

[12.00 p.m.]

**Ms O'BYRNE** (Bass - Leader for Government Business) - Before we begin Greens' private members' time, I advise members that there has been a House agreement to amend the timing of private members' time to allow a longer debate on the issue being raised by Mr McKim today, which will mean that the Greens' private members' time will go from 12.00 p.m. to 2.50 p.m. with the required lunchbreak, but Mr McKim will be able to defer the vote until the end of what will then be Labor private members' time, which will run from 2.50 p.m. to 3.30 p.m. It does not impinge on the Liberal Party's private members' time but allows a more substantial debate on this important issue. We thank the Opposition for agreeing and look forward to making a more significant contribution ourselves.

### **SAME-SEX MARRIAGE**

[12.01 p.m.]

**Mr McKIM** (Franklin - Leader of the Tasmanian Greens - Motion) - Mr Acting Speaker, I move -

That the House -

- (1) Supports marriage equality.
- (2) Calls on the Parliament of the Commonwealth of Australia to amend the Commonwealth Marriage Act 1961 to provide for marriage equality.

**Mr ACTING SPEAKER** - Do you require a vote?

**Mr McKIM** - Yes, we will be calling this matter on for a vote but, as expressed by the Leader of Government Business, I anticipate that will occur at the end of the amended time for this debate at 3.30 p.m. I thank the House for the constructive way it has approached extending the time for this debate because I know there are a number of members who wanted the opportunity to place their personal views on the record on this issue and in light of that, I indicate that I will attempt to constrain myself to less than 15 minutes so that other members have a reasonable time.

Mr Acting Speaker, make no mistake, this is an historic debate that we are having today in the Tasmanian House of Assembly.

**Mr Best** - Hear, hear.

**Mr McKIM** - If this motion passes, this House will become the first in any Australian parliament to express, firstly, in-principle support for marriage equality and, secondly, to call very specifically for reform of the Commonwealth Marriage Act to provide for marriage equality or for same-sex marriage.

All Tasmanians should feel pride that this motion will, I believe, pass in some form through this House today, because Tasmania has come a long way on this issue. Only a decade and a half ago, consenting sex between two adult males was still a crime in this State and we were the last

State to remove that statute from legislation after a lengthy battle in for a, including the United Nations.

How far this State has come over that period of time. In 2003 we passed a very strong Relationships Act which was brought in by the then Labor majority government under the leadership of the late Jim Bacon, supported by the Greens, and also in fact by some members of the Liberal Party, which was given a conscience vote on the issue by its then Leader, Mr Hidding.

On this motion today, marriage equality is something whose time has now come in Australia. It is now unavoidably time to act to remove legally entrenched discrimination in our laws and provide for marriage equality for all Australians regardless of gender and sexuality. By voting to provide in-principle support for marriage equality, Tasmania writes itself into this country's history books as a national leader in advocating a compassionate and progressive society which values diversity and differences and devalues discrimination. We will also be sending a clear message to our Federal counterparts, those who sit in the Commonwealth Parliament, that there is an expectation that appropriate action is taken in a timely manner to remove the discrimination that currently exists in the Commonwealth Marriage Act 1961.

Just as important is the fact that the House voting in-principle support for marriage equality today will give many Australians hope. It will give them hope that they can soon look forward to a wedding day - their own wedding day, that of their brother, sister, son, daughter, other relatives or their friends - and be able to come together, have access to one of the most fundamental civil institutions in our society, the institution of marriage, and celebrate their love for each other with their community in the way that heterosexual couples currently can. That is a positive and powerful gift that today the House of Assembly will give, that gift of hope.

The Greens understand and recognise that the best way to provide marriage equality in Australia is through reform at the Commonwealth level - that is, to amend the Commonwealth Marriage Act to remove the discrimination that was inserted into it by the Howard Government. That was not because they thought it was the right thing to do but it was a political strategy to try to wedge the Labor Party of the time under Kim Beazley's leadership. The Labor Party folded, as it did on more than one occasion in those days, and supported the hateful and discriminatory amendment that was moved by the Howard Government. If the Commonwealth Parliament does not act on this issue in a timely way, the Greens in Tasmania still reserve our right to bring on our cognate package of bills to provide for a same-sex marriage framework in Tasmania. We do so because, if the Commonwealth Parliament cannot or will not act on this issue, we think as a fallback position it would be something on which Tasmania ought to go it alone.

Today all members of the House of Assembly have the chance to do the right thing in removing discrimination. I feel very strongly that in a country like Australia in the twenty-first century, in the matter of whether or not a couple should be able to marry it is not the business of the State to intervene and say to one group of people, 'You are worthy of access to the institute of marriage', but to say to another group of people, purely on the basis of their sexuality, that they are not worthy of access to the institution of marriage. That is where we are today and most people - and I say that advisedly - do not support where the law is today. Poll after poll in this country and in this State have shown overwhelming majority community support for marriage equality. A poll that I co-commissioned with Australian Marriage Equality in Tasmania polled 1 000 Tasmanians and a comfortable majority, 59 per cent, expressed support or strong support for marriage equality. The number rises to 65 per cent of those who were not opposed to marriage equality in Tasmania. In 2007, 1 100 Australians were polled by Galaxy and 57 per cent

supported same-sex marriage. In 2009, another 1 100 Australians were polled and 60 per cent supported same-sex marriage. In October 2010, 1 050 Australians were polled by Galaxy and 62 per cent supported same-sex marriage. In a Nielsen poll in November last year and again in March this year, 57 per cent of people supported legalising same-sex marriage. In July this year a Roy Morgan poll of 543 people showed 68 per cent of Australians support same-sex marriage. On those last two polls Tasmania had the highest support in the country, higher than any other State, for marriage equality. Poll after poll shows that this issue has overwhelming community support.

However, the Greens are not driving this issue because it is popular. We are doing it because it is the right thing to do. For me the strongest argument is about removing discrimination. Unfortunately we still see discrimination in our community against people purely on the basis of their sexuality, and that shamefully occurs in our schools, our streets, our pubs and clubs, in many of the other institutions that exist in our society and in our community. I believe that every member of this House would be opposed to that discrimination which ultimately and tragically can lead to violence against and in some cases suicide of gay and lesbian people who are discriminated against and have violent acts perpetrated against them. I know all members would condemn that, but how can we as legislators and community leaders say to the people in our communities, 'Do not discriminate against people on the basis of their sexuality', when the laws that we create themselves discriminate on the basis of somebody's sexuality. That has driven me to campaign hard on this issue on behalf of the many other people who campaigned so hard on this issue for a long period of time.

Mr Acting Speaker, I would like to acknowledge Rodney Croome's presence in the Parliament here today to witness this debate.

**Government and Green members - Hear, hear**

**Mr McKIM** - Rodney quite rightfully was awarded an Order of Australia for his lengthy and passionate contribution to this debate, and it is very appropriate that Rodney be present in the House to witness this historic vote today.

The Commonwealth Parliament should act and I hope that the passage of this motion today will provide national impetus to this campaign. I hope that other State and Territory parliaments will look at what Tasmania is doing, at the leadership we are providing on this issue in the House of Assembly today, and move similar motions calling on the Commonwealth Parliament to act. If the Commonwealth Parliament will not act, as I said, the Greens will bring on our cognate package of bills.

One thing that I would like to talk about very briefly is the economic windfall this would provide for Tasmania. What we have heard from the Liberal Party on this debate is that they would prefer to see the House focusing on things such as the economy and jobs. Well, that is exactly one of the areas in which this motion would drive success and improvement. It would undoubtedly, if Tasmania were to go it alone, provide a massive economic boost and a massive jobs boost into Tasmania. Australian Marriage Equality found that Tasmania's economy could expect a windfall of more than \$100 million if it became the first State to enshrine marriage equality in law, because it would attract same-sex couples from around the country, and I believe from around the world, who would come here to get married, firstly, but secondly who would stay here for their honeymoon to see all of the fantastic natural and cultural attractions that we have on offer here in Tasmania. Of course, they would not come on their own; they would bring their

families and friends for the ceremony, and many of them would stay on. New York has an economic stimulus of approximately a billion dollars as a response to its legalisation of same-sex marriage, and the Mexico City Tourism Authority estimates same-sex marriages are worth \$100 000 a month to that city's economy. Economic benefits are not the reason that this motion should pass today, but if Tasmania were to go it alone they would be an important result.

Mr Acting Speaker, I will wind up my contribution soon because I know other members want to have a say, but there are a couple of other points I really feel I need to make. Firstly, marriage is not a static institution. It has never been a static concept. It has continually evolved through history to meet community expectations and what we are doing today is acknowledging that marriage is not a static concept and that our community's views on the issue of same sex marriage have changed over time and now there is overwhelming evidence that the majority of our community supports marriage equality. On that basis, with the other arguments I have mounted today, there is no doubt that it is time for this change.

The other point that I will make before I conclude is that there is one other reason that the House should show its support for marriage equality and that is the concept of love, which ultimately is what marriage equality is about. It is about respecting the love of a couple for each other and the love of each of us for our fellow Australians. Love does not discriminate; it can strike young or old, black or white, gay, lesbian or heterosexual. Love does not discriminate but the law still does discriminate and unfortunately prevents some people from marrying the person that they love purely on the basis of sexuality and gender. That is not only unacceptable to my Party and me but it is, I believe, unacceptable to most people.

In conclusion, I say again this is an historic day; make no mistake about that. It is an historic day for this Parliament and for Tasmania. It shows how far we have come in this State and it is ultimately an historic day and a milestone in the long campaign for marriage equality in Australia. I look forward to marriage equality being enshrined in Australian law so that same-sex couples right around our country can have access to one of the most fundamental civil institutions in our society, the institution of marriage. I also look forward to ending the legally entrenched discrimination that exists in the Commonwealth Marriage Act so that we can stand and squarely look our communities in the eye and say that we, as legislators, have acted to end the discrimination. It is now time to end it in our communities.

**Greens members** - Hear, hear.

[12.18 p.m.]

**Ms GIDDINGS** (Franklin - Premier) - Mr Acting Speaker, I thank the member for bringing this matter to the Parliament today. It is indeed an historic day for the Tasmanian Parliament and a wonderful opportunity for members to be able to express their support to end discrimination in this State.

It is my pleasure to speak in support of this motion. I believe in equality. I believe in fairness. I believe that all forms of discrimination are wrong. I am proud to reaffirm my commitment as a member of a party that for their past two State conferences have passed motions to support marriage equality.

**Mr Booth** - Hear, hear.

**Ms GIDDINGS** - I am proud to reaffirm my commitment and that of the Parliamentary Labor Party to these principles in my contribution to this debate.

As Premier of Tasmania I want our community to celebrate equality and diversity and demonstrate respect towards each other. No matter who we are, no matter what our religious beliefs, race, ethnicity, political beliefs or sexuality, this debate is an important way in which we can send a powerful message to the Tasmanian community and to the whole country that this House does not support discrimination.

**Government members** - Hear, hear.

**Ms GIDDINGS** - It was not that long ago that Tasmania was the laughing stock of the country where intolerance and discrimination against homosexual people was enshrined in legislation. The passage of gay law reform in this State was belated but we have come a long way since 1997. We now have the opportunity to go further and lead the nation. I acknowledge and believe that there is an increasing level of support to allow marriage laws to cover same-sex couples. Campaigns through social media outlets have proven extremely popular and we know from polls conducted that the majority of Australians believe that it is inevitable that same-sex couples will be allowed to marry one day. Marriage is important and gay couples have the same reasons for wanting to formalise their relationship through marriage as opposite-sex couples. Many same-sex couples feel deep and enduring love and want to have a family, a home, and a shared future and grow old together. Many same-sex couples feel the same level of love and commitment essential for a marriage as opposite-sex couples and I believe they should be allowed the freedom to marry if they choose. Fundamentally this is about choice. I know many couples who are in long-lasting relationships, some of whom would like the opportunity to marry and others who are quite comfortable in their relationship and do not want to marry. The fact that they do not have the right to make their own choice is the issue we want to try to rectify.

There are no logical reasons to deny same-sex couples the right to marry. The personal moral disapproval that individuals may feel towards marriage equality is not reason enough to allow this discrimination to continue. Moral disapproval is not a reason to deny or curtail rights and freedoms. The denial of marriage to lesbian and gay couples and their families is discrimination that must be changed. We know how important marriage is for the couple involved and for their children and broader family. I acknowledge the comments of David Foster recently in support of marriage equality. I think he was very brave, as was his daughter in allowing him to speak of her circumstances. Just quoting from an article in the *Mercury*:

'Foster's recent public support of gay rights has been prompted by his daughter's desire to marry her lesbian partner. Foster's daughter, 25-year-old Sally, has a 12-month-old baby with her partner. The burly axeman, who is a father of four, said he had already walked his eldest heterosexual daughter down the aisle when she married and he was intent on walking Sally down the aisle too.'

That to me highlights just how wrong it is that we live in a country where that choice is taken away from Sally and her partner; it is taken away from them to formalise their family through marriage and it has taken away the right of a father to be proudly able to walk his daughter down the aisle.

Marriage is an important social safety net and it should be in place for all those in our community who choose to take that solemn vow. While I hope that such change will occur, my

advice is that this matter legally needs to be dealt with at the national level through an amendment to the Commonwealth Marriage Act, as noted in this motion.

The Labor Party in Tasmania has a proud record in progressing law reform that removes discrimination and recognises the rights of those across the lesbian, gay, bisexual, transgender and intersex community. In 2003, this Parliament passed the Relationships Act 2003, which provided for the recognition and registration of significant relationships between same-sex and opposite-sex partners. In passing the Relationships Act the Tasmanian Parliament conferred a wide range of rights and obligations on same-sex couples in this State under State law. This was groundbreaking law reform, driven by the former Attorney-General, Judy Jackson. At the same time, Attorney-General Jackson also sought to remove from all Tasmanian laws any provisions which would discriminate against people in significant relationships, and in particular against couples in same-sex relationships. Members who were here at that time would remember, through those debates, that there were two aspects of the consequential amendments that did not gain the support of the Legislative Council. I was proud in my time as Attorney-General to help progress those matters and show my personal commitment to equality for gay, lesbian, bisexual and transgender people in Tasmania by progressing amendments, with the support of the Parliamentary Labor Party, to provide for the legal recognition of same-sex parents, civil union ceremonies and recognition of overseas same-sex marriages.

In 2009, the Parliament supported the Government's amendment to the Status of Children Act to remove discrimination against same-sex couples in relation to a number of issues that related to children and their ability to have children, adopt children and the like. This amendment was evidence of how open and progressive the Tasmanian community had become. Indeed I remember being surprised by the Legislative Council, which in fact took my legislation a step further at that time - an amendment which we gladly supported.

The amendment to allow for the recognition in Tasmania of overseas same-sex marriages and other registered relationships took effect on 1 April this year. These amendments mean that relationships registered in several other states and countries are now recognised under Tasmanian law. These changes ensure that many couples coming to Tasmania are treated with the same dignity and afforded the same rights as couples in registered relationships in the State. Tasmania's recognition of corresponding laws in other jurisdictions is an important step in a more national approach to civil unions and the march towards full marriage equality. As a State government we have tried within our legislative framework to provide for the closest possible process that is like marriage but recognise that it is not marriage. We were, through that law reform, able to provide opportunities for civil ceremonies to be conducted and for registration of that relationship to be recognised as being on the day of the civil ceremony and not on the day that documentation was signed in a registry office. I recognise that is not the full step and there is a further step that must be taken towards marriage equality.

Marriage equality has been achieved in 12 countries across four continents, including Canada, Iceland, Sweden, the Netherlands, Spain, South Africa, Portugal, Argentina and Norway, as well as in several states of the USA. In a column by American civil rights lawyer and advocate, Evan Wolfson, he comments:

'Gay and lesbian couples and their families around the world embrace the meaning marriage brings to their lives. We see every day that their love and commitment hurts no-one. Religion is not harmed as this is about civil marriage licences, not religious rights or celebrations that are up to each faith to decide

on its own. Kids are not harmed. In fact, ending marriage discrimination helps the children raised by gay and lesbian parents while taking nothing away from anyone else, and communities are not harmed. Marriage helps bring strong families and more strong families means a stronger community for us all.'

The achievements of other countries in achieving marriage equality have not been without struggle and opposition from some in the community. In countries where the majority of the population are Roman Catholics, such as Argentina, Portugal and Spain, there has been a strong faith-based opposition to marriage equality. I accept that many religious groups hold the view that marriage should be between a man and a woman, but there are also practising Christians in our community who support the push for marriage equality. I congratulate Rev. David Hunnerup, a minister with the Uniting church in Tasmania, who has argued for marriage equality. Rev. Hunnerup argues that the denial of access to the institution of marriage for homosexuals is both offensive and discriminatory. Like Rev. Hunnerup, I can appreciate that for many Christians the thought of two gay people being allowed to marry is difficult and challenging. Rev. Hunnerup has said that if he were a member of parliament he would be voting in favour of gay marriage because he believes:

'Gays can have access to the institution of marriage because they are actually normal, fully human and with no more or less moral and social deficits than you and me and anyone else.'

At the core of this debate is the belief that we are equal before the law, and where the law prejudices one person over another change is required. A gender-neutral marriage act in this country would remove the discrimination currently experienced by same-sex couples who wish to marry, and those who support them in this effort. A gender-neutral marriage act is not about diluting or damaging the concept of marriage. It is about equality and fairness. I do not believe there is a member in this House who would support previous restrictions in the Marriage Act that prevented whites and non-whites or people from different religious backgrounds from being able to marry, and yet today we deny people the right to marry on the basis of two people being of the same sex.

This Parliament passed the Relationships Act and the subsequent amendments because we wanted to remove discrimination from our community. This motive is shared by those jurisdictions that have progressed marriage equality. Spanish President Jose Luis Rodriguez Zapatero explained in defence of his marriage equality bill:

'This law will not generate bad results. Its only consequence will be to avoid senseless suffering of human beings. A society that avoids senseless suffering of its citizens is a better society.'

The LGBTI community have tolerated abuse and insults and restrictions on their civil rights for far too long. The time for marriage equality is here. I do congratulate my colleague, the member for Franklin and Leader of the Greens, Mr McKim, for moving this motion and bringing on this important debate. On behalf of the Australian Labor Party and the Parliamentary Labor Party, I am proud to support the motion.

**Government and Greens members - Hear, hear.**

[12.32 p.m.]

**Mr HODGMAN** (Franklin - Leader of the Opposition) - As I have indicated publicly, the Liberals will not support this motion. Our clear and consistent position is that we support the definition of marriage as contained within the Marriage Act, a piece of Commonwealth legislation, a creature of the national Parliament itself, not the State Parliament of Tasmania. Our position has not changed. I will say from the outset that the Liberal Party also very strongly believes in the institution of marriage. We believe in what it means, as it is defined under the Commonwealth legislation as a union between a man and a woman. The Liberal Party supports marriage as so defined. We do strongly support the institution of marriage and its value in our community, and the benefits of marriage in bringing social cohesion as a foundation of the family, and indeed that which benefits children, both born and those who will be born from a marriage. Our strong support for these things and our desire to see these institutions growing and supported and strengthened in no way demeans various other forms of relationships that exist. Any attack from those in the community against those who strongly support the institution of marriage as bigoted or homophobic, is as offensive as it is wrong. Our support and indeed the support those in the community who support marriage as defined under the Commonwealth law is certainly a very strong indication and reflection of support for preserving and strengthening an institution, a marriage, as a union between a man and a woman. It is one which importantly often involves children. We do not resile from our strong support for the institution of marriage as defined by the laws of our land, the government of our nation. Our commitment to supporting and strengthening this institution is without in any way demeaning other relationships or other forms of relationships that do exist and which are also deserving of support in a community. Clearly no-one in our community should be subject to vilification or abuse on the basis of race, religion, gender, sexual orientation, but to argue strongly in support of the institution of marriage as is defined in no way suggests that anyone will necessarily be tolerant of such a thing occurring.

Mr Acting Speaker, I have said also that I believe this is essentially an inconsequential motion because even if it passes it will not change the law. It is the Commonwealth of Australia's responsibility to amend the Marriage Act if it chooses to do so. That in itself is reflected in the motion. All this motion does is have just one House of the Tasmanian Parliament deliberate on calling on the Federal Government to do something to change the law, something which they have consistently refused to do and, as I say, importantly it does exclude the other elected members of this Parliament in the Legislative Council, so it is not even an expression of principle from the full Tasmanian Parliament.

It has to be said that there is a fair degree of political grandstanding going on here around this issue. The Greens have, of course, abandoned their original approach to actually change the law in Tasmania to provide for same-sex marriage and have instead now moved a motion into our House of Assembly which only sends a message to the Commonwealth about this issue. No doubt they will be able to reflect in the glory of some media reports that this is leading the nation, is ground-breaking and so on, but -

**Ms O'Connor** - Don't cheapen this debate.

**Mr HODGMAN** - it is a significant departure from your original position to introduce legislation to actually change the laws in Tasmania, not just express a view and, as I say, it is not even an expression of the whole Parliament. It will only be an expression of two parties combined with the majority of members in the lower House, so to inflate it as some nation-leading message to Canberra is tenuous, to say the least.



But that is the grandstanding that is going on and no doubt you are anxious after taking some fairly revolutionary positions in recent times, the most notable being your support, Mr Booth, for example, for Gunns to receive financial support and assistance from the Tasmanian taxpayers. I think this is illustrative of a dysfunctional alliance. We saw the spectacle of the Premier only just climb on board in the last day or two when her party moved a motion a month ago, but she has not acted on this any sooner because her party's stated position is that this is inconsequential and is not going to effect the change that you would have happen. If it did you would introduce that legislation yourself, so I think it is important to note that, sadly, there is a considerable degree of grandstanding over this issue which I think is more of a reflection on an unstable and dysfunctional alliance and a desire to divert from some very significant issues this Government is facing and should be challenging.

It is worth noting that the Greens introduced legislation into this House in 2005, 2008 and 2010. At that time the Leader of the Greens said he would bring on his bills for debate in early 2011. Well, that did not happen. He also said at the time that he had legal advice from Professor George Williams of the University of New South Wales that there was no constitutional barrier to the State legislating to create a same-sex marriage system. Then not even two weeks later, on 16 November the Greens tabled a new motion referring their own bills to the Tasmanian Law Reform Institute for examination, so it appeared that the Greens were uncertain about the advice they had received or the true position of whether or not this could be done. He said it would be up to the Law Reform Institute to examine the bill to determine whether States could not or should not legislate themselves for same-sex marriage. Why he did not do that before he introduced his bill I am not sure. However, the motion to refer the matter to the Law Reform Institute has been sitting on the Notice Paper since 16 November last year and that has not been brought on for debate. As I say, now we have another approach and that is to introduce this motion, a watered-down position that refers the issue to the Commonwealth as the jurisdiction responsible for the Marriage Act asking the Commonwealth to amend that act, presumably now because Mr McKim accepts that it is a Federal issue.

What I am highlighting here is a very confused approach to trying to advance an agenda, one which has seen the Labor Party in furious agreement but jumping on and off when it suits, and perhaps not showing the same degree of urgency, I concede, but one which has not been advanced in all this time to any significant degree by the member, who we now know has the support of his Labor colleagues. It has not been a consistent approach; it has simply been a grab-bag.

**Ms O'Connor** - Did Eric Abetz write your speech?

**Mr ACTING SPEAKER** - Order.

**Mr HODGMAN** - Then he says he might come back -

**Mr McKim** - This is straight out of the Eric Abetz playbook.

**Mr HODGMAN** - I am just putting on record what has occurred here. Then he says he might come back in a few months' time and introduce the bill anyway.

**Mr McKIM** - Point of order, Mr Acting Speaker. I have sat here and listened to inaccuracy after inaccuracy, but the member should know the bills are currently on the Table in this Parliament so I will not be able to introduce them; they are already introduced. What I have said

is that if the Federal Marriage Act is not amended in a timely way we will bring them on and if it does not happen by early next year we will be debating those bills in this place.

**Mr HODGMAN** - You will still bring the bills on anyway, so it begs the question as to why you did not do so in the first place. Because of all this, the months and months of an inconsistent grab-bag approach to this issue, people are saying, 'Well, where are your priorities?' The other day, for example, you were not even across the detail of changes you had made to your Adult Education system. You could not explain that.

**Ms Giddings** - You've called how many no-confidence motions and wasted our time?

**Mr HODGMAN** - There is your prison system where five months ago you had an expensive report undertaken which said as one of its keys recommendations that you should appoint a change member -

**Mr McKIM** - Point of order, Mr Acting Speaker.

**Mr Hidding** - Stop taking frivolous points of order.

**Mr ACTING SPEAKER** - What is the point of order?

**Mr McKIM** - It is that this contribution demeans the issue, it demeans same-sex couples and demeans attempts to remove discrimination from our community.

**Mr ACTING SPEAKER** - Order. That is not a point of order.

**Mr HODGMAN** - I sat in silence and listened to Mr McKim and his provocative statements and I am simply making the case because we have been attacked for suggesting that people in the community expect you to be focusing on other things as well as this issue. We were told that the change agent should be appointed to our prison system five months ago, yet we hear the other day you are just advertising for that person and it may not happen until the end of this year. So it has taken you a whole year to do that, yet you have taken this confused approach -

**Mr McKim** - This says a whole lot more about you than it does about me.

**Mr ACTING SPEAKER** - Order.

**Mr HODGMAN** - to dealing with an issue of priority. You made a point the other day, Minister, that you can chew gum and walk at the same time. Yes, you can, but it just looks like all you are doing is chewing the gum; people are expecting you to also apply -

**Mr ACTING SPEAKER** - Mr Hodgman, if you could address your remarks through the Chair you would not get so many interjections.

**Mr HODGMAN** - the same degree of urgency and attention to some of those other issues. We will argue for a government to be focused on jobs, the economy and keeping the cost of living down. They are the priorities for the Liberal Party and they are important priorities for Tasmanians. Yes, you can chew gum and walk at the same time but the minister is just chewing gum and people are expecting him to at least show a consistent approach to progressing this matter if he is serious about it and not just about political grandstanding. If he were, we would

not have had this situation where he is on again, off again, one minute it is a motion, one minute it is a Federal issue, then it is a State issue; one minute we cannot do anything about it, next minute we can. That is why I have said this is an inconsequential motion. It remains to be seen whether or not the Gillard Federal Government will do anything about it because the Prime Minister's statements are that she does not believe in same-sex marriage.

**Ms O'Byrne** - What do you believe?

**Mr HODGMAN** - I am telling you now; I am on my feet telling you. We will see whether or not the Prime Minister takes any more notice of you on this issue than she does on some of the others. They have not advanced this issue at all in a coherent or consistent way and one can only draw the conclusion that this is about political grandstanding and political posturing.

*Government and Greens members interjecting.*

**Mr ACTING SPEAKER** - Order.

**Mr HODGMAN** - That is why we want to see this issue resolved and many in the community would expect to see the minister do so in a more consistent fashion and one which does not constantly involve this Parliament in a debate which we will have, apparently before the end of the year, 16 sitting days left and we will be having the same debate again.

**Mr McKim** - What?

**Mr HODGMAN** - If you bring your bill on for debate -

**Mr McKim** - I said, next year.

**Mr HODGMAN** - Okay, sometime next year then. So we will be having a debate again and why you could not introduce your bill now, I am not sure.

As I have said, the Commonwealth Government has always had the ability to change the Marriage Act if they so choose, a government currently lead by Prime Minister Gillard. It is not a matter that can be dealt with by the State legislature. Apparently we are all agreed on that. When this matter was raised by Mr McKim last year, or when he introduced his last bill, he pointed to legal advice he apparently had and we sought our own from respected constitutional lawyer Michael Stokes who said in his four pages of response, and I quote:

'In my opinion, the proposed same-sex marriage act is inconsistent with the Commonwealth Marriage Act 1961 and would therefore be invalid under section 109 of the Constitution.'

I am happy to table that if members would like to see it.

**Leave granted.**

**Ms Giddings** - It is not the debate today, however. The debate is about marriage equality, standing up for that. It is irrelevant to the debate.

**Mr McKim** - It is completely irrelevant, but go on.

**Mr HODGMAN** - As the Premier said the other day, when justifying with the Greens their decision to pay money to Gunns, that often there is no right or wrong in legal debate. There are often differing legal views and clearly that is the case in this instance as well. I gather from what the minister is now saying that he accepts that this is a Commonwealth matter that should be determined by the Federal Government.

**Mr McKim** - No, that is incorrect.

**Mr HODGMAN** - Okay. You can state your latest position.

**Mr McKim** - My position has always been consistent.

**Mr HODGMAN** - I believe it is a Commonwealth matter, Minister, and I would imagine that the Attorney-General would probably share that view. The Attorney can have his say in a minute on whether or not he thinks this is a matter that the State can legislate on and if it is, and if he feels so strongly about his convictions, why isn't he changing the law?

**Ms GIDDINGS** - Point of order, Mr Acting Speaker. Obviously the Opposition Leader did not listen to my contribution and the fact that the Labor Government does not believe that it can be through State legislation, it has to be through Commonwealth legislation. The member has refused to put on the record whether he supports marriage equality and if he wanted to, he could amend the motion to be just supporting marriage equality. But he does not have the guts to state his position.

**Mr HODGMAN** - Thank you, Premier, for clarifying that issue for me and also your Attorney who is sitting there suggesting that it might be something where you can change the law. I said in my opening remarks what my position and the position of the State Liberal Party is. That is exactly what our position is.

*Members interjecting.*

**Mr ACTING SPEAKER** - Order.

**Mr HODGMAN** - It is crystal clear, it is consistent.

*Members interjecting.*

**Mr ACTING SPEAKER** - Order.

**Mr HODGMAN** - I do want to mention the issue of opinion polls, which is often used as a reason to change the law, and their role in this debate. Obviously regard will be given to them but I would urge against policy by opinion poll and they do not always represent a consistent picture of community sentiment. We know, at a national level, a number of Federal MPs recently sought feedback from their constituents and they reported back to parliament - and these are Tasmanian MPs - and presented a very different picture to Mr McKim's and his opinion poll. For example, the member for Denison Andrew Wilkie said the electorate of Denison was split on the issue, and Braddon Labor MHR Sid Sidebottom posed the question on a website poll with 49 per cent indicating they were in favour and 50 per cent were not and the balance was undecided. Federal MHR for Lyons, Dick Adams, said 128 constituents were against gay marriage while 12 were in

favour and there was no feedback, apparently, from Labor Bass MP, Geoff Lyons. That clearly differs considerably from the poll that Mr McKim has produced and that is fine. All I am saying is that there is often wide inconsistency between opinion polls and to place all your weight of argument or a large part of it on that basis is foolhardy and not necessarily a true reflection of public sentiment. Even if you are assured of its accuracy it does not necessarily make it right and I would urge the Government, or any government, not to govern by opinion polls.

**Ms O'Connor** - That is a bit rich coming from you. John Howard made a speciality of it.

**Mr HODGMAN** - Or if you did you would take note of the last EMRS poll on how well your Government is going and call an election, but you will not do that will you? No, you will not do that.

*Members interjecting.*

**Mr ACTING SPEAKER** - Order.

**Mr HODGMAN** - You will not accept the fact that 80 per cent of Tasmanians do not support Ms Giddings as Premier. No, you will just ignore that opinion poll, won't you?

Let me be crystal clear, Mr Acting Speaker, in closing. Every member of the Liberal Party totally, totally rejects discrimination and vilification in our community especially on the basis of issues of race, religion, gender or sexual orientation. We respect and appreciate that members of the community have diverse views on this issue of same-sex marriage. We do not accept that this motion passing the House of Assembly will necessarily reflect the views of all Tasmanians, nor indeed the majority of them or, more importantly, it will have a material impact. I suspect there will inevitably be the claims from some, including members of this House, in relation to our position that it is somehow endorsing or promoting inequality and discrimination and I strongly reject that on every count. Again I refer to our consistent stated position held by every member of the Liberal Party in our belief that equal recognition -

**Ms O'Connor** - That is rubbish. Where is your Deputy Leader?

**Mr O'Byrne** - As told by Senator Abetz.

**Ms O'Connor** - Where is your Deputy Leader?

*Members interjecting.*

**Mr ACTING SPEAKER** - Order.

**Mr HODGMAN** - What, did you not see his statements. Did you not hear him on the radio? Have you not read his public comments in recent days? No. Okay.

*Members interjecting.*

**Mr ACTING SPEAKER** - Order.

**Mr HODGMAN** - Selective hearing on the part of members opposite will not change the fact that the Liberal Party is unified on this issue. It may not please you and you may disagree

with us but if that is the best you can do, trying to concoct some sort of division which does not exist to make a political point, well again that shows that this is more about political grandstanding than the issue itself.

Our record speaks for itself and if there are other instances of discrimination that occur on the basis of sexual orientation, or indeed any of those other things, then they should be dealt with and can be dealt with without necessarily having to change the Marriage Act to do so. I proudly point to instances where our party, in this place, has supported laws that will in fact remove discrimination in the community especially those in same sex relationships. The vote, for example, of Liberal members in this place to support equal recognition of same-sex couples in all Tasmanian laws; the establishment of Australia's first civil partnership scheme; support of legal recognition of co-mothers of children born through fertility treatments; and support of the legal acknowledgement of overseas same-sex marriages in Tasmanian law.

**Ms O'Connor** - Well why won't you support the marriage equality?

**Mr ACTING SPEAKER** - Order.

**Mr HODGMAN** - I personally voted for same sex recognition in this House. The Liberal Party back in government in 1997 also delivered significant law reform in this area. At the last election we also had a policy commitment to bring in laws which would provide for harsher penalties against those who commit violent crime motivated by hatred on the grounds of sexual orientation. So our record speaks for itself and as I say where there are instances of discrimination they should be dealt with without unnecessary recourse to amending the Commonwealth law of Australia which defines marriage. For those who are consistently, deliberately and untruthfully trying to deny our re-stated and consistent position, let me make it crystal clear again. We support the definition of marriage in the Commonwealth Act and what it means, what it stands for and so defined.

I will conclude, Mr Acting Speaker, because I would hope perhaps the words expressed by the Anglican Bishop of Tasmania, the Right Reverend John Harrower, very succinctly articulates the arguments against this very motion. I do so not on the basis of Bishop Harrower's religious perspective but as a very articulated expression of arguments against. I will start with a report on the ABC News website from an interview he conducted, where he says redefining marriage is a step too far, and I quote:

'It's not just a word. Words have meaning, they are set in context in culture, and this particular word has the treasured meaning of a man and a woman coming together in love for a lifetime union together'.

From his statement yesterday, and again I quote the Bishop:

'I have consistently upheld the church's affirmation of the definition under the Marriage Act that marriage is the union between a man and a woman to the exclusion of all others voluntarily entered into for life. I have consistently supported the recognition of gay and lesbian relationships, and have advocated for appropriate legal protection for gay and lesbian couples in areas where there was formerly discrimination.'

I am quite happy, Mr McKim, for you to attack me, but I would ask you to show some respect for Bishop Harrower, who is expressing a view commonly held by many Tasmanians.

**Mr McKIM** - Point of order, Mr Acting Speaker. I just have to put very quickly on the record that I have never shown any disrespect towards Bishop Harrower and I reject the implication that I have.

**Mr ACTING SPEAKER** - That is not a point of order.

**Mr HODGMAN** - I hope you respect his argument, which goes on to say, and I quote from his media release. Bishop Harrower said:

'Mr McKim's call for marriage equality is disingenuous. What he intends is a redefinition of marriage itself. Redefining marriage does very little, if anything, to extend rights or equality before the law. It appears to be less about extending rights to a minority and more about compelling all to conform to a novel and unnecessary view. The institution of marriage is much more than the expression of private love, but is a responsibility and a commitment of a particular sort within society. Redefining marriage will disenfranchise those who have embraced and value that particular form of commitment.'

I read that into *Hansard* because they are public statements recently made by the Anglican Bishop of Tasmania which, in my view, encapsulate the views of many in our community who do not support the concept of same-sex marriage and are strongly supportive of marriage as -

**Mr McKim** - It doesn't mean they're right.

**Mr HODGMAN** - I know that is your position, but I am putting to you, Minister, an alternative one. I beg your pardon, Mr McKim?

**Mr McKim** - I said you are over your time and there are a number of other members who would like to speak.

**Mr HODGMAN** - Well, if you had been as polite as that when you first made the comment -

**Mr Best** - Some of us want to actually make a contribution, not smoke-and-mirrors waffle as you have done for the last 20 minutes.

**Mr HODGMAN** - On that basis, for all the reasons I have stated, the Liberal Party will not support this motion.

**Mr Best** - What a disgrace!

**Mr McKim** - That says a lot more about you than it does about everyone else.

**Time expired.**

[12.58 p.m.]

**Ms O'CONNOR** (Denison - Minister for Human Services) - Mr Acting Speaker, there are only a few short minutes before lunch. We have heard the contribution from the Leader of the

Opposition and I have to say from a personal point of view I felt sick listening to him. I felt sick because what he espoused was actually bigotry, effectively.

**Mr Hodgman** - I predicted you'd say that.

**Ms O'CONNOR** - It was bigotry.

**Mr Hidding** - This is the rational, calm debate we're going to have?

**Mr ACTING SPEAKER** - Order, Mr Hidding.

**Ms O'CONNOR** - I am about to make a rational and calm contribution, but it was so insulting to loving, same-sex couples all over the country. It is a denial of love and a denial of equality before the law. It is support for discrimination, injustice and unfairness towards people on the basis of their sexual orientation, and there were times there when I was listening to the Leader of the Opposition when I was not sure he actually believed what he was saying, that it came from a hollow place inside him.

**Mr Hidding** - Leave the personal attacks.

**Ms O'CONNOR** - Leave the personal attacks? That is a bit rich when we have just had half an hour of personal attacks!

**Mr Hidding** - Just because someone doesn't agree with you.

**Ms O'CONNOR** - Mr Acting Speaker, we have an opportunity here in this historic debate -

**Mr Hidding** - You guys can have this debate all to yourselves.

**Mr ACTING SPEAKER** - Mr Hidding and Mr McKim, please stop interjecting and give the minister a chance.

**Ms O'CONNOR** - to express our support for loving couples and to speak out against discrimination and injustice before the law, and it is in these debates in this place that you get the finest contributions out of members. I was overwhelmed by the speeches from the Premier and the Leader of the Tasmanian Greens, because that was the finest expression.

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

## **RECOGNITION OF LIVE-STREAM AUDIENCE**

**Mr ACTING SPEAKER** - Just before we get underway I would like to welcome the significant number of people I believe who are watching this over the video stream. Welcome to you all.

**Members** - Hear, hear.



## SAME-SEX MARRIAGE

**Resumed from above.**

[2.31 p.m.]

**Ms O'CONNOR** (Denison - Minister for Human Services) - Mr Acting Speaker, the first thing I want to do now that I am back on my feet is express some contrition for the language I used just before the lunch break. It was unnecessary and it came from a place inside where I did feel sad as a human being committed to love, diversity and equality when I listened to the Leader of the Opposition's contribution, but I am going to move past that now.

As the Minister for Community Development and as a passionate advocate of equality and diversity I am very proud to participate in this debate in support of marriage equality in the Tasmanian Parliament. It is the first place that we have had such a debate and it will have what I know will be majority support within this House. I want to acknowledge here today participants in this year's Youth Parliament. As members would be aware this year's Youth Parliament passed a motion in support of marriage equality, which is an indication of how fair-minded and progressive our young people are and I want to pay my respects to the participants in Youth Parliament.

**Mr ACTING SPEAKER** - And what very good debaters they are.

**Ms O'CONNOR** - Excellent debaters they are and we could probably learn quite a bit from them. I just want to thank them for their contribution to the debate on this issue in this place.

What we are here talking about today in many ways boils down very simply to love. This is about love between two people regardless of their gender and sexual orientation. In my view, love is the most powerful, enduring and life-giving force on earth.

**Mr Hidding** *interjecting*.

**Ms O'CONNOR** - Well it is, Mr Hidding - an enduring human quality. Love is a very beautiful thing and it is the finest expression of the human spirit. It is through the expression of love for our family, our partners, our children and each other that we can be the best that we can be. In my view to deny marriage equality is to deny the power of love and the goodness of love between two people. I heard the arguments from the Leader of the Opposition and I respect that difference of opinion -

**Mr Hidding** - No you don't.

**Ms O'CONNOR** - Yes, I do. I disagree with it, but I do respect his difference of opinion. I am concerned that his contribution was in part an expression more of politics than of philosophy but that is not what I am here to talk about today.

To deny marriage equality is in my view to support discrimination against two people who love each other, to support injustice, to deny the principle of equality before the law, to deny love. That is fundamentally what refusing to support marriage equality comes to. One of the finest expressions of love I have heard in recent times came from Els McIntosh, who was a participant in our marriage equality forum that was held last week in Hobart. Els is the mother of a homosexual man. I am just going to read into the *Hansard* part of Els's contribution to that forum

because I am quite sure that there was not a dry eye in the place when Els made her very short speech about her experience as the mother of a homosexual boy. This is Els's story:

'I have a son and his name is Nick. Nick came out about 11 years ago when he was 17. Before that, he didn't have an easy time. He was teased at school, didn't have many friends and started to get panic attacks. But after he came out it was a different story. He became confident, happy and outgoing. He was popular and made many friends. His panic attacks stopped.

I realised then that Nick is gay in the same way that I am heterosexual, that his being gay is an integral part of him and not a lifestyle he decided to adopt. Nick had come into his own; he had found his identity.

A few years ago, Nick brought home his first boyfriend. I still remember I was hugely embarrassed because here was my son, not with a girlfriend, but with another man! It got me thinking about gay sex and I came to two conclusions. One was that it is okay, as okay as heterosexual sex between two consenting adults, and also that, actually, it was none of my business.'

I will truncate Els's contribution:

'On my walks into town I often pass Elizabeth College. I started noticing all the flirting that goes on in the breaks there, but never between two boys. When my husband and I walk down the street we always hold hands but I realised that I never saw any gay couples holding hands and, of course, it wouldn't be safe. They could get harassed or bashed, like happened to Daniel Stanley in Ulverstone not so long ago.

Now I am a member of Amnesty International. At Amnesty I get to hear about all the oppression that goes on in world, also the oppression of gay, lesbian, bisexual and transgender people. For instance, in Uganda there was recently an attempt there to introduce the death penalty for homosexuality. In Saudi Arabia, gay men and women, if they are found out, get executed. In Iran, there is death by stoning. In Fiji, 14 years in prison. In Pakistan, life and 100 lashes.

This is the world my son inhabits. I invite every heterosexual person in this room to put him or herself in my son's shoes. Openly flirting, no. Holding hands in public, no. Chances of getting bashed, yes. Marriage, no, and gross persecution in quite a few overseas countries.

This is not freedom. And that is the most important reason why I want same-sex marriage, because more than anything else the right to marriage for gays says, you are free to be who you are, and it also says, you are okay, you are equal and you have worth. You have as much worth as heterosexuals and that is what I want for my son.'

I also took along my daughter to the forum on that night and she listened very carefully to every word from every speaker and listened to the questions that came from the audience. We had representatives there of the Christian lobby and it was a very interesting discussion. It was a bit heated from time to time but it was a fascinating exchange. My daughter said afterwards, 'The

problem with not supporting same-sex marriage is that it stops gay people from being who they are'. It was such a simple, profound take on the issue from an engaged 11-year-old child. I was really very proud of her and that lesson that she took away from the experience at the marriage forum.

Mr Acting Speaker, there are many speakers who wish to make a contribution today, so I will not speak for very long. I am still baffled by where the opposition to marriage equality comes from. What are the opponents afraid of? Where does the fear come from? Does it come from something inside them that makes them feel threatened as a heterosexual? I do not understand why the opponents of marriage equality would not want two people who love each other to have the opportunity to express that love through the union of marriage and that is what we are here discussing today. I am very proud to support this motion. I am very proud to be a member of the Tasmanian Greens and of the Tasmanian Parliament where, on this side of the House, progressive elements of the Parliament will vote in support of this motion. It is a historic day for our Parliament and I am very proud to be able to say that I will support this motion because, fundamentally, what it is about is very simple. It is about recognising, respecting and enabling the love between two people irrespective of their gender and sexual orientation. It is simply about recognising their love for each other and allowing that love to express itself through an end to the discrimination that prevents people of same sex from being married.

[2.40 p.m.]

**Mr WIGHTMAN** (Bass - Attorney-General) - I was raised a Christian and continue to believe in a greater spiritual power. I take great pride in the knowledge that I was sworn in as a Cabinet minister and a member of Executive Council with my hand on the Bible. My parents are the product of a country where hatred was used as the basis of religious belief and they remain cognisant of the feelings of ill will which that created for generations. They chose to migrate without the support of their family, to take a chance for a better life in Australia. Today, and as a result of their courage, I stand here as Tasmania's Attorney-General speaking in favour of this motion and encouraging the Federal Parliament to engage in a debate concerning marriage equality. I understand that marriage is an emotive issue and is bound to generate an emotional response for many in the community, and indeed in this Chamber. It is true that the legal history of marriage in this country has been between a man and a woman and it is inevitable that suggesting any change to this will provoke debate in our community, but it is time for this debate to occur.

In 2011 we live in a prosperous and developed country. We are not incapable of understanding and rational and reasoned discussion and that is why the ideal of marriage equality should underpin a community conversation that reaches the highest level of law making in Australia. Same-sex relationships are nothing new and I reject the notion, which is at times articulated, that people in a same-sex relationship have somehow made a lifestyle choice or that they should be cured of their homosexuality. Those arguments are offensive and illogical. For as long as human beings have loved there have been people who love those of the opposite sex, as well as people who love others of the same sex. For as long as we have existed same-sex-attracted people have loved one another. The fact that same-sex couples, who as valued members of the Tasmanian community, feel safe to articulate their feelings should be celebrated. Tasmania has a proud history of championing the rights of same-sex people. The Tasmanian Relationships Act was nation leading when it was introduced in 2003, recognising the rights of same-sex couples in this State. It has been followed by other jurisdictions. Our legislation allows same-sex and opposite-sex couples to register their relationship under Tasmanian law.

Further, members would be aware that in Tasmania same-sex couples are able to foster children, with the support of the Department of Health and Human Services. There are same-sex couples that freely and lovingly open their homes and lives to children in need in this State. Foster children are more often than not the most vulnerable children in our communities. If we are happy to entrust same-sex couples with the care of our most vulnerable children, but they are not allowed to marry, then it is quite clearly time for a debate to occur. We allow adoption of known children by same-sex partners in this State, so we entrust same-sex partners to be the legal parent of a known child through adoption, but they are not allowed to marry.

Tasmania has taken these progressive steps because we as a community recognise that same-sex people are valuable members of our State, just like any others. Recognising the importance of same-sex relationships is about much more than symbolism. The rights extended under the Tasmanian Relationships Act are vital when it comes to issues such as the medical treatment of a partner or child and for ongoing care of loved ones. Imagine for a moment a same-sex couple who have been together for perhaps 20 or 30 years, they have shared everything a couple shares - a home, family, travel, work, good times and bad - imagine when one of the members of that couple becomes ill and is hospitalised. Can you see your partner of decades being ill in hospital and you being denied access to them as their next of kin? This is how it used to be, but under the Relationships Act this no longer occurs. As a government and a parliament we have removed that uncertainty, that unfairness for same-sex couples. Now consider a lesbian couple that together decide they want to raise a child. They conceive through IVF. One partner carries the child, and together they share the child's upbringing. Should that child become gravely ill and a decision be made concerning their medical treatment, in the past only the biological mother would have been able to be involved in that scenario. That injustice has been removed under the Relationships Act.

I am proud of these changes, Mr Acting Speaker. I am proud to be a member of a Labor government that stands up for the rights of all in a democratic society. Relationships recognition is about more than symbolism. It is about the fundamental notions we take for granted in life, such as being able to care for a loved one. It is about our day-to-day lives and being a member of a family. The time has arrived for the debate to occur at a national level, a debate about what marriage equality means in a modern society.

The EMRS poll taken in February and released this week shows that almost 60 per cent of Tasmanians support the right of same-sex couples to marry. This is indicative of the fact that we are a modern society living in modern times. However, I understand that this is a sensitive issue, based on the e-mails I receive from many Christians who are not supportive of same-sex marriage, but I am a person of faith and a person brought up in a Christian household and I know that I am not alone in my support of marriage equality.

Earlier this year a group of prominent clergy from the Uniting, Baptist and Anglican churches in Australia put their support for marriage equality on the record following the establishment of a group called Christians for Gay Marriage. Within days of the group being formed, almost 10 000 Australian Christians had already sent letters to their local Federal MPs expressing their support for marriage equality. It saddens me that some use the Bible to demean same-sex relationships when in fact Christ is silent on homosexuality. Indeed, scripture has been used over centuries to justify all sorts of atrocities, which today no Christian or Christian organisation would see as being in keeping with biblical teachings or faith in general. The founder of Christians for Gay Marriage, Uniting Church minister Leanne Jenski, who is in a same-sex relationship, has said:

'I long for the day when my partner Susan and I can finally marry with the full blessing of the Church and State. God is not against us, but unfortunately some Christians are'.

Roland Croucher of John Mark Ministries has argued:

'Today in Australia we all live in a secular, non-discriminatory society. How can I, a heterosexual who has been very happily married for 50 years, tell anyone else they do not have the right to form a loving, committed life-long union and enjoy the fruits of marriage as I have done?'

Marriage is not a club to be restricted to some. It is a blessing to be shared and further Christian support for marriage equality was shown through a national Galaxy poll, taken in August, which revealed that 53 per cent of Christians support the right of same-sex people to marry. And the Christian support for marriage equality is not limited to branches in New South Wales and Victoria. Rev. David Hunnerup, a Launceston social worker and ordained minister, recently wrote an article entitled *Gay Marriage and a Dissenting Christian*, to show that other Tasmanian Christians supportive of marriage equality are not without a voice.

I have a relatively simple view of marriage. It is about two people who deeply love each other, declaring that love publicly and declaring a desire to spend their lives together. It is about two adults in a modern progressive society being able to choose whom they love and being able to make the choice to marry that person if they so desire. Like everybody in this House, I abhor homophobia, bigotry and discrimination of any kind, and not allowing two adults who love one another the right to marry if they choose is simply that, discriminatory. Same-sex couples are part of our society. They always have been and they always will be. We all know that same-sex people are represented in all areas of our community, business leaders, teachers, firefighters, doctors, High Court judges, members of parliament.

Therefore, Mr Acting Speaker, I support the motion. It follows logically that this Government, a government that has for many years protected and enhanced the rights of same-sex people, would support this motion. I hope the debate we are having today will send a strong message to my Federal colleagues in Canberra that it is time to further the conversation about what marriage equality means for all Australians. I understand the power of ignorance. I understand the denial of rights of expression. I understand the desire for fairness and equality in the eyes of the law and, above all, I understand that expressing love through marriage should know no boundaries. Mr Acting Speaker, to borrow a famous phrase, 'marriage equality - it's time'.

**Government and Greens members** - Hear, hear.

[2.50 p.m.]

**Mr O'HALLORAN** (Braddon) - I come from Ulverstone. I was one of a large group of people who protested against homophobic rallies in that town a couple of decades ago. Ulverstone is now a very different place from those dark days when it gained national and international attention, all for the wrong reasons. Ulverstone is now, I am proud to say, a place of tolerance and a place of inclusion.

Firstly, a bit of history. In 2003 a majority of Liberals supported the equal recognition of same-sex couples in all Tasmanian laws, including known-child adoption. In that year, a majority

supported the establishment of Australia's first civil partnership scheme. In 2009, a majority of Liberals supported the legal recognition of co-mothers of children born through fertility treatments like IVF. In 2010, a majority supported the legal acknowledgment of overseas same-sex marriages in Tasmanian law. In 2011, the Liberal Party moved to retain criminal sanctions against same-sex surrogacy while removing these sanctions against heterosexual couples and singles.

It is time to get serious about tackling discrimination against lesbians, gays, bisexual and transgender Australians. The Greens will continue working to achieve equality and better protection in our laws and an end to discrimination based on sexual orientation and gender identity. How often do we hear, 'I believe in non-discriminatory practice - but. I believe in principles of fairness, tolerance and acceptance - but. I believe in marriage equality - but.' There are no ifs and buts. Either we are fair and non-discriminatory or we are not. Why should we block loving couples from entering into a partnership called marriage. Who are we to say that same-sex couples would not make loving parents? Is it fair to discriminate on the grounds of one's sexuality. Of course it is not. It is time that we recognised and valued difference and diversity in all its forms.

Young people are inherently vulnerable to bullying and discrimination, particularly those who are discovering their sexuality. We know rates of suicide and depression for young gay Australians is significantly higher than for their peers of similar ages. We need encouragement and an environment of inclusion and acceptance, not of exclusion and discrimination. The momentum for Australia's outdated marriage laws is growing day by day. At the moment it is not the community that are behind this or not behind this; it is politicians. Polling shows 62 per cent of the public, including 80 per cent of 18- to 20-year-olds, already get the need for change. I am pleased to see at least one of the old parties is ready to embrace change which is now inevitable.

Australia's marriage laws are unfair, discriminatory and need to be changed. Current laws deny same-sex couples a very basic human right. Australia is lagging behind the rising number of countries who have already legislated to get rid of this discrimination, in many cases overcoming historic and religious opposition to the principle of marriage equality. If those countries can change their approach then we can do the same in Australia.

There are thousands of couples waiting for their right to equality to be recognised by the Australian Government. Real reform needs real leadership, not blanket opposition to equal rights for all Australians. Others, including apparently those on my right, seem wedded to views of another era and to the views of other groups. I note that Jim Wallace, the head of the Australian Christian Lobby, has been quite vocal in opposing marriage equality. This former SAS commander used Twitter on Anzac Day this year to say, 'I just hope as we remember, the Australia they fought for was not gay marriage and Islam'.

I would like to point out it is not only gay marriage holding back equality for Australia's LGBTI communities. There are inconsistent laws across Australia whether we are talking about discrimination on the grounds of marriage, age of consent, laws regarding parenting, offensive behaviour laws and antidiscrimination laws. I am proud to be a member of the Australian and Tasmanian Greens in taking a leadership role speaking out in favour of marriage equality. Hopefully this debate here today will send a clear message and will lead to a fairer, more inclusive and more just Australia.

[2.55 p.m.]

**Ms O'BYRNE** (Bass - Minister for Health) - Mr Acting Speaker, I rise to speak to this motion that the House supports same-sex marriage in Tasmania and calls on the Federal Government to change Australia's marriage laws, a position I held and argued for when a member of the Federal Caucus.

We are dealing with a complex set of understandings when we consider the question of same-sex marriage, but there is a simple ethical principle that should underpin our answer to that question, a principle that was central to the ALP supporting same-sex marriage at its recent State conference again, a fundamental principle that is the core of this motion. The principle that should be front and centre in the debate is that same-sex marriage provides equality for all. It is vital that we challenge ourselves to uphold this principle. Only if we do will we see that people in our society are able to live as what philosopher Raimond Gaita, in a 2005 lecture at the Castan Centre for Human Rights, described as acknowledging one's full humanity.

We live in a pluralist democracy, one that sees difference and diversity as core values. In order to answer the question, should people of the same sex have the right to be married, we need to ask of ourselves a core question of equity. Should people who love each other and who want to commit themselves to a partnership that has a public and legal nature be denied that right because they are of the same sex? Gaita noted that when Australia was first settled, the colonising forces had no compunction about seizing lands from Aboriginal people. They saw it as their right to that land and that the right of the Aboriginal people to this land was less important than their right to seize it. He also proposes that this attitude evolved to allow white people the right to seize the children of Aboriginal people, as their rights and their children's were less than the rights of white people. I am using racism as an analogy here because when we deny people fundamental rights in a pluralist democratic society we see their humanity as somehow being less than ours. I firmly believe that everyone has the right to full humanity.

**Mr Hidding** *interjecting*.

**Mr ACTING SPEAKER** - Order.

**Ms O'BYRNE** - In the same way, denying people in our society the right to partner under law with another human being in marriage is denying them access to full humanity.

If we think that people should live under different rights, we take away a core tenet of our democratic beliefs and a core pillar of our society's values. Equality for all is about everyone, regardless of who they are, what their sexuality is or other difference. Everyone should be able to experience the legislated rights that others have within our society, otherwise we have an 'us' and 'them' society. On a personal note my marriage to my husband would have been illegal under the country of his birth up until the early 1990s when the marriage acts there were repealed with the removal of apartheid. When our grandmother married someone outside the Catholic Church she was forbidden access to the church and told that her children were illegitimate. The world moves on as we become more progressive and more inclusive.

I note that this debate has already drawn out attitudes that reflect an ugly 'us' and 'them' mentality. This morning on local radio one caller criticised the Government for wasting time discussing the same-sex marriage motion. The question is whether homophobia is like racism; is it like discrimination on the basis of disability? I believe it is when it denigrates those things that make us human, and our sexuality is a fundamental part of being human.

Luckily community attitudes to difference have shifted away from such offensive views, but with those shifts rights have been legislated to ensure acknowledgment of people not as being less than or having diminished rights but to having rights that will enable them to have full humanity. While some objections to same-sex marriage may be based on views about sexual behaviour, other objections are not based on this but raised on the grounds of marriage only being possible between a man and a woman. For me this distinction is just as offensive. Again, it is argued that these marriages are potentially being damaged or downgraded by same-sex unions and that same-sex partnerships should be acknowledged formally through other legal means or by the use of other language or descriptors. Gender has not been a defence of any action that discriminates against Australian laws for many years and there is no justification for it being a defence now. To implicate it as a reason for not agreeing to same-sex marriage is ludicrous. It would make women not able to marry women because they were women, men not able to marry men because they were men. We do not make a legal argument on these grounds in relation to any other aspect of Australian life. It means that women who want to marry other women, men who want to marry other men, are considered somehow less human in a formal legal sense because of their sexuality. I believe, and I know that many from all sides of politics agree, that we have left and should leave discrimination behind in our laws. It is a point of justice that is essential to this debate. Again I make my point that when we do this we are seeing others as less than, as not as fully human as we are.

I am concerned by some of the arguments raised by those opposite that the House's debate on this crucial matter is unnecessary because it will be unable to be enacted as this is a national matter. To say that we are wasting the House's time as we may be debating it again in the future is to diminish this important issue for so many Tasmanians. We need this debate. This form of debate is in fact what this House is about. It is the place where such issues should be discussed with passion and intellect. To deny that is to deny the responsibility of political representatives to discuss the opinions and rights of many Tasmanians on important matters of public concern.

Mr Acting Speaker, our society has come a long way from the times when some lost their land to others because they had fewer rights or were less human. Sharing the same sex as your partner should no longer be a difference that makes such a difference. It is timely and appropriate that the most formal intimate relationship in our society should be open to couples who wish to have their relationship acknowledged. It is now time that we should uphold and legislate to ensure that people who choose to enter into formal, loving partnerships under law can do so as marriage. I call on this House to support the human rights of all Tasmanians and to deliver a strong message that same-sex marriages should no longer be denied to members of our community.

I support this motion and call on all members of the House to support it in order that we send a clear signal to the Parliament of the Commonwealth of Australia to amend the Commonwealth Marriage Act 1961 to provide for marriage equality.

**Greens and government members** - Hear, hear.

[3.01 p.m.]

**Mr BOOTH** (Bass) - Mr Acting Speaker, I stand here today proud to support this motion brought to the House on behalf of the Tasmanian Greens by our Leader, Nick McKim, and proud to speak and be counted amongst those of the progressive side of this House who here today have made some magnificent speeches rejecting all forms of discrimination. I absolutely reject and do not accept discrimination on any basis whatsoever, whether it be sexuality, age, gender, ability,



ethnicity, political belief or any other matter. These forms of arbitrary discrimination are some of the cruellest and most divisive things that occur in our community. They fester and engender hatred and drive people to alienation and, in some horrible circumstances, suicide.

In my view, it is absolutely unacceptable in a modern democracy that we would even contemplate preventing any person having the choice to marry the person they love. It is not the prerogative of this House to prevent people being able to do what every other person that those on the right deem to be normal in their view of life in the universe. Well, I say to those people that you are wrong, you are patently wrong. Your views are offensive, oppressive and unacceptable and it is little wonder that the Liberal Party in Tasmania now sits in opposition for 12 years. It is little wonder that the Leader of the Opposition, Mr Hodgman, made a speech unbecoming of a leader of a political party. It was a shameful, divisive, reactionary, unpleasant speech that made me feel ill to even hear him utter the words that he spoke. That a man of that age and that generation could stand in this place and purport to be the leader of a political party and express such divisive, hideous language in this place -

**Mr Hidding** - Give me an example of what made you feel sick.

**Mr O'Byrne** - He thinks human rights are waste of time - how disgraceful is that?

**Mr ACTING SPEAKER** - Order.

**Mr BOOTH** - He is a man who clearly does not understand what discrimination means, a man who in my view has abused his position to represent people. To come into this House and to utter words of discrimination against people that are clearly hurtful is just completely unacceptable and it makes me feel ashamed to be a Tasmanian or an Australian to think that that sort of eighteenth-century thinking still exists in this great country of ours.

In stark contradiction to the cowardice shown by the Leader of the Opposition, who simply hides behind his own fear of life and the universe as opposed to courage, determination and strength, I would like to pay tribute to Rodney Croome, whom I have watched over many years courageously fight to deliver justice to gay people in this State. I think it has been a courageous battle and I take my hat off to Rodney and all his friends. It is a very sad day that brave people like this should have to put with this nonsense and it is just completely unacceptable. It is the basis of war and disputation in society. It is just one of the most corrosive, ridiculous, absurd debates that should not be occurring in a modern democracy and it just has no place in a modern world.

I really think that those today who are going to oppose the simple principle of marriage equality need to go and look these people in the eye and look at themselves in the mirror and think about what it is they are doing and about the hurt they are causing by simply supporting the continuation of this discrimination. It is just completely foreign to me. I do not understand it and there is no place, in my view, in a modern democracy. It is way past time that this discrimination is removed from our statute books and any other form of discrimination that exists within any law or in any institution or workplace. To discriminate against people on any of those grounds is just shameful and this is something that must be overturned. It will be overturned, no matter what conservative people may say, because Australia is fundamentally a caring society. We are made up of a good people from a wide range of different religious, sexual and racial types or whatever.

I commend this motion to the House. I congratulate all those who have spoken in favour of this and will support it. Once again, I congratulate all those people who have had the courage to stand up and be counted and I encourage them to continue with this fight. I am sure they absolutely have the support of all members of this House who are going to support this motion today to ultimately achieve their goal.

[3.08 p.m.]

**Mr O'BYRNE** (Franklin - Minister for Infrastructure) - Mr Acting Speaker, I rise to speak in support of this motion and in support of marriage equality. In doing so, I would like to acknowledge all those activists in the Speaker's Reserve and in the audience today and on the webcast, congratulate them for their advocacy and activism and wish them well. This road has not finished yet, there is a fair bit to go, but I thank them for their generations of campaigning and wish them well in the road ahead.

I rise as a proud member of the Tasmanian branch of the Labor Party to speak in favour of this motion and I am proud to speak in support of our platform and in support of the principle of marriage equality. I believe that everybody is entitled to equality, fairness, dignity and respect, regardless of their sexuality.

**Mr Bacon** - Hear, hear.

**Mr O'BYRNE** - That is why I ran for office. I ran to give voice to these values and that is why I stand here today, because every day that we allow the Marriage Act to exclude same-sex couples is one more day that people are discriminated against in a way that fundamentally affects their lives. The failure of our society to treat same-sex couples as equal to all others under law is a fundamental denial of our basic human rights.

I stand here as a member of a political party that has a proud history of giving effect to the principle of equality and ensuring discrimination is not sewn into the fabric of our society. The Tasmanian Labor Party has done a lot to support this principle when it comes to removing discrimination from our laws. Unfortunately, as a political party and as a community, we have failed this test when it has come to the marriage laws of Australia. Our continued support for the current Marriage Act as it stands has allowed views of prejudice and in some circles allowed the acceptance of inequality to take hold.

I therefore welcome the opportunity today to stand in support of a change of this legislation and call on the Federal Government to support the principle of equality and join our community in bringing about a definition of marriage that is open to all people regardless of one's sexuality. As a member of the Tasmanian Labor Party I fundamentally believe that people must be entitled to respect, equality and dignity. I therefore believe that to do anything but amend the Marriage Act is unfair and unreasonable. A continual denial of these rights says to the community that lesbian, gay, bisexual, transsexual and intersex couples are not equal and their relationships are of a lesser value. They are real people with real hearts and their love for their partners is just as precious as a love between a man and a woman. We must not give these couples special treatment or anything more than anyone else. We must not construct civil unions for specific couples. All we must do is give all people, regardless of their sexuality, the same rights to be treated equally and to be treated with the same respect as everyone else in society. They pay their taxes, they are law-abiding citizens and are a part of our community.

There are those who say that this motion and the debate today means that we are getting our priorities wrong and that there are much more important things to discuss. There are no more important things to discuss than basic fundamental human rights. We are here debating these issues in concert with a whole range of other things. In my ministerial portfolio we have launched the Economic Development Plan, we have launched the Small Business Strategy, we have brought in legislation to protect workers in mines and to provide fair compensation to asbestos sufferers. We are overseeing the biggest infrastructure spend Tasmania has seen in generations. We are doing this and we are standing up for human rights.

There are those who will continue to oppose equity and fairness and promote ongoing discrimination based on sexuality. Whether they like to admit it or not, they continue to provide oxygen to those people who wish to spread hate and misunderstanding. Those who choose to link homosexuality to acts of immorality, polygamy and even paedophilia, and those who suggest that homosexuality causes harm to families and children in society, are all giving air to promote hurtful messages by those who support legislation which says to certain members in our society that they are worth less and their love is worth less. The Marriage Act currently empowers homophobia and it needs to be changed. Statistics show that if you are gay you are much more likely to experience self-harm, depression and up to 14 times more likely to attempt suicide. Labor has funded programs and changed legislation to combat homophobia but it must go further by changing the Marriage Act. Changing the Marriage Act will help break down homophobia and provide same-sex couples the opportunity to fully participate in society and receive the same protection and recognition under the laws regardless of sexuality and gender identity. Either all human beings have the same right or none of us have any.

I would like to quote the Reverend Martin Luther King, a great civil rights campaigner, when he said:

'We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly affects us all indirectly.'

I commend the motion that I, as a proxy delegate to the ALP national conference in December this year, will continue to fight for marriage equality because as a community we should all be allowed to celebrate love.

[3.13. p.m.]

**Mr STURGES** (Denison) - I rise today with great pride and honour to support the Greens' motion. It really is a new paradigm that we are in, that I rise in this place to support a motion put forward by the Greens. It is a very significant day and the importance of the action being taken should not be underestimated. I find it disingenuous of the Leader of the Opposition, who is reported to have said that this is a motion of no consequence. It is of significant consequence. It is a day where we move forward to break the discrimination. It is a great step for humanity. It is a motion of great significance and, dare I say as I sat there and listened to a contribution from the Leader of the Opposition denigrating the motion, I thought to myself, 'Well, small steps, small steps.' I acknowledge the activists with us today and the amount of work and the small steps that they have taken over a long time to travel a very rocky and very arduous journey. I commend you for the work that you have undertaken, I support that work and I will continue to support that work.

Now other speakers have more eloquently put their thoughts on the record, so I do not want to go back over what they have said. I wrote a very comprehensive speech as I sat here and I

thought, well, I had a Christian upbringing as a child and I appreciate the fact that I did. My mum, who is 91, is an elder in her church, and she has been going to the same church for over 80 years.

**Mr Hidding** - Still is? Lovely.

**Mr STURGES** - Yes, she is a very lovely woman. But, for whatever reason, I have chosen not to continue as a practising Christian per se, but I would like to think that I live my life by the Christian ethos that I was brought up with and that ethos tells me that I must have compassion for my fellow human beings and I must show tolerance, I concede that I do not get it right all the time, that I must respect other people in my community, I must show them and treat them with dignity. And, most importantly, I should not discriminate. I can disagree, and Mr Booth quite rightly said that we should not be discriminated against for our political beliefs, for our affiliations to various organisations, for our sexuality, for whatever belief that we have. We are entitled in a democracy not to be discriminated against, to be treated as equals and to have our voice heard. That is a fundamental tenet of the democratic society in which we live. We can disagree, and that is great that we can disagree, but let us do it in a civilised way -

**Mr Hidding** - Like today? Do you want all the words?

**Mr STURGES** - Thank you. And let us do it in a civilised way and recognise that we are dealing with human beings. I live north of the flannelette curtain, as everyone knows, and I am a very proud, lifelong resident of the northern suburbs of Hobart.

**Mr Hidding** - We've seen you twitching the curtain.

**Mr STURGES** - And each week at one of the churches out there on the main road in Montrose I have a look at the quote that they have up, the quote of the week. This week as I drove past the quote is 'Doing the Right Thing is Never Wrong', and sometimes to do the right thing does not necessarily mean - and I do not want to get into an argument about polls and statistics and what-have-you - that you have to have the majority support, that you can bash up on the small guy all the time. Doing the right thing is exactly that. Showing some humanity, respect, tolerance and compassion for other people's feelings, and that is what this motion is doing today.

I acknowledge that there is a jurisdictional issue, but this is the Tasmanian House of Assembly. What better place for us to express our point of view and have that point of view heard by the Federal Government? So this is the right place for us to be doing it, not debating it on the airwaves or through the media, but here in this Chamber.

I am very mindful that others need to speak. I had a bit of a look, and I want to quote what I think are two significant quotes from, without doubt, one of the world's greatest human rights activists, and I will tell you who he is when I have finished. The first one:

'When will we learn that human beings are of infinite value because they have been created in the image of God, and that it is blasphemy to treat them as if they were less than this, and to do so ultimately recoils on those who do this. In dehumanising others they are themselves dehumanised. Perhaps oppression dehumanises the oppressor as much, if not more, than the oppressed. They need each other to become truly free to become human.'

**Mr Best** - Hear, hear.

**Mr STURGES** - There is a second, very small quote that I will make and conclude my contribution.

'Gay, lesbian, bisexual and transgender people are part of so many families. They are part of the human family. They are part of God's family.'

The gentleman who said that is, in my opinion, one of the world's greatest human rights activists, Archbishop Desmond Tutu, and I think those quotes summarise my very strong feelings on this matter.

Mr Acting Speaker, I am mindful that -

**Mr ACTING SPEAKER** - So am I - mindful of the two more speakers.

**Mr STURGES** - I am mindful that there are two more speakers. It is with great pride and with great honour that I stand here today. Mark this date as a significant day in the political and human rights calendar of Tasmania and support this motion.

**Greens and government members** - Hear, hear.

[3.21 p.m.]

**Ms WHITE** (Lyons) - I would like to start with a quote from a constituent's correspondence to me that I received earlier today.

'The true test of just how civilised any nation is lies in how it treats all its citizens, particularly minority and disadvantaged groups. By denying same-sex couples a civil right to marry, this country sends out a clear message that some people are more worthy than others.'

I am very proud to be able to stand here in support of this motion today and I am encouraged by the broader community support for marriage equity. Particularly it heartens me to know that many younger generations of Tasmanians support equality for all people.

I would particularly like to recognise members of the Youth Parliament who are in our Public Gallery today and acknowledge the fact that they passed a motion in support of marriage equity just a fortnight ago.

I would also like to recognise the President of Tasmanian Young Labor, Stuart Benson, who is sitting in the Speaker's Gallery, and other members of Tasmanian Young Labor who are in the Gallery today, for it was Tasmanian Young Labor who sponsored a motion in 2009 to take to the State Labor Conference in support of marriage equality which of course was supported and we reaffirmed that support this year at our State Conference.

It is progressive young people like these coming through the ranks here in Tasmania who I believe are showing a great way for a civilised society. It really does hearten me because not only do these people acknowledge that inequality exists but they are determined and passionate enough to do something about changing that so we can address that inequality.

I recognise that the Marriage Act is administered under Federal law. However, we as a State Parliament can send a clear message to our Federal colleagues in support of marriage equality and call on the Federal Parliament to amend the act to recognise same-sex marriage. We have colleagues attending the national conference later this year where I hope we can send a clear message that as a national Labor Party we support marriage equality.

I am very proud to be a part of the Labor Party standing here today in support of this motion and very proud to be able to say that on this day I was a member of the Tasmanian Parliament. I will not take any more time as I know my colleague would like to make a contribution as well.

[3.24 p.m.]

**Mr BEST** (Braddon) - Mr Acting Speaker, ask just about anybody and they will tell you that they have nothing against homosexuals. Just name the situation and ask and they will say that gays should have the same rights to housing, jobs, public accommodation, equal access to government benefits and equal protection to law. But as far as marriage is concerned we know that this is not the case.

During the last election I seriously had not really thought about the issue of gay marriage too deeply until I was challenged on it by a Queenstown resident who took me by surprise. This proud west coast mum asked what I thought about homosexuality and I replied that I supported sexual relationships between consenting adults. She then asked me, 'What about gay marriage?' I really was not sure what to say, to be honest, so I said, 'I'm not sure, I haven't really thought about it. I tend to think marriage is between a man and a woman.' Then she said, 'Well, I don't, Brenton. My son came out a few weeks ago to announce he was gay and a very brave thing he did and, as his mother, why should I be deprived of going to my son's wedding?' I was left speechless, I did not know what to say to that mother in Queenstown.

She made me think about it. What right did I have to stop her from going to her son's wedding? What right do I have to stop her son from getting married? It is clear and pure discrimination. The answer to this question is that I have no right because it is a matter of civil rights. The fear of gay marriage, having thought about this now, from that discussion to this date and having read up on certain things, I believe is no different to the fear of interracial marriage. I think the arguments are very much the same.

I want to quote from Professor Kim Forde-Mazrui. He joined the law faculty of the University of Virginia in 1996, was promoted to full professor in 2001 and teaches constitutional law, employment, discrimination, criminal law and race and law. His scholarship focuses on equal protection, especially involving race and sexual orientation. His publications have considered what role race should play in placing children for adoption, how to select racially and demographically diverse juries and the list goes on. He is a well-researched professor and he recently presented a paper entitled 'Gay Marriage Opponents Mimic Objections to Interracial Marriage', and it says:

'Opponents of gay marriage use many of the same arguments as those of interracial relationships did before Loving versus Virginia outlawed state bans on interracial marriage in 1967.'

I quote Professor Kim Forde-Mazrui:

'If religious, scientific and moral opposition to interracial relationships, sex marriage and adoption were wrong, notwithstanding the sincerity and good faith of those who believed in the opposition, then are the same arguments any more justified when they are used to oppose same-sex relationships?

It seems that the similarities at least shift the burden. We have tried this before and we have learned, in hindsight, this is wrong.'

We know it is wrong. The Opposition know it is wrong, at least most of them do, and even the ones who talk about their religious opposition know in their own hearts it is wrong because as everyone else has said here, at least on this side of the House, this is about discrimination. It is not fair to prevent people from having equal access to marriage, the same as everyone else. We are not talking about something that someone should have more than others. We are talking about creating a fair society and preventing the discrimination that has been going on in the past.

I support this motion. I believe it is a civil rights matter. I vote yes to the Queenstown mother being able to attend her son's marriage. I vote yes to David Foster being able to attend his daughter's wedding to her lesbian partner. I vote yes to marriage and equality.

**Greens and government members** - Hear, hear.

[3.28 p.m.]

**Mr McKIM** (Franklin - Leader of the Tasmanian Greens) - Mr Acting Speaker, it is clear that this motion will pass in a few short moments so I want to take this opportunity to once again place on the record my thanks and respect to all the members who are supporting this motion, particularly members of the ALP - there have been some brilliant and meaningful contributions from Labor members to this motion - and also to thank Young Labor who have pushed this issue so hard through the Labor Party for a couple of years now.

Finally, before we go to the vote, I want to once again reiterate that this is a historic day for marriage equality in Australia. It is a big step forward for a State like Tasmania which has come so far on this issue in the last 15 years, from the bottom of the pack to now leading the way at a national level. All Tasmanians should be very proud of the vote that is about to be taken in this House which is a vote to retrench and end the discrimination that is encapsulated in the Federal Marriage Act. It is, as members have said, a matter of fundamental human rights and today Tasmania can rightfully be proud at the vote we are about to take.

**Time expired.**

**The House divided -**

AYES 13

Mr Bacon  
Mr Best  
Mr Booth (Teller)  
Ms Giddings  
Mr Green  
Mr McKim  
Mr O'Byrne

NOES 9

Ms Archer  
Mr Brooks  
Mr Ferguson  
Mr Gutwein  
Mr Hidding  
Mr Hodgman  
Ms Petrusma

Ms O'Byrne  
Ms O'Connor  
Mr O'Halloran  
Mr Sturges  
Ms White  
Mr Wightman

Mr Rockliff  
Mr Shelton (Teller)

**PAIR**

Mr Polley

Mr Groom

**Motion so agreed to.**

*Applause from Gallery.*

**WORKPLACE HEALTH AND SAFETY AMENDMENT (RIGHT TO WORK  
WITHOUT HINDRANCE) BILL 2011 (No. 30)**

**Second Reading**

[3.35 p.m.]

**Mr ROCKLIFF** (Braddon - Deputy Leader of the Opposition - 2R) - Mr Acting Speaker, I move -

That the bill be now read the second time.

The intent of the Workplace Health and Safety Amendment (Right to Work Without Hindrance) Bill 2011 is twofold. One is to protect the right of workers to undertake their duties without hindrance; two, to improve the protection and safety of workers and other persons by making it an offence to approach a workplace with the intention of hindering access for workers or causing a fear, risk or hazard or to damage equipment in a workplace. Put simply, this intent of the bill is to legislate against protestors from blockading and preventing workers from accessing their worksites and from undertaking legitimate and legal work. The harsh reality is that anyone who intentionally or recklessly disrupts a workplace, endangers safety or destroys, damages or hampers the operation of workplace equipment is not only potentially putting lives, including their own, at risk, they are also affecting the ability for people to make a legitimate living. There can be no doubt that acts which create a fear or apprehension of danger to the health and safety of people at a workplace, or create the appearance of such with the intention of causing a disruption, risk or hazard to work at that place, are unacceptable.

This bill is an amended version of a similar bill, one introduced and debated in 2009, which attracted criticism at the time on the grounds that it could inadvertently have made protected strikes and pickets illegal. That, of course, was clearly never the intention. I therefore want to make it very clear at the outset that the taking of any lawful industrial action under the provisions of the Fair Work Act 2009, a Commonwealth act, does not constitute an offence under the provisions of this bill. The bill now specifically allows for protected industrial action under the auspices of the Commonwealth Fair Work Act of 2009. That criticism was particularly made by the member for Franklin, the Greens' Leader, Mr McKim. Of course we have listened to the concerns of Mr McKim and have inserted a clause to ensure that that matter is completely cleared up, not that we expect the Greens' Leader will support this bill now, even though we have made those changes.



This bill's proposals will make it an offence to obstruct a person entering or leaving a workplace, create a health or safety fear in a workplace, endanger safety in a workplace or conspire to undertake one of the events outlined above. Inclusion of this final point is considered particularly important, because previously people who have directed other protesters from the sidelines, as it were - on the footpath, for example - but encouraging and directing protesters inside a shed or a construction site, whatever the case may be, have previously escaped charges. While protesters can currently be charged for trespass, they cannot easily be charged for offences such as blocking access to a workplace if they do not actually commit trespass in doing so. Accordingly it is proposed that in towns those people with the intention of disrupting a workplace will not be allowed to approach within 20 metres of that workplace. Outside of towns, the distance will be 200 metres. This limitation will still allow protesters the right to protest peacefully and mount pickets and the like but without unduly interfering with workers going about their daily business and earning their livelihood. In other words, the right to protest would most certainly not be removed but would be contained. The important issue is that everyone has the right to protest and make their views heard whatever they might be. Whether we agree or disagree it doesn't matter. Of course people have the right to protest. This bill is about the protestors not having the right to interfere in someone's workplace, to interfere with their ability to work in that workplace and of course that protects their lives and stops the endangering of workers lives as well.

This bill provides for penalties of up to 250 penalty units, approximately \$30 000, or two years jail for repeat and serious offences. This considerably strengthens the penalties currently available and increases the deterrent effect. The powers of the police under this bill are proposed to be exactly the same as they already are under the Police Offences Act and the powers of other authorised officers will be no more than that which already exist under the Workplace Health and Safety Act.

Mr Acting Speaker, since I originally introduced this bill the need for legislative provisions have become clearer and more urgent than ever. Over recent months, especially since the signing of the disastrous forest agreement, which as we all know, has delivered absolutely nothing, apart from destroying the livelihoods of many people, it has not delivered peace in our forests. I have here in front of me the Tasmanian Forest Statement of Principles agreement. The first line of that agreement is to resolve the conflict over forests in Tasmania. That is the first line. Of course this has been signed. An IGA has been signed as well but there is still not peace in our forests. That is clearly evident by the process that we have seen since the IGA was signed.

Over recent months, especially since the signing of this agreement, of course we have not seen peace. There have been an increased number of forest protest actions and workplace invasions - that is what they are. They are workplace invasions and you know it and you encourage it with some protestors clearly behaving in a way as to endanger the safety of individuals. That is what the Greens in this House support and encourage, endangering the lives of people in the workplace by encouraging these protests.

As well as endangering the lives of workers in the workplace there is the wilful damage to equipment used for forestry harvesting and hauling. It was the very same day after the disastrous deal was signed.

**Mr Booth** - It has never happened before. You are a fraud.

**Mr ACTING SPEAKER** - Order. I would ask the member for Bass to desist from constantly interjecting.

**Mr Booth** - Well he should tell the truth.

**Mr ACTING SPEAKER** - Order.

**Mr ROCKLIFF** - Well the truth is that the member who interjects supports, and in fact his party encourages, protest action at the workplace -

**Mr Booth** - My word, I encourage protests.

**Mr ACTING SPEAKER** - Order.

**Mr ROCKLIFF** - which endangers lives and damages equipment.

**Mr Booth** - No they haven't. Rubbish.

**Mr ROCKLIFF** - They have damaged equipment - absolutely damaged equipment. You encourage it. You are a disgrace.

**Mr Booth** - Rubbish.

**Mr ROCKLIFF** - The very same day after the disastrous forestry deal was signed protestors were at Ta Ann in Smithton chaining themselves to conveyors. What a disgrace. A few weeks later they are at Artec at Bell Bay again chaining themselves to equipment. They continue to board ships in our harbours and invade forest workplaces. It is estimated that those protest actions cost up to \$10 000 per day. They are even now invading Harvey Norman stores in an attempt to adversely affect the livelihood of our franchisees. When will this stop? When will there be legislation in place to draw a line in the sand to set some clear boundaries around this matter and to allow workers who go about their daily business, wanting to put food on the table for their families and not wanting to be obstructed from doing so, not wanting protestors who will endanger not only their own lives by their protest action but also potentially those of workers in their workplace. There needs to be a clear set of boundaries to draw that line quite clearly, and that is what this legislation does.

I asked the question: when will it stop? This side of the House did not really expect it because we knew in our heart of hearts that whatever hundreds of thousands of hectares of native forest were signed away, whatever livelihoods were sent to the dustbin on the work-to-welfare forest strategy that this Labor-Greens coalition has employed, of course we were sceptical about the claim that there would be peace in our forests. I go back to the original Statement of Principles that says to resolve the conflict over forests in Tasmania - some people on the forest industry side engaged in that process to ensure that this peace happened. They were part of the process to try to ensure that there would be some resolution to the conflict in our forests and, as we know now and as history will show, the day after the IGA was signed there they were, disrupting workplaces, affecting the livelihood and daily work routine of workers in Smithton and George Town.

The Liberals support legitimate and legal protests and we have had a range of protests in recent weeks, for example, for and against the forest deal but we do not support workplace

invasions. While it is all right for the Minister for Education and Skills or the Minister for Human Services to take the high moral ground and say that protests should be allowed everywhere and anywhere, what will the Greens say when inevitably someone, perhaps even a protester, is seriously injured or killed in an ill-conceived protest stunt? Will the Greens take responsibility for cheering those protests on or will they try to blame other workers, the Government or the businesses involved? The simple fact is that this situation cannot be allowed to continue. Strong, deterrent action must be taken and this is exactly what this bill does.

The worst thing about these protests, apart from the fact the Premier has failed on her promise to stop them, is that they are cheered on and encouraged by the Greens - encouraged by Mr McKim, Ms O'Connor, Mr Booth, Mr Morris and Mr O'Halloran. They are the cheer squad for these protests and workplace invasions.

**Ms O'Connor** - We are defending free speech and the right to protest.

**Mr ROCKLIFF** - They are the cheer squad for the potential to injure workers and endanger workers' lives in the workplace. The member for Franklin, Ms O'Connor -

**Ms O'Connor** - Denison, thank you.

**Mr ROCKLIFF** - Sorry - member for Denison - publicly congratulated the protestors after one incident. Unbelievable! The Greens' Leader then defended Ms O'Connor on the grounds that she was speaking in her capacity as a Greens member, not as a minister. Well, I am sorry, Mr McKim, but the difference is just a little too cute for words.

**Ms O'Connor** - I am not minister for forests.

**Mr ROCKLIFF** - Public confidence in the rule of the law relies on members of the Government and ministers upholding the law, not flouting it.

**Ms O'Connor** - What about free speech?

**Mr ROCKLIFF** - Mr McKim likes to say that he cannot control the protesters - that is what he said recently - but what do they do? They continue protesting. But Mr McKim can control them, he can call them off. He can because he has done it before. I hark back to the 2010 election campaign, the famous election campaign of the Greens where they went completely under the radar. They were then talking about health services, education, jobs and the cost of living as well. Of course that has completely gone out the door. All those areas they have failed on miserably in government. They have not delivered a single promise with respect to protecting frontline workers, protecting public service jobs, protecting frontline services in health, education and our police force. We had the famous promise by Mr McKim for an extra 100 police officers. So they have failed in every respect when it comes to their promises, particularly on putting downward pressure on the cost of living. But what they were trying to do right throughout that election campaign was go completely under the radar, slink back into office, if you like, with their five members under the radar, looking as normal as possible, trying to attract that middle ground. In order to do that, of course, they had to call off the protest action. Mr McKim did it then. Throughout the election campaign there was not one single protest in our forests. Not even Still Wild Still Threatened were out there invading workplaces. On the Sunday or Monday after the March 2010 election, there they were back out there, invading workplaces, protesting, causing hindrance to workers who wanted to go about their daily business. So the campaign strategy was

successful. They got under the radar, they got their seats back in Parliament, they managed to get themselves higher salaries, ministers' loading, ministerial limousines and the like.

**Ms O'Connor** - It's always about money and perks to you.

**Mr ROCKLIFF** - So they got what they wanted by trying to go under the radar, appealing to that centre ground, and they did that during the campaign. The number-one trick that Mr McKim pulled out of the hat was to call off the protesters, so he can do it. But of course, once he has his position for himself and those of his members, he encourages workplace invasions. There was not a single protest until after the election and then they started all over again, but with even more vigour, as we know. I have to give one small bit of credit to the previous Premier, Mr Bartlett. The one thing he was right about was that Mr McKim is a wolf in sheep's clothing, and the pretence of mainstream values in March 2010 has been exposed by the subsequent actions of the Leader of the Greens in government. If he called off the protesters we would not need this legislation.

Finally, I call on the Labor Party to reconsider their position on this matter. We all know the Premier's claim that the issue will be addressed by the national occupational health and safety changes is absolute rubbish. Of course it will not. For a start, there are other States which do not have the same problems that we do, so it is ridiculous to suggest that harmonised national laws will address the issue. As for the Premier's ridiculous accusations of us yesterday jumping on the bandwagon by proposing tougher penalties for protest action - come on, give me a break! We tried to introduce similar legislation to the Parliament back in 2009 and it was voted down by the Greens, as we expected, and also by the Labor Party.

In conclusion, this bill provides for better protection of workers as they go about their daily tasks. It will remove the threat of harassment at the door of a workplace and the fear that equipment they may have used will not be damaged or tampered with. It will also reduce the cost of replacing damaged property and time lost in productivity.

Mr Deputy Speaker, this bill is now needed more than ever. It does not actually make any reference to forestry at all in terms of the wording and there is a reason for that. We see the hindrance at workplaces in our forest industry, but of course we know the Greens will move on. We know they have aquaculture in their sights. We know they have farmers in their sights. We know they have miners in their sights. This workplace disruption and invasion does not pertain only to the forest industries because the Greens will quite clearly target any industry, any productive sector of this economy, if it means they will get more votes and continue to hold their seats in Parliament. They will do anything to stay in power, even it means destroying the livelihoods of those at workplaces right across the industry sector. This is why this bill is so important for jobs, the economy and for business in Tasmania. I commend the bill to the House.

[3.57 p.m.]

**Mr O'BYRNE** (Franklin - Minister for Infrastructure) - I rise to say that this bill is opposed by the Government. It is opposed on the basis of policy, process and its drafting grounds.

Mr Deputy Speaker, it is quite clear that the Opposition continues to want to use divisive politics and to try to present their efforts in a way which is designed to resolve issues, when in actual fact this is a pretty lazy and sloppy attempt to deal with this issue. Clearly their motivations are not necessarily to resolve the issue otherwise they would be more constructive in

their approach to presenting a bill of this type. They would consult more broadly and they would act very differently.

On the matter of policy, we want to make it clear that the Government supports the rights for members of the public to protest provided it is not in a way that endangers safety. In previous careers I have undertaken actions of civil disobedience in support of a cause, but it was always in terms of the rules of engagement and was always done in a way which did not put other people in danger, but made a political, industrial or community point. It is important that we have appropriate laws available to ensure that people can be dealt with appropriately when they are putting lives at risk or the lives of others at risk, and I think that is the important difference.

As I said, this is a sloppy attempt to deal with what is a sensitive policy matter. This is not a bill that will deal with this issue appropriately. It was not the way to deal with it when the Liberals tabled essentially an identical bill titled Workplace Safety (Additional Measures) Bill 2008 and it is not the way now. I note the bill presupposes that workplace health and safety laws are the best way to deal with the issue of protests in the workplace. We do not necessarily agree with the underlying assumption, but let us assume for a moment that that is the correct way. Would you not think it would be important to know about forthcoming changes to the workplace health and safety laws across Australia before introducing this bill? It is no secret that the Commonwealth, State and Territory governments intend introducing uniform workplace health and safety laws across Australia by the end of this year, with a start date of 1 January 2012. It has been mentioned in this House a number of times. A draft model work, health and safety act was circulated for comment in 2009, followed by the release of the agreed version later that year. In addition to that draft model, work health and safety regulations were circulated for comment earlier this year and the Government will be tabling the work health and safety bill 2011 in October this year. Its credible and comprehensive approach will deal with this issue far better than this attempt.

The intergovernmental agreement signed by all jurisdictions requires each jurisdiction to draft laws that mirror the model laws. It has been a long process, involving extensive discussion and negotiation with a broad cross-section of stakeholders. It is possible that any adoption of the measures proposed in this bill may be considered a breach of Tasmania's commitment to uniform model laws. In the context of this debate, the model laws will make a number of subtle but important changes to the current Tasmanian legislation. Perhaps the most important change is that the general duty of care is strengthened. It will provide that all persons involved in, or materially affected by, the performance of work owe a duty of care to all workers and other persons. This duty places an obligation on anyone at a workplace, including protestors, to take reasonable care for his or her safety, ensure that his or her acts do not adversely affect the health and safety of other persons and comply with any reasonable instruction that is given by the person conducting the business to comply with the act. The model work health and safety bill has been publicly available for some time on the Safe Work Australia website. I encourage members to have a look at the bill in its entirety, in particular section 29, which will cover the duties I have just referred to. I note it does not make any particular mention of any industry. I am mindful that the issues around forestry are at the forefront of the Tasmanian community's mind at this point but it is not at the forefront of the country's mind in making sure that workplaces are safe and that people who enter workplaces act appropriately.

Penalties under the model act are also increased. For example, a category 1 offence, which involves reckless conduct, carries a maximum penalty for an individual of \$300 000 or five years' imprisonment. There are also changes to inspectors' powers which enable a person to accompany

an inspector or be required to assist an inspector in the exercise of the inspector's powers. These additional powers also better address some of the situations anticipated by this bill. As I mentioned earlier, the Opposition's bill is based on a presumption, with which I disagree, that workplace health and safety laws are the best laws to deal with protests at workplaces. If this presumption is true, the Opposition's bill is unnecessary and inappropriate given that this House will in the very near future be considering new workplace health laws which will be applied uniformly across all States and Territories.

I should also point out that we have Tasmania Police, who are more than capable of dealing with protest situations. It is appropriate that I acknowledge the excellent job that Tasmania Police already does in this area in responding to protests, which in the majority of cases police have been able to successfully resolve peacefully through negotiation. Where appropriate, police have made arrests and charged offenders with offences such as trespass, committing a nuisance, obstructing police or failing to comply with the direction of a police officer. Police are highly trained in negotiation and the extrication of protestors from various lock-on, tree sit and underground tunnel positions. An extrication of protestors is not undertaken until a full risk analysis of the situation is undertaken to ensure safety of life and property. I commend the police for their careful management process.

We oppose this bill by the Opposition on process grounds. There is no evidence that you have properly consulted on the bill. It demonstrates a distinct lack of proper process as there has not been thorough consultation with the parties whom this bill will impact upon. For example, have you consulted with those who will have to enforce the bill - the police or Workplace Standards inspectors? No. Have you consulted with the Tasmanian Chamber of Commerce and Industry? Have you consulted with unions, with the workers, members of the public, environmental groups? You say that in opposition you were listening. If this is an example, it is a very poor one. When you had the chance to put forward legislation, you failed at the first hurdle - the consultation.

We oppose this bill's fatal drafting flaws; the drafting is not appropriate. You have to admit, the bill is pretty shabbily drafted. I appreciate that you do not draft legislation very often but this really is a poor attempt, even acknowledging a lack of available drafting resources.

When your bill, Workplace Safety (Additional Measures) Bill 2008, was debated on 27 May 2009, the then Minister for Workplace Relations, Hon. Lisa Singh, pointed out to you that the bill had significant drafting errors and also contained a number of flawed concepts, but nothing has changed. They have not listened. They have not taken on board the advice that was given and instead have lazily copied what they served up before, the same errors and flaws having been carried forward plus a few more. For example, pages 1 and 3 provide that the title is the Workplace Health and Safety Amendment (Right to Work Without Hindrance) Bill 2011. The title says it is an amendment bill but you are not amending any act. What you are proposing is a stand-alone act. So the title is wrong. On page 3, the title says 'Right to Work With Hindrance'; don't you mean 'without hindrance'? There are two fatal flaws and we are not even past the heading. Page 3, clause 3, Principal Act, the whole clause is unnecessary. You say the principal act is the Workplace Health Act but you do not use the term 'principal act' anywhere else in the bill. On page 4, you define the term 'worker' but then you do not use it again in the act. Even if you did use it, your definition only covers those engaged under a contract of service, so you were not including independent contractors. Page 6 talks about powers of authorised officers in clause 9 and in 9(2) you say it is subject to subsection (4). There is no subsection (4). Page 7, clause 11, Endangerment in the Workplace. You want to make it an offence where someone

prevents another person lawfully entering or leaving a workplace in the course of that person's employment. So it is okay if I am instructed or stopped on my way to work or on my way home. It seems that you are only concerned with entering and leaving and nothing in between. This is a drafting gap big enough to drive a bulldozer through. Page 12, at clause 21, you say that administration of the act is assigned to the Minister for Planning and Workplace Relations. There is no minister - or shadow minister, for that matter - with these combined portfolios. From the first page to the last page and all in between, there are fatal flaws with this bill. I respectfully suggest that the poor drafting alone means that the House should not and cannot support this bill. You do really need to go back to the drawing board.

Mr Acting Speaker, on policy, on process and drafting grounds, this bill cannot be supported by the Government. It should be seen for what it is, another failed and pathetic attempt at a wedge.

[4.08 p.m.]

**Mr BOOTH** (Bass) - Mr Acting Speaker, I can indicate that the Greens will absolutely be voting against this absurd attempt at a political wedge by the Liberal Party. The fine work of the previous speaker, the Minister for Workplace Relations, Mr O'Byrne, has totally demolished any prospects of this bill even being debated in this House let alone passed by any sensible member. You could not possibly even contemplate the thing. It is just a reprinted and rehashed version, riddled with errors and inconsistencies, as the minister pointed out. It is an absurd bill. It is absolutely unnecessary. There is legislation already in place setting aside the amendments to the national regulations. It is probably ultra vires as well. Setting aside those matters, there is already adequate legislation in Tasmanian statutes to deal with any of the matters that you raise. You have turned yourself into the Chicken Little of the Tasmanian Parliament in saying that the sky is going to fall in because out of the hundreds of thousands of days of work that occur in workplaces around Tasmania over the years, there have been a few handfuls of cases where protestors have prevented people from carrying out their work and the premise that you have based it on is absolutely false. To come in here and dishonestly purport to this House that somehow somebody chaining himself or herself to a conveyor or a bulldozer or something like that, heaven forbid, or that strapping or chaining themselves to a bed in Harvey Norman somehow is endangering people in the workplace makes a mockery out of the Liberal Party and it makes a mockery out of you. To come in here with that arrant nonsense that a young girl chaining herself to a bed in Harvey Norman could invoke you to get up off your deck chair and come in here and move such an absurd bill is just preposterous.

**Mr Rockliff** - That's being stupid.

**Mr BOOTH** - You have not provided the slightest piece of evidence in what you called a second reading speech to justify this. It is notionally insane. Yes, no doubt about it, workplaces have been disrupted. Protestors have gone on to work sites and they have caused a cessation of work but you have not shown one single example to justify the assertion that people have been put in danger or that they have been frightened for their safety or their lives. That is just arrant, complete, total invention and nonsense and you should not come into this place and utter such falsehoods. It is a reactionary, anti-democratic and a deliberate and wilful abuse by the Liberal Party of both the political processes and the legal frameworks giving protection to both workers for their rights to collectively bargain and to picket their workplaces and for communities to stand up for their rights. They are two fundamental foundation stones of a democratic society. They are well enshrined in history in evolved law that particularly unions and workers have a right to stand up and picket their workplaces, to stand up against injustices and similarly community

groups have absolutely the right to collectively get together and protest against threats to their health, safety or wellbeing.

I would put you on notice, Mr Rockliff, that you have the bare-faced gall to come in here and talk about protesters who might protest at the proposed Gunns Long Reach mill site as one of the examples that you are using of people obstructing a workplace, that somehow they are placing fear for the health and safety of the workers on this site. Let me remind you that you are not the architect but a pathological supporter of one of the most draconian pieces of legislation in Tasmania's history, which was the fast-tracked Pulp Mill Assessment Act 2007 where you crossed the floor in this House and took away the fundamental human rights of residents throughout Tasmania to have any redress whatsoever for anything caused as a result of the pulp mill approval. And I think collectively members of both the Labor Party and the Liberal Party in this place should hang their heads in shame with regard to the fact that section 11 still remains on the statutes and I look forward to the time when at least there might be some enlightenment from the Labor Party to recognise that section 11 ought not to exist on the Tasmanian statutes. You are the sort of person who has set about deliberately and wilfully to take away people's rights to protest and to seek redress with regard to damage to their health, damage to their property values and damage to their safety you have taken that away by legislation. When they stand up for their rights you have the barefaced gall to come into this Chamber and bring in a draconian fascist piece of legislation to lock them up because you took away their rights. What sort of representative are you? Who do you represent? You obviously do not represent democracy.

**Ms O'Connor** - Eric Abetz.

**Mr BOOTH** - You do not represent the community and this is exactly the sort of rubbish that increasingly is coming from your side of politics and it is shameful that you would lower the Liberal ethos to the point where you would back this sort of legislation that is cast from a previous century. It is the sort of rubbish that Peter Reith proposed in terms of legislation in a previous parliament and thankfully that stuff has been consigned to the scrapheap of history. It is the sort of legislation that is introduced in countries without a democratic basis where people fight for their rights. All around the world they are fighting for their right to live in a democracy and you, who live in a democracy, take all of this stuff for granted, come in here and move legislation that takes people rights away and then you want to lock them up for taking the only recourse they have, which is to protest.

I just cannot believe that this Parliament is being subjected to this sort of rubbish and nonsense.

**Ms O'Connor** - They are the hard right of Parliament.

**Mr BOOTH** - As Ms O'Connor said by interjection, they are the hard right of Parliament. I think they are the loony party. Mr Rockliff came in here a moment ago and voted against the right to marriage equality. As far as he is concerned rights are only afforded to people of his ilk, people who in his view of life in the universe are 'normal', but he does not want anybody else to have rights. He wants to take away or refuse to at least give the rights to a huge cohort in our community, who are not built in his image and who have a different viewpoint in a democracy. This bloke does not want them to be able to enjoy those sort of social and democratic rights. He is the sort of person who, as I said, takes people's rights away by legislation such as section 11 of the Pulp Mill Assessment Act and then comes in here and wants to legislate when they stand up



for their rights. Well, hello, it is not going to work and it will not make any difference because people will still continue to protest.

**Mr Rockliff** - They interfere with the workplace and you know it.

**Mr BOOTH** - They will still continue to protest, this will make no difference. You would be better off supporting democracy and coming in here and repealing section 11 of the Pulp Mill Assessment Act. Now that would be striking a blow for democracy, standing up for the rights of the community, standing up for workers' rights and not this sort of arrant nonsense where you are just trying to drive, with a political wedge, a division throughout the community and to justify the sort of nonsense that comes out of the mouth of people such as yourself who make these false claims that people on a workplace who have been, as I said, in the extremely rare instance where there has been a protest in a workplace to somehow manipulate this to the point where people are afraid for their lives. What sort of people do you think these workers are that they are going to be afraid? Do you think people in Harvey Norman are rushing around necking themselves because there was a girl chained to the bed? Come on, this is a ridiculous waste of Parliament's time, it is a ridiculous waste of your private member's time and it is evidence of your incapacity to understand your place in a modern democracy, and to utilise the time available to you in a hung Parliament to be able to get up some sensible legislation.

As the minister who has resumed his seat said this is -

**Mr Rockliff** - I thought there would be some work from plenty of people on that side, but I did not expect it from you.

**Mr BOOTH** - This is just a rubbish piece of legislation. What you have done is not even worth using for toilet paper. It is not and could not work because it is hopelessly written. I think Mr O'Byrne read out a dozen reasons why this was inconsistent, poorly drafted, wrong and would not work. If you are going to bring something in the House at least bring something through that actually makes sense. I cannot believe it, quite frankly. This is like rewinding the clock back to the last century of Robin Gray when he tried a similar mechanism where they inserted into the Forestry Act special provisions for locking people up. Lock up anyone who tried to stop anyone cutting down a tree. I do not remember the precise wording in the Forestry Act but it was something like a \$20 000 fine and four years jail for anyone who tried to stop someone cutting a tree down and this is going back to the past. This is a very similar piece of legislation. When the COAG agreements were placed between the States and the Commonwealth I think they all sat around laughing themselves stupid at a national level when they saw that the Tasmanian Parliament had actually inserted special legislation in a Forestry Act, something that ought to be in the criminal code or the Police Offences Act or some other thing, specific provisions for the heinous act of trying to stop someone cutting down a tree. This is exactly the same sort of thing. It is the same sort of rubbish and COAG threw it out. It was one of the pieces of legislation that had to be amended as a result of COAG because it was an untenable and absurd piece of draconian legislation that had no place in a modern democracy or in modern legislation.

The other point is that you have not been able to provide a single instance of a worker who can prove that somebody coming into their workplace and strapping themselves to a bulldozer or a bedhead caused them to fear for their lives. The extravagant and emotional language you use is just ridiculous. Like I said, you are turning into the Chicken Little of the Tasmanian Parliament. Nobody believes that sort of rubbish.

**Mr Brooks** - Come on! So you think it's safe to walk around a mine site and strap yourself to a conveyor belt, do you? That's perfectly okay?

**Mr BOOTH** - Mr Brooks, if you want to personalise this in that regard I do not think you would be too intimidated by a girl chaining herself to a bed in Harvey Norman, would you? Do you think that frightened people? Did that endanger anybody's life?

**Mr Brooks** - It endangers lives if they chain themselves to a conveyor belt in a mine site.

**Mr ACTING SPEAKER** - Mr Booth, if you could address matters through the Chair rather than inciting interjections it would be appreciated.

**Mr BOOTH** - It did not endanger anyone's life. I have seen plenty of people who are a lot braver than anyone sitting in this Chamber who have in fact locked onto trees in areas of high-conservation-value forests, iconic places of Tasmania that should not be cut down. They were cut down by effectively illegal acts, and I am talking about HU307 in Mother Cummings. It was logged in the last century to the eternal shame of the forest industry, and one of the reasons that Tasmania's timber products from native forests are now shunned around the world is the appalling environmental harm and damage that has occurred through their harvesting, let alone the fact now, of course, that financially it is just unviable to spend that much money trying to produce a unit of timber because you can do it much cheaper in other ways.

But those protestors never endangered anyone's lives. They might have endangered their own lives and certainly I have seen cases where protestors have endangered their lives. That is common. In industrial processes unfortunately there are many cases where unionists have stood up for their rights and have been prepared to risk their lives to do it. They did it during the wharf blockade, if you recall. Unionists have been forced to go beyond what one would expect in a democratic society to stand up for their rights and good on them, I support them. I have stood in those lines with unionists myself. I stood in support of the union blockade when Mr O'Byrne was probably -

**Mr O'Byrne** - Secretary of the Liquor, Hospitality and Miscellaneous Workers Union.

**Mr BOOTH** - Yes, and good on them. They were up there supporting their rights as unionists to a fair day's pay for a fair day's work and various other rights, and these are the sorts of people that this bloke would like to lock up. He would like to have special penalties for them. I suppose the Farrells were frightened for their lives because there were some unionists on a property behind a fire barrel protesting for decent conditions. This is the sort of rubbish you are talking about.

**Mr Brooks** - No, you're the one talking rubbish.

**Mr BOOTH** - Okay, if it was not the Farrells who were frightened for their lives then who are these mythical people who are frightened for their lives? Oh, it just happens to be forest workers. Are they some kind of wimps who are going to be frightened for their lives because a protester comes in and chains himself to a tree? I don't think so. This is an outrageous waste of the Parliament's time. It is an abuse of your position in Parliament and I think that the community needs to reflect on the sort of wasteful rubbish that you bring into this place on the most spurious of grounds. It is just arrant nonsense.

Are you saying then that the log truck drivers who recently drove up and down Salamanca Place or blockaded Parliament a couple of years ago, or the ones on the tractor drive to Canberra where farmers were fighting for a fair price for their produce, should all be locked up? 'Lock them all up', says Mr Rockliff. 'Lock them all up. They're causing fear in the workplace and people are frightened. They're running around necking themselves because there's somebody with a log truck stopping someone driving to work.'

*Opposition members interjecting.*

**Mr ACTING SPEAKER** - Order.

**Mr BOOTH** - No, they stopped them from more than getting a parking spot. They stopped people getting to work and they deliberately did it. I recognise their right to do that.

**Mr Gutwein** - Well, this would stop them. Support it if it is so terrible.

**Mr BOOTH** - Well, I hope that interjection is included and that the log truck drivers and contractors of this State now understand that Mr Gutwein wants them all locked up. He wants all the truck drivers locked up because they dared to drive their log trucks through Salamanca Place or otherwise delayed people getting to work. This is a doozy, because those are the consequences of this absurd piece of legislation, if you call it that, which you have put before the House. How much time do I have left, Mr Acting Speaker?

**Mr ACTING SPEAKER** - Until 4.48 p.m.

**Mr BOOTH** - That is the entire Greens' time for this. If we split it with two speakers -

**Mr ACTING SPEAKER** - No, as initial speaker you have 40 minutes and other contributors will have up to half an hour.

**Mr BOOTH** - I am surprised, given that this is such a poorly-drafted bill, and there can be no question in your minds that it was just a political stunt that will be thrown in the trash can, that you do not have some other matters to bring up, because to waste your entire private members' time debating a nonsense like this is quite extraordinary.

**Mr Hidding** - It's about safety in the workplace.

**Mr BOOTH** - Absolutely, and there are very strong workplace safety laws that exist in this State. You might not have realised it, Mr Hidding, but there is actually legislation that already covers this stuff, and to try to bring in a bill that in fact will demolish part of the workplace safety laws now is absolutely laughable. It is unworkable, it is a piece of legislative rubbish that would absolutely have no value. There is no value or justification to this whatsoever. As I said, you are the sort of bloke who would want to lock up unionists for protesting. You would want to lock up communities fighting for their rights. You have just admitted that you would lock up log truck drivers who wanted to blockade Parliament House or drive down Salamanca Place. You are the sort of person who would have locked up the suffragettes in a time past when women were fighting for their right to vote. You would have had Mahatma Gandhi incarcerated for life because he was blockading the streets in a march. I mean, this is just the most ridiculous piece of nonsense. You live in a fantasy world fed by your own paranoia. It is just incredible, Mr Rockliff, I cannot believe it. You are a hypocrite -

**Mr ACTING SPEAKER** - Mr Booth, if you would address your remarks through the Chair, please, and use the correct title.

**Mr BOOTH** - Certainly, Mr Acting Speaker. The Member for Braddon, Mr Rockliff, is a hypocrite who lives in some bizarre parallel universe, who incidentally now in this extraordinary sort of change in the polls of the universe suddenly has come in here now representing the Liberal Party who want to go round not only locking up log truck drivers and unionists, not only admitting that they would lock up Mahatma Gandhi and the suffragettes, but he also wants to seize private property. These are the blokes who have come into this House and talked about seizing the Triabunna woodchipper from a private person.

This is extraordinary stuff where you have this incredible juxtaposition of a so-called private enterprise or free enterprise party which is now out there eyeing off private property to seize. Well, I reckon you want to change the locks on your motel, Mr Gutwein, if you still have it, because these blokes have their eyes on private property and they want to go and seize it. We really live in a bizarre time when the Liberal Party would be talking about seizing private property on behalf of selling it to someone else, their mates. They are talking about bringing this sort of legislation in that would lock up log truck drivers for blockading and fighting for their rights after they have been signed up to harsh and oppressive contracts, aided and abetted by the Liberal Party, that they cannot actually make a living from. The Department of Infrastructure, Energy and Resources have identified that Gunns had them on contracts that were so harsh and oppressive that they could even themselves be in breach of Criminal Code for inducing people to break the traffic regulations, yet these are the people you want to lock up. Dear oh dear, I find this absolutely extraordinary. Who else do you want to lock up?

**Mr Brooks** - You!

**Mr BOOTH** - I know you want to lock me up; that has been on your agenda for a long time.

It is disappointing that we have to spend time in this place debating rubbish pieces of legislation. I would urge you to think more carefully about the sort of things you bring in here rather than just making political stunts because, as I have told you before, this is a hung parliament. We can cooperate as a whole House or any two parties or more than 13 people can get together in this place and pass legislation, pass motions and do good work. However, please do not lower the tone by bringing this sort of nonsense in; think about it before you do it. Really, it is childish, worthless, has no substance, no merit -

**Mr Hidding** - Childish, worthless, no substance; it all adds to the list.

**Mr BOOTH** - Thank you. Even your colleague, Mr Hidding, is endorsing the words that I am using here because he understands that this is just a stunt and could not possibly work. If you are searching for relevance you will keep on bringing nonsense in here. The people of Tasmania will not be well served by this sort of thing.

I wanted to reflect about the consequences of this bill, were it to pass, because there are some pretty severe consequences.

**Mr Gutwein** - People going about their work, not losing money.

**Mr BOOTH** - Mr Gutwein talks about people losing money. Of course, that happens to be the price of democracy. Are you saying that those log truck drivers should have to pay for everybody who was held up and stopped from getting to work because of their log truck blockade? I just find that extraordinary and bizarre. Every time a car breaks down are you going to be rushing around fining the driver for causing someone to get to work late? This is bizarre behaviour and bizarre legislation. It has broad-ranging ramifications over the whole industrial landscape and the rights that communities have come to take for granted and expect us to protect, not take away. I expect you to come into this Chamber and repeal section 11 of the Pulp Mill Assessment Act so that you can give back rights to the people who will, in their hundreds or thousands, blockade the proposed site of Gunns pulp mill at Long Reach because you have taken away every normal, democratic right that they have with regard to taking legal action to protect their health and safety. You have the gall to come in here and call this a bill to protect people's health and safety, when you have taken the rights to protect the health and safety of a community away through section 11. It is a disgrace and there is no way we will ever support this nonsense legislation.

**Greens members** - Hear, hear.

[4.34 p.m.]

**Mr GUTWEIN** (Bass) - Firstly, I would like to commend the Deputy Leader for bringing this bill before the House. It is a bill that is sorely needed. I want to explain some of the reasons why. This bill does not just cover protests that impinge upon forestry workers or their places of employment; it covers all workplaces. For the benefit of Mr Booth, who said it was a rare event that people protested in somebody else's workplace, let me run through this quick list. This is not exhaustive but it is not a bad start. On Sunday 21 August, Still Wild Still Threatened were at the pulp mill site.

**Mr Booth** - They were working on Sunday, were they?

**Mr GUTWEIN** - There was a protest on site. You are aware of the more recent event where a young lady drove her car in front of one of the trucks on that site to stop it and then someone chained themselves underneath it.

**Mr Booth** - And they got arrested.

**Mr GUTWEIN** - You would be aware of Monday, 8 August, the protest at Ta Ann at Smithton where people chained themselves to equipment.

**Mr Booth** - And they got arrested.

**Mr GUTWEIN** - You would be aware of the protest at the State Labor conference where they trespassed and climbed flag poles and had to be taken down.

**Mr Booth** - So what if someone climbs a flag pole?

**Mr GUTWEIN** - There was the Artec mill at Bell Bay on Friday 29 July. I rang the owner of Artec on that day and had a chat with him. I was told that the console operator could not see the person who was chained to the conveyor belt. It was somebody on the hard pan who brought that to their notice. What would have happened if that console operator had have hit the button and had torn that person in half? It would have done what the law should do in the first instance

and that is send a very clear, educative message and act as a deterrent so that people know full well that if they decide they want to invade somebody's workplace, if they want to lock themselves to equipment, that there is a very stiff penalty for that. That is exactly what this bill does. It takes the law to where it should take it, and that is to act as a deterrent and educate these people that it is not acceptable to put their lives or anybody else's life at risk.

**Mr Booth** - They were arrested.

**Mr GUTWEIN** - They need to know that it is not acceptable before they even walk onto the workplace - and you know that. We want to stop that person putting themselves in harm's way. Minister, you would have to agree with that?

**Mr O'Byrne** - Of course, and that is why we have these national laws.

**Mr GUTWEIN** - This place was scaled on 25 July. On 17 July we had eight activists who boarded the ship to stop the loading of veneer for Ta Ann. There were seven protestors charged after being arrested for disrupting ship loading at Bell Bay on 14 May.

**Ms O'Connor** - Arrested and charged!

**Mr GUTWEIN** - Yes, but they are getting on there in the first place because they do not care about the penalties. There is no deterrent in the law at the moment, as it has been applied through the courts in this State. People are continuing to put themselves in harm's way. That side of the House knows it. You have a situation here where people are prepared to flout the law, put their own lives at risk and risk the safety of workers, and that should not be occurring. It is absolutely not acceptable. Mr Booth has said that people should be able to stand up for their rights. What we want to stand up for on this side of the House today is the workers and their families.

*Government members laughing.*

**Mr GUTWEIN** - It is these people that you are hurting.

**Mr O'Byrne** - Every chance you had in government, you kicked the worker. You hypocrite!

**Mr GUTWEIN** - I was at Parliament House in 1996-97 when those unionists started on it with sledgehammers. I was there; I was in the ministerial wing when they were smashing hammers on the back windows. I know what it is like.

**Mr O'Byrne** - No-one's defending that, but don't pretend that you support the worker.

**Mr GUTWEIN** - Yes, you are. You want to defend that. You stood there and said that you want to protect their rights.

**Mr O'Byrne** - Don't use that example.

**Mr GUTWEIN** - You do not like that one?

**Mr Brooks** - Get back in your kennel.

**Mr ACTING SPEAKER** - Order.

**Mr Brooks** - Get back in your kennel, David.

**Mr ACTING SPEAKER** - If you would address your remarks through the Chair rather than inciting direct interjections across the Chamber we can all hear what is going on because we cannot at the moment. Thank you, Mr Gutwein.

**Mr STURGES** - Point of order, Mr Acting Speaker. During that very wise advice that you were giving the House there was a very derogatory term used towards my colleague, the Minister for Workplace Relations. I would ask that the member for Braddon withdraw.

**Mr Brooks** - What did I say?

**Mr STURGES** - He knows what he said.

**Mr ACTING SPEAKER** - If the member for Braddon used a derogatory remark or an unparliamentary remark I would ask him to withdraw. I did not hear it.

**Mr Sturges** - He knows what he said.

**Mr ACTING SPEAKER** - No, there was too much noise.

**Mr Hidding** - Get back in your kennel?

**Mr Brooks** - Is that derogatory?

**Mr Sturges** - That's appropriate? That's parliamentary, is it?

**Mr Brooks** - Is that derogatory?

**Mr Sturges** - I'm offended and under Standing Orders -

**Mr ACTING SPEAKER** - I would ask that you withdraw it, please.

**Mr Brooks** - I withdraw it.

**Ms O'Connor** - I beg your pardon, you have no respect for this place at all.

**Mr Hidding** - Wait until they read your list out from today - unbelievable.

**Ms O'Connor** - I'm just telling the truth. There's a difference.

**Mr GUTWEIN** - What is happening? We have a situation -

**Mr Hidding** - It's different if you tell the truth.

**Mr GUTWEIN** - What you have done in your contribution against this legislation is you have condoned what is occurring.

**Mr O'Byrne** - That is absolute rubbish.

**Mr GUTWEIN** - Mr Acting Speaker, he has condoned it. This heightened level of protest activity, direct protest activity, invasions of workplaces, putting lives at risk you have allowed to go and on and on for the last 12 months.

**Mr O'BYRNE** - Point of order, Mr Acting Speaker. The member for Bass, Mr Gutwein, is misleading the House. I made it very clear in my contribution that we do not support protest action that puts workers' lives and their health and safety in danger. He is clearly trying to make a political point by verballing me and is misleading the House and I ask him to withdraw.

**Mr ACTING SPEAKER** - It is not a point of order.

**Mr Sturges** - Yes, you're misleading the House.

**Mr GUTWEIN** - I am not misleading the House. You have decided not to support legislation that would put a stop to this. It will send a very clear message and what you are doing is condoning these actions.

**Mr O'Byrne** - That is not true. We are supporting national legislation that will achieve it. This bill doesn't -

**Mr GUTWEIN** - You have condoned, as minister, these actions now for the last 15 months. There has been heightened protest activity, people's lives have been put at risk and you have condoned it because you have had every opportunity in this place to introduce your own bill.

**Mr O'Byrne** - There are mistakes and more mistakes. Did you see all the mistakes? You can't even get the title right. You are incompetent.

**Mr GUTWEIN** - You are too lazy to introduce your own legislation. That is the problem.

**Mr O'Byrne** - Page 3, with your word 'with hindrance', don't you mean 'without', idiot?

**Mr GUTWEIN** - If you support it you should have brought in your own legislation.

**Mr O'Byrne** - We will be. Didn't you listen?

**Mr GUTWEIN** - And the problem is people's lives are being put at risk. You are the minister, you are responsible, and it has gone on and on.

**Mr O'Byrne** - And your bill won't do anything.

**Mr GUTWEIN** - Every week that you remain silent people's lives are being put at risk and you know that.

**Mr O'Byrne** - And that's why we're acting appropriately and not with your pathetic piece of grab.

**Mr GUTWEIN** - You have been happy for the last 12 months - and this is the problem - because you have wanted to cosy up to them and you have not been prepared to introduce legislation that would actually stop people putting lives at risk.



**Mr O'Byrne** - Rubbish.

**Mr GUTWEIN** - The psychological damage that you have allowed to go on for contractors who find themselves going to coupes where their machinery has been vandalised, where they have people chained to it first thing in the morning and then they have to spend their time - hours - looking at their equipment to ensure that it has not been booby trapped, and you have condoned that.

**Mr O'Byrne** - And you've got a bill that won't even help independent contractors.

**Mr GUTWEIN** - You have condoned that through your silence and you know that and then you have the gall to come into this place and say that you stand up for people's rights. Stand up for the rights of the workers. Stand up for the rights of those businesses who this lot want to sabotage.

**Mr O'Byrne** - We are standing up, mate.

**Mr GUTWEIN** - But no, what you are prepared to do is sit silently whilst people's lives have been ruined, while people's lives have been put at risk because you want to remain cosy with this mob.

**Mr O'Byrne** - That is rubbish.

**Mr GUTWEIN** - That is the bottom line. There is the list, week after week after week and you have done nothing. You are either weak, ineffective or you are captive.

**Mr O'Byrne** - You had your chance to stand up by supporting those laws. Do you support these laws?

**Mr GUTWEIN** - That is what you are and you know that is the case. Mr Acting Speaker, he cannot dig himself out of the hole now. He has had 15 months to do something about this and he has not uttered a word.

**Mr O'Byrne** - This is a disgrace.

**Mr GUTWEIN** - He has not uttered a word. He has been too frightened. He has come in to this place today and made a mealy-mouth contribution, 'It is about process and it is about spelling. We cannot support this.' We say to you, support the workers. You have demonstrated nothing today, but you are not prepared to stand up and send a clear message. You could not even do that in your contribution.

**Mr O'Byrne** - What about the independent contractors?

**Mr GUTWEIN** - He could not even do that in his contribution and stand up and say that he condemns the actions that have been occurring.

**Mr O'Byrne** - Of course we do.

**Mr GUTWEIN** - Why didn't you say it?

**Mr O'Byrne** - I said it in my speech.

**Mr GUTWEIN** - No you did not.

**Mr O'Byrne** - Absolutely.

**Mr GUTWEIN** - No, you didn't, I was listening to you.

**Mr O'Byrne** - Anyone who puts a worker's life and health and safety in danger -

**Mr GUTWEIN** - Condemn the protests. Stand up and say that that extreme element that is risking people's lives should not be doing it, or do you condone it?

**Mr O'Byrne** - We do not condone any action that puts workers' health and safety at risk. How many times do you want me to say it on my feet?

**Mr GUTWEIN** - Thank you, it is about time. Do you support the extreme protests?

**Mr ACTING SPEAKER** - Mr Gutwein, again I will remind you -

**Mr GUTWEIN** - Mr Acting Speaker, I am sorry. What we heard from this minister today is he congratulated the police for the way that they have dealt with the protests. He has congratulated the police.

**Mr O'Byrne** - So you don't think they are doing a good job?

**Mr GUTWEIN** - Congratulate them; we thank them. It is a frustrating task dealing with you lot who are not prepared to stand up and take action to put in place a framework that is going to stop it occurring. The cost associated with this -

**Mr O'Byrne** - Reckless conduct, \$300 000, five years in prison, that's not enough for you, big fellow?

**Mr GUTWEIN** - The costs associated with the police having to turn up and deal with these protests, I am sure that you would be able to get the details of what it costs. Why don't you commit to getting from the police what it costs them to deal with these protest actions?

**Mr O'Byrne** - Well, put up something that isn't embarrassing. You are just making a fool of yourself, mate. This is an embarrassing bill.

**Mr GUTWEIN** - The reason that you are fighting this is that you know you should have done something yourself. You have sat back and you have done nothing. You have done nothing.

**Mr O'Byrne** - You wrote your script a couple of weeks ago and you did not listen to anything that has been said.

**Mr GUTWEIN** - It is just quite extraordinary. We have a situation in this State at the moment where people are not obeying the rule of law as it currently stands in respect of protests.

They are prepared to put themselves and workers at risk, and the minister responsible has decided to do nothing about it for the last 15 months.

**Mr O'BYRNE** - Mr Acting Speaker, on a point of order, again this is misleading the House. In my contribution I walked through the process that we are going to as part of the national discussions that are part of the workplace reform to bring in laws that will actually work, and that will actually act as a deterrent. He is misleading the House and I ask him to withdraw.

**Mr ACTING SPEAKER** - No, it is a personal explanation.

**Mr GUTWEIN** - He should not have even been allowed to make a personal explanation. That is not a point of order. Don't you even understand the rules of this place? You have been here long enough. I would have thought that you would have understood what a point of order is all about.

**Mr O'Byrne** - I've just been watching you guys get up every time in question time, it is embarrassing.

**Mr GUTWEIN** - Just extraordinary. You have been caught out because you have sat silently, you have taken no action and people's lives are still being put at risk.

**Mr Booth** - Rubbish.

**Mr GUTWEIN** - They are, there is no doubt about that.

**Mr Booth** - Name one?

**Mr GUTWEIN** - You cannot drive a car in front of a truck to stop it and not put both your life and the truck driver's life at risk. You cannot lock yourself to a conveyor belt 20 or 30 metres up in the air, not able to be seen by the console operator and not put your life at risk, nor the psychological health of the console operator. You know that. It is happening. You should have done something about it. You should, if you were serious about this, have brought something before this Parliament before now, but you have not. You have sat back and said, 'Well, we will just let it roll. It's not an issue, we will remain silent,' because what you have not wanted to do is annoy your Greens colleagues. If you had moved it would have looked like you were toughening up on the element of their party that actually carries out these sorts of invasions of workplaces. Just extraordinary.

This bill is about ensuring that the costs that we are seeing at the moment - the costs of the courts, the costs of the police, the costs to business, the cost to communities, because resources are being dragged away -

**Mr Booth** - Section 11.

**Mr GUTWEIN** - The law needs to be strengthened and there needs to be a framework of laws that is going to ensure that before people decide to enter somebody's workplace they think about it, decide not to and decide instead to peacefully protest. That is one other thing that -

**Mr Booth** - People driving slowly to work - he'll have them locked up.

**Mr GUTWEIN** - We absolutely agree with the fact that people need the right to protest. What they do not need the right to do is to directly invade somebody's workplace, putting themselves and all workers at risk. I find it difficult to understand why someone like Mr Booth cannot quite comprehend that.

**Mr Booth** - You took away their rights under section 11.

**Mr GUTWEIN** - From your contribution today what we heard is that regardless of what occurs you are going to condone direct illegal action in respect of that project.

**Mr Booth** - No, no.

**Mr GUTWEIN** - That is what you said today.

**Mr Booth** - No, I did not.

**Mr GUTWEIN** - Well, do you?

**Mr Booth** - Don't verbal me. People can read my contribution.

**Mr GUTWEIN** - Are you going to condone direct, illegal action -

**Mr Booth** - What I said is that this is a worthless, gormless waste of parliamentary time.

**Mr GUTWEIN** - as long as section 11 exists. Are you going to do that?

**Mr Booth** - It's a joke.

**Mr GUTWEIN** - Mr Acting Speaker, he is verballing me and I think -

**Mr ACTING SPEAKER** - You should not be inciting him to interject.

**Mr GUTWEIN** - I am not. I am trying to understand what the man's position is. Does he support illegal protest action against that pulp mill site in any circumstances?

**Mr Booth** - No, that is why I want section 11 repealed.

**Mr GUTWEIN** - I think the answer is that he does. I think he would condone anything.

**Mr Booth** - No. You don't have to be a talking head for me. I'm quite capable of answering myself.

**Mr GUTWEIN** - I think he would be able to construct in his own mind an argument as to why that was okay.

**Mr Booth** - Repeal section 11 and then it will all be okay, won't it? I do not want to see those tow-truck drivers locked up like you do.

**Mr GUTWEIN** - We need to ensure that workers are able to go about their jobs without fear of people invading their workplace. We need employers to feel free to invest without the fear of losing money. We need our police to be in a position where they do not have to -

**Mr Booth** - Look out, the sky is going to fall in.

**Mr GUTWEIN** - go and lock people up on a daily basis whilst we have, without doubt, other more pressing crimes occurring against other members of the community that they could be working on but they end up taking bolt-cutters and hacksaws to cut people from equipment. It is absolutely ridiculous.

**Mr Booth** - Isn't that still going to happen? How is your bill going to stop that?

**Mr GUTWEIN** - Mr Acting Speaker, the member for Denison, Ms O'Connor, said on a number of occasions that we do not support free speech. We support free speech. This is not about free speech. What this is about is that you want freedom of obstruction, you want freedom of economic vandalism. That is what you are supporting here. It is quite extraordinary.

**Mr Booth** - You would have been locking up the suffragettes, mate. Come on, admit it.

**Mr GUTWEIN** - You are happy to have people go onto a work site and stop boats leaving ports, stop people from going about their jobs.

*Opposition members interjecting.*

**Mr GUTWEIN** - Mr Acting Speaker, the bill before the House should be supported. There needs to be a strong framework of laws. The law needs to act as a deterrent.

**Mr Booth** - You would have locked up Jesus.

**Mr GUTWEIN** - It currently is not. This minister knows that. He has been too weak to do it and he came in with a mealy-mouthed contribution today. If he is serious about this is he should have brought something in well before now.

[4.54 p.m.]

**Mr STURGES** (Denison) - Mr Acting Speaker, I should have been paying attention but it was a bit hard to hear what was going on over all the theatre that was coming from the other side of the Chamber.

I think it is appropriate that I spend a few minutes to put my thoughts on the record regarding this matter and I do so on the basis that, as members on this side of the Chamber know, I have spent the best part of my working life, almost 30 years in fact, as a union representative, union official and union secretary and am very proud that I have put most of my working life into representing the rights of workers.

**Mr O'Byrne** - Hear, hear.

**Mr STURGES** - Do workers have a right to a healthy and safe place of work? Of course they do. I do not think anyone in this Chamber would argue that a worker, no matter where he or

she works, has a right to go to work knowing that their health, safety and wellbeing, physically and psychologically, will be protected during the course of time they are engaged in employment.

I can understand the Opposition saying they want to bring in legislation to look after the health and safety of workers but what I cannot comprehend when I read this bill is that this will do any more than the current laws of the land we work under at the moment provide for. In fact when I read this I see that the bill is misguided and without doubt - and the minister has gone through some of the issues of deficiency - the bill is deficient.

The member who introduced the bill to the House has come here in a misguided and jaundiced way for one reason only, to attack a certain group of protesters in this State. Do I support some of their actions? No I do not, and I have been on the record before and in some quite heated debates with the Greens about my position on that. But do people living in a democracy have the right to protest safely and appropriately? Yes they do, and like my colleague, the Minister for Workplace Relations, I too have been involved over many years in protests and pickets defending the rights of workers to keep a job and to work in a job that is safe, well remunerated and where they are not bullied or intimidated.

**Mr O'Byrne** - Hear, hear.

**Mr STURGES** - Apart from the fact that the bill is misguided and deficient, I cannot come to terms with the absolute irony of the Liberal Party bringing in a bill of this nature and representatives of the Tasmanian Parliamentary Liberal Party purporting to be friends of the workers. In word, but not deed, and history nationally and in this State will clearly show that when the Liberal Party is in power either nationally or at the State level, workers' rights suffer.

**Ms O'Connor** - Absolutely true.

**Mr STURGES** - Workers' rights are ground into the ground - fact. One only has to look at the history of what happens when the Liberal Party is in government either at the national or State level and, dare I say, I still have very fresh memories of that diabolical set of workplace laws called WorkChoices that decimated the rights of workers to be treated fairly, to be treated with dignity and to be provided with a healthy and safe place of work. What do the conservatives focus on when they are in power? Ensuring that they drive as much productivity out of workers as they can to the detriment of workers' hard-won conditions and to the detriment of workers' health and safety - absolute fact.

Whilst I am saying clearly that I believe people living in a democracy have the right to protest safely and appropriately, I want to come back to the bill itself because I think it is important that we do again look at some of the significant deficiencies in it. I will not worry about the typos that are in there; that is okay. If you choose not to check what you bring to this House, then so be it. I will just go through some of these points because I think it is important.

It has been widely known for some time now that the Commonwealth, State and Territory governments intend to introduce uniform health and safety laws throughout Australia by the end of this year. I think that has been a long time coming and I absolutely commend the minister for the work he is doing in the development of those uniform work laws. Why is it that the Liberals seem to have ignored that, or do not know of this? It has been spoken about in this House on a number of occasions and it has been reported widely in the media.

When it suited the Liberal Party, the Opposition, they raised the issue of jurisdiction in a previous debate we had in this House today. Now there is an intergovernmental agreement that has been signed by all jurisdictions, and that includes Tasmania - we are part of the Federation - that requires each jurisdiction to draft laws that will mirror the model laws. Now, unlike this effort that has been knocked up at the breakfast table this morning by the look of it, the development of this level of work is extensive and complex. Unlike the Liberal Party's, it involves negotiation and consultation with a broad cross-section of stakeholders. Clearly the Liberal Party have knocked this up over the breakfast table this morning and dropped it in the House for debate; it is a pretty pathetic effort.

I will keep stressing and it is absolutely paramount that workers have a healthy and safe place of work, but this bill will not do anything to enhance the legislation that is currently in place. One of the most important changes that is being proposed in the uniform national law that I understand is due to be debated later this year in this House is that the general duty of care will be strengthened. 'Duty of care' might be foreign terminology to the Liberal Opposition, but it is to be strengthened and will provide that all persons involved in or materially affected by the performance of work owe a duty of care to all workers and other persons. This duty places an obligation on anyone at a workplace - now this is very important - including protesters, to take reasonable care for his or her safety, to ensure that his or her acts do not adversely affect the health and safety of other persons and that they comply with any reasonable instruction that is given by the person conducting the business to comply with these proposed legislation. That is a very strong and effective clause that is proposed to be included in the national legislation.

I also think it is important to recognise that Tasmania Police have been dealing very capably with the protest situations they have been confronted with. We take for granted the very precarious nature of the work that Tasmania Police undertake, so I too, along with the minister, commend Tasmania Police for the work they undertake, particularly in some very precarious situations. I think they do a very professional job.

Are those protestors charged? Yes. Is there a law to deal with those protestors in place at the moment? Yes. Are the protestors penalised for their actions? Yes. What more does this bill do to enhance the existing laws that we have in our State to deal with people who break the law? I absolutely support the right of people in our democratic society to protest against something they think is wrong, but the caveat I put on that is that they must do so safely and appropriately. When they do not protest safely and appropriately, there are laws in place to deal with that situation right now. This bill is Mickey Mouse; this bill does nothing to enhance existing processes.

Here is this party of transparency and connection, that is everything to all Tasmanians - friends of the workers now, for heaven's sake. Even if the development of this pretty poor effort -

**Ms O'Connor** - You're being too kind, Mr Sturges. It's not 'pretty poor'; it is appalling.

**Mr STURGES** - In the development of this appalling document they have ignored due process. They might throw their arms in the air and say, 'So what, we're the Liberal Party. We're the party born to rule. We're the silver-spooners; we don't have to follow due process.' What absolute contempt to not even consult with the police, Workplace Standards or the Chamber of Commerce and Industry. We would expect them to ignore the union movement that represents many tens of thousands of workers in this State. It is absolutely fundamental when you are developing a piece of legislation or putting a motion before this House which would have significant impact on the Tasmanian community that you would give courtesy to due processes of

consultation and engagement with the community. I understand you do not have access to the Office of Parliamentary Counsel to draft your bills, but this is grade 6 stuff, fair dinkum. I often accuse you of playing sandpit politics over there but you have actually drafted this in the sandpit; might I suggest you stick to building sandcastles.

I think I have picked up on most of the points. The key point, of course, is that uniform national legislation provides for significant punitive action and I cannot quite see here where the level of penalty is but I think from memory it is something like \$300 000 and five years' jail maximum penalty. So if you reckon that is not enough, goodness gracious me, what do you want to do - take him to the gallows?

The consistent action taken at a national level will address the matters that I think the member for Braddon, Mr Rockliff, intends from this bill. This bill certainly is a very poor and deficient effort in attempting to address the concerns that the member has, so on that basis I can indicate to the House that I could not, in all conscience, offer my support to something that is so deficiently, inadequately and amateurishly drawn up.

[5.11 p.m.]

**Ms O'CONNOR** (Denison - Minister for Human Services) - Over the course of the past year and a half in this place since the March 2010 election, time and again we have seen the Liberal Opposition come into this place, refuse to engage in parliamentary debate in a constructive manner, refuse to put forward sensible propositions or sensible bills, and refuse to do the people who elected them into the office the courtesy of respecting the fact that this place is here to serve the people of Tasmania. We have a responsibility to come into this place and act appropriately in the best interests of Tasmania and its people, yet time and time again we have the Liberal Opposition in their wounded, broken state abuse the forms of this House with no-confidence and censure motions and bills that are shoddily drafted and entirely politically-motivated poor excuses for law. That is what the Liberals have done in this place and that is what they are doing again today.

**Mr Best** - They've got solicitors over there too. There are qualified legal practitioners that sit over there.

**Ms O'CONNOR** - By interjection, the member for Braddon says there are qualified practitioners in the Liberal Opposition and that is in fact true, but clearly -

*Members interjecting.*

**Mr ACTING SPEAKER** - Order.

**Ms O'CONNOR** - those qualified legal practitioners who are members of the Liberal Opposition have had, hopefully for their own reputations, very little to do with the drafting of this bill. I know my colleague, Mr Sturges, did not want to detail the typos in this bill, but it is actually worth recording into *Hansard* that on page 3 this bill is actually entitled the 'Workplace Health and Safety Amendment (Right to Work With Hindrance) Bill 2011'. Going further into the interpretation, and I would be very interest to hear my colleague, Ms Archer, explain what this 'interfere with means to adulterate' means. What does 'adulterate' mean under the definitions of this bill? It is very confusing and totally inappropriate and an indication of just how sloppy this bill is.



Let us face it, Mr Acting Speaker, this bill is not about anything but cheap politics. We have the Liberal Opposition here, purporting to represent the rights of workers through the vehicle this bill -

*Members interjecting.*

**Mr ACTING SPEAKER** - Order.

**Ms O'CONNOR** - and as my colleague, Mr Sturges, pointed out, the Liberals' record, nationally and at a State level, is that every time they have their hands on the levers of power they shaft the workers comprehensively, and then they have the gall to come in here and pretend they are standing up for workers. What an absolute joke! Then we have the pretence of the world's greatest shadow treasurer, Mr Gutwein, and Mr Rockliff claiming that this bill would 'put a stop to these protests.' For heaven's sake! There is absolutely no evidence that this bill would do anything to put a stop to the protests that are happening in the forest industry and with the pulp mill right now, just as there is no evidence, for example, that the death penalty in the United States has acted as any deterrent to violent, murderous crime in the United States; their jails are still full. This is not about deterrents, this is about the cheapest and nastiest politics and a complete waste of parliamentary time.

The right to protest and express your opposition to a government or a corporate policy and the right to free speech is a fundamental tenet of a democratic society, and that expression of protest and free speech is happening in Tasmania right now. It happens often. It happened, for example, when 50 or more log truck drivers effectively blockaded the city, preventing many workers from getting to their places of work. But this is not about industry workers, is it? No, this is about forest protesters, people you regard as feral. That is what this is about, because I do not believe for a moment that you would seriously consider that this law would apply, for example, to log truck drivers who effectively, through their protest actions, blockade people from getting to work.

I had trouble getting to my workplace when I worked at Parliament House in Canberra many years ago during the Keating Government because truck drivers blockaded Parliament House. We made our way through that blockade. It was annoying and intimidating but that was the truck drivers at the time expressing their democratic right to protest and I would not take that away from them at all.

Mr Rockliff says that this bill is about protecting the rights and safety of workers but, as my colleague, Mr Booth, has said, there is no evidence in any of the protests to date that the health and safety of workers has been compromised. That is not the motivation for this bill. The motivation for this bill is in part because through the forests intergovernmental agreement process, the Liberal Party has been made entirely irrelevant to the resolution of the problems that are besetting the forest industry now and the need to protect high-conservation-value forests. This is their effort to find some space in here that demonstrates that they are relevant in this debate, which they completely are not.

As the head of the Australian Lawyers' Alliance, Greg Barns, has said in recent commentary, this is a draconian attempt at law. It is using a sledgehammer to crack a walnut and is total overkill. As the member for Braddon, Mr Rockliff, is aware, there are laws in place to deal with the protests that you purport to deal with under this poor excuse for a bill. There is the Criminal Code and the Police Offences Act and there is a protester from Code Green who right now has

been arrested and charged and resides in the Ron Barwick ward of the Risdon Prison complex as a result of his decision to take part in a protest action. I will put on the record that I think he was a very brave man who was standing up for what he believes in, which is the protection of our beautiful high-conservation-value forests.

**Ms Archer** - So you do support unlawful protests?

**Ms O'CONNOR** - The law, Ms Archer, has dealt with that particular protester. That is the fact of the matter.

**Ms Archer** - She congratulated him.

**Ms O'CONNOR** - No, I said he is a very brave man; I certainly did not congratulate him. Stop verballing me. I believe that those people who go out and protest in defence of our forests and protest against the pulp mill are brave and courageous people because they are standing up for what they believe in. Unlike the Liberal Opposition, they actually believe in something. What happens with the Opposition is that you move from day to day; you wax and wane because you are quite hollow inside. Your position changes from day to day.

**Mr Booth** - With that you wouldn't have brought in WorkChoices.

**Ms O'CONNOR** - Exactly, Mr Booth. At one point your party is an ardent advocate for WorkChoices and the next day or the next year you come in here and pretend you care about public servants, about workers. Those words ring hollow and untrue. The fact is that this poor excuse for a bill would have absolutely no deterrent effect at all on protesters in Tasmania. What the Liberal Party fails to comprehend over this issue, because they have not asked themselves the question, is why intelligent, educated people put themselves on the front line and go out to protest in Tasmania. Why do they do the things that apparently cause you such offence? It comes from the deepest love of Tasmania, of our beautiful high-conservation-value forests of the Tamar Valley, of the air quality that your children breathe if you are raising them in the Tamar Valley. It comes from the love of Tasmania. It is in fact a selfless act and I think that is where the Liberals struggle with this selflessness.

*Members interjecting.*

**Mr ACTING SPEAKER** - Order.

**Mr Booth** - Ms Archer would have arrested the suffragettes. She would not be sitting in this Chamber if it wasn't for them.

**Mr ACTING SPEAKER** - Order, Mr Booth.

**Ms O'CONNOR** - That is right, Mr Booth, I am getting to the suffragettes, just as I am getting to Mahatma Gandhi and the people of Libya. The people who protest in Tasmania, who take these frontline actions, are doing it to defend their place. They are doing it to defend forests, to defend the myriad plant and animal species that rely on those forests for their very existence. That is what these protests are about, defending the place you love in a democratic society. We do know that in Tasmania the history of forests is dark indeed. For decades here in Tasmania the rapacious appetites of the forestry industry have decimated entire areas of high-conservation-value forests. I commend to all my colleagues in this place when they have a spare moment to

Google Earth parts of Tasmania. Google Earth the north east, the southern forests, the northern edges of the Tarkine wilderness and there you will see what decades of unchecked greed and completely corrupt government policy on forestry have done to our beautiful high-conservation-value forests. That is the history and that is the motive for people who tie themselves to machinery, who climb to the top of the trees and stay there for as long as they can, who put themselves on the front line to protect our beautiful forests. It is something that you fail to understand.

I do again commend to all my colleagues in this place to take the opportunity with a clear mind and an open heart to walk through a place like the Florentine. Experience an intact, exquisitely intricate forest ecosystem and understand why people feel so fiercely about protecting them. If there had not been passionate Tasmanians prepared to stand up for their place in the past the Franklin River would have been dammed, we would not have the Franklin-Gordon Wild Rivers National Park, Strahan would not have been the tourist mecca it is today. It was those protesters who put themselves on the front line and, yes, they obstructed the work of Hydro workers. They did because they knew that if they did not save the Franklin then no-one would. That is the motivation behind the protests that continue in Tasmania today. It is the love of this place, and that is worth respecting.

As I said before, the alleged deterrent effect of this shoddy excuse for a piece of law is precisely zero, just as the death penalty deterrent effect on murder rates in the United States has been precisely zero. I grew up in Queensland, under Joh Bjelke-Petersen, which is why I feel very strongly about the kind of move that the Liberal Opposition is seeking to make in Parliament today. Under Joh Bjelke-Petersen, union strikes were illegal. It was illegal to march in the streets. It was illegal to congregate in threateningly large numbers.

**Mr O'Byrne** - Any more than a handful.

**Ms O'CONNOR** - I cannot remember the exact number but under Joh Bjelke-Petersen's government in the 1970s and 1980s a public gathering of half a dozen to a dozen people was considered a threat to civil society. There were massive protests in Queensland when I was a teenager over the sacking of SEQEB workers. Hundreds of South East Queensland Electricity Board workers were sacked by the Bjelke-Peterson Government and people took to the streets in their hundreds and thousands. What did Joh Bjelke-Petersen do? He sent in the police force in huge numbers and they took truncheons to protesters. They beat them. They jailed them. What is being proposed here today is redolent of that draconian approach to the right to protest. The same thing happened when the Springboks came to Queensland, and motivated, politically-informed people stood up and took to the streets in opposition to apartheid and the Queensland Government's effective support of the apartheid regime. The same thing happened. Joh Bjelke-Petersen sent in the police. People were beaten, they were jailed, they were terrified. Did Joh Bjelke-Petersen's draconian, anti-strike, anti-collectivism, anti-gathering laws act as a deterrent in Queensland to the thing that burns inside human beings when they feel really passionately about something, so much so that they take their protest to the street or wherever they think their protest might have most effect? No, it did not. People still took to the streets of Queensland.

If, for example, the Liberal Party's mindset had been in charge of India when Mahatma Gandhi, through non-violent resistance, effectively brought India to a standstill and prevented hundreds of thousands or millions of people from getting into their workplace, they would have been subject to draconian, oppressive laws. If Mahatma Gandhi had not done that, the people of

India would still be under English rule. If the same mindset that the Liberal Opposition is seeking to apply today applied, for example, in Libya where hundreds of thousands of citizens of that nation finally rose up to oust Gaddafi, no doubt stopping tens of thousands, hundreds of thousands of people from entering their workplace, you would consider that to be a crime against society. You would have backed the Gaddafi regime. That is what you would have done. And with your mindset you would have locked up the suffragettes, and not only would Ms Archer and I not be in here, but we would not have the vote.

**Ms Archer** - Get yourself worked up even more, go on.

**Ms O'CONNOR** - Well, Ms Archer accuses me of getting myself worked up. Yes, actually I do feel passionately about this. I do feel passionately about the right of people to protest in a democratic society, and you might not have been in the Chamber when your colleague, Mr Gutwein, was up here.

**Ms Archer** - I uphold the right to protest too.

**Ms O'CONNOR** - Mr Gutwein was up here foaming at the mouth, his voice almost broke; he was so shrill no-one could hear a word that he was saying because everyone was shouting and he was off his top. That is getting worked up, Ms Archer. At least there is a coherence to what I am saying here today, unlike Mr Gutwein's contribution.

Mr Acting Speaker, I will conclude by simply saying that, as it was with the debate over marriage equality, what has been demonstrated to us here today by the Liberal Party in this place is that they are determined to be regressive. They are determined not to engage in meaningful and constructive debates in this place for the betterment of Tasmania and its people. You are out there in the public every day making false claims, busting your alternative budget, pretending to the people of Tasmania that we live in a utopia where you can have a \$1.8 billion deficit over four years but not a single hard decision has to be made. And at the moment there is not much scrutiny of the way you are conducting yourselves in a public debate, but the time will come, because you are transparent. We can see straight through you.

Mr Acting Speaker, I will absolutely be voting against this ridiculous, sloppy, totally draconian and politically-motivated excuse for a proposed piece of law.

[5.34 p.m.]

**Mr BEST** (Braddon) - Well, what a piece of legislation this one is. A piece of work, Mr Acting Speaker, I think would be the right terminology. I think the only part of the bill that is correct is the part that says 'Hindrance Bill', because it would have to pose the biggest hindrance I have ever seen to ordinary lives of Tasmanians. And might I say to anybody in Tasmania who is hopefully watching this debate - well, I feel sorry for them if they are - look out, Tasmania. We have the legal gurus over there, and I was just trying to work out what legal experience they may have between them. I think there are at least three legal practitioners sitting over there on the Opposition benches with previous careers in law. I am not sure how that would add up in years but if we were very conservative, as we always are when we think about the Opposition, the Liberals in question, we would just say five years of legal experience each, which would mean maybe 15 years of legal experience altogether. And what do we have as a result? We have the worst drafted piece of legislation I have ever seen in this House.

**Ms O'Connor** - That's saying something.

**Mr BEST** - I know, it is saying something. This is bigger than the draught of that door over there, and that is fully open. One of my colleagues over here pointed out a couple of things in this legislation. I think Eric Abetz is in trouble. If this legislation sees the light of day, it means that Eric can no longer interfere with the Opposition's work. Let us look at the definitions - I understand that 'interfere with' means he cannot 'adulterate, attach to, climb onto, deface, disable, mark, lock, impede, obstruct, paint, sabotage or tamper with' his colleagues over there in any shape or form in the carrying out of their duties. Look out, Mr Abetz. He will be the first one on the hit list in interfering with people who are doing their jobs.

**Mr Booth** - You couldn't define that as work, though, Mr Best.

**Mr BEST** - There is some loose terminology. Let us go to the most profound statement of the week. I know we are not supposed to refer to earlier debates but I will say that we often see profound statements outside our churches and such. The profound statement of this bill would have to be:

'For the avoidance of doubt, a workplace includes any place where a person is employed.'

Thank you, that is a very profound statement in the bill. Another one is 'secretary' - apparently that means a 'natural person'. I do not know what happens if you are an unnatural person. What about a person who performs 'gratuitously'? I am not sure what that means, but I heard the Deputy Leader have a rant about this being about protecting people's jobs. I have a very good memory on some issues and one of those reminds me of the APPM dispute and how great it was that we saw the mighty Liberal Party in government during that time protecting people's jobs. Well, yes, they did. I think they sent either 100 or 200 police officers by bus to Burnie to protect the scabs going into that mill and to prevent the other workers who had worked there, some of them for most of their lives, from being able to attend to their jobs. They turned up to work but the party that protects people's jobs had 100-200 police officers there to stop ordinary workers attending their jobs in that plant.

I think this is the biggest joke of all. We had the Leader of the Liberal Opposition make shameful comments about wasting time in this House on issues that he felt were of no significance, important moral issues facing Tasmania and Tasmanian families. He cited that as being a waste of parliamentary time, yet he sees fit to bring in a piece of useless legislation. Not only would it not work, not only is it drafted in the poorest manner I have ever seen and a poor reflection on the legal attributes of the members on that side, and the skills that they have, but I also believe it is a ridiculous piece of legislation. We had to sit through Mr Gutwein's contribution and he ranted about how important this was and in my mind he was championing legislation that had no hope.

I think it is important that I make these points because they are very important for Tasmanians. Tasmanians need to be aware and look out and learn what this tribe over here is up to because, as the Premier said, it is the emperor in new clothes. The Tasmanian community needs to be aware of what they are in for. They are in for a party that refuses to accept what is occurring in the native timber industry and the marketplace changes that have occurred. They are not prepared to be honest with people in the timber industry and would rather whip up hysteria for their own benefit rather than being honest with those people. There would be no intergovernmental agreement to protect workers in the timber industry, so they would be left on

their own. Yet over there we have that Deputy Leader talking about protecting people's jobs. There would be no comfort for people in the forest industry if they were in control.

Even worse, as I have said before, 70 000 Victorians would be paid \$2 500 each. How insane is this party over here? They would have no money to pay anybody in the forest industry anything to do with adjusting their workplace as to how they may redefine themselves into other employment. As we know, the Tasmanian economy is transitioning itself and we have heard much about that over recent times, including the mention of what is happening with developments in and around the airport today.

The fact is that they are a party in denial. I am certain that they will be exposed for the fraudulent behaviour that we have seen, for the lack of depth in policy, for the ranting and the cheapness, really, on moral issues that we have seen in this House and disgraceful contributions we have seen from somebody who purports to be a leader of some mature party that clearly has no interest in protecting people's jobs, none whatsoever, other than their own. They are the party of selfishness, we have seen that.

John Howard proved that he had no understanding of Australian mateship through his prime ministership and how mean he believes Australia should be. I would say to the credit of ordinary Tasmanians and Australians, for that matter, that they have had enough sense to realise over time and to see through the shallowness of some of the nonsense that goes on from the ridiculous philosophies and ultra right-wing policies that we see from the Liberal Party from time to time.

For people from that side of the House to chant a chorus about protecting people's jobs, dear me, what short memories they have. This is the party that sends in the police to arrest ordinary working Tasmanians who just want to go to work; they wanted to go back to their jobs and be paid for the work they perform. This is the party that would have no hesitation in doing these things again. They would send the police in and stop people from going to work. They would let scabs do other people's work because that is what they believe in and, make no mistake, if they are prepared to pay 70 000 Victorians \$2 500 of Tasmanian taxpayers' money and come up with stupid policies of saying they are going to provide a cancer facilities on the north-west coast with just \$7 million and all this other nonsense that they go on with -

**Mr Rockliff** - Don't you talk about cancer services.

**Mr BEST** - No, you have been caught out and you know it and that is the problem for you. You are appalling -

**Mr Rockliff** - No, you are.

**Mr BEST** - It is quite sad, really. I think that you will be exposed for the fraud you are. It is not going to be very long down the track before people will be fully aware - and you will soon expose yourself anyway - as to your inability. We have seen that with Tony Rundle and others. We have seen that with Robin Gray and, at the moment, what we are seeing from this Opposition is Robin Gray economics 101 where they promise everything, promise the world to everyone. 'Oh, you want this? No worries, we'll get it for you; we've got the open cheque book.' That is code for borrowing beyond your means and placing Tasmania into a terrible debt scenario that nobody can afford.

I will not be supporting this ridiculous bill. I would be very embarrassed if I was over there. I would certainly be more embarrassed if I was a member over there with legal experience and having approved in the party room this sort of bill coming into this House. Obviously they have not read it or if they have, they need to go back to university and study law again because what has been drafted here really is an outrage to Tasmanians, an embarrassment for the Parliament and an embarrassment for the Liberal Party. It is a failed bill, a failed document, it does not make sense, it is almost offensive in place and if it was to work, which I am certain it never would, Eric Abetz would be in serious trouble.

[5.46 p.m.]

**Ms ARCHER** (Denison) - It is lucky that this side of the House have had really thick skins today because the level of debate and the contributions today I think have stooped to a new low. There have been personal attacks and bullying and we are talking about an amendment to the Workplace Health and Safety Act. Speaking of bullying, some of you over there should really take the time to read this piece of legislation because it talks about providing a safe work environment for workers. It talks about safe systems of work. It talks about providing safe conditions, safe plants and substances at work.

We do not profess, in opposition, to be able to produce a flawless bill. That is not what this is about, but it surprises me that the Labor Party will not even support this bill in principle or even offer to work with us on amendments, and you are supporting the position that has been espoused by some of the Greens members. The Greens member for Denison and minister, Ms O'Connor, stopped short of stating that she supports unlawful protests. There was a very strong inference there and I will not verbal her by saying she said she supported unlawful protests, but what I will say is that she stopped short of admitting that she supported unlawful protests.

In Tasmania we are lucky that we have such things as lawful protests. Therefore, our position is that people do not need to resort to unlawful protests and they certainly should not put people's livelihoods or, worse still, their lives or their own lives or their own livelihood, for that matter, at risk by unlawful protests. It is disgraceful that you will not even support this bill in principle. In fact, the Premier said in question time yesterday that she was working on this and would be introducing a bill into this House herself. So you will not even admit that you are looking at the issues yourselves. You will probably be hypocrites and come back to this House later in the year with something that essentially does what we are doing in this bill in principle and say, 'Oh, but it's okay now', because Labor and the Greens will support each other in this House, come hell or high water -

**Ms O'Connor** - You know that's not true.

**Ms ARCHER** - It is. It is amazing that Labor is prepared to back the Greens in their opposition to this bill. Many times you have said to us to come to this House with something that is constructive. This bill, in our view, is constructive because we are trying to put a stop to unlawful protests and putting people's lives and livelihoods at risk by ensuring that there are penalties for this sort of behaviour.

**Mr Best** - You don't need it. You're just admitting that the protests are unlawful.

**Ms ARCHER** - We do. The one thing that I will agree with in this debate, putting on my hat for shadow minister for police and emergency management, is that Tasmania Police do an incredibly good job in very difficult circumstances -

**Mr Best** - Hear, hear.

**Ms ARCHER** - particularly when their numbers and resources are being cut. They are having to go down to the wharf areas and other areas and, out of their own budget, put up the money for crane hire to remove these people who have been unlawfully protesting on our wharves. I think that is an unnecessary burden on the Police budget and it should not be happening.

**Mr Best** - But those protests are unlawful now, aren't they?

**Ms ARCHER** - They are unlawful protests. It is about increasing the penalties for this sort of behaviour and in our view it is needed. I will highly support the police in their efforts to assist in the prosecution of these individuals. We have such things as lawful protests in this State and there is absolutely no need for unlawful protests. That is what you are doing by opposing this bill; you are supporting unlawful protests in this State.

As I have stated, and I will reiterate so that there is absolutely no doubt, the Liberals support legitimate and legal protests.

**Mr Best** - You didn't in Burnie. You sent 100 police officers there.

**Ms ARCHER** - We are talking about here and now and what we are trying to achieve with this bill, which is constructive. Instead, you are nitpicking at words. Yes, there is a typographical error, but that has been found in some of your bills before, too. You have had your staff sit there and say, 'We want to find a reason to oppose this bill so we need to go through it and find spelling errors. Oh, that paragraph is not in the right place' - that is a ridiculous waste of your resources. You are talking about the fact that we have lawyers on this side of the House. We do, and I am one and I proudly say that I have practised in workplace relations. I have worked with the Workplace Health and Safety Act, but to suggest that I am a parliamentary drafts person is ludicrous. I alluded in an interjection earlier to the fact that the Greens, prior to getting into government and becoming ministers and having the resources of a government minister, supported the use of Parliamentary Counsel for opposition members.

**Ms O'Connor** - We still do.

**Ms ARCHER** - Well, deliver on it then. I will happily support you in that.

**Mr McKim** - Well, bring a motion to the Parliament and we'll support you.

**Ms ARCHER** - You like to nitpick at our bill but you fail to see the reason we are putting this bill up.

*Members interjecting.*

**Mr ACTING SPEAKER** - Order.

**Ms ARCHER** - The public has to have confidence in the law. They need to have confidence also in parliamentarians and ministers of the Crown. I think it is rather odd to come into this place and talk about people who have broken the law and unlawfully protested in the past, and



somehow say that is okay because they are doing it for the love of something. That was in the Greens member for Denison, Ms O'Connor's contribution. I question why you would come into this place and be a parliamentarian, an elected member who makes the laws, if it is okay to break the laws. Why do we bother? I think that was the most ludicrous statement to make in this House, particularly being a minister of the Crown and supposedly upholding the law. Perhaps Ms O'Connor might want to explain exactly what she is doing in this place if she does not think we need to be making laws. I raise that point because I find it an astonishing statement.

Of course we would not need this legislation in the current climate if the Greens called off the protesters, because they are largely your supporters. We have mentioned that before but we are not going to have peace in the forests unless the protesters -

**Mr Sturges** - They should just call this the Green Protest Bill.

**Ms ARCHER** - Basically that is the situation we are faced with at the moment. We have these protests, we have ministers of the Crown basically supporting people and saying that they every right to protest, even when it is an unlawful protest, instead of saying, 'Look, step back; we only support people who are lawfully protesting'. It is encouraging dissent and abuse of the law. Really, in this place we should be upholding the law and fully supporting it.

**Ms O'Connor** - I wonder how Gandhi would have responded to a puerile lecture like that.

**Ms ARCHER** - It is not a puerile lecture. We have been getting puerile lectures all day that we are somehow bad -

**Ms O'Connor** - You haven't had a good day, Ms Archer.

**Ms ARCHER** - What about respecting the fact that people have different views on different topics?

**Mr McKim** - Don't come in here after voting down marriage equality and talk about respect for different views.

**Ms ARCHER** - Yes, exactly, respect for different views. There are two sides to every argument and the lack of respect that you have shown in this House today for some people's views is a disgusting display of behaviour.

**Mr ACTING SPEAKER** - Ms Archer, please make your comments through the Chair so as not to incite interjections.

**Ms ARCHER** - Sorry, Mr Acting Speaker. I would like to finalise my contribution by calling on the Labor Party to reconsider their position on this matter. I find it quite astonishing that they do not support the principle of this bill. As we have been told by the Premier herself this week in question time, it is something they are looking at. I think it would be a gross act of hypocrisy if they were to introduce to this House a bill later in the year which essentially does what this bill aims to do.

[5.58 p.m.]

**Mr McKIM** (Franklin - Minister for Education and Skills) - Mr Acting Speaker, in the very short period that is left to me I want to address this issue about lawful versus unlawful protests.

Over the years we have seen draconian laws brought in. For example, in Joh Bjelke-Petersen's Queensland you could not gather in groups of four or more people. That was a law and I respect and support people's capacity to protest against those laws. If the Liberal Party had its way they would have tried to lock-up two-thirds of the population of Libya, which has just overthrown one of the most tyrannical dictators that we have seen on the planet in recent times. They would have locked up Mahatma Gandhi, Jesus Christ, Rosa Parks and Nelson Mandela. That is the sort of draconian attack on free speech and democracy that is encapsulated in this law which the Liberal Party has tried to bring into this Parliament today.

They should be absolutely ashamed of themselves for bringing in, one, such a sloppily drafted bill and, two, a bill with such malign intent as this one. I will never, while I have breath in me, stop campaigning against this kind of draconian attack on freedom of speech, freedom of expression and democratic right to protest. We will vote proudly against it.

### **The House divided -**

AYES 9

Ms Archer  
Mr Brooks  
Mr Ferguson (Teller)  
Mr Groom  
Mr Gutwein  
Mr Hidding  
Ms Petrusma  
Mr Rockliff  
Mr Shelton

NOES 13

Mr Bacon  
Mr Best  
Mr Booth  
Ms Giddings  
Mr Green  
Mr McKim  
Mr O'Byrne  
Ms O'Byrne  
Ms O'Connor  
Mr O'Halloran  
Mr Sturges  
Ms White (Teller)  
Mr Wightman

### **PAIR**

Mr Hodgman

Mr Polley

**Second reading so negatived.**

### **ADJOURNMENT**

### **MILITARY ANNIVERSARIES**

[6.05 p.m.]

**Mr BROOKS** (Braddon) - I want to talk about September as part of my veterans' affairs shadow portfolio. This month many of us would have spent some time remembering the terrible events that occurred in New York, Washington and Pennsylvania on 11 September some 10 years ago. Some may remember what they were doing and where they were at the time. I was in the township of Leinster, a nickel mining town. No doubt there are some feelings of anger, sadness and loss in the community and across the globe and jockeying with feelings of respect and admiration for the bravery and courage shown by so many, both then and now. It is evident that the consequences of that day still play out today.

I would like to record my own small tribute to all those affected by the momentous events of that terrible day. September is quite a significant month regarding contributions made by many Australians. One is further away in time but also marks the days of fear and acts of courage and the memory should not be lost to us. According to the records of the Australian War Memorial the month of September marks the days when 19 Australians were awarded Victoria Crosses for gallantry in the field of war. Amongst those September recipients were three Tasmanians. On 1 September 1900, Trooper John Bisdee and Lieutenant Guy George Wylly, both of the First Tasmanian Imperial Bushmen, won the Victoria Cross at Warmbaths, South Africa. On 26 September 1917, Sergeant John J. Dwyer of the Fourth Machine Gun Company won the Victoria Cross in Belgium. The personal stories of each of these men make for compelling reading. John Bisdee, the first Tasmanian to win this distinguished honour, had a highly successful military career before eventually retiring to his rural property, as did Guy Wylly who, amongst other senior positions, served as aide-de-camp to King George V. John Dwyer was elected to the Tasmanian House of Assembly in 1931 and served as Deputy Premier of Tasmania from August 1948 to May 1959, remaining in office until his death in 1962.

The month of September marks too many events of significance in our military history. On 17 September 1918, the First and Fourth Australian divisions were successful in breaching the forward edge of the Hindenberg Line, a main German defensive line in France. On 3 September 1939, Prime Minister Robert Gordon Menzies announced the beginning of Australia's involvement in the Second World War. Almost 12 years later, on 8 September 1951, the peace treaty of the Second World War was signed with Japan. On 28 September 1950, the Third Battalion of the Royal Australian Regiment arrived in Korea in support of the United Nations forces against the retreating North Koreans. On 12 September 1955 the Second Battalion of the Royal Australian Regiment arrived in Penang, Malaysia, as part of the Far-East Strategic Reserve and on 21 September 1971 the Battle of Nui Le was the last battle fought by Australians in South Vietnam before the final withdrawal took place.

The reason I am citing all these events is not simply to show off my interest in battle dates or military history but to draw attention to the fact that on this day in September, as on every day of every month, some 59 000 full-time active duty Australian servicemen and women are looking after our interests somewhere in the world. As we all know, they are doing their jobs regardless of whether they receive public acknowledgement or commendation. They are there regardless of whether people learn their names or know of the individual sacrifices that they make. They are there because they are committed Australians. I would like to, once again in this place, record my absolute gratitude and support to all those fabulous men and women who are serving us in this way.

In closing, I would like to note that a major exhibition on love and war which looks at the impact of war on personal relationships and the ways in which Australians incorporated affairs of the heart into their wartime lives, will be on display at the Queen Victoria Museum and Art Gallery in Launceston, commencing 1 October. I am sure this will be a hugely popular event and I would encourage everyone to go along and visit and maybe get a different insight into some of the very personal challenges faced by our service personnel, especially those serving in arenas of conflict.

I could suggest creating an exhibition of love and politics, but I guess we have tried that already today and it lasted for the first half question, I suppose. Whilst we debate things in here, we can do that because of the freedoms provided from the sacrifice of many other Australian men and women of the Australian Defence Force. September is a significant time and there is public

debate at the moment around Teddy Sheean and whether he should be retrospectively awarded the Victoria Cross. He would be the first Australian sailor to be awarded the Victorian Cross if he receives it. My personal opinion is that he deserves it and he should be given it.

It is important that we remember the brave men and women who are in harm's way at the moment, protecting the freedoms that we enjoy today. With that, we wish them well from this side of the House.

## **RECOGNITION OF HOMOSEXUALS IN FRONTLINE SERVICES**

[6.12 p.m.]

**Mr GREEN** (Braddon - Deputy Premier) - I thought that was a very good contribution and I think it would reflect what most people are thinking in the House on a day-to-day basis, as the current Veterans' Affairs minister would, I am sure, acknowledge.

**Ms ARCHER** - Alas, you are agreeing with him.

*Members laughing.*

**Mr GREEN** - I acknowledge that and I acknowledge his own service. He obviously thinks about it a lot and I respect and appreciate it. I know that the previous Veterans' Affairs minister, Graeme Sturges, set up the initial advisory council, now very appropriately and competently handled by the current minister, Scott Bacon.

As I was sitting there listening to what you had to say, particularly reflecting on the debate we have had with respect to marriage and equality, the September 11 event provided the world with a different perspective on significant relationships because many of the firefighters involved and many of those who died as a result of the collapse of the twin towers were in fact gay men. As a result, it sharpened people's focus on the inability for the partners of those people to get appropriate recognition as a result of those people losing their lives in September 11. It sparked a lot of debate around the world on significant relationships and how you handle that important issue. It is very timely and it made me think about the debate we have had in the House today and how we should reflect on that. Even in the armed services, the recognition given to people serving in military theatres around the world, including from the United States and the issues associated with gay men and women working and serving their countries, all came to the fore. Once again it highlighted just how careful we need to be, as citizens, when it comes to issues associated with discrimination. I thought the debate we had today about equality in marriage was very useful from the point of view of allowing us all to understand that we have to be so careful when it comes to those issues.

## **TERRAPIN PUPPET THEATRE**

[6.14 p.m.]

**Ms PETRUSMA** (Franklin) - Mr Acting Speaker, since today is the International Day of Peace, I thought tonight I would speak about love - as in the Terrapin Puppet Theatre production of *Love* that I had the pleasure of going to on the weekend. I have actually had the pleasure of going to a few Terrapin productions now - for example, *When the Pictures Came* and *The*

*Gatekeeper.* Members who have never been to a Terrapin Puppet Theatre production probably do not have kids young enough to take along, but I can lend you a few if you like.

*Members laughing.*

**Ms PETRUSMA** - I would encourage you to go along. They are actually wonderful. Terrapin are embracing a lot of new technologies. They are really going down the IT path so visuals are also incorporated into the show. Because it is International Day of Peace I thought I would read the director's note on what love is.

'Love is a big word. Many stories deal with love as a core theme, yet somehow it is a tough concept to write an entire show about. When I invited the artistic team to be involved in this project I knew that I wanted to create a show that was about the love that binds families together - that deep, pit-of-your-stomach love you have for little people, and they for you.

To begin this creative journey, every member of the artistic team was asked to take us into their home and create a love nest. What followed was a moving week where we shared family stories, some hilarious, some tragic, but all wonderful. We discovered new parts in old friendships and were touched by the intimate details of people we thought we knew.

These stories then went into the magic machine, that is the writer, Finegan Kruckemeyer, who then mixed them with his own musings, turned them upside down, put in a dash of the real world and out popped love.

For the outsider, the inspiration is not important but on stage you will see characters and events that are inspired by - and I really mean 'inspired', not based on - some real events, some not-so-real events and also some very contemporary real-life occurrences.

After we had all told each other what love meant to us personally, what emerged was something very clear. The shape in which this love manifested itself for each person was in the form of a great story. Each member of the artistic team became animated by the power of the emotion that drove the story they were telling. The love they felt was distilled down into a wonderful story full of their personal theatrical flourishes as they relived and shared what was so important to them.

The show may be called *Love* but it is equally about the stories that love evokes and leaves in its wake. It is the story about the relationship between love and the role of stories in our lives. It certainly was a lot of fun to make and we hope you love it like we do.'

The production was set during the Queensland floods and it was a story about a little boy who had lost his dad, going around when a big cyclone was hitting the town, trying to encourage people to take a love possession with them. It was quite a very moving story. My kids loved it; they actually had a cry, but it was a good ending so everything was okay. I encourage you if another Terrapin production comes around to go and see it.

## MOUNT STUART KINDERGARTEN BUILDING

[6.22 p.m.]

**Ms ARCHER** (Denison) - I am regretting I did not go to that because I had a bit of a clash in my diary. I did attend a Terrapin Puppet Theatre production - I think last year - and it was fantastic; it is not just for children.

I wanted to follow up an issue I raised earlier this year. The Minister for Education responded after I did another letter as well. It is in relation to the old Mount Stuart Kindergarten building and site, located at 7 Raymont Terrace in Mount Stuart. I raised this previously and raise it now on behalf of the Mount Stuart Progress Association, who have obviously been lobbying quite hard for this site, which has been vacated, to be retained. At the moment, of course, it has been declared surplus to the requirements of the Department of Education. That has been confirmed in a letter by the Minister for Education, Mr McKim, to myself. There is never a date on these letters but I received it on 1 September 2011.

I wanted to read the essence of that letter into *Hansard* so that the minister can then respond to a few comments from my constituents. Paragraph 3 of that letter states, and I quote:

'You asked in your letter about the initial acquisition of the land. A review of the department's records has revealed that the land on which the former kindergarten is located was purchased by the Crown from the Hobart City Council on 22 November 1950 for £275.'

My, things have changed -

'The kindergarten building was subsequently constructed in 1952. Community consultation in regard to the sale was conducted in the form of direct liaison with community members. There is always significant interest from the general community to retain assets for community use.

Retention of surplus buildings by government departments and agencies places increased pressure on limited resources, including maintenance funding, and has significant implications on deferred maintenance liabilities, recurrent operational costs, and limits the effective use of government assets. Funding from the sale of this site is an essential component of funds that were recently allocated to the Mount Stuart Primary School.

Funds from the anticipated future sale of the building have provided the children attending Mount Stuart Primary School with a new purpose-built facility which includes a new multipurpose building that provides facilities suitable for community use.

I have been advised that the Mount Stuart Primary School welcomes community involvement in the school and readily offers space for use by community groups. I would like to provide an assurance that the disposal of the building will be completed in accordance with the Crown Lands Act 1936 and established Treasury protocols.'

I note that funds from the anticipated future sale appear to have been used so the minister may wish to respond to clarify exactly how much has been attributed to the Mount Stuart Primary School in anticipation of the funds from the sale of that site.

In relation to the direct reference in that letter to the community having been consulted, I certainly provided a copy of that letter to the Mount Stuart Progress Association and their response has been that there has never been any consultation with the community about the former kindergarten, unless you consider that a meeting of two residents with two bureaucrats for 30 minutes was consultation - that is what they say. They also say that the community does not consider it was sufficient. They go on to say that Lin Thorp twice said she would come to an AGM or send a representative but did not, and they also say that the current minister has never spoken to them. This is also the first they have ever heard about the land being bought from the HCC back in 1950 and they will certainly check that with the council.

Although I do not have a direct question other than the anticipated future sale and what funds have already been provided to Mount Stuart Primary School, I thought the minister may wish to respond to this when he sees it on *Hansard*, certainly in relation to clarifying exactly what consultation did occur and with whom, because I think the Mount Stuart Progress Association has every right to say that consultation with only two members of the community is not really consultation.

#### **SPORT - NTFL GRAND FINAL**

#### **SPORT - YOUTH COMMONWEALTH GAMES**

[6.23 p.m.]

**Mr ROCKLIFF** (Braddon - Deputy Leader of the Opposition) - I rise to acknowledge some of the sporting achievements of recent times on the north-west coast. It was a very great pleasure to attend the NTFL grand final at Latrobe on the weekend -

**Mr Sturges** - Go the Dees!

**Mr ROCKLIFF** - Go the Demons - that is right, Mr Sturges - they did a fantastic job. I was there with the Leader of the Opposition, Will Hodgman, and my colleague from Braddon, Adam Brooks and about 5 500 other people. It is great to see local football doing so well; it really is very positive. Even though I am a member of the Latrobe Football Club and a former president, I also commend the Penguin Football Club for putting up a great show. I do not think many people would have expected them to get so far in the season - the old Two Blues - and they put up a great fight to go down by just four points.

It just highlighted to me the value of local footy and the contribution that local football teams make to the community. There is an enormous amount of effort that goes into putting a team on the field and it is quite an emotional experience when you see some of the volunteers. Jill Clark was one who was in tears after the game and I know how much work she puts into the footy club. There is a tremendous effort by all the volunteers from the club president, Peter Freshney, down. Peter has done a wonderful job of president in the last couple of years and before that he was vice-president. He has been a tremendous asset to the club and has demonstrated great leadership, which has been reflected in all the volunteers. So much work goes into putting a footy team on the field and it was just great to see Latrobe win back-to-back premierships.

I want to make mention of those players on the field and the reserves as well. I want to pay tribute to retiring Demon Matthew Langmaid. Matthew has only been with the club for a couple of years but has shown tremendous leadership on the field and is a great communicator, motivator and team person. Even though we got Matthew from Devonport where he made a fantastic contribution to that club as well, we were very fortunate to have Matthew join us and we wish him well in his footy retirement. I also want to pay tribute to the club coach, Dale Perry, who has been with the club for a couple of years and thoroughly deserves the success he has achieved. He has a long list of achievements prior to coming to the Latrobe Football Club as coach but I do not think too many people would forget the famous photo of Dale on the front page of the *Advocate* last year when the Latrobe Demons won their first premiership in 28 years, with the great Darrel 'Doc' Baldock presenting the trophy to him. It is a great photo that has been reprinted many times. I think the Doc played a few games with New Norfolk and was a coach at one time as well, including when he was a member of parliament, from memory. A wonderful Tasmanian.

**Mr Sturges** - On the right side, too.

**Mr ROCKLIFF** - I also want to pay tribute to Georgina Carswell of Ulverstone, who was recently awarded a prestigious \$4 000 tennis scholarship at Pepperdine University in the United States. Georgina, who recently trained with newly-crowned world champion Sam Stosur at the national tennis academy in Brisbane, is a great local talent and I am sure we all wish her every future success.

I also want to pay to tribute to Latrobe boxers Dylan Hardy and Jackson Woods, who won gold and solver medals respectively at the recent Youth Commonwealth Games. Dylan, who is the reigning three-times Australian youth middleweight champion, and Jackson, who is the reigning Australian youth flyweight, together with Dylan Cooney, also of Latrobe, are three of the seven-strong Australian team. There must be something in the Latrobe water, perhaps, that produces such fantastic champions. The north-west coast is famous for its champions -

**Time expired.**

**The House adjourned at 6.29 p.m.**



## QUESTIONS UPON NOTICE

The following answers were given to questions upon notice:

### **100. McCAIN COMMUNITY TASK FORCE**

**Mr HODGMAN** asked the Minister for Economic Development -

- (1) In relation to the McCain Community Task Force, what is the status of the study into the cost differences between Tasmanian and New Zealand vegetable processing?
- (2) How much has been spent on this study?
- (3) What are the key strategies and outcomes from this study?

**Mr O'BYRNE** replied -

- (1) This study has been completed. An initial report was prepared by the Department of Economic Development, Tourism and the Arts which was presented to the McCain Task Force in December 2010.

A stage 2 report was commissioned with additional funding from the department to engage a consultant - undertaken by Davey and Maynard Agricultural Consultants. The purpose of the second report was to provide further detailed analysis on several of the comparative points of the initial study. This provided more accuracy and understanding of the results, as well as a gross margin spreadsheet showing the production points of greatest difference. The Davey and Maynard report looked at on-farm costs of production in Tasmania and New Zealand for potatoes, beans, carrots and peas. It did not consider processing costs, which reportedly make up 40 to 50 per cent of the ex-factory price of processed vegetables.

- (2) Total cost spent on study was \$28 909. (\$10 000 was initial allocation from task force).
- (3) The key findings of the report include:
  - Crop income in New Zealand is around 40 per cent lower on average than in Tasmania.
  - Costs of production per hectare are around 35 per cent less in New Zealand than Tasmania (varying considerably across vegetables).
  - Costs of production per tonne are around 21 per cent less in New Zealand than in Tasmania, varying from 1 per cent less for carrots to 34 per cent less for peas; and differences are affected by yield.
  - New Zealand has both lower gross margins and net margins than Tasmania. The gross margin per hectare is around 50 per cent less in New Zealand than in Tasmania - a range from 41 per cent less for potatoes through to 73 per cent less for carrots. The net margin per hectare for the selected crops is around 80 per cent less in New Zealand than in Tasmania with a range from 62 per cent less for potatoes through to 100 per cent less for carrots.

This means that Tasmanian processed vegetable growers often receive better prices for their product than New Zealand growers and are higher cost producers. The information collected by Davey and Maynard suggests that some prices received by growers in New Zealand from processors may not be sustainable. The report also cautions that production costs will vary considerably by farm, crop, location and season.

Further to the high costs of production and more significant margins for Tasmanian growers, their relatively small size inhibits the benefits that could be achieved by economies of scale. Having said this, the report also found that Tasmanian growers are efficient, productive and offset economy of scale issues to some degree by using contracted services such as harvesting.

The report concluded that:

- Without a significant reduction in wages or a devaluation of the Australian dollar Tasmania is unlikely to be able to equal New Zealand's lower production costs.
- To become more competitive Tasmanian growers need to be able to lower their cost of production per tonne and/or develop business models that can survive lower prices and lower margins. The cost of production per tonne can be reduced by either increasing yield relative to cost, or reduce input costs without losing yield.

The consultant suggested possible areas for further investigation including:

- Ongoing research, development and extension aimed at improved crop yields.
- Identifying reasons for the lower fertiliser prices in New Zealand.
- Investigate how to reduce fertiliser inputs.
- Lowering irrigation costs.
- Reducing potato seed costs.
- Investigating the potential for high volume potato harvesting systems in Tasmania.

The consultant recommended further research should be undertaken in relation to business models that can potentially operate profitably with lower margins. For example:

- Larger scale businesses through increased land ownership, land leasing or some form of cooperative farming operation.
- Better integration of enterprises - crops/farming activities - to produce an overall business profit despite inclusion of some lower returning enterprises.

Both reports were presented to the McCain Task Force and to the Minister for Primary Industries. We are aware that some industry operators have already used the information to guide business decisions.

## **101. DEPARTMENT OF ECONOMIC DEVELOPMENT, TOURISM AND THE ARTS - GOVERNMENT BOARDS**

**Mr HODGMAN** asked the Minister for Economic Development -

- (1) What boards come under the umbrella of the Department of Economic Development, Tourism and the Arts, and what are their purpose and functions?
- (2) How many members are on each board?
- (3) What amount, if any, was paid to each board member for their service on the board, including any allowances et cetera, for the 2010-11 financial year?
- (4) Are there any other additional costs associated with the operation of each of the boards?
- (5) If so, what are such costs and what is the amount incurred for the 2010-11 financial year?

**Mr O'BYRNE** replied -

- (1) The boards that come under the umbrella of the Department of Economic Development, Tourism and the Arts are:

#### **Tasmanian Development Board**

The Tasmanian Development Board is responsible for the economic and industry development related activities of the Department of Economic Development, Tourism and the Arts. The board's primary focus is the creation of investment and associated employment. The board has specific areas of responsibility set out in the Tasmanian Development Act 1983 and governs the legal entity Tasmania Development and Resources.

Members of the Tasmanian Development Board are appointed pursuant to section 5(3) of the Tasmanian Development Act 1983.

#### **Tasmanian Arts Advisory Board**

The Tasmanian Arts Advisory Board was established under the Tasmanian Arts Advisory Board Act 1975 to provide arts policy and funding advice to the State Government. The board comprises members, appointed by the minister, from various sectors of the arts and wider community.

The board advises the Minister for Arts on arts policy and funding matters, makes recommendations to the minister on the allocation of arts grants and loans provided by the State Government to develop the arts and provide arts activities for the community, and monitors the performance of grant and loan recipients through six meetings annually and by attending arts events.

#### **Screen Tasmania Board**

The Screen Tasmania Board makes funding recommendations and provides the industry expertise on matters of policy and strategy in contributing to the growth of Tasmania's screen industry. The board is appointed by the Minister for the Arts and comprises representatives across various sectors of the industry, including film and television and new-media.

## **Tasmanian Renewable Energy Industry Development Board**

The Government formed the Tasmanian Renewable Energy Industry Development Board - TREIDB - with a primary task '... to develop and recommend to the Government a Renewable Energy Strategy for Tasmania'. TREIDB was established as an 'advisory committee' of Tasmania Development and Resources under section 31 of the Tasmanian Development Act 1983. Under this operating model, the Tasmanian Development Board delegated to the TREIDB the authority to make recommendations directly to government on all the issues within its terms of reference.

On 29 August 2011 the Minister for Energy Bryan Green and Minister for Economic Development David O'Byrne released the Tasmanian Renewable Energy Industry Development Board's advice to the Tasmanian Government on a renewable energy strategy for Tasmania.

The emerging national policy agenda, advice from the Tasmanian Renewable Energy Industry Development Board and the findings of Electricity Supply Industry Review - that is scheduled to report in December 2011 - will all inform the Tasmanian Government's strategy for developing the sector.

Policy and priorities for action will be determined by the Tasmanian Government and implemented via the Economic Development Plan launched by the Tasmanian Government on 26 August 2011. A Renewable Energy Sector Summary within the Economic Development Plan outlines the Tasmanian Government's initial priorities that have been informed by early advice from TREIDB.

The TREIDB has completed the task set by government and will formally wind up its work at a final meeting on 5 September 2011.

## **Tourism Tasmania Board**

The Tourism Tasmania Board was established under the Tourism Tasmania Act 1996 to lead the industry in delivering marketing and development programs that drive benefits for Tasmania from domestic and international tourism. The board comprises members, appointed by the Governor on the recommendation of the Minister for Tourism, with the industry expertise and skills necessary to enable Tourism Tasmania to achieve its objective. One board member is appointed on the nomination of the Tourism Industry Council of Tasmania.

## **Tasmanian Innovations Advisory Board**

The Tasmanian Innovations Advisory Board (TIAB) was established in 1999. Historically, its key roles have been to administer the Tasmanian Innovations Program (TIP) including the assessment and approval of applications for funding under TIP and associated programs such as the Research Partnership Program, and to advise Cabinet on innovations policy and its implementation. The TIAB was dissolved in December 2010.

(2)

<b>Board</b>	<b>Number of members</b>
Tasmanian Development Board	9 (including Mark Kelleher - HoA)

Tasmanian Arts Advisory Board	11
Screen Tasmania Board	7
Tas Renewable Energy Industry Board	6 (including Mark Kelleher - HoA)
Tourism Board	7 (including Mark Kelleher - HoA)
Tasmanian Innovations Advisory Board	7 members up until board was dissolved in December 2010.

(3)

<b>Tasmanian Development Board</b>			
Name	Remuneration/Sitting Fee	Allowances	Total Paid for 2010-11 FY
Annells, Robert	28 028.26	0.00	28 028.26
Cox, Lynley	10 564.50	0.00	10 564.50
Gillooly, Peter	28 028.26	0.00	28 028.26
Grainger, Michael	28 028.26	0.00	28 028.26
Nylander, Keryn	28 028.26	0.00	28 028.26
Roger, Denis (Chair)	49 961.86	0.00	49 961.86
Torossi, Brett	28 028.26	0.00	28 028.26
Wilson, Robert	28 028.26	0.00	28.028.26
Mark Kelleher **	0.00	0.00	0.00
<b>Total</b>	<b>228 695.92</b>	<b>0.00</b>	<b>228 695.92</b>

\*\* employee of DEDTA

<b>Tasmanian Arts Advisory Board</b>			
Name	Remuneration/Sitting Fee	Allowances	Total Paid for 2010-11 FY
Bugg, Damian	0.00	0.00	0.00
Cochrane, Grace	1 500.00	268.70	1 768.70
Dennis, Sharon*	1 500.00	92.22	1 592.22
Eslake, Saul (Chair)	5 000.00	0.00	5 000.00
Fletcher, Nicole	1 500.00	1 192.11	2 692.11
Frost, Lucile	2 100.00	0.00	2 100.00
Harper, Lana*	1 500.00	0.00	1 500.00
Hough, Katherine**	0.00	0.00	0.00
James, Jeanette	0.00	163.03	163.03
Legg, Andrew	1 500.00	0.00	1 500.00
Roberts, Ian	1 500.00	867.52	2 367.52
Stacpoole, Lynne	1 500.00	329.36	1 829.36
Wolfhagen, Catherine	1 700.00	363.53	2 063.53
<b>Total</b>	<b>19 300.00</b>	<b>3 276.47</b>	<b>22 576.47</b>

\*no longer current board member

\*\*employee of DEDTA

<b>Screen Tasmania Board</b>			
Name	Remuneration/Sitting Fee	Allowances	Total Paid for 2010-11 FY
Baldwin, Hugh	2 102.00	0.00	2 102.00
Drew, Di	1 051.00	0.00	1 051.00
Graeme-Evans,	0.00	0.00	0.00

Posie			
Grubb, Colin	1 574.00	0.00	1 574.00
McConaghy, Fiona	1 051.00	0.00	1 051.00
Nasht, Simon	0.00	0.00	0.00
Reynolds, Margaret*	5 277.50	0.00	5 277.50
Rosen, Brian (Chair)	2 102.00	0.00	2 102.00
<b>Total</b>	<b>13 157.50</b>	<b>0.00</b>	<b>13 157.50</b>

\*\*no longer current board member

<b>Tas Renewable Energy Industry Development Board</b>			
Name	Remuneration/Sitting Fee	Allowances	Total Paid for 2010-11 FY
Bevan, Richard	6 875.70	196.27	7 071.97
Carre, Peter	14 534.00	0.00	14 534.00
Gill, Roger	14 534.00	0.00	14 534.00
Harrington, Phillip	14 534.00	0.00	14 534.00
Kelleher, Mark**	0.00	0.00	0.00
Rae, Peter (Chair)	29 885.18	3 052.19	32 937.37
Mark Fogarty	14 534.00	0.00	14 534.00
<b>Total</b>	<b>94 896.88</b>	<b>3 248.46</b>	<b>98 145.34</b>

\*employee of DEDTA

<b>Tourism Board</b>			
Name	Remuneration/Sitting Fee	Allowances	Total Paid for 2010-11 FY
Annels, Robert (ex Chair)	47 067.60	0.00	47 067.60
Currant, Simon*	28 135.90	0.00	28 135.90
Hunt, Grant (Chair)	3 086.40	0.00	3 086.40
Kirkpatrick, Wayne	28 135.90	2 287.88	30 423.78
Kelleher, Mark**	0.00	0.00	0.00
Mariani, Felicia* **	0.00	0.00	0.00
Mayell, Tony**	0.00	0.00	0.00
Seagram, Constance (Kim)	28 135.90	1 723.44	29 859.34
Stubbs, Alison	28 135.90	2 201.68	30 337.58
Torossi, Brett	23 049.80	0.00	23 049.80
Von Stieglitz, Juanita*	1 297.75	0.00	1 297.75
<b>Total</b>	<b>187 045.15</b>	<b>6 213.00</b>	<b>193 258.15</b>

\*no longer current board members

\*\*employees of DEDTA

<b>Tasmanian Innovations &amp; Advisory Board</b>			
Name	Remuneration/Sitting Fee	Allowances	Total Paid for 2010-11 FY
Edgerton, Diane	3 962.98	0.00	3 962.98
English, John (Jack)	3 962.98	0.00	3 962.98
Field, Michael	8 492.26	0.00	8 492.26

(Chair)			
Mitchell, Graham	3 962.98	0.00	3 962.98
Sauer, Robert	3 962.98	0.00	3 962.98
Williams, David	3 962.98	0.00	3 962.98
Wilson, Jayne	3 962.98	0.00	3 962.98
<b>Total</b>	<b>32 270.14</b>	<b>0.00</b>	<b>32 270.14</b>

(4) Yes, there are additional costs.

(5) Additional costs for each board are listed below:

<b>Tasmanian Development Board Additional Board Costs</b>	<b>Amount</b>
Board Meeting Costs	8 437.90
Sundry Expenses	152.86
Supplies and Consumables	1 730.58
Travel and Transport	10 232.70
<b>Total</b>	<b>20 554.13</b>

<b>Tasmanian Arts Advisory Board Additional Board Costs</b>	<b>Amount</b>
Board Meeting Costs	1 967.43
Travel and Transport	1 438.50
<b>Total</b>	<b>3 405.93</b>

<b>Screen Tasmania Additional Board Costs</b>	<b>Amount</b>
Board Meeting Costs	1 597.68
Sundry Expenses	251.00
Travel and Transport	2 111.12
<b>Total</b>	<b>3 959.80</b>

<b>Tas Renewable Energy Industry Development Board Additional Board Costs</b>	<b>Amount</b>
Board Meeting Costs	9 719.458
Communications	61.73
Sundry Expenses	118.73
Supplies and Consumables	833.62
Travel and Transport	40 179.35
Chairman Personal Assistant (TREIDB related work only)	29 000.00
<b>Total</b>	<b>79 912.88</b>

<b>Tourism Board Additional Board Costs</b>	<b>Amount</b>
Board Meeting Costs	11 399.49

Communications	2 096.71
Sundry Expenses	1 598.00
Supplies and Consumables	9 592.44
Travel and Transport	33 132.38
<b>Total</b>	<b>57 819.02</b>

## 102. TASMANIAN DEVELOPMENT BOARD - LOANS

**Mr HODGMAN** asked the Minister for Economic Development -

- (1) How many applications for loans or other forms of financial assistance, if any, did the Tasmanian Development Board assess in 2010-11?
- (2) How many applications, if any, were successful and for what amounts, and for what purpose?
- (3) Did any applicants whose requests for funding or support that were refused by the Tasmanian Development Board receive any other form of government funding or other support in 2010-11?
- (4) Are there any bad debts for loans provided for by the board, and if so for what amounts and what is the total current level of bad debts?

**Mr O'BYRNE** replied -

- (1) The Tasmanian Development Board assessed nine applications for financial assistance in the 2010-11 year. Five were successful.
- (2) As at 30 June 2011 documentation had been executed and assistance provided regarding the following:
  - Grant \$1 million to assist with the building of a co-generation power plant at Simplot, Ulverstone.
  - Equity Investment \$300 000 for film production (\$288 000 paid as at 30 June 2011).

Documentation for two other successful applications assessed by the Tasmanian Development Board in the 2010-11 year totalling \$4.5 million in assistance has yet to be finalised.

A loan of \$6 million to assist with the purchase of the Triabunna woodchip mill did not proceed.

- (3) No.
- (4) A total of \$4.01 million has been recorded as an impairment in the department's financial book as at 30 June 2011 being:
  - Tascot Templeton                      \$3.85 million
  - Waverley Woollen Mills              \$0.16 million