnerable, it is unacceptable that changes are not justified without specifying exactly what speech they want to empower.

The Anti-Discrimination Commissioner also points out that the State Service training draws a link between cultivating sexist language and family violence. Part of the huge battle for equal rights for women has involved cultural change, which in large part involves censoring what people can and cannot say. We have engaged in a prolonged and ongoing community education campaign for gender equality, for respectful language towards women and girls; respectful language simply towards each other as human beings.

On the day that the Anti-Discrimination Act Amendment was tabled in this place the Premier attended the launch of the Commissioner for Children and Young People's report on the effect of family violence on children. He made some relevant and pointed remarks about the use of language in tackling sexism and ensuring we have continued progress towards gender equality in our community. The irony was not lost on a number of people in this place. We will be back in the Committee stages, don't you worry about that.

Time expired.

[3.56 p.m.]

Mr HODGMAN (Franklin - Premier) - Madam Speaker, I welcome the opportunity to participate in the debate. I have been listening to the debate in my office, as many members are doing, but very keen to participate and contribute on behalf of the Government. I will not be provoked by comments made by the previous speaker, which, in their own way, could be described as vilifying.

A number of false claims have been made about this bill. What the Government is seeking to do, in repudiating the false claim it is intended to weaken antidiscrimination laws that I am sure all members in this place would support, is protect antidiscrimination laws. It is not true or fair to say this is about weakening them, but rather it is about strengthening those provisions and the right to free speech.

It is not true to say this is being rushed, as members have acknowledged. The matter was first flagged in November last year in a debate, almost a year ago, when we indicated we would look at anti-discrimination provisions. Since then we have identified our proposed changes. I outlined them in this place around a month ago and I was criticised. I was criticised for the substance of our intentions, and to inform this place - and, by extension, the Tasmanian people - of our proposal. We have introduced legislation to implement what we said we proposed to do.

Ms Woodruff *interjecting*.

Madam SPEAKER - Order. I am hesitant to take up the Premier's time, but members have been heard in silence so far and I hope that continues. The honourable Premier has the call.

Mr HODGMAN - What I have said in this place, including on that debate last year, I stand by entirely. I said it in the context, and a member opposite asked by interjection, why this was raised in that debate on same-sex marriage when all members in this place were able to freely express a view.

I said in the context of that national debate, which is proposed to be resolved by a plebiscite, and in the context of a matter before the ADC involving Archbishop Porteous and Martine Delaney:

It is important to ensure that there is an appropriate balance and that the very feature of our society, free speech, is preserved. As a government and as a community we would want to ensure the balance is right. We need to consider the adequateness and appropriateness of current laws and protections because I believe they will be tested in this debate.

I also said:

My equal hope is that there will be a respectful ongoing national debate about this matter, in which there is ability for people to speak freely. I believe our society and democracy thrives on the basis of freedom of speech that is not unfettered. My equal hope is that any debate can occur in a way that is not clouded by prejudice or is unlawful, discriminatory or in breach of reasonable community expectations. The ability for people to express a point of view reasonably and in accordance with their values and beliefs is very important. We need to make sure that there is an appropriate balance.

I stand by that. I have been asked in this place this week whether I stand by my comments. I do. The concerns raised, I hasten to add, have been held by many in the community in the lead-up to the national debate. These concerns, and a hope that a properly-respectful debate might occur, have been held, including by me, notwithstanding our antidiscrimination laws.

Members in this place and in the community have said for some time that we hope the debate would be respectful. We expect the debate around same-sex marriage would be conducted in a way constrained within the framework of antidiscrimination laws. Notwithstanding those laws, which were in place under the former government, it has been the view of many in the community, including members of the former Government, the debate might not be so respectful, that it might not be on properly engaged in by people in accordance with community expectations, and the law.

Suddenly, off the back of these amendments, members opposite and some in our community are suddenly saying the floodgates will open. There is greater risk of that occurring. I want to explore why that is so. It was never raised previously by the former government, they never moved, other than those most recent amendments referred to by the minister, to change the laws. They now say this legislation we have tabled will somehow open the floodgates for that to occur.

Rather, it will allow those who might reasonably expect to contribute in a debate - and it is not only about same-sex marriage debate. That is the current context, but it could be about any debate in the future. What these amendments will allow those who might reasonably expect to be able to contribute in a debate to do so reasonably, to freely express their views without fear of being prosecuted for doing so. Thus, fettering their right to free speech in accordance with community expectations and within the confines of the provisions of the act, the same provisions that were in place under the former government to protect people from discriminatory expression.

As the minister has said in the second reading speech, this scenario was envisaged when the matter was debated back in 2012, including by the former attorney-general. The debate on amending section 17, which the Liberal Party expressed opposition to and raised concerns about,

was to extend that provision to include additional attributes as those amendments did, which at the time we warned could have an impact on the ability for people to freely express themselves.

As the minister has observed, the then attorney-general sought to provide assurances to this place, and the Tasmanian community, that the extensions contained within those amendments would not operate to stifle public debate, including, she said, debates on issues such as same-sex marriage. The Parliament was assured this would not happen, that the amendments were intended only to address the issue of bullying.

As minister Ferguson has observed, that has not proved to be the case. These reassurances have failed to stand the test of time. A complaint, thankfully resolved between the parties, but not resolved by determination by the commission, has left this issue open. It is unresolved. We should move to clarify the matter. We should move to provide a greater ability to reasonably and respectfully express views. That is a large part of what this bill is about. It is not about weakening antidiscrimination laws. It is about strengthening the right to free speech. The Liberal Party, the Tasmanian Government, firmly believes in the rights to free speech. It is not entirely unfettered and nor should it be but it is an essential tenet of our society, our way of life, that we should be prepared to preserve.

As I have said many times in this place, usually in response to the very disingenuous question that is asked from members opposite, what is it that you want people to be able to say? I will again answer and say that it is not up to me. It is not up to you. You are being very selective. It should be what is allowable under the laws put in place by former governments that we are seeking to amend; protections that allow free speech and strike an appropriate balance. Why was it you could say that even under your laws, if I can call them that, that you introduced, and that have been passed by previous parliaments and governments, you were concerned people might engage in the same-sex marriage debate in a way that is not respectful, could be vilifying or could contravene the law? Why was it right for you say that then but now you are saying, 'This will open the floodgates? This is going to cause that to happen.' Why? How could you say that then but now claim that these amendments will suddenly open the floodgates? It goes to a very particular group in our community.

We have had a quotation read, which was a very extreme perspective. There are extreme perspectives in all debates. Plenty of people want to be able to freely engage in this debate and they will in debates in the future. They will do so respectfully and they should be able to do so without fear of prosecution.

Following the debate in this place last year, and indeed in that complaint that has been referred to, there has been much discussion about this matter and we have noted that. Members opposite may choose not to. They may choose to only listen to one perspective. There are various views. It is not our job to adopt the views of others but it is our job to do what we believe is right. We have arrived at a position that we believe strikes the right balance. Not everyone supports it, we acknowledge that.

Members opposite are referring to the Australian Christian Lobby to support their case, an irony that will not be lost on the ACL. But if we were doing what the ACL wanted us to do, how hard would you be criticising us for doing that? You would be criticising us for doing what they want us to do.

It is not our job to adopt the views of others but to consider views, to consult as we have done, to engage and to put before this Parliament something that we believe will strike the right balance. I think the fact that we are in the middle of competing voices could suggest that we have struck a balance that is right.

We have acknowledged concerns about the impact of the current act on free speech. We have considered whether legislative reform is required. We have determined to improve the law, not weaken it. We have determined to improve the right for people to have their say under laws which clearly set parameters around that and which will still protect against discrimination or vilification. We are mindful that the act should provide an appropriate balance between protection from discrimination and other prohibited conduct while also allowing for a genuine, respectful public debate and discussion on important issues.

We do not propose any amendments to section 17(1) or to section 19. However, we have determined as a government that it is right to make some adjustments to the act and to strengthen the exceptions for free speech. It is particularly pertinent when there is currently a national debate. Some describe it as divisive. It is certainly one where there are strongly held views at either end of the spectrum. It could, and likely will, apply to any future debates of a similar nature.

One of the key points of objection for members opposite is the notion that we would in this bill seek to amend section 55 to clarify that the exception provisions not only include 'a public act done in good faith for academic, artistic, scientific or research purposes or any purpose in the public interest' and to also include 'public acts done for religious purposes'. I have noted the somewhat selective views of some in our community who are happy for an exception to be available for artists, academics, scientists and researchers, but they are not available -

Ms Giddings - Including the former attorney-general, Mr Groom, and your own father, Mr Hodgman. He supported it too.

Madam SPEAKER - Order.

Mr HODGMAN - I am happy to adopt a view that differs from my late father and make a decision based on what I believe is right. That is an unfortunate reflection. This is a question that has not been answered by members opposite. Why are they happy for academics, artists, scientists and researchers to have that exception but not those with a religious purpose? Why not?

I have also noted some comments from some that are anything but respectful to people who may have a religious perspective. I am not one especially known for strongly expressed religious views. I accept that. I am not someone who, as some might suggest, is championing a religious crusade through this bill, but I have not heard anyone who is opposed to it say why those exception provisions cannot fairly apply to someone with a religious perspective, as they do for academics, scientists, researchers and artists. We still have not heard anyone say why that is so.

The amendment we are proposing does not open the floodgates, as some are stating. It simply extends the ability for a group of people in our community to more freely express themselves. It strengthens their right to respect lawful, free speech. To this point they cannot express themselves, necessarily. Members opposite say they can. They do not know that. The matter has not been determined or resolved. The complaint which we have referred to was resolved between parties. That was a good outcome, but the matter remains unresolved and undetermined. There is a gap. There is uncertainty and this bill seeks to address that.

It is the Government's view, and it is the view of all members of this Government, that the amendment will make it clear - up-front in the act - that the exception includes 'public acts done in good faith for religious purposes'. It is very important to emphasise the point that this bill does not override the important test of public acts done in good faith, put in place by former governments, and is not overridden by these amendments. It does not override the exceptions that already exist for a diverse range of other specific purposes - artistic, academic, scientific and research endeavours. In addition, the 'any purpose in the public interest' catch-all applies to section 19, as well as section 17(1).

In relation to whether the use of the phrase 'reasonable' or 'reasonably' be included, that was a matter was under consideration by government. Again, it puts the lie to the claim that we did not engage, consult or take advice on this matter. It was referred to by the Leader of Government Business in his second reaching speech - a point that was conveniently overlooked by the member for Denison who claims it was not addressed. The advice we received was that it would duplicate and perhaps potentially cause greater confusion and uncertainty. A submission was received, for example, from the Commissioner for Children in relation to the appropriateness of including the reasonable person test and there have been concerns raised about this and advice taken as to whether it would further confuse or complicate the law unnecessarily to have those words included in the bill, and it was determined by the Government that they would not be. That matter was also clearly covered by the Leader of Government Business in the second reading speech.

To repeat, this bill does not override public acts done in good faith. They are provisions that have been previously supported in this place and will continue to be, I suspect. These amendments do not affect or override that. It certainly does not override the exceptions that already exist for those other purposes - artistic, scientific, research, et cetera. It adds to those exceptions for the reasons I have outlined but this act has not been weakened, as members opposite and some are claiming.

Another great mistruth in this debate is that it will allow hate speech and vilification. How does including in those exception provisions 'religious purposes' make the risk of hate speech and vilification any greater than it was previously under your law? How? Why? Those protections of good faith and the public interest are already in there. It seems this is very selective.

Ms Giddings *interjecting*.

Madam SPEAKER - Order. The member was heard in silence.

Mr HODGMAN - For someone who might be an artist, for example, I suggest that is potentially a very broad group of people who could be covered in that, as well as those who might have a religious perspective, but that does not give them a green light to go out and vilify people and engage in hate speech. No-one is entitled to do that, but suddenly it is the most offensive concept in the world that this law could be extended to include those with a religious purpose. It is fine to have researchers and artists and academics and scientists in there, but suddenly this group, those with a religious purpose, are likely to lead to hate speech and vilification.

Whatever people's selective views are on those who might fall within that group, the act still does not and will not, with these amendments, allow hate speech and vilification. This bill will not open the floodgates, but it certainly could not or will not necessarily ensure that there aren't people in our community who might engage in those things. That could have happened under the legislation as it currently exists and could still happen. The law will not necessarily stop that from

occurring but I honestly, sincerely hope it does not happen, but it will not suddenly happen, in our view, because of these amendments either. The amendments will not allow hate speech or vilification.

As to the exception provisions, I point to the fact that they have been in place for some time, introduced and supported by former Labor-Greens governments and indeed Liberal governments, and are also contained within the laws of Victoria, New South Wales and Western Australia in relation to their vilification provisions.

The issue of the process for how matters brought before the Anti-Discrimination Commissioner are dealt with were also raised. I suspect largely it was in the context of the national debate, but also the complaint previously referred to and a submission that the threshold is too low, as the minister outlined in his second reading speech.

Under section 64(2) of the act the commissioner is to accept or reject a complaint within 42 days of receipt. Section 64(1) allows the commissioner to reject a complaint in certain circumstances including, amongst other things, if in the commissioner's opinion, it is trivial, vexatious, misconceived or lacking in substance, or there is a more appropriate remedy that is reasonably available and does not relate to discrimination or prohibited conduct.

There is no doubt in our view that there is a risk a complaint could take some time to resolve one way or the other and even if it is ultimately dismissed, there is likely to be a substantial cost to the respondent. There is a legitimate concern that has been raised that even the prospect of a complaint made, no matter its merit, and given the threshold that is needed to progress, might also suppress discussion and debate, and that is certainly a view that has been put to Government.

The bill seeks to amend section 64 of the act to require the commissioner to reject a complaint under sections 17(1) or 19 in certain specified circumstances. In the case of section 17(1), the new provisions will require the commissioner to reject a complaint if satisfied that a reasonable person, having regard to all the circumstances, would not have anticipated that the person in respect of whom the complaint was made would be offended, humiliated, intimidated, insulted or ridiculed by the conduct. In section 19, the commissioner will be required to reject a complaint if he or she is satisfied that the public act does not constitute an incitement of hatred towards, serious contempt for, or severe ridicule of, a person or persons in respect of whom the complaint is made. The proposed new provisions also require the commissioner to reject a complaint if satisfied that an exemption under section 55 applies.

We believe this is a more appropriate and balanced mechanism to advance matters that are brought before the Anti-Discrimination Commissioner and are intended to provide clarity. The commissioner must turn his or her mind to consider the question of jurisdiction and whether the conduct was reasonable in the case of section 17(1), and the commissioner must reject the complaint if satisfied of the relevant matters.

In conclusion, I say again that I stand by my comments and views as expressed in this House, but also outside it, and that of my Government to protect the right of every Tasmanian to better enjoy full freedom of belief and full freedom of expression. I am sure that is fundamentally a matter all members would stand by, given that there are proper -

Ms O'Connor *interjecting.*

Madam SPEAKER - Order.

Mr HODGMAN - Could you for once listen and not talk at me? For the record, as cheap a shot as it is, the member who continues to interject criticised me for not being in this place, so let the record show that she has not been in this place for the duration of my speech either. For what it is worth, if that is the level of debate let us call it a nil-all draw.

Ms O'Connor *interjecting*.

Madam SPEAKER - Order. Members should give each other the courtesy of listening to their contributions.

Mr HODGMAN - Madam Speaker, I was saying that it is not an unfettered right. There are protections in place to safeguard against vilification, discrimination and hate speech, and those fundamental provisions are not being altered by these amendments in any way at all. That is not what is happening. That is not what these amendments propose. When we sought as a government to implement our election policy to protect people and businesses from having their workplaces invaded by protesters or slammed by dishonest campaigners, you said it was a breach of the right to free speech.

You are happy to say that people whose workplaces are invaded and are prevented from earning a lawful living should just suck it up because that is the cost of free speech, yet today when we say that somebody with a religious perspective should also have the same right of free speech as artists and researchers, you say it is a great attack on free speech. That says it all.

Members opposite argued strongly that people should be allowed to invade workplaces and disrupt people and businesses from earning a living in the name of free speech, but you want to deprive people who have a religious perspective from more freely expressing their views. That is selective free speech members opposite are proposing, determined by you. What gives you the right to choose which groups or which people should have a greater ability to enjoy free speech? This bill seeks to strengthen the right to free speech for all Tasmanians. It could be expected on an issue such as this that there are divergent views. Many submissions argue that no change should be made, as we have said.

Many have strongly advocated for the complete removal of the amendment. The member who continues to interject on my speech, proposed some might argue getting rid of the whole act altogether. That is not something my Government is contemplating, but this is a matter upon which there are strongly-held views on both sides of the debate. We have sought to take a balanced approach and to be tempered in doing so, to provide protections for debate and discussion, engaged in good faith for religious, artists, academic, scientific or research purposes whilst fully preserving the current provisions protecting members of the community from offensive conduct and vilification.

As the minister said in his second reading speech, and it is the position of the Government, this bill makes changes to the Anti-Discrimination Act to clarify existing exceptions in relation to sections 17 and 19. We have endeavoured to strike the right balance with these challenges. We acknowledge that attempting to reform the Act to address free speech concerns is contentious. It is complex, as evidenced by opposing views on this matter. We believe it does strike the right balance. We believe it does not weaken the act, but importantly strengthens the ability for people to exercise free speech in this state.

[4.27 p.m.]

Ms O'BYRNE (Bass) - Madam Speaker, in no way can I thank the Government for the situation we find ourselves in. We are debating an appalling, unnecessary and potentially dangerous piece of legislation. The Premier said that by bringing in this bill we guarantee the way of life we have in Australia, where we have the opportunity to say the things we feel. A way of life I bring my children up with is one that deals with all of their differences, and everyone has a difference of opinion on a range of matters, and to do so with respect, integrity, and in a way that does not make anyone feel less, or feel frightened. That is the collateral consequence of the legislation presented to us today. The drafting of this bill will be examined in some detail as we get into the committee stage, and so it should be, because it is a significant piece of work.

I want to speak about how we got to where we are, and the impact that it will have on our community. I can go through the process that happens when complaints are raised. I do so to demonstrate the unnecessary nature of this bill. From the way the Government has been speaking, you would believe if somebody with faith makes a particular view, they are going to be hauled off to court and imprisoned. As we know, under the provisions of this act it is not a judicial, decision-making role.

There are no criminal sanctions in the act. If a complaint is upheld and someone is found to have acted unlawfully in breach of the act, the tribunal can make some orders. None of those are criminal orders. There are compensation orders, which is most likely. They are an apology order. You know a little about the value of proper apologies today. They can be a reinstatement order, and that is around employment-related issues. They can be a prosecution order, which can only apply if the order is not followed.

Ms O'Connor - The Premier has fled the Chamber.

Ms O'BYRNE - The Premier is not here. He never had his heart in it. They can order that conduct not be continued. How many circumstances are we talking about, where that might be the case? In information we received, in the last five years the section 55 defence has been cited in three cases out of 700 complaints. None of these were extensions to submission and there is only one case that has us here today. That means we have to change the way we approach the nation-leading antidiscrimination provisions we have. The Government says, 'It's terrible. No-one else has such good provision in any other jurisdiction.' What a shameful thing that we should be leading the nation in protecting people's rights, keeping people safe and keeping people feeling safe in our community.

The Premier referred to how we arrived here. He talked about that significant vote in November 2015 and said it was the reason. It was during that conversation it became clear we needed to make amendments to the Anti-Discrimination Act. I remember the amendment that was moved to the motion on marriage equality but I also remember how we got there. Go back to the time when this lower House voted for marriage, to step in where the Australian Government refused to and allow marriage between same-sex couples in our state. The Government would now have you believe they each voted on their conscience. How surprising that their conscience was the same. We saw it on the decriminalisation of abortion, as well. For some reason they only have one conscience. I do not know who holds it or whether they all share a bit of it, but they are only allowed one view.

Step forward to November 2015, when we were debating a motion of marriage equality to send a message to the Australian Government, an Australian government that spectacularly refused to

heed any of the community's messages and is sending us down a divisive and terrifying pathway of a plebiscite. The Australian parliament amended the marriage legislation to ensure it was limited to a man and a woman, but it appears now the Australian parliament is incapable of making a decision about whether we should extend that basic right to same-sex couples.

Let us remember why we are here. The motion is before the House and the Government. The Government is in disarray. There are members in the Government who want to say, 'I think marriage equality is not such a bad thing', but they were not able to say that without paying a price. That price was an amendment that said we should amend the Anti-Discrimination Act in the lead-up to the debate on marriage equality. It is the cost of doing business with the hard right. The Government can pretend as much as it wants it has been terrified by one settled complaint, out of 700 in five years. One settled complaint means we have to make massive reform to this legislation. This is massive reform, not a minimal piece of reform.

Ms Giddings - It wasn't even settled; the complaint was withdrawn.

Ms O'BYRNE - A complaint that was withdrawn - and that is why we have to be in the House today? Rubbish! We have to be in the House today debating this because the progressive members, as progressive as they think they are - which include the Premier, who just spoke - do not have the guts to stand up to the hard right of their party and say, 'No, I am going to vote with my conscience on this issue'. In order to be allowed to do that, this is what they sold. Shame on you all for what you have done.

There has been no case put for the amendments put forward in this bill. The Government knows that. It has never been about the case; it has always been about the politics. It has always been about the conflict within the Liberal Party in Tasmania - who runs it, who calls the shots and who does not want to be humiliated in this Parliament.

I want to talk about why it matters. Language shapes reality. The things we say become the things we do. It is funny because we understand that implicitly when we talk about the campaign and the work around violence against women. We know that we have to work with our children, particularly our boys, about the way we talk, the way we view, the way we judge and the way we act around them, because we know that if we allow a thing to be said it can lead to that thing actually being true.

The shadow attorney-general talked a bit about wolf-whistling. I confess I thought that was probably not a serious a thing in light of the significance of this debate, but it is because it talks about the continuum of behaviours we accept. When we talk about that with women we understand it. We say that if we denigrate women here, if we say that women are somehow lesser, somehow not okay, not as participatory, strong, engaged, or clever -

Ms Dawkins - Not as deserving.

Ms O'BYRNE - or not as deserving - thank you member for Bass, Ms Dawkins - then we allow people to think that if they are not as deserving, if they are not as valued, if they are not as equal, we can behave in a different way from them. That is fundamentally understood as one of the reasons we have such significant incidences of violence against women. Language shapes reality. That is why members of our LGBTI community are so fundamentally afraid of what this Government is doing because this Government is sending a message to Tasmanians that we had some pretty good

rules about the way we expect you to behave and the decency with which we expect you to approach public debate and our interactions. That has not meant that it is perfect.

I still have friends who rock up to a nightclub and are told they cannot come in. I still have friends who feel they cannot hold hands in public. I have friends, one couple, who are making a particular point all the way through the plebiscite of kissing in public because they should be able to do that. These people are scared and it is not okay for people who do not share that fear, who do not understand what it is like to be denigrated, or what it is like to feel different, what it is like to be afraid, to say they are wrong, because if they genuinely have those fears it is because that is the experience they have been through. They know when people say something, if you can say it, you can imagine it, and you can do it. Did Orlando not teach us that? Did Orlando not teach us that if we say horrible things about people who are LGBTQI other people might commit some really frightening actions - imagine horrible things and then do horrible things. That is what Orlando taught us.

I do not have the same kinds of experiences. I think when we as women approach the world we do so in a slightly less safe environment. We talked before in this House about some of the strategies women employ, such as pretending to talk on your phone, trying to never be alone, trying to always walk in lit areas, or walking with your car keys between your fingers because you do not feel safe. When Jill Meagher was murdered, one of the comments made was, 'I do not want to teach my daughter to be scared. I want to teach my son not to hurt women.' That is where language matters because we need to change the things that led to that case.

I am in a mixed-race marriage and my children are of mixed-race heritage. They are a mix of fabulous, exciting, wonderful heritages and their life is different. My life is different. There are things that are said to us that are not said to white married couples walking down the street. There are things dropped in my letterbox which are not dropped in the letterbox of my neighbours. There are things said to my children that are not said to children who look white, or children whose parents are not of mixed race, so I know a little bit, and it is only a little bit, of what it is like to feel a little less secure in the society that we live and a little less secure for my children.

My kids are pretty bright, powerful and empowered young women - but they are still children and one of them said, 'We can't go to America because Donald Trump hates black people and I'm of colour so I can't go there'. When we say something, people behave differently. We start putting protections around ourselves, and I do not want our LGBTI community to be any more afraid or any more in danger than we have already made them. If people think that laws do not make a difference, my marriage to my husband when we first went out in South Africa would have been banned under their Morality Act because it was such an immoral thing to have a mixed-race marriage in the country of his birth.

It is important for governments to maintain and shape the way these debates occur. We are about to go into a plebiscite.

Ms O'Connor - Maybe, maybe not; it depends on what your people do at the federal level.

Ms O'BYRNE - We are voting no. If this Government's colleagues have their way we are heading to a plebiscite, which is a completely unnecessary thing. The Australian Parliament has the capacity to vote on this issue and a plebiscite is not binding. It is not a referendum on marriage. It is a bit of a poll and members of the Government side will still chose to do whatever they choose.

It makes no difference, but we are already seeing some really frightening, horrific and offensive things being said on social media.

It is important that we as governments and community leaders shape an environment where that is not going to be the case. Do you know why it matters and why I know we take a role? It is because I have looked very carefully at the lead-up to the murder of Jo Cox. The Brexit debate in the UK was conducted on the basis of absolute free speech with no boundaries - you can say whatever you want because that is your absolute right. When free speech is not tempered or given the structure and the parameters it requires, because free speech comes with an obligation and a cost, things are said. Jo Cox took a very open view around immigration and the right of people of different nationalities, faiths and backgrounds to be welcome in the UK. That was the nature of the debate that she was involved in in Brexit, but the threats to her started to substantially increase. The things that were said about her were horrific. The things said to her were terrifying, and when you can say something you can imagine it and you can do it, and at the end of that Jo Cox was murdered. Jo Cox lost her life to somebody who was fanatically opposed to her position, and because people are allowed to say that his view was so okay, he could imagine a response to it and he undertook a response to it. When we say things we have to remember that if we imagine something, we can do something.

Equal Opportunity Tasmania in their commentary response in September on the consultation talked about the way the amendments would impact and about this issue of language. The report says:

The proposed changes undermine concurrent campaigns that acknowledge the potential for language to normalise or make acceptable particular forms of discrimination. The potential of language to create negative circumstance is recognised by all governments in Australia through, for example, the current campaign to prevent family violence. In Tasmania the training that is required to be included by all state servants includes the following: sexist jokes and language reflect to reinforce sexist attitudes. They excuse and perpetuate the gender stereotyping and discrimination against women that underpins violence. The most consistent predictor for support of violence by men is their agreement with sexist attitudes. Every time someone makes a sexist comment, joke or discriminates on the basis of gender it becomes more acceptable, lessens people respect for women and erodes women's self-worth.

Why does the Government not recognise that the principles that apply to their very own work around reducing the levels of sexism and threats to women in society and particularly in the public service should also apply in the areas of the LGTBI community? We are not having this debate for any other reason than to allow people to say things during the marriage equality plebiscite. That is why we are having this debate.

The Premier stood up and said, 'You keep asking what it is that we want to say that we can't already say? Well, you don't get to say that.' No, I do not get to say that. That is why we have the act. That is why the act in its current state allows that kind of protection. The act in its current state says you can say things. You just have to say it in a respectful, decent way on both sides of the debate because, frankly, if you cannot make your case without being offensive, threatening or intimidating, you need to have a bit of a look at yourself and ask why you are feeling that way and cannot present your case in a reasonable way.

I have quite a lot of friends of faith and none of them feel the need to say unpleasant things about people. Some support marriage equality, some do not, but I do not have friends who say, 'I have faith and therefore I disagree', and then launch into a personal attack - something that vilifies, frightens and intimidates. We are capable of having civil conversation in society, of having different views, of being able to present those different views without hurting people.

There is a lot to be said on this bill. It is a very poor piece of legislation that sends a terrifying message to our community. It privileges one area above any other form of free speech; that is not okay. It deals with one issue that is one out of 700 complaints in the last five years that were used under the section 55 defence. It will create an expectation in the community. It is only really us and people who might lobby or are engaged who will go through the detail of the bill. This will send the message that if you couch your terms in the matter of faith, you can say anything. It will further complicate the system. It will make it harder to get matters dealt with through the Anti-Discrimination Commission.

I remember when changes were made to the Workers Compensation Act, we started off with a lay court. People could come and say, 'This is what happened to me.' And the employer would say, 'This is what I did.' We would get a bit of medical evidence and off we would go. It is now a litigious environment. I think that what we are going to see in this area, if this bill passes both Houses, we will have an increase in the level of litigation, a highly litigious environment. No case has been made that the balance we have struck with the Anti-Discrimination Act is wrong. There is no case to be made there.

Freedom of speech is a wonderful thing to have, but freedom of speech cannot harm the rights of others. Religious freedom - every person has the right to practise, to express, to manifest their faith - but it always has to be treated in the way that it relates to the rights of others. This is an appalling piece of legislation that we are debating because the Premier did not have the guts to stand up for what he believed in. He traded out his views on marriage equality so that he can say that he voted for marriage equality and stop feeling bad about it. That is why we are having this debate today. Language shapes reality. Language matters. The things we say become the things we do. This bill undermines the balance protections we have provided so that there can be free speech in a safe, respectful and decent way.

This Government should stand condemned for its poor, petty, pathetic politics; its gutless leadership and the behaviour of the so-called progressives in its party. We should vote this piece of legislation down. It should never have been brought to the House. Frankly I do not think I have ever been so disappointed in my Government.

[4.48 p.m.]

Ms DAWKINS (Bass) - Madam Speaker, I acknowledge the presence of Ms Martine Delaney, and her small person, in the House today. I thank them for coming in. Like others who have spoken today, it gives me no pleasure to stand to speak on this bill. It is a shameful day for this place, reflecting on the wishes of a minority of hardline conservatives. If this is the antithesis to the marriage equality debate we had in this place last year, then I would rather we had not had it. The joy that this House had in agreeing that it was time to change the Marriage Act, to amend it to reflect equality for all, is seemingly now lost, because of this debate.

The proposed plebiscite seeks to divide the community through attitudes towards what constitutes marriage while countries with whom we were once peers moved beyond us to a place where love is celebrated and the institution of marriage is commemorated by all. Reading the

responses from the children's commissioner, Equal Opportunity Tasmania, the Anti-Discrimination Commission, the Community Legal Service, Civil Liberties Australia, Hobart Women's Health Centre, the Law Society and other, personal submissions, the breadth of despair this bill has brought to those in the community charged with advocating for the young and the diverse is palpable. The Anti-Discrimination Commissioner states:

This bill appears to be entirely inconsistent with the Government's stated recognition of the benefits of a rich and culturally diverse Tasmanian community.

The fact that this amendment is responding to a complaint that did not even make it to conciliation but was withdrawn shows that this bill is ideological in the extreme. A complaint was brought to the commissioner by Ms Delaney, who objected to the Tasmanian Catholic Church which had printed a pamphlet stating that same-sex parents 'mess with kids' and that same-sex partners were not 'whole people'. 'Messing with kids' has a connotation that is extremely disturbing and alludes to practices which are a subject of the royal commission into institutionalised child abuse, a practice which up until very recently had been hidden deeply within some church-run facilities, widely throughout Australia.

What, may I ask, is a 'whole person'? Who can lay claim to that sense of perfection? We are all striving for our better selves, are we not? I do not know of anyone who could lay claim to be the very best version of themselves. We all have strengths and we all have weaknesses. What business does the Catholic Church have in claiming that the ownership of wholeness rests with sexual orientation? Ms Delaney had every right to take her claim to the commissioner, just as she had every right to withdraw it.

One withdrawn complaint and the disruption and worry which has followed are beyond ridiculous. Why should religious organisations be exempt from antidiscrimination laws? What a shame the Tasmanian Catholic Church could not be more like the Anglican Parish of Gosford, with 42 000 followers on Facebook and a constant claim to capturing the moment. That church supports refugees, human rights, multiculturalism, marriage equality and indigenous Australians. It has brilliant billboards such as 'Marriage Equality - for God's sake just do it', and 'LGBTI - not a sin or a crime'. If only all religious organisations could claim to care for all people and not just those who fit into their notion of whole. It is so superficial, so empty, when love and acceptance are for just a few.

This bill, by limiting the scope of section 17(1), by amending section 55 and expanding the exceptions to include special dispensation for religious purposes, is sending a message. It is sending a message that it is okay to vilify people on the basis of their sexuality and gender identity in limiting the scope of section 19, dealing with inciting hatred by amending section 55, and changing the way in which complaints under section 17(1) and section 19 are dealt with by the Anti-Discrimination Commissioner.

Who believes the rationale for this bill is not sustainable? The Anti-Discrimination Commissioner, Robin Banks, states there is no evidence the balance is not currently appropriate. She has stated that in the six years she has been in the position there have only been three section 55 complaints, two of which went to conciliation and one, which, seemingly, has resulted in this reactive bill, that has been withdrawn.

I do not believe for a moment all those in this Government believe this is a good law. It is the will of the hard Right and has no place in a contemporary legislative framework. We do not even

know if there is going to be a plebiscite. The Australian parliament may well decide this debate will cause too much harm to too many and cost the public purse too dearly. A change of government is inevitable. The federal government has such a weak majority it is unlikely to be too far in the future. Protection of our vulnerable outweighs any time lines. We have waited so long anyway.

I have received more than 100 messages in protest of this bill and none in favour, though I note that somebody sent me an email this week praying for my death. I am not sure if it was related to that or not.

Ms O'Connor - Probably on the basis of their religious beliefs.

Ms DAWKINS - Possibly so. That has happened. I can show you any time. I see the names come through my feed one by one, and I give silent thanks to them for taking the time to show those in this room that people are watching. They are listening to what goes on, and they do care about watering down the Anti-Discrimination Act in the face of the possible plebiscite and it is morally and ethically indefensible.

I have personal experience of what it is like to be vilified in this way. My daughters and I had the very happy circumstance to live with a gay couple for many years. The five of us were a perfect family, as far as we were concerned. We had many happy years together raising my children. It happened by accident. There was nothing about it that was planned. A happy circumstance came my way. Somebody needed a room, I allowed them to have it, and they stayed for years. That is a great story. I have had it happen to me a number of times.

However, one day, when my children were at school my elder daughter was approached by a young person in the playground who said, 'I am coming to kill those men in their bed'. My daughter was only 13 years old, and there she was, her family being threatened. The young man knocked on our door and said, 'I know they are poofers and I am coming to kill them'. What an absolute disgrace. How does a 13-year old learn language like that? How does a 13-year old have so much hatred in their heart for something that has nothing to do with them?

We managed that situation. I protected my family from that situation. I did not make an enormous fuss. I went to that young person and I sat him down and we had a chat. It turns out he did not mean that at all. He had heard it said at home, and he thought he would repeat it for some sort of self-aggrandisement. That young man and I have stayed in contact and he is a great guy. He is in his 20s now. He has travelled the world. He is a DJ. He is YouTube famous. He has done some incredible things. He learned, because an adult took the time to explain to him how intolerably cruel his words had been. This bill today sends a message to the parents of that young man, and young people like him that it is okay to talk like that.

That situation could have been very different. I could have made an enormous fuss. I could have given him such strong feedback that only would have made him arc up further and do some damage. I hope if this bill gets through, and if strong messages are sent to our community it is okay to vilify people based on their sexuality and gender identity, I hope common sense prevails because I do not believe it always will.

Ms O'Connor - Hear, hear.

[4.58 p.m.]

Mr GREEN (Braddon - Leader of the Opposition) - Mr Deputy Speaker, I rise to provide my opposition to the bill before us today. It is important the people of Tasmania understand that. We have had two very good speeches from our side in our opposition to this. Lara Giddings and Michele O'Byrne have made outstanding contributions and summed up the Labor Party's view.

We have talked about this extensively within our caucus. We understand the issues and how sensitive this legislation is, and how damaging these changes could be. I want to talk about the way the Premier articulated the arguments he put forward, particularly around free speech. He tried to suggest when we opposed mandatory sentencing for people who protested, that free speech was front and centre in our opposition to their argument.

I put it to the Premier that he has misunderstood the issue. It is probably why the upper House gutted their legislation when it appeared up there. I hope the upper House has the good sense to do the same with this bill. It was beyond community expectations. The reason the upper House threw out that piece of legislation, or made it unrecognisable from its original form as mandatory sentencing associated with protesting, is that it was all-encompassing. It captured almost every protest one might want to make in front of a business, anywhere in our state. It stifled all opportunity for free speech and reasonable protest. We opposed it even though it was suggested we were anti-investment. These people locking themselves to bits of equipment, et cetera, should be sentenced. Anyone holding up works, anywhere, should be thrown in jail. Even though they ran those arguments suggesting we were taking a soft approach, the upshot was the question of the ability for people to protest. Free speech was impeded by sentencing, which would have seen them thrown in jail. Grandmothers and others would be jailed for having their say, which is not on. That is why the upper House changed it. I know many on your side of politics, Mr Deputy Speaker, believed you had a mandate to do that. The upshot is that the upper House chose not to support you.

I find it amazing the Premier would want to link that debate to this debate when it is completely different. We are supposedly talking about giving people the opportunity for free speech, when nobody has made the argument they do not have the opportunity to do that now, under the existing law. One wonders why you would want to progress this.

I spoke recently on this on a matter of public importance. Many people have put a lot of political skin into ensuring we remove discrimination from our society, as much as we possibly can. I referred to the bill introduced by the honourable Ray Groom in the Rundle government. He was looking to start a process to ensure discrimination against anyone within our society, for whatever reason, was stamped out. I admired Ray Groom on a number of levels, in his work with the indigenous community and the work he was doing to ensure ours was a fairer state. He started the process. Unfortunately, the upper House chose not to support that bill and it required the Bacon Government to bring those changes about. They were significant and they changed our society forever. I have often talked to people in our community and asked them to think back prior to 1998 and even further back to what our state was like. I have asked them to compare it to what it was like after our term in Government. We made so many changes to ensure our society was freer, and discrimination was eroded as much as possible.

Looking at the second reading speech Ray Groom made, his motivation was that the community was appealing to his government to make changes, he listened to the community and as a result had that legislation drafted. What I cannot understand about this debate is: who is driving this agenda? Where is the community? The only people I can see in the Gallery are people who

are opposed to it. There is no-one driving the agenda here from the Government. Normally when you bring legislation into the House like this you would have a list of people you have consulted with who have effectively appealed to you to make various changes, but that is completely non-existent here, other than people within the caucus of the Liberal Party itself. I find that amazing because in the end we must reflect what the community wants from us as best we possibly can. You cannot in every circumstance reflect what the community wants but in the main we always err on the side of ensuring we listen to minority groups and people who do not have the necessary lobbying capacity to make judgments about whether you are making the right decision.

In this case I do not see anyone out there running an argument on behalf of the Government. There is no-one, therefore I cannot understand why we are debating this legislation today. What is to be gained? People run the argument that what will be gained here is freedom of speech. Does anyone think that is true?

Mr Ferguson - Yes, Mr Llewellyn.

Mr GREEN - I think you are taking Mr Llewellyn out of context. I think the member raises that because Mr Llewellyn has advocated on behalf of his Christian beliefs in this House on many occasions and I respect his right to do that. He expressed his views and at that time suggested that he felt as though his rights were being eroded, but I do not believe, particularly given the outcome of the original appeal against the pamphlets and the fact that the pamphlet still exists -

Ms O'Connor - It is still offensive.

Mr GREEN - It is still on the public record but in the end, even though people were offended by it, the legislation and the intent of it was held up, so it is almost impossible to argue -

Mr Ferguson - How?

Mr GREEN - Well, it still exists.

Ms O'Connor - It went to the commissioner, the commissioner tried to mediate and then the complaint was withdrawn.

Mr GREEN - It was withdrawn. It was one out of 700-odd complaints that had been made for various reasons, but in the end it held up. That was the basis of the intent of the Parliament. We do not necessarily like everything people say, but in the end parliaments make decisions to try to ensure that people are given the opportunity, and that is why there is no support for the legislation in front of us today. In fact, it is quite embarrassing for the Government now that they have a situation where no-one on the outside of the House supports their position.

In context, that means that all of the work done by successive governments to try to ensure Tasmania is a place where people can live in harmony and have the opportunity to speak and face up to the issues we confront on a daily basis in a fair and equitable way, all that work that led to the erosion of discrimination against minorities, from whatever walk of life, is being eroded by what can only be described as a right-wing view of how our society should operate.

That is why I am opposed to this legislation. I am opposed to the principle of what is being sought here. I think it takes us back many years. It undermines the integrity of former Liberal and Labor governments. It is not what I believe the majority of Tasmanians would want to see; in fact,

to the contrary. It is my view that people want to see us continue to work to ensure that people have the same rights across the board. That is why this side of the House firmly supports marriage equality and a decision being made about that here and now. We do not like what is happening at a national level and we think that is what has stimulated and is driving this debate that is occurring right now. It is just not reasonable. Given all that has happened in our society and around the world, it is not reasonable that the federal Parliament should not just get on and make a decision on marriage equality. I am sure then we would all be able to get on with our lives in a way that allows us to be reassured that there is genuine equity within our society and equality for all.

It is important from my point of view as Leader of the parliamentary Labor Party to ensure that people understand why we are opposed to this bill. We are opposed on the basis that we believe it takes our society backwards, not forwards. There have been many quotes over the years that when governments stop being progressive, democracy is bound to fail, and I believe this Government is taking a backwards step, not a progressive step, with this legislation. Our democracy has not provided a mandate for the Government to do what they are doing and that there is no genuine support for what the Government is doing.

On that basis, under any fair assessment the Government should withdraw the bill and allow people to just get on with their lives and start debating the real issue here when it comes to Australian society overall, and that is whether or not there should be marriage equality and as a result of that take a further step. It is such a shame that we did not achieve that here in Tasmania when the legislation passed the lower House in the past. It would have set Tasmania up in a way that would have further enhanced the view of the rest of the world about our great state had we passed that legislation at that time. It is such a shame, but it did not happen.

Now it is on the national stage. Legislation like this does not help us at all because it clouds what should be a straightforward decision that can be made at a national level.

[5.14 p.m.]

Ms WOODRUFF (Franklin) - Mr Deputy Speaker, it is with a heavy heart that I rise tonight to speak against this bill on behalf of all the people who have contacted me, all the organisations I have spoken to and all the submissions I have read that were not provided to the Greens by the Government, that are not available on a government website and are not publicly available for people in the community, to hear people's views about this incredibly important legislation. It is very damning legislation. None of that material is available to the public. It is opaque and the process has been secretive, as underhand as possible, designed to keep it away from public scrutiny, shut down conversation about what this bill will mean to the lives of people who are enjoying living in a happier Tasmania that we have been working towards as a state and a parliament.

As an Australian society we are part of a move that is happening around the world, which has been happening for decades now. It has been happening for centuries - probably since humans have been alive. We all fight to be accepted for who we are when we are born into this world, regardless of where we are born, the income level of our parents, the colour of our skin, our sexual orientation, our choice of career, and the people we meet and fall in love with.

We do not choose that when we are a child. We take life as it comes. We meet people and make connections and form friendships. Circumstances inspire us and open our hearts. That is the society we want to promote. We want to be leading a society of people who are genuinely reaching out to other people, who see the pictures of the refugees flooding out of Syria into Europe, getting off boats trying to reach Australia, people who are locked in awful conditions in Nauru, people who

are shut out of our society and in desperate situations. We should be seeing those people not with fear in our hearts but with openness; with a real sense of them being another human being on the planet who has a right to live their life from the moment they wake up, alive to the world and its possibilities, to the moment they die at the end of their life, however long that life may be. Each person has the right to live with respect, in a place where people do not defame them or run them down, belittle them or cut them off from opportunities and do not give them every hurtful word they can think of - acts of meanness and pettiness, up to severe acts of violence; rape, hatred, attacks on people's houses - all in the name of an individual's supposed right to inflict their hate onto other people.

We know that with freedom comes responsibilities. There is no freedom without responsibility. Anybody who is a parent knows that. Anybody who has witnessed the parenting of somebody who has no skills, who has no ability through their trauma of their own life, who has not been given the skills they need to parent in a way that helps them to put gentle and firm boundaries around people, knows that. That is what children need. Good parents provide rules for their children. They provide boundaries for their behaviour and consequences for when they do the wrong thing. That is exactly what this Parliament should be doing: setting consequences for bad behaviour, consequences for language that harms people. It throttles us from reaching our potential. It curbs our passions for participating in public life. It stops women from putting up hands to be in positions of leadership, to take jobs that are in what were for so long male dominated parts of society. It stops people who are Aboriginal from standing up and feeling that they can participate in the wealth of our society. They are forced to spend too much of their lives defending their lands and their culture from our invasion and our lack of respect. This is all about respect.

The first evidence of a lack of respect is this Government's lack of respect for listening to people's views. The so-called stakeholders on this issue have not been listened to. By contacting organisations ourselves, we managed to hear that submissions were made by the Hobart Women's Centre, the Community Legal Centre, the Law Society, the Commissioner for Children and Young People, Civil Liberties Australia and the Anti-Discrimination Commissioner. These were the ones that we know of and they were universally damning. Not a single one of the submissions that I have read had a single positive thing to say about the amendments that are being proposed. Nothing.

If that does not cause the Government to sit up and take notice what does? What more august bodies in our society would they want to collect information from about their views? I can think of a few more. I can think of quite a lot more who did not get a chance to put their views forward. Why not?

TasCOSS did not put in a submission. TasCOSS was not capable of putting in a submission. Why was that? It was because there was no time for them to seek the views of their members. They had no time to get a representative view. The Premier and the Minister for Health have the hide to stand here and say that this has been discussed in the public domain for months, that everybody knew it was coming and it has been well discussed. That is not true and this Government needs to learn that groups can only provide comments when they see the black and white of the legislation in front of them. That is what providing input is about. You have to actually see what is being proposed. There is no point responding to something the Government said at a door-stop media conference.

Ms O'Connor - A Dorothy Dixier.

Ms WOODRUFF - Yes, a Dorothy Dixier in question time: we are going to have an Anti-Discrimination Act amendment. What does that mean precisely? The Government says that it asked for submissions on 25 August in a letter they wrote to TasCOSS asking for their comments. That was when the letter was marked but according to TasCOSS they only received that letter in their letterbox on 2 September. They know that because they cleared the letterboxes on 30 August - they only do it twice a week. It was not there on 30 August, five days after it said it was written. They did not get it until 2 September. The closing date for submissions was 9 September. With two days for the weekend they had five days to get comments from their members.

TasCOSS this year has 137 member organisations. They provide a pretty fair picture of the sorts of people who do not get a chance to comment on this amendment. They are: Fairer World; Advocacy Tasmania; Aged and Community Services; Alzheimer's Australia Tasmania; Anglicare Tasmania; Arthritis Tasmania; Aurora Disability Services; Australian Association of Social Workers; Australian Education Union; Australian Red Cross; Australian Services Union; Baptcare; Beacon Foundation; Bethlehem House; Brain Injuries Association of Tasmania; Burnie City Council; Carers Tasmania; CatholicCare Tasmania; Child and Family Welfare Association of Tasmania; Child Health Association; Choir of High Hopes; Citizen Advocacy Launceston; Colony 47; Common Ground Tasmania; Community Transport Services Tasmania; Council on the Ageing; Cystic Fibrosis Tasmania; Devonfield Enterprises; Devonport Community House; Drug Education Network; Dunalley Tasman Neighbourhood House; Early Support for Parents; Eat Well Tasmania; Effectiveness Training Institute, Epilepsy Tasmania; Family-Based Care Association North West; Family Planning Tasmania; Flourish Mental Health Action; Foster and Kinship Carers Association; Geeveston Community Centre; Glenhaven Family Care; the Greek Welfare Centre; Health and Community Services Union; Hobart City Council; Hobart City Mission; Hobart Community Legal Centre; Hobart Women's Health Centre; Holyoake; HOPES; Hub for Health; Impact Communities Independent Living Centre; Integrated Living Australia; Italian Day Centre; Jireh House Association; Karinya Young Women's Service; Kennerley Children's Home; KidSafe; Lady Gowrie Tasmania; Langford Support Services; Launceston Benevolent Society; Launceston City Mission; Launceston Community Legal Centre; Launceston VLC Services; Launceston Women's Shelter; Laurel House; Life without Barriers; Lifeline Tasmania; Lifelink Samaritans; Live Well Tasmania; Meals on Wheels; Men's Resources Tasmania; Mental Health Carers Association; Mental Health Council of Tasmania; Mersey Community Care Association; MI Fellowship; Migrant Resource Centre Northern Tasmania; Migrant Resource Centre Southern Tasmania; Mission Australia; Mosaic Support Services; Multicap Tasmania; Multicultural Council of Tasmania; Neighbourhood Councils of Tasmania; New Things Now; Nexus Inc; NILS Network of Tasmania; NORMAC; Palliative Care Tasmania; Pathways Tasmania; Positive Solutions; Possibility; Pregnancy Counselling and Support Tasmania; Quality Innovation Performance; Quit Tasmania; Rainbows Community House; Ravenswood Neighbourhood Centre; Relationships Australia Tasmania; Rosebery Community House; Rural Alive and Well; Salvation Army; Scarlet Alliance, if they are still funded; Sexual Assault Support Service; Shelter Tasmania; Speak Out Association of Tasmania; St Giles Society; St Michaels Association; St Vincent De Paul Society Tasmania; Support Help and Empowerment Inc; Tascare Society for Children; Tasmanian Aboriginal Centre; Tasmanian Aboriginal Child Care Association; Tasmanian Acquired Brain Injury Services; Tasmanian Association of State School Organisations; Tasmanian Catholic Justice and Peace Commission; Tasmanian Council on AIDS, Hepatitis and Related Diseases; Tasmanian Deaf Society; Tasmanian Men's Shed Association; Tasmanian School Canteen Association; Tenants Union of Tasmania; The Link Youth Service; The Smith Family; Unions Tasmania; Volunteering Tasmania; Warrawee Community; West Moonah Community House; WISE Employment; Women with Disabilities Australia; Women's Legal Service; Hobart Women's Shelter; Working it Out;

WorkSkills Inc; Wyndarra Centre; Women's Support; Youth Futures; Youth Network of Tasmania; and Youth, Family and Community Connections Inc.

They are the 137 organisations that did not get to have a formal voice because TasCOSS, the organisation they collectively have as their spokesperson, had five days effectively to get their views on this. What do you think these organisations almost universally have in common? They represent the poorest, the most vulnerable people most likely to be discriminated against in Tasmania such as homeless women, people with an acquired brain injury, people with disabilities, people from the lesbian, gay, bisexual, transgender, queer and intersex communities, and women escaping violence. All of these people did not get a chance to have any input into this proposed amendment. Instead we have a bill before us that has no evidence for why it is here. I have struggled to find anything at all to provide any evidence for why it is here except perhaps something that Ms Delaney, who is sitting behind us in the Chamber, had something to do with.

Ms Delaney had the temerity to put in a complaint about a piece of published material that is still available in the public domain. She had the temerity to put in a complaint about a disgusting, hateful piece of information that was distributed to schools and is still there, but because she spoke out and demanded that her voice be heard that complaint was withdrawn, so that is the only reason we can come up with for why this bill is before us today.

I have had a very small experience in my life of what it is like to live with complete loneliness. I worked at the AIDS Council in Canberra early on in the AIDS crisis when young gay men were coming to Canberra from the surrounding country regions of Wagga and Albury to get support, education and help because they were infected with a virus that was making them very sick. Typically they could not speak to their families about the situation they were in. It was incredibly painful to hear the stories of people who were not only struggling with disease, illness and sometimes death, but also to hear that they were utterly alone and lived in communities where they could not come out. They could not come out to their families or to the community. The only thing they could do was to leave home, flee to a bigger city and try to find people like them and live in groups of people who were outcasts and had no sense of the opportunity of life stretching before them and of the great things they could be a part of. The only thing they could deal with was pain and typically people in that situation use drugs to escape the pain and are at a much higher risk of committing suicide. I knew people who committed suicide because of the pain they lived with every day of not being able to express who they really were as a person.

I lived in a house with a woman who underwent a sex change while I was living with her and I learnt so much through that period about what it is like to grow up in a household where, from as young as you can remember, you are not the person your parents keep telling you that you are. She went to school her whole life not really feeling that she was the person other people were telling her she was. It was not until she came to that realisation in her late twenties that she was able to make the decision to have a sex change, which took a number of years. She was never the same person again because she became a man who became confident, was able to come out in his job and brought every single person along with him. She worked in the building industry as a bookkeeper, and she became he in the building industry. I could not believe the openness and acceptance of everybody who knew him. They were totally cool about it.

We can be telling a wonderful story here about the multiplicity of people in our community and what an amazing contribution every person in our community can make. The saddest thing about this bill is it demonstrates a lack of leadership in the Government. I implore the Government to take any face-saving measure possible to stall, because this has no support. There is no support

for this in Tasmania. I do not know who you talk to, but there is no support for this bill because people know where it is going to lead. It is a statement. It is a cultural change trying to take us backwards and not forwards. There is nothing progressive about this bill.

It demonstrates a lack of understanding from the Government about how hate speech can be used to incite terrible acts. We need to set a culture that is positive and open. I remind the Government about a terrible incident, which indicates the influence, of setting the environment in the wrong way. It is a terrible and extreme example, but it is where we are heading with this approach. We will never head into the specific instances. We know that hate speech can lead to acts of violence. We see that in Tasmania and in Australia. It has been the experience of women who have been attacked and raped, and of gay men who have been bashed for walking in a way other men do not like, for presenting something different. We have seen this in the way people were attacked on the beaches in Cronulla. It is all about difference. It is all about fear.

Ms O'Connor - That was incitement.

Ms WOODRUFF - That is exactly right. The genocide against the Tutsi in Rwanda was a mass slaughter of people in that country by members of the Hutu majority. It is estimated between 800 000 and 1 million Tutsi Rwandans were killed in a 100-day period from April to July in 1994. That was 20 per cent of the Rwandan population and 70 per cent of the Tutsi population. There was a slow build to that atrocious act of violence. It happened in about a year. The role of the radio was an incredibly important tool of incitement to hatred in Rwanda. It was instrumental in this terrible stain on human history. The radio broadcasts played an important role in inciting ordinary citizens to take part in the massacre of their Tutsi and moderate Hutu neighbours. Two major radio stations transmitted hate propaganda. It included racist propaganda, obscene jokes, and it used popular music to attract younger Hutu people listening to the radio to become part of the culture of hatred and fear.

They were primed as a community when the government changed. The main radio station was then used by Hutu leaders to advance an extremist message and anti-Tutsi disinformation. This subsequently led to encouraging the continuation of the awful acts of violence that occurred, in which neighbours ended up killing each other. Everyone was incited to pick up a weapon and they killed anyone they could who was not like them - mothers, babies. Babies were specifically said on the radio not to be spared. This is a horrific situation, but it shows the powers of the media, radio stations and propaganda, to progressively, over time, shift cultural attitudes so neighbours can end up killing each other. Research done estimates 10 per cent of the overall violence that occurred - 10 per cent of the specific acts of violence - were attributed to only one radio station, to the impact of the continual hate speech, the lies, the twisting of people so you could look at your neighbour and consider them a person to be afraid of.

We have a situation in Australia where we have more than neighbours that governments are telling us to be afraid of. Liberal prime ministers, for many years, have been telling us to be afraid of refugees. People in England voted with their feet, to the shock of the prime minister, to leave the European Union. This is widely understood to be because of the fear created of people coming to England. It is that fear we need to stomp out. We need to do everything we can to make changes to prevent acts of speech hatred, and to prevent the sorts of things shifting the culture back into what we call the 'dark ages', away from flourishing, encouraging and nurturing the best in everybody in society.

We do not want to give special exceptions to religious groups to peddle bigotry. We do not want to give the Anti-Discrimination Commissioner a more difficult time to prosecute her duties. It makes her a quasi-judge, and makes her work more complex and costly. It is likely the normal proceedings of the Anti-Discrimination Commissioner will take longer, according to Civil Liberties Australia. We do not want any of those things. The Commissioner for Children has specifically commented that he cannot support the outcome this proposed bill will have and he is unable to support it because of the likely impact on children and young people.

Time expired.

[5.44 p.m.]

Mrs RYLAH (Braddon) - Madam Speaker, I support the bill. Freedom of speech is a fundamental right. Intrinsicly tied to every freedom we experience or discuss is the corollary need for personal and civil responsibility and vigilance. These are often referred to as the appropriate checks and balances. It is essential these checks and balances do not operate to stifle respectful debate on issues of legitimate public interest or concern.

The Anti-Discrimination Amendment Bill we are discussing today is to ensure all Tasmanians are able to express their views responsibly and in accordance with their beliefs. The proposed amendments are intended to clarify the existing exceptions in the act to allow for genuine public debate and discussion on important issues whilst preserving the current protections against offensive conduct and the incitement of hatred and contempt.

This bill aims to strike the right balance between providing protection from discrimination and unlawful conduct whilst allowing for genuine public debate and discussion on important issues. The bill will make clearer the ground rules for everyone wishing to express views in any public debate.

What I hear is a level of hostility against those who hold religious views with the desire to deny them any place in the public square. What I hear is that the religious viewpoints in this House are frequently not respected or even accommodated in this place. This is not neutrality but open hostility to religion. This is to argue that religion must be excluded from all the ideology of human rights. I do not agree.

It is a mistake to promote those rights to the exclusion of informed and respectfully said, religiously informed, comment. To put it another way, this sounds very like the warning from Bishop Michael Nazir-Ali, the former Anglican Bishop of Rochester in England, who issued a warning when he said, 'aggressive secularism is leading to an encroaching totalitarianism that has become a threat to freedom of conscience'. As we have heard in this House, the clear rules and processes, the checks and balances are what we must have. We heard them say in this House, 'tell us what you want to say and we will tell you if you can say it'. If that is not the encroaching totalitarianism this bishop warned about, then I do not know what is.

This is not what I believe. Our state must have free speech with the very clear rules, processes, checks and balances. The adherence to these progressive values are using human rights rhetorics, mechanisms and institutions to promote their values and to deny freedom of conscience to those with conflicting values.

Since the foreshadowing of the Government's intention to make adjustments to the legislation in this area late last year, there has been a considerable amount of discussion. It has become

apparent that many people are unclear about what they can say and what they cannot say in the public setting. This lack of clarity, unless resolved, will stifle some from expressing legitimately held views.

As Minister Jackson said in 1998 in the introduction of the debate on the act, 'The major impact of antidiscrimination is educative'. I welcome bringing this act back into the public discourse because it is educating the public. It is giving the public a greater understanding. The other learning I have obtained from reading the earlier speeches is that there is not only a need for some legislative change to ensure clarification is made to ensure people are clear on what they can and cannot say in a public setting, be that in a newsletter, in the public square, in brochures or advertising in Tasmania, without the fear of being prosecuted or fettered unnecessarily, but there is a need for clearer rules and processes, those checks and balances so the debates have balance.

I turn my mind to the cutting of a cloth by way of an analogy. Those who have a rudimentary understanding, like myself, of the cutting out of a pattern from cloth, know one can either align the pattern to the fabric along the weft and warp or alternatively on the bias. Both ways can create wonderful garments but with very different characteristics. There is nothing wrong with using the bias or the weft or warp or the right or left but to create a particular shape or character one needs to know what they are doing. However, what is apparent to the novice pattern maker, as I can attest, is that if the understanding and process is not clear, whether you are cutting on the square or on the bias, that is on the angle, if you mix up both without very careful consideration, one can create a mess which is not effective - it fails.

So it is with the matter of freedom of speech and antidiscrimination legislation in this State. In my research on this subject, it is clear that other states have the exception that we are seeking to introduce in Tasmania. This amendment is not unusual. Instead it responds to the rich, diverse community in Tasmania. No other Australian state or territory has a law prohibiting conduct that specifically offends, humiliates, insults or ridicules. Other states and territories have laws in relation to vilification, similar to section 19 of the current act. Some states only prohibit racial vilification. Some prohibit racial and religious vilification. Others are broader, covering other attributes. This is a meaningful learning.

Our amendments will not allow hate speech. Section 17(1) provides that a person must not engage in any conduct which offends, humiliates, intimidates, insults or ridicules another person on the basis of the range of attributes listed in section 16 in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person would be offended, humiliated, intimidated, insulted or ridiculed. These attributes are gender, race, age, sexual orientation, lawful sexual activity, gender identity, intersex, disability, marital status, relationship status, pregnancy, breastfeeding, parental status and family responsibilities.

Section 19 prohibits the incitement of hatred towards, serious contempt or severe ridicule of a person or a group of persons. Therefore, I contend there will not be hate speech. This bill seeks to strengthen the right for free speech for all Tasmanians.

This bill also seeks to address concerns that the current threshold for acceptance of a complaint under the act is too low. The bill proposes to introduce a new provision, section 64(1A) to require the Anti-Discrimination Commissioner to reject a complaint made under section 17(1) if they are satisfied that a reasonable person, having regard to all of the circumstances, would not have anticipated that a person by or in respect of whom the complaint is made would be offended, humiliated, intimidated, insulted or ridiculed by the conduct, or if the conduct offends, humiliates,

intimidates, insults or ridicules another person on the basis of one of the specified section attributes, and the prohibited conduct occurs within an area of activity that the act applies to.

In my research I reflect to the earlier case of Delaney which was lodged on 13 March 2006. It was not until 27 December 2008, a period of two years and nine months, that there was a resolution. I contend that the duration of an action like this is too long and does not support freedom of speech but shuts down for way too long the discussions that were taking place.

Ms Giddings - It'll be even longer when they take matters through the Supreme Court after this bill.

Mrs RYLAH - Antidiscrimination law, like any good law, should set a clear standard which is easily understood so people can abide by it as they go about their business. That is clearly not the case now. Nobody can definitively say right now, despite months of the conciliation on the complaint about the 'Don't Mess With Marriage' publication, whether it actually breached 17(1) of the current act.

It is disturbing to hear the Labor and Greens reaction to our proposed amendment by saying, 'Tell us what you want to be able to say and we will tell you if you should be able to say it'. It is unworkable in a democratic society to require people to have their views vetted by those with an opposite opinion before they are permitted to speak.

Ms O'Connor - Everyone but you lot.

Mr Ferguson - You're intolerant. That's the problem.

Ms O'Connor - It's not my intolerance that is the issue here.

Madam SPEAKER - Order.

Mrs RYLAH - What we want to do is to amend the law to genuinely protect free speech while protecting the rights of individuals during public debate. In essence, we want to beef up the Anti-Discrimination Commissioner's power to reject a complaint if the commissioner believes that a reasonable person would not have anticipated their comments would cause offence or if there was another valid defence under the act. This would allow the complaint to be quickly rejected in circumstances where there is a valid defence, as opposed to the current system which I mentioned earlier, where parties may be subjected to lengthy, costly and stressful proceedings, even if a complaint is ultimately dismissed, meaning that in some circumstances the threat of a complaint may suppress the debate.

We would also ensure that if the complaint was rejected, the person making that complaint would be able to -

Debate adjourned.

ADJOURNMENT

PETER MURRELL CONSERVATION AREA

[6.00 p.m.]

Ms WOODRUFF (Franklin) - Madam Speaker, the Peter Murrell Conservation Area in Kingston is facing the prospect of a new sewerage pipeline to be installed through it by TasWater

to bring raw sewage from the Electrona, Snug and Margate areas to an upgraded treatment plant at Blackmans Bay. The history of this pipeline is a matter of public record. Public consultation on suitable routes started in 2013. At the time a strong case was made against the pipeline running through the reserve, resulting in TasWater choosing a route that would have significant impact on residents in Howden. There was a very poor consultation process undertaken which caused a significant amount of community concern and outrage. TasWater was then required to undertake a more substantial community engagement, which it did.

In the last and final community workshop on appropriate routes for the TasWater upgrade to Electrona, Snug and Margate, TasWater presented five possible routes. Two of them would affect residents in the Howden area and three would cross into the Peter Murrell Reserve. Many people in the community voiced a view that the two different route options are effectively now setting the groups against each other, both of whom have serious concerns about the proposed routes.

The Howden residents who had a route to go through their area and the residents who want to protect the Peter Murrell Reserve joined together to put forward an alternative route that would avoid Howden altogether and skirt around the north of the reserve. This route was called the 'black route' and TasWater agreed it was a feasible proposition. Unsurprisingly, when TasWater issued a survey form, there was almost unanimous support for this black route and 93 per cent of respondents who made submissions gave it their first preference. It seems clear that for the social licence and the concerns with the other routes that have been proposed, the black route is the one TasWater ought to consider on the basis of those reasons. However, despite this, TasWater's chief executive officer, with the approval of the board, has announced they have chosen a so-called 'blue route' which crosses through the Peter Murrell Reserve because the route is cheaper, requires less infrastructure and therefore will ultimately be cheaper for TasWater.

Peter Jarman, president of Friends of the Peter Murrell Reserve, said in a Talking Point article in the *Mercury* that the most essential reason not to build this sewer across the reserve is that it does nothing for the declared purpose of the reserve, which is to protect and maintain the natural and cultural values of the area. Mr Jarman challenges TasWater that unless the sewer can be shown to protect and maintain those values then that route has to be rejected. TasWater's CEO responded to this in today's *Mercury* with a statement that TasWater's preferred route will benefit the nature of the reserve. It commenced by identifying \$2 million worth of savings which is not relevant to the protection and maintenance of the reserve's natural and cultural values.

Mr Jarman said in his article that sewers under pressure can leak or catastrophically fail. This may not be discovered for days, as happened in New South Wales's Nambucca State Forest in 2014. Pipe failures in the suburbs are easier to detect, repair and clean up, but failure in a biodiversity reserve poses a much bigger problem. It is not just the sewage but also the chemicals applied to a spill which contaminate surface and ground water and require massive removal of soil. To knowingly risk such profound damage to a reserve like the Peter Murrell Reserve is, in his words, arrogant.

TasWater makes the case that the route will be subject to an independent environmental approval process and must comply with conditions and regulations before construction is permitted, but it needs to accept that the threshold contained in those processes will not necessarily make sure that the natural and cultural values of the reserve can be maintained. TasWater has said they do not anticipate any loss of endangered species in construction but this is very difficult for them to substantiate, according to the Friends of Peter Murrell Reserve, given there is likely to be significant

risk to species already threatened with extinction altogether from the construction processes proposed.

The protection of the Peter Murrell Reserve and conservation area was part of the Tasmania Liberal Government's 1996 state election platform.

Time expired.

The House adjourned at 6.07 p.m.