

Thursday 18 October 2018

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

QUESTIONS

Ms Sarah Courtney - Alleged Breach of Ministerial Code of Conduct

Ms WHITE question to PREMIER, Mr HODGMAN

[10.04 a.m.]

Yesterday you refused to answer a very simple but pertinent and important question that goes to the heart of the breach of the ministerial code of conduct for your former primary industries minister. I will give you another opportunity. When did the relationship between former minister, Ms Courtney, and her department head, Dr Whittington, begin?

ANSWER

Madam Speaker, as I said yesterday very clearly, Ms Courtney has stood down from her responsibilities pending the outcome of the independent inquiry into the conflict that has arisen in relation to a personal relationship that I am advised has developed over a recent and short period of time. The process I have undertaken, by swiftly and appropriately engaging independent individuals to inquire into this matter, will assess the issue of a conflict and the issue of any decisions made during this time. At the heart of this matter is ensuring good process is followed. The first thing needed to be done was for Ms Courtney to step down from her responsibilities and for these matters to be investigated appropriately, not with anyone making pre-emptive judgments about their outcome. I will respond in due course once that process is completed.

Ms Sarah Courtney - Alleged Breach of Ministerial Code of Conduct

Ms WHITE question to PREMIER, Mr HODGMAN

[10.05 a.m.]

You have said the personal relationship between your former minister, Ms Courtney, and Dr Whittington will be the focus of the conflict of interest investigations. Yesterday you said, 'All matters that have been determined and decided upon by Ms Courtney will be independently assessed and reviewed'. Can you confirm the review will investigate all decisions and determinations made by both Ms Courtney and Dr Whittington since March?

ANSWER

Madam Speaker, I thank the member for the question. As I have just said, all decisions made by Ms Courtney in relation to the time in which there was a conflict will be investigated.

Ms O'Byrne - And Dr Whittington?

Mr HODGMAN - He is being inquired into as well.

Ministerial Vacancy - Options for Filling

Ms O'CONNOR question to PREMIER, Mr HODGMAN

[10.06 a.m.]

The fall from grace of Ms Courtney leaves you holding seven portfolios and 10 yesterday when the Treasurer left during question time on a family matter. You must recognise this is untenable. As Premier, your focus needs to be on running the state, yet we can all see your options are limited. What will you do if the code of conduct investigation finds against Ms Courtney? Are you thinking ahead to that possibility? Have you approached Mr Hidding to fill the void left by Ms Courtney?

ANSWER

Madam Speaker, I thank the member for the question and her sympathies. I am more than capable to take questions in this place on any matter concerning the Government's affairs and anything the Government is doing. That happens every other week in this place. I am more than able and capable and willing and delighted at the notion of so doing. Ideally, we might get a question on a subject of substance, a matter of policy, what we are doing to improve the lives of Tasmanians, what we are focusing on in the Government. It is one of the reasons why the so-called Dorothy Dix questions we get are so important. If you listened only to what members opposite say, you would think no time in this place is spent on improving the lives of the Tasmanians who elected us to be in this place, making decisions on their behalf and investing our time and effort into the things they care about.

Perhaps that is the reason why we are, after the March election, still sitting on this side of the parliament. We are and were focused on the people of Tasmania and that will continue to be so.

I am going to repeat my point to the member who asked the question that I have made to members opposite on numerous occasions. I will not be pre-empting the outcomes of the matters that are being inquired into. Once those matters are concluded I will have more to say.

Ms Sarah Courtney - Alleged Breach of Ministerial Code of Conduct

Ms WHITE question to PREMIER, Mr HODGMAN

[10.09 a.m.]

You were very quick to cast judgment on Barnaby Joyce when it was revealed he was in a relationship with his former staffer, Vikki Campion. You said, 'I think it is an inappropriate thing to have happened. It could lead to a whole lot of inappropriate work benefits'. Is the relationship between Sarah Courtney and John Whittington inappropriate? Do you condone your former minister's actions?

ANSWER

Madam Speaker, I thank the member for the question. It is unwise to compare circumstances of this nature and those other circumstances that may have arisen in parliaments here or in other places. I would not want to presume nor to judge any persons who are in circumstances that are of a personal nature and must, quite properly and appropriately, take into account others who are not

members of this place or in the service of our state but who will be affected by discussions such as this.

Our responsibilities, and mine as Premier, are to ensure there is no inappropriateness in relationships within government or the broad public sector. Those matters are to be appropriately tested and assessed independently by the processes I have established; an independent inquiry that takes the time required to determine these matters, affords due process and allows us to make a determination as to whatever steps are necessary and that is what we will do.

Education - Government's Plan

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

[10.11 a.m.]

Can the minister please update the House on the success of the Hodgman majority Liberal Government's plan for Education?

ANSWER

Madam Speaker, I thank the member for his question and appreciate your interest in this matter and passion for education. This Government's plan for Education has always been for a job ready generation of your Tasmanians ready to take our state forward.

Since 2014, we have made significant changes such as extending schools to year 12, investing more in literacy and numeracy and the early years, employing more teachers and teacher assistant support staff, and rebuilding schools. This has not happened by good luck. It has happened because this Government has prioritised Education and the hard work and dedication of our principals, our teachers, our teacher assistants and support staff in our schools. We have consecutively made the biggest investments into Education in Tasmania ever.

Today, I am tabling the annual report of the Department of Education and the annual report of the Office of Tasmanian Assessment Standards and Certifications. Both reports show that our plan, backed by our investment, is working and there is much to celebrate about the Department of Education annual report.

While I am on celebrations, an hour ago I was at Goulburn Street Primary School celebrating 150 years of compulsory and public education in Tasmania. We led the nation in 1868 for compulsory education. It was a pleasure to welcome and congratulate the ambassadors for 150 years, both the students and members of the community.

The Department of Education report says there has been significant progress in our early years programs and improvements and consolidation in NAPLAN achievements. It also shows a continued effort to improve students' engagement and achievement from the very early years through to year 12. School closures are not a strong point for the Labor Party, given they tried to close 20 schools in around 2011. A number of those schools that were on the hit list have increasing student enrolments. Our clear policy is not to close schools. The report shows that another eight schools began delivering education all the way through to year 12, bringing the total to 38 schools extended to year 12. Further, the report shows 688 students enrolled in those schools. More students staying to year 12 means the work of the Office of Tasmanian Assessment Standards and

Certification has increased with more students undertaking the year 12 completion certificate, the Tasmanian Certificate of Education.

The TASC annual report reflects the achievements of the office, including its operational activities of senior secondary course accreditation.

Ms O'Byrne - An absolute debacle.

Mr ROCKLIFF - Your only contribution to education, Ms O'Byrne, is interjecting on me when I am demonstrating the good news.

In particular, the TASC annual report reflects the achievements of the office, including its operational activities of senior secondary course accreditation, quality assurance assessment and certification. In particular, this report highlights the more than 10 per cent increase in TCE achievement under this Government. It is clear that our plan is working but we know we still have a long way to go and must maintain the momentum. Today, I am pleased to announce that we are again calling for expressions of interest for the next round of schools that have not yet extended who would be interested in providing years 11 and 12 programs from 2020. These schools will join the 38 already extended -

Ms O'Byrne - They are not providing the full year 11 and 12. You are a bit tricky.

Mr ROCKLIFF - and the five, Ms O'Byrne, set to extend next year, all aiming toward our goal of schools being extended by 2022.

As always, colleges remain a critical part of Tasmania's senior secondary education system with great collaboration work, which has occasionally been acknowledged by the other side. We have seen outstanding collaboration between colleges and extensions of high schools and we would like to see even more of this as schools extend. I encourage schools to discuss the opportunity to join the extension school programs with students, staff, families, school associations and the broader community. They can even discuss it with the Labor Party if they like. Expressions of interest will be open until 15 November. We are now in our fifth year of getting on with this plan, which is changing the landscape of education right across Tasmania.

Ms Sarah Courtney - Alleged Breach of Ministerial Code of Conduct

Ms WHITE question to PREMIER, Mr HODGMAN

[10.17 a.m.]

The process you have established to investigate the conflict of interest created by former minister, Sarah Courtney, and John Whittington is starting to reek of a cover up. We do not know if the scope of the investigation involves the decisions made by the former minister and by the secretary, who does have the authority to make decisions about a number of important matters. We do not know if it will scrutinise all decisions made since Ms Courtney became a minister. Will you release the terms of reference for the inquiries that are being conducted into Ms Courtney and Dr Whittington so that the public can be confident that you are not simply trying to sweep this matter under the carpet?

ANSWER

Madam Speaker, the terms of reference and the scope of this inquiry have been appropriately outlined by me. I am happy to assure members this matter is being independently and robustly tested and assessed. Again, if members opposite want to call into question the integrity of the Secretary of the Department of Premier and Cabinet, as they did yesterday, or that of Damian Bugg AM QC, who is assisting us in these processes or, as they have done in the past, the police, the Integrity Commission and anyone else who has been engaged to assist in inquiring into matters, they should appropriately do so.

Ms WHITE - Point of order, Madam Speaker. Standing Order 45 goes to relevance. I ask you to draw the attention of the Premier to the question asked about whether he would release the terms of reference for the inquiry so the public can have confidence in the investigation.

Madam SPEAKER - As you know, Standing Order 45 gives me no powers whatsoever but I am sure the Premier will do his level best to answer the question.

Mr HODGMAN - I am happy to disclose the scope of the inquiry and the process that is being undertaken and expect there will be ongoing complaint, criticism and spurious claims made by members opposite and clouds placed above the heads of those who have been engaged to assist in this matter. I have taken advice as to the appropriate process. I have acted swiftly. I have acted on becoming aware of this matter and am engaging people I know Tasmanians would have far greater faith in making an assessment about this matter than they would those members opposite, who come from a position of bias -

Mr O'Byrne - No, they don't.

Mr HODGMAN - No, no, he thinks he is more believable than the Commissioner of Police or Damian Bugg or Jenny Gale.

Mr O'Byrne - No, you.

Mr HODGMAN - I have to tell you, you are so full of yourselves over there if you think that you would be taken seriously when it comes to making an objective assessment about these matters. I can assure you due and proper process will be followed and that will not ever be a process you propose.

Australian Marine Conservation Society - Red Flag on Tasmanian Salmon

Dr WOODRUFF question to PREMIER, Mr HODGMAN

[10.20 a.m.]

The Australian Marine Conservation Society's *Sustainable Seafood Guide* is known and respected among consumers and restaurateurs who want to purchase sustainably farmed seafood. Disturbingly, AMCS yesterday red-flagged Tasmanian salmon and now recommend consumers say no to buying it. The society's assessment criteria are extensive and rigorous; it is not a decision that they have taken lightly. In stark contrast to the fairytale you tell of a sustainable industry, the society is truth-telling the environmental disaster that intensive farming has inflicted on Macquarie Harbour. The society is also concerned that plans to dramatically expand the amount of salmon farmed in other coastal areas are not suitably cautious. Ex-minister Sarah Courtney has been responsible for overseeing this juggernaut expansion. Now it is under a red flag, will you as the

new minister walk away from this rapid expansion and finally clean up fish farming laws in Tasmania to protect the salmon industry and our state's clean green brand?

ANSWER

Madam Speaker, I thank the member for the question and the opportunity to state some facts about what has happened with respect to the sustainable growth in our important salmon industry as well as actions we have taken to improve environments impacted by farming activity to reduce stock levels in Macquarie Harbour. We have not, as you suggest in your question, let unrestrained growth occur, but have strengthened regulations, as I outlined to the parliament yesterday, to increase penalties and do a lot more not only for the industry but also for the environment than happened under the Labor-Greens government. That is the truth of the matter. A lot of this has not only been done by government but is done on the basis of expert advice and independent agencies such as the EPA to direct our activities and that of industry participants.

I am conscious as, indeed all members of Government and the broader community are, of the importance of ensuring sustainable growth as well as enhanced environmental protections. That is why we have acted and developed a sustainable industry growth plan that provides that framework and, as I said yesterday, we are progressing initiatives contained within that plan. Additional staff have been engaged within the EPA to undertake finfish farming compliance and monitoring, which refutes what you said in your question because it is another example of the additional steps we are taking. An information portal to provide the public with easier and greater access to information about salmon farming in Tasmania is under development and it will provide much wider information about the industry, including environmental and regulatory information.

We have made it clear to industry participants as well that we have a zero-tolerance attitude to marine debris, so compliance inspections are increasing. We are working with industry to proactively look at ways to reduce debris and we are also broadly working together with industry to develop contemporary biosecurity planning, so there is a collaborative approach. We engage and consult and take on board the views of all interested parties who want to contribute to that sustainable pathway forward and we will act as a government to improve environmental outcomes. We have actually done that in government.

Dr Woodruff - How?

Mr HODGMAN - If you want me to outline them all again I will. As I said, we reduced stock levels at Macquarie Harbour and increased penalties in the regulatory processes for ensuring that our industry is performing as best it can. These are things that have happened under majority Liberal government that did not happen in the four years under a Labor-Greens government. We believe in a strong, sustainable salmon industry continuing to grow and support Tasmanian communities, employ many thousands of Tasmanians across the state and produce a product which is very much synonymous with Tasmania's brand - high in quality, high in value and very much a part of our Tasmanian brand.

Forestry in Tasmania

Mr HIDDING question to MINISTER for RESOURCES, Mr BARNETT

[10.25 a.m.]

In 2016 the Government announced a series of initiatives to put the public forest manager on a pathway towards a sustainable commercial footing. Can the minister advise the House of progress

towards achieving that aim and, further, can the minister point to other evidence of renewed confidence and optimism in Tasmania's crucial forest industry?

ANSWER

Madam Speaker, and I thank the member for his question and his strong support of our timber communities all around Tasmania, especially in the Lyons electorate. Today I will be tabling the annual reports for Sustainable Timber Tasmania and Private Forests Tasmania. Together they paint a picture of a growing industry, an industry that is rebuilding -

Ms O'Byrne - It's not a good look if the best news you've got is 'I am legally tabling an annual report'.

Madam SPEAKER - Order, please, through the Chair.

Mr BARNETT - an industry that is moving to a more sustainable footing than has been the case for years. The Sustainable Timber Tasmania report discloses an underlying result, or an operating profit, of \$6 million. That is a \$20 million improvement on last year's result and the first operating profit in 10 years for our public forest manager. That is obviously very positive.

The board has advised me that there are a number of contributing factors for this very positive result. They include the increase in wood production volumes, improved pricing across the range of logs delivered and significant savings delivered by the restructure of the business. I would like to thank the board, Sustainable Timber Tasmania and the staff involved for their hard work in implementing the Government's plan.

In accordance with standard operating and accounting practices, the profit result was not directly impacted by the \$60 million sale of forestry rights to 29 000 hectares of hardwood plantation which was treated as a non-operating asset sale. However, in further good news the plantation sale enabled the business to retire all debt, as well as delivering a \$15 million special dividend to the Government for Health and other purposes.

It is the first time in a decade that the public forest manager in this state has been debt-free and made an operating profit. Very good news. We are on a more sustainable footing.

Today I will also be tabling the annual report of Private Forests Tasmania which contains more good news for the industry. It shows that in 2017-18 the total private forests harvests rose for the sixth consecutive year, eclipsing last year's record, a 9 per cent increase, which brought total private forestry logs supplied of 4.25 million tonnes. This is the first time the private forest estate has delivered more than 4 million tonnes of logs to market and is nearly four times the low point of private production which occurred under the Labor-Greens government in 2012.

The Government is well aware of the challenges. There have been many challenges and they remain in terms of rebuilding our forest industry. However, these annual reports confirm that we are on a positive trajectory of a growing, rebuilding industry and our problems now are more of growth than of contraction. We have been working hard to rebuild the industry, the results are now in and we have a more sustainable future.

The turnaround is mapped conclusively in a report - and this is in response to the second part of the question by Mr Hidding regarding further information on news in terms of the rebuilding of

the industry - on the socioeconomic impacts for the forest industry in Tasmania prepared by a research team headed by highly respected Associate Professor Jacki Schirmer from the University of Canberra. The findings of the report are very significant. The industry generated more than 5700 jobs in 2017-18, including more than 3000 direct jobs. A far higher proportion, 82 per cent, of those jobs are full time compared to the workforce as a whole at 60 per cent. The direct annual contribution to the Tasmanian economy is more than \$700 million, rising to more than \$1.2 billion when the flow-on effects are included. The industry is particularly important for regional communities, for example 9 per cent of the workforce in Dorset, 6.6 per cent in Circular Head, 6.5 per cent in Derwent Valley, 6 per cent in George Town, and 5.4 per cent in the Central Highlands. It is very important for those rural and regional communities of Tasmania.

The fantastic turnaround is sign-posted in the report. Associate Professor Schirmer said, 'Rapid decline in employment from 2008 has stopped with job numbers stabilising post 2013'. What was the big change post 2013? It was the state election in 2014.

Ms O'CONNOR - Point of order, Madam Speaker. Standing order 48, answers terminated after sufficient time. The minister has been on his feet answering a self-indulgent Dorothy Dix question for over five minutes.

Madam SPEAKER - I hear your point of order. I will ask the minister to wind up.

Mr BARNETT - I will wind up. The key event post-2013 was the 2014 election of a majority Hodgman Liberal Government. Post the demise, post the decimation of the forest industry under the Labor-Greens government. That is what has occurred.

Under the Labor-Greens government 10 000 jobs were lost. Down the shooter. We have 15 300 jobs under the Hodgman majority Liberal Government. Why would anybody want to go back there?

Ms Sarah Courtney - Alleged Breach of Ministerial Code of Conduct

Ms WHITE question to PREMIER, Mr HODGMAN

[10.31 a.m.]

Can you guarantee you are not planning to have the investigation into your former primary industries minister wrapped up and released as early as tomorrow afternoon, another Friday 5 p.m. special? If you try to sweep this issue under the carpet there will forever be doubt over the decisions made by the former minister and the secretary on fruit fly, on biosecurity, on Crown land, on the salmon industry and on animal welfare. The relationship has created a conflict of interest that leaves decisions open to doubt, appeals and even legal challenges. Will you finally admit it is completely untenable for Sarah Courtney and Dr Whittington to remain in their roles?

ANSWER

Madam Speaker, as I have repeatedly said, I will not seek to direct the esteemed and respected individuals who are conducting their inquiries to do anything other than look at these matters independently in the time it takes them to do so and is necessary to follow due process.

If it were my desire to sweep this matter under the carpet I would not have stood up on the very first opportunity in this place, before question time and informed the House as I did. It is obvious I have been prepared to disclose these circumstances in this place as soon as they came to my attention and within a reasonable time after establishing the processes to which we refer.

I will not do what the Leader of the Opposition has just done and pre-empt the outcomes of those inquiries.

Statewide Planning Scheme - Update

Mr SHELTON question to MINISTER FOR PLANNING, Mr JAENSCH

[10.33 a.m.]

Can the minister please update the House on the Hodgman majority Government's commitment to make our planning system better for all Tasmanians?

ANSWER

Madam Speaker, I thank the member for his question and his interest in this important area of reform. In 2014 the Hodgman Government committed to developing Australia's first statewide planning scheme, a scheme with a consistent set of planning rules applying fairly right across the state. With one set of rules, people can be more confident about what to expect when they want to build a house, to start a business or to manage a farm.

Under our statewide planning scheme, the same issues will be dealt with the same way, wherever they occur in the state. Making these rules consistent is the first step.

Mr O'Byrne - Slowly and convoluted with no strategy.

Madam SPEAKER - Mr O'Byrne, warning one.

Mr JAENSCH - The main reason for planning is to help us grow sustainably while protecting the things that underpin our economy, our way of life and our identity as Tasmanians.

As part of our planning reform agenda, we have committed to developing a suite of new Tasmanian planning policies to support and inform the new planning system. Today I will introduce an amendment bill, the Land Use Planning and Approvals Amendment (Tasmanian Planning Policies and Miscellaneous Amendments) Bill 2018 to establish a mechanism to make and amend a suite of Tasmanian planning policies which, for the first time, will provide strategic direction and vision for Tasmania's land use planning system.

The need for new policies to provide strategic direction to Tasmanian's planning system is widely recognised and a number of local councils and stakeholders have been calling for them for some time.

The new Tasmanian planning policies will provide strategic direction for Tasmania's land use planning system and regional land use strategies. They will include principles to support sustainable economic development; sound strategic planning; social and economic wellbeing; and the protection of Tasmania's natural environment and heritage values. While the bill appropriately

focuses on the mechanism to create the Tasmanian planning policies and a framework for their operation, the Government will be getting on with the work already started to develop draft policies with an initial focus on policies for settlement and liveable communities, along with infrastructure.

When the draft TPP bill was released for consultation last year it was accompanied with a suite of indicative draft policies and an explanatory document. These documents aided in the public review of the draft bill. It is important to note that the draft policies were intended to provide a demonstration of the structure and possible content of the TPPs. While they will provide a strong starting point, more work and further consultation will now be undertaken before any new policies are submitted for assessment by the Tasmanian Planning Commission.

The TPPs will take an integrated approach to planning for well-designed settlements and liveable communities that encourage economic growth and social wellbeing and ensures they are supported by the effective provision of infrastructure. An integrated approach gets the balance right by ensuring the state grows sustainably while at the same time protecting our natural environment and heritage values and ensuring the environmental risks and natural hazards are appropriately managed and considered in land use planning and development assessments.

This approach also seeks to minimise the potential for future land use conflicts to arise through integrating strategic planning at the state, regional and local levels. It is my intention that the new policies, once finalised, will inform a review of Tasmania's three regional land use strategies and the first five-year review of the Tasmanian Planning Scheme.

For the first time, this will provide a comprehensive suite of planning policy guidance to inform the direction of planning at all levels, state, regional and local. It will place all of the relevant elements of the Tasmanian planning system and the scheduled review of those elements in the right order for the first time.

This is a critical time for Tasmania. There is change and growth in our population, our economy and our employment options, and a growing sense of pride in our state. We also need to know where this new change is taking us, what we want from it and what we need to protect along the way. This is the role of good planning, driven by sound policies. It protects what makes Tasmania exceptional as an economy and as a place to live and ensures that it grows sustainably in the future.

Tasmania has a bright future to plan for. The Tasmanian planning policies will be a critical part of getting that balance right.

Secure Psychiatric Units - Workplace Health and Safety

Ms O'BYRNE question to MINISTER for HEALTH, Mr FERGUSON

[10.38 a.m.]

There are persistent and unresolved issues in the mental health system in Tasmania. You are ignoring the safety of staff who work in this highly specialised area as well as the patients who rely on their care.

For the past 10 weeks, clinical staff at secured psychiatric units around the state, including the Spencer Clinic at North West Regional Hospital, Northside at the Launceston General Hospital and

the Department of Psychiatry at the Royal Hobart Hospital, have been asking for help in regard to serious safety concerns. They have received no response.

The result of your non-response is that potentially lethal weapons found on the wards are putting the lives of doctors, nurses, other health professionals and patients at risk. Minister, why have you ignored calls from staff about their workplace health and safety?

ANSWER

Madam Speaker, I refute any suggestion that we do not care for our staff's safety. That is obnoxious and a false allegation. It is offensive.

Our staff and our managers work very closely to protect each other's welfare in their workplace in some of the very challenging areas of our hospitals and inpatient and outpatient services.

Ms O'Byrne - They have been asking you to resolve this for 10 weeks. What have you done?

Mr FERGUSON - Not long ago, we received significant advice about how to support our staff and we have been implementing those suggestions. We even brought a bill into this House to provide additional protection to our staff and the Labor Party voted against it. We will always put the safety of our staff first.

Ms O'Byrne - Ten weeks and you have not answered them.

Mr FERGUSON - You should not make such a political jibe in this House. We will always strive to support our staff and our patients. How dare you? That is an offensive question from the former failed minister who slashed mental health services. We will always put the safety of our staff foremost in our thinking as we plan and deliver our services. I again call on the Labor Party to reverse its opposition to our rebuilding of the Peacock Centre, which provides 15 additional mental health beds for Tasmania.

Mr FERGUSON - This Government will not be lectured -

Members interjecting.

Madam SPEAKER - Order. I remind the Labor Opposition not to use props in parliament.

Mr FERGUSON - It shows the Labor Party for what they are - vacuous, shallow failures. They are ashamed of their history on mental health. This Government takes a very compassionate approach to mental health. We know there are failures, problems and challenges, and we are committed to addressing them. We are determined to drive down the suicide rate in this state. We are committed to driving down self-harming rates -

Ms O'BYRNE - Point of order, Madam Speaker. It goes to relevance. This is a serious matter. Ten weeks ago staff made representations about these weapons finding their way into secure units and the minister has not responded. The minister needs to address that in his answer.

Madam SPEAKER - The question was quite clear. Please proceed and answer.

Mr FERGUSON - I will repeat my very clear answer. We put the safety of our staff first and I wish you would do the same, members of the Opposition. We are committed to supporting our

staff. One of the ways we are doing that is building safer infrastructure. We just demolished a building that belonged in the dark ages. We are now building the infrastructure that has modern and safe facilities.

Ms O'Byrne - You have not responded. Ten weeks.

Mr FERGUSON - I would like you to listen to what we are doing. We are building facilities and, even in our temporary facilities, we put in place technology that is strongly supportive of the safety of our staff.

What you have done here today is objectionable, that you would go so low. No-one should suggest -

Ms O'Byrne - Shame on you.

Mr FERGUSON - You are ashamed of your history because you slashed mental health. We are investing in it and we are protecting our staff. You might bring your props into this House -

Ms O'BYRNE - Point of order, Madam Speaker, it again goes to relevance. The minister has still not addressed the 10-week wait in response to staff on this issue.

Madam SPEAKER - This is so unruly I am ending it now. Please take your seat, minister.

Mr FERGUSON - Can I conclude my answer?

Madam SPEAKER - You have had a long time to conclude. There was a lot of yelling and screaming from both sides. My ruling is that this question is over and we will now move on to another one.

Information Technology Sector - Growth

Mr BROOKS question to MINISTER for SCIENCE and TECHNOLOGY, Mr FERGUSON

[10.43 a.m.]

Can the minister outline how the Hodgman majority Liberal Government is actively engaging with the information technology sector to grow the industry and create more jobs?

ANSWER

Madam Speaker, I thank my colleague for his question. The Government is committed to working with our sector and growing a vibrant and successful information technology sector here in Tasmania. It is already very vibrant and growing. We want to go further and we want to take it to the next level. Prior to the last election, which Premier Hodgman won handsomely, this Government was committed and made an announcement we would host an ICT summit twice per year. This is a new thing, it has never been done before, and we are inviting representatives of the ICT industry and the private sector to formally meet with the Government to progress our shared vision for the state's ICT agenda.

The first of those is happening this week. We will be holding the first ever ICT summit and we are doing that as part of FutureFest. It is running right now. The Government had the honour of launching it on Monday and the Government is a gold sponsor of that. It is a week long series of events. This is hosted by TasICT with many partners. This is the industry's peak body for the ICT sector, of which I am very proud to say this Government is the strongest ever supporter. The Tasmanian ICT industry is a lynchpin for both Tasmania's economic growth and Tasmanian's wellbeing and prosperity. We are not simply talking about growing the ICT sector. We are talking about helping the ICT sector grow the rest of the economy as well. I am very confident this summit will mark a meaningful new milestone in the really successful and long-running engagement between industry and this Government that we believe will help Tasmania prosper into an increasingly digital age.

The Hodgman Liberal Government has made significant investments to support the industry through helping our businesses compete on the world stage via our Digital Ready for Business program. The development of a refreshed workforce development plan to encourage more women into IT and let them know there is a very successful and positive future for them, as well as in our enterprise hubs in Hobart and Launceston, which are working with local start-ups to develop ideas and get other businesses off the ground in conjunction with the Start-up Accelerator Program.

These are good things that are happening in our science and technology sector and we do not want anyone to be left behind. We are also implementing another commitment that we made at the election and that is to upskill all Tasmanians to better participate in the digital economy and in learning through the development of our first ever digital inclusion strategy, which will soon roll out across the state. This is the Government working with TasCOSS in the first instance. I would like to give a big shout out to Kym Goodes, who proposed this initiative to me. I thought it through, we discussed it with our colleagues and we think that is a great pathway forward to help more people, whether they be unemployed, under-employed, older people, people with low literacy or people with low numeracy, to assist them in making the next step to be more digitally included. We are all about that and we want to see more Tasmanians from low income households be a part of that and to feel they are included and to be more successful in their daily life.

Much has already been done. We know there is a lot more work to be done and that is why I trust and believe that this week's ICT summit will stimulate a robust discussion and help guide a bold new vision for the sector. We are a Government that listens, engages and works. We do want to hear the views of Tasmanians, understand the challenges and the opportunities facing the sector, particularly with our workforce and bringing more women into IT. We are committed to doing that and improving the prospects of all Tasmanians in this growing vibrant state we live in.

Secure Psychiatric Units - Provision of Personal Safety Alarms

Ms O'BYRNE question to MINISTER for HEALTH, Mr FERGUSON

[10.48 a.m.]

The Minister for Health referenced in his last answer the technology he has put in place to keep staff safe. This picture here speaks a thousand words and is a clear demonstration of the danger mental health staff have been placed in on your watch because you have chronically underfunded the health and hospital system. The storage unit is supposed to hold personal safety alarms for staff at secure psychiatric units, including Northside. The storage cabinet is empty and, as a result, staff

do not have access to the most basic of equipment and lives are being placed at unacceptable risk. Why?

ANSWER

Madam Speaker, I am pleased for the opportunity to further refute the allegation of the Labor Party that somehow the Government does not care. We do care. We care about our staff and I will be looking further into the -

Ms O'Byrne - They wrote to you 10 weeks ago. You should have looked into it then.

Madam SPEAKER - Order, Ms O'Byrne.

Mr FERGUSON - If I could be heard. We would all be better off if you took this seriously instead of bringing props into the House.

I will always take any further allegations seriously and the Government does care. We are investing and we are a Government that always wants to do better with mental health. I find it hypocritical that the member asking me these questions was the minister who slashed mental health. You failed in the re-development of the Royal Hobart Hospital to even have a safe plan for patients and staff. We have delivered that.

If there are areas that can be further improved then they will be implemented. I will not have the leaders of our health system rubbished in this way in the parliament of this state. You can bring in all of your coloured pictures if you want but we are interested in the real issues and supporting our staff and not playing politics, as we have seen today and as we saw earlier this week. The Labor Party rubbished Hospital in the Home, which is clinically endorsed and supported by our stakeholders, and we believe and know on advice that it will help more people get access to the health system.

Ms O'BYRNE - Point of order, Madam Speaker. The minister can give me yet another history lesson or he could have responded two months ago. Can he now tell me what action he has taken and why pagers are not available to staff in psychiatric units?

Mr FERGUSON - I am answering the question very directly. Frankly, we should all be focused on better outcomes for the community here and not behaving in this way. We are seeing a policy vacuum from the Opposition only focused on the politicisation of mental health. We have a strong plan in mental health. The Labor Party does not like to know their history. It was only seven months ago that the Labor Party put up a mental health plan of \$24 million. We have a mental health plan of \$104 million. Support us; support the community. I have already given a commitment to look further into it.

Ms O'BYRNE - Point of order, Madam Speaker, going to relevance. I want to know why there are no pagers in the mental health unit being made available in the psychiatric unit in Launceston for staff. The staff are frightened. They want the question answered.

Mr Ferguson - You are now giving speeches.

Madam SPEAKER - Minister, if you could try to address that.

Mr FERGUSON - The member must have wax in her ears because I have said I will look further into that allegation. Of course I would, and I should, and I will, but you are rising on points

of order because you do not like hearing that we want to do better in mental health and I want your support to do it. I want to see the Labor Party backing in our plan for Hospital in the Home within six months, the St Johns Park 12-bed unit to be built at a cost of \$11 million, and the rebuild of the Peacock Centre. I want to see the Labor Party backing in mental health staff and our patients -

Ms O'Byrne interjecting.

Madam SPEAKER - Order, Ms O'Byrne - I'm going to have to give you a warning.

Mr FERGUSON - Frankly, the number of people Ms O'Byrne has supported today is zero.

Media Guidelines for Parliament of Tasmania

Ms O'CONNOR question to PREMIER, Mr HODGMAN

[10.52 a.m.]

In the midst of a scandal about a now disgraced minister who can no longer stand at the dispatch box and answer questions, the Parliament of Tasmania has issued media guidelines that prohibit journalists 'lingering in corridors and speaking to MPs', photographs being taken of division, disturbances in the Chamber and 'unparliamentary behaviour', and pertinently, photographs of MPs who are not on their feet and speaking. Do you agree we are only in here to represent the Tasmanian people and they should be able to view our actions in the place they have elected us to? Do you support this crackdown on a free press and a move that is being criticised nationally and referred to as a threat to our democracy?

Madam SPEAKER - Ms O'Connor, these rules do not fall within the purview of the Premier. They come under my guidance. We have been investigating because we have had inquiries from the media. Our protocols have not changed in many years and so the rules are exactly as they have always been, plus we are now comparing them with all parliaments around Australia and we believe they are very consistent. The Premier is allowed to answer if he wishes but it is not really his responsibility.

Ms O'CONNOR - Point of order, Madam Speaker. As I cannot ask the Premier this question, can I ask whether there will be further consultation on these media guidelines?

Madam SPEAKER - Unfortunately you cannot question me but you can come to see me in my room. We are looking into it so I give you and the media the assurance that we are trying to make them best practice.

Ms O'CONNOR - On the point of order, Madam Speaker, I believe it is within the rules of the House for the Premier to answer whether he supports -

Madam SPEAKER - I am positive the Premier would support it.

Reproductive Health Services

Ms O'BYRNE question to MINISTER for HEALTH, Mr FERGUSON

[10.54 a.m.]

Tasmanian women are still flying to Melbourne to access termination services. You guaranteed Tasmanian women that access to safe and legal termination services would be available in this state

by October. We are now halfway through October. Ten months after the last clinic offering terminations in Hobart closed, nine months after you told the federal Health minister you would resolve this issue, and four months since the parliament passed a resolution that committed you provide access to terminations, can you advise on what date, where and how regularly in Tasmania terminations services will be made available? Or is it a fact you will not deliver on your promise within the next 14 days and women will continue to have to fly to Melbourne?

ANSWER

Madam Speaker, I do not agree with the construct of the question. I have been very proper in the way I have managed this in terms of the parliamentary motion and I will not be debating that further.

What I will say is the provider and the Department of Health have reached an agreement and formal documentation is in place. The provider is currently working to finalise licensing and accreditation requirements and arrangements with a local surgical facility. I have made open disclosure when I have been asked recently about this, and while I am not in a position to represent that provider, the provider is working with local clinical specialists to ensure there is agreement on appropriate referral pathways and clinical governance arrangements.

In addition, the provider has stated an intention to give other service providers and GPs and the prescribed health services detailed information on the new service before commencement. The provider has also commenced discussions with Primary Health Tasmania, which is the body that communicates and builds rapport amongst GPs and primary health providers, around establishing health pathways. These are loaded onto GPs' computers so they can see very quickly the best way in which referrals can be made, and this will assist GPs across the state to make referrals for women wishing to access a surgical termination within Tasmania.

I can also advise that the Patient Transport and Travel Assistance Scheme will be, for the first time, available for intrastate travel within the state to the service, and the department is also providing increased funding to prescribed health service Pregnancy Counselling and Support Tasmania to ensure longstanding arrangements to support women continue.

As soon as I am able to say more, I will. The secretary of the Department of Health adopts the same tone on this. We acknowledge it is October and we understand the reason behind your question. We have the best intentions in this area and I hope to have further to add to the record when I am able to.

Outcomes Framework for Children and Young People in Out-Of-Home Care

Mr SHELTON question to MINISTER for HUMAN SERVICES, Mr JAENSCH

[10.57 a.m.]

Can the minister please update the House on the Hodgman majority Liberal Government's commitment to improving the health and wellbeing of children and young people unable to live at home?

ANSWER

Madam Speaker, I thank the member for his question. Our Government is working hard to make the out-of-home care experience better for children and young people and their families and

carers. As part of the Strong Families, Safe Kids redesign of the child safety system across Tasmania, today I am releasing the outcomes framework for children and young people in out-of-home care.

We know there is always going to be a need to bring some children into out-of-home care. It is very important we adopt, promote and underscore our expectation that outcomes for children and young people who find themselves in out-of-home care should be the same as those for any child in the community and that they have the right to the same expectations and hopes for their lives and futures as everybody else.

The outcomes framework for children and young people in out-of-home care is a critical step in improving care to children and young people because it establishes clear guidelines and expectations right across the sector for the kids and those who care for them. It is a commitment to children and young people about what they can expect from their care. The framework has been developed in close consultation with children and young people in out-of-home care themselves with our kinship and foster carers and service providers and will apply to government and non-government agencies who work with children and young people in out-of-home care.

This follows on from our recent relaunch of the Charter of the Rights of the Child. I reiterate that it is important that not only young children in out-of-home care understand what rights they have for themselves but that everybody around them providing care, monitoring their care and living alongside them in the community, understands what those rights are. We will know that we have that right the day those young people know those rights because they feel them; they grow up with them and expect them in their community. We should not have to have young people being taught their rights and left to ask for them.

The Outcomes Framework for Children and Young People in Out-of-Home Care Tasmania sits alongside that Charter of Rights for Tasmanian children and young people in out of home care and in Tasmania's community. Listening to the views and experiences of children and young people in out-of-home care was a key element of informing the development of the framework. It is being supported by the work of the Child Advocate, who has been for the very first time appointed to provide that link for us to the voice of the individual child. That work sits alongside the work of our Commissioner for Children and Young People. Both the appointment of the Child Advocate and the development of the Outcomes Framework for Children and Young People in Out of Home Care Tasmania is a direct result of the Commissioner for Children and Young People's 2017 report, Children and Young People in Out of Home Care in Tasmania.

Building a better out-of-home care system is essential to improving health and wellbeing of children and young people unable to live with their parents. We are delivering on our commitment to close the gap for those kids and to give them the future they deserve and we are getting on with our plan. It is being implemented as part of the implementation of our Strong Families - Safe Kids redesign, at the heart of which is a new approach that says we need to reach upstream to families who are at risk and young people at risk and to help keep those families together by wrapping support around them through things such as our Intensive Family Engagement Service.

I am happy to pass on that we had a visit from Professor Maria Harries earlier this week, who was one of the people who came to Tasmania when the need for -

Ms O'Byrne - I brought her down, actually.

Mr JAENSCH - There you go. This is a person who has been watching, informing and mentoring toward Tasmania's reforms in child protection, child safety and out-of-home care for some years. She visited again this week to meet with our departments, to check on our progress and to report to me that what she is seeing is truly nation-leading. She asked me while she was here if we still have the tripartisan support in our parliamentary system for these fundamental reforms and this redesign process that we had at the very beginning and that she secured across the table working with all parties. I informed her that whilst we are subject to appropriate and continuing scrutiny I believe there is tripartisan support for the framework for the redesign we are implementing. It is something that rolls over many years and has had many ministers, different experts in our bureaucracy working on it and many children's commissioners contributing to it.

I trust that, in reporting to her that I believe that we have tripartisan support with children and their wellbeing at the centre, our expectations are for them to have the same opportunities in life as everybody else still exists today. We will continue to be accountable to this Parliament and to our community for our work in this area. We expect continuing support from those in this place for the underlying principles of what we are doing.

Elective Surgery Waiting Lists

Ms O'BYRNE question to MINISTER for HEALTH, Mr FERGUSON

[11.04 a.m.]

In late August, you committed \$7.2 million in state and Commonwealth funding for 900 Tasmanian women who have been on waiting lists for elective surgery so they can finally receive their surgery. You promised your new program would reduce the list of women waiting for a treatment to a waiting list of zero within 24 months. You also promised this funding package would include performance monitoring and you committed to providing the Liberal member for Clark with a monthly update of how reductions to the waiting list are progressing. It is almost two months since you made this announcement. What model for delivery of these elective surgeries has been arrived at, what have been your monthly updates to the Liberal member for Clark and how many of the 900 Tasmanian women you committed to removing from the waiting list have received treatment under this initiative?

ANSWER

Madam Speaker, the Government is committed to this. I am surprised if the member wants to play politics with this. It is disappointing. What you are doing is not helpful. We are focusing on getting more surgeries.

Members interjecting.

Madam SPEAKER - Order. This is the last question of the day and I would like to hear the answer.

Mr FERGUSON - It should be important to everybody to hear that the Government is investing in these additional services and we are totally committed to it. I would be surprised if you tried to challenge that. As to the model of care, that is not something I can answer because I am not expert in that and I am not sure you are either. We will always provide further updates on this in accord with the Government's commitment.

Members interjecting.

Madam SPEAKER - Order, let him finish, please.

Mr FERGUSON - We will always provide appropriate monitoring and reporting, as we always do. The Government has improved our reporting in this area. We now provide monthly reporting on a public website and you can plainly see we are accountable for the use of public money. Madam Speaker has been a wonderful contributor in this area and we appreciate the engagement with her and I applaud it. The Government is getting on with the job. I am not a doctor who can speak to the model of care. I will seek advice on that.

Members interjecting.

Madam SPEAKER - Order, let us listen to this.

Mr FERGUSON - I say, Madam Speaker, through you, to the former health minister, who slashed elective funding, we have told the department to get on with it. If I can say more later today, I will.

Time expired.

PETITION

Gender Identification on Official Documents

Ms O'Connor presented a petition signed by approximately 434 citizens of Tasmania that draws to the attention of the House that transgender Tasmanians can be forced to divorce and/or undergo surgery before being able to have their gender identify recognised on official documents.

Intersex Tasmanians can be made to endure surgery before they are able to consent. Non-binary Tasmanians can be forced to misgender themselves because official forms only recognise gender as male or female.

These outdated laws and practices perpetuate stigma and discrimination against transgender, gender diverse and intersex Tasmanians. They worsen the already high rates of self-harm and suicide among transgender, gender diverse and intersex Tasmanians. They also constitute unnecessary government interference in the lives and freedoms of Tasmanians.

The petitioners therefore request the House to ensure transgender, gender diverse and intersex Tasmanians can live without legal discrimination and have the same opportunities and freedoms as other Tasmanians by removing the requirements for divorce and surgery, restricting non-consenting surgical procedures on intersex people, and removing all unnecessary gender markers from official forms and data collection.

Petition received.

**ROADS AND JETTIES AMENDMENT (MANAGEMENT OF STATE HIGHWAYS
IN CITIES) BILL 2018 (No. 54)**

First Reading

Bill presented by **Mr Rockliff** and read the first time.

LOCAL GOVERNMENT AMENDMENT (MISCELLANEOUS) BILL 2018 (No. 49)

First Reading

Bill presented by **Mr Gutwein** and read the first time.

**LAND USE PLANNING AND APPROVALS AMENDMENT (TASMANIAN
PLANNING POLICIES AND MISCELLANEOUS AMENDMENTS) BILL 2018 (No. 48)**

First Reading

Bill presented by **Mr Jaensch** and read the first time.

HOUSE OF ASSEMBLY RESTORATION BILL 2018 (No. 55)

First Reading

Bill presented by **Ms O'Connor** and read the first time.

SITTING DATES

[11.15 a.m.]

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

That the House at its rising adjourn until Tuesday 20 November next at 10 a.m.

Motion agreed to.

MATTER OF PUBLIC IMPORTANCE

Battery of the Nation

[11.16 a.m.]

Mr BARNETT (Lyons - Minister for Resources - Motion) - Madam Speaker, I move -

That the House take note of the following matter: Battery of the Nation.

Tasmania is a renewable energy powerhouse and we have an opportunity before us to progress the Battery of the Nation project. It was described by our Prime Minister, Scott Morrison, as 'a cracker of a project' delivering 'fair-dinkum power' and we also know that the former prime minister said, 'I want to see Tasmania become the battery of the nation' in July this year. In August last year, the then prime minister said:

You have here the best wind resources in the nation, the biggest hydro scheme in the nation. Tasmania can play a massive role in the electricity market across the nation.

Likewise in July 2018, the federal Minister for Energy said:

Tasmania's projects are nation-building infrastructure projects. They will help secure the energy supply of the mainland and drive power prices down.

The Battery of the Nation and further interconnection delivers jobs, development, opportunity and pressure to keep power prices down. We saw yesterday that the Government's energy plans and policies are working with Hydro Tasmania, delivering a \$168 million profit. At the same time this Government, with our Tasmania First Energy policy, has a CPI cap on power prices and we are delivering the lowest power prices in Australia. This has been independently assessed by the Tasmanian Economic Regulator and also Energy Consumers Australia and this applies to residential and small to medium businesses. The long and short of it is we are working collaboratively in partnership with the federal government, state and federal government working together, to deliver the Battery of the Nation project.

I am seeking from everybody in this Chamber, of all colours and persuasions, support for 'Team Tasmania'. I know my counterpart opposite from the Labor Party will say they have not seen the economic modelling so they do not know if it is going to stack up. Well, come on board. We need Team Tasmania to come on board because we know this will benefit Tasmania. We know it has been described as national infrastructure. In fact, it is on the priority list for Infrastructure Australia. We know that the Australian Energy Market Operator has described it on their plans as output 2 to come on board in the mid-2020s with further interconnection to provide these opportunities for Tasmania. We know the federal and state government-funded modelling says we can double our energy capacity. What else does it say? This will deliver billions of dollars of investment, thousands of jobs, particularly in rural and regional Tasmania.

I want the Labor Party to support this project. I want Labor on board to support Battery of the Nation. What is their position? They cannot keep squibbing, remaining mute, not knowing what to say. They cannot say, 'Oh yes, no, but we're not sure about the economic modelling'. We know, they know, everybody knows that report is due in December subject to it being rock solid and with financial support. Everybody should be supporting it.

I am keen to get them on board. There are so many reasons. Not only the thousands of jobs in rural and regional Tasmania, doubling our energy capacity and the billions that will be invested, there is a whole lot more. The key trifecta for Tasmania is the three outcomes we are looking for. They are -

1. Delivering the lowest energy cost possible for Tasmanian consumers, whether they be residential, small or large business;

2. Reliable power. We have what the rest of the nation is desperately in need of; and
3. Clean power. We are way ahead of the game. We have a target to be the cleanest and 100 per cent self-sufficient and renewable by 2022. We are on track.

With Cattle Hill Wind Farm and Granville Harbour Wind Farm we are on track to achieve that target. We are on track to have the lowest regulated power prices in Australia by 2022. We were recently identified as so.

This is so important. It is Team Tasmania. I want everyone on board. We have been meeting with stakeholders and the local community, providing information and education. I am more than happy to have special meetings and briefings. I am making this available for all sides to be better educated on these important projects.

Based on the federal and state government funding models, our pumped hydro is 20 per cent more cost competitive than mainland counterparts. This is terrific news for Tasmania. The cost is about \$1.05 million to \$1.5 million per megawatt hour compared to Snowy 2.0, which is about \$2.5 million per megawatt hour. What we need is further interconnection to unlock those opportunities. It is not only pumped Hydro. There are opportunities for thousands of megawatts of wind. UPC Renewables are working on that at Robbins Island and Jim's Plain. Congratulations to them as private sector developers. This is delivering jobs and opportunities, particularly for the north west coast.

We want the Labor Party to come on board. I want all sides, the Greens, Labor and everybody to come on board to support Battery of the Nation. It is a top priority project. The integrated system plan confirms that 17 000 megawatts of storage will be needed by 2040. More renewables are coming on, coal is backing off and you need storage reliability. Tasmania has it in spades with hydro. We have that opportunity and we want to hear from Labor.

Time expired.

[11.23 a.m.]

Mr O'BYRNE (Franklin) - Mr Deputy Speaker, it is wonderful to hear you repeat that single line 'Tasmania first' time and again. We do not disagree with that. We always support Tasmania. That is our job.

The lack of detail and the lack of coherent policy around energy in Tasmania is our biggest risk. While you ask us to support you, the Labor Party built the hydro. We brought the wind farms to Tasmania in Woolnorth and created the environment where renewable energy is paramount in Tasmania.

We were the ones that drove a 100 per cent target for renewable energy in Tasmania. The Labor Party has generations of experience in ensuring that we have a renewable energy source. We built the hydro and we built the wind farms. We are not going to be lectured by this Government about our commitment to the Tasmanian energy sector. We not only have the runs on the board but we have the credibility. When you talk about the Battery of the Nation, we have the nation on board. You do not.

We have a federal shadow minister with a policy that will ensure we can deliver on the Battery of the Nation, or the opportunity that is presented once the business case is established, once the

work has been done, once the evidence and research required to prove up the system to ensure it is deliverable. You are investing millions of dollars in a business case. Your contribution today is that you do not care what the business case says, you are signing up to it blindly. It is like what you did when you signed up to the National Energy Guarantee. As an Energy minister, he signed up to the National Energy Guarantee which we know is in absolute tatters and cost Malcolm Turnbull his job. Manhattan Mal was pushing Tasmania forward and pushing through his minister at the time, Josh Frydenberg, a National Energy Guarantee. That was the opportunity for Tasmania. I quote Mr Barnett on 10 August, 'The NEG is good for Tasmanian jobs and puts more downward pressure on power prices'. Mr Barnett on the same day:

This important step continues to build the case for increasing the connection and Tasmania's position as the Battery of the Nation, delivering clean, reliable and affordable electricity to Tasmania and the nation.

In June this year:

From Tasmania's point of view, a well designed national energy guarantee can deliver significant benefits for Tasmania. I am working very hard with COAG energy minister colleagues and the federal minister to ensure that this can occur for Tasmania's sake.

What happened? Senator Eric Abetz, the man who wants to encourage a conversation about nuclear energy, the man who wants to encourage more investment into dirty coal and coal energy, which we know runs counter to the global move to encourage renewable energy, completely undermined the state's position by rolling the National Energy Guarantee pledge. It was not only the Energy minister's only game in town; the Treasurer also said it was the only game in town.

Who most endangers investment in renewable energy in Tasmania? The Tasmanian Liberal senator, Senator Eric Abetz. He knocked off the National Energy Guarantee. He knocked off Josh Frydenberg and he knocked off the prime minister. What do we have? Now we have a federal Liberal Prime Minister who brought coal into the federal parliament to say, 'We love coal', against Tasmania's interests. We have a national energy minister who does not believe in wind farms.

We are not the ones you have to convince, mate. How about you go to your Liberal council meeting and instead of trying to sell the ABC, instead of trying to have a crack at safe schools policies, instead of having a crack at all these ideological things, how about you get in and support Tasmania? We are not the ones you have to convince, mate. It is your own senator, your own former Senate colleague.

Mr BROOKS - Point of order, Mr Deputy Chairman. You would think the member would know better. Appropriate titles should be used. He has referred to the minister as 'mate' twice. It is normally picked up. Appropriate titles should be used, including referring to prime ministers, current or ex, as should be.

Mr DEPUTY SPEAKER - Order. I must uphold that point that you should refer to people in the Chamber in the appropriate way.

Mr O'BYRNE - I agree, Mr Deputy Speaker. Thanks for taking up a bit of time to save your ministerial colleague. He is not a ministerial colleague - your parliamentary colleague.

Minister, the problem you have is your federal colleagues in Canberra are destroying any opportunity for us to get a Battery of the Nation policy up because it relies on interconnection and it relies on encouragement of renewable energy, which you say Tasmania has in spades. We are not the problem, mate. Sorry, we are not the problem, minister. The problem is on your own side. I apologise for referring to you in that way. It is unparliamentary.

We are not the problem. Your problem, minister, is Senator Eric Abetz. You have a federal Prime Minister who wants to encourage coal. You have a federal minister who does not believe in wind. The Labor Party is on the record of supporting renewable energy. You have announced a business case as a concept -

Mr Barnett - Battery of the Nation.

Mr O'BYRNE - Of course. The Tasmanian Labor Party created Basslink 1. We support interconnection. We support renewable energy. We built the hydro. We brought the wind farms to Tasmania in Woolnorth and Musselroe. Of course we are encouraging it. You would not expect anyone to sign up to a business case that is yet to be completed.

Prima facie, it looks like a great opportunity for Tasmania. Let us have a look at the prima facie. The problem you have is that your federal party is against that. Your federal party is undermining every effort you make to build the economic conditions for Tasmanian renewable energy businesses. We are not your problem.

Time expired.

[11.30 a.m.]

Mr HIDDING (Lyons) - Mr Deputy Speaker, in my 22 years in this place, the Battery of the Nation is the single most exciting opportunity for Tasmania I have come across. It is an extraordinary opportunity and it has come about because of a confluence of events in energy markets around the nation. There is slightly different thinking about energy now. Sources of energy have taken up a lot of the conversation but what has floated to the top of the discussion is that Tasmania has an extraordinary opportunity with all the money that has been invested in Hydro, as you say.

We built the Hydro over all those years of Labor governments. All that investment is now being carried into this pumped storage opportunity and, because of the investment already in place, we are far cheaper per megawatt than any other opportunity. This is why the Prime Minister, Scott Morrison, was excited. He was excited to look through the power stations, to look over the dams and fly over the thousand lakes that we have. He gets it. Every one of those lakes is a cell in the battery, the Battery of the Nation.

The principle of arbitrage in economics or finance is the practice of taking advantage of price differences between two or more markets. There were never price differences in energy. It always cost 'x'. Now, with trading between states and trading between entities, we have this concept of arbitrage that works. They are able to strike a combination of marketing deals that capitalise on the imbalance between prices at certain times. We have it sweet in Tasmania in that we have outstanding wind energy as well. It is better wind energy than anywhere else in Australia because it is consistent and, beautifully, it blows when the wind is not blowing on the mainland. I believe in creation and I believe in the confluence of these events.

Mr O'Byrne - Are you are going to hope for a new federal energy minister because this one does not believe in wind?

Mr HIDDING - Yes, he does.

Ms O'Byrne - No, he does not. He said it. He protested against it. He said it does not stack up economically.

Mr HIDDING - My word, he does. Wind is crucial in the Battery of the Nation and he understands that. It will mean, because of the fluctuation of prices, we will be able to use power from wind blowing in an afternoon, no load-shedding, straight into pumping water back uphill. What a great idea. What a great outcome for Tasmania. It is very, very exciting.

This concept is subject to a business case arrangement. The Chair of the Energy Security Board and a panel of experts were in Hobart last week, hosting a stakeholder forum on the importance of strategic projects such as this, the Battery of the Nation, and the second interconnector, which is called Project Marinus. Project Marinus is a very exciting opportunity for Tasmania. I would be astonished if the business case was not robust. There is much work to be done. It is great to hear from the state Opposition. They think, subject to the business case being robust, that this will be a great outcome for Tasmania. Welcome on board. It is good that you have said it; it is a good opportunity. We cannot say it is a fait accompli, it is done, but I can tell you from all the briefings I have had, and the minister has had a huge amount of briefings on this, there is a sense of excitement in the National Energy Market as to the genuine support for Tasmania becoming the Battery of the Nation. We are, therefore, confident of support from the federal Coalition, particularly in the lead-up to the next election. It is not far away now. Our minister, our Premier is already leaning on the federal Government at COAG and elsewhere. I heard Mr Morrison speak after his visit to the west coast and he was mightily impressed.

Preferred landing sites for the next cable have already been identified in the north-west of Tasmania and in Victoria. The optimum size of the link is expected to be between 600 and 1200 megawatts, which is a big link. With an investment of that size, wind developers such as UPC Renewables told our Government they will commit to projects in the far north-west that will create the largest wind farms in the southern hemisphere. That family, on Robbins Island and Jim's Plain and those areas, worked on it with your government. Things are maturing to the point this is now a genuine opportunity. They are moving ahead with some very substantial investment in their side of the Battery of the Nation, which is getting ready to build and figuring out the best way to do this.

The interconnector being on the north-west coast is key to this and very favourable for that location. That will create the largest wind farm in the southern hemisphere in the far north-west, a very big wind farm. The good news is that we can have these wind farms in Tasmania and I cannot see any reason for anybody to object. In South Australia, with their reliance on wind, people are complaining about the visual impact. Wherever you drive, you will see these things. You have to work pretty hard to find where this wind farm will be. You can get up in an aircraft and find it but that is about the only way. We have hit the sweet spot with that kind of development.

Time expired.

[11.37 a.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, I have had a number of conversations with the minister about this. I want to return to the questions I asked him in budget Estimates that he

repeatedly refused to answer. You were chairing that session, Mr Deputy Speaker, at the time and you noted my continued questions about the same topic because the minister repeatedly failed to answer them. What I asked was in response to the minister's spruiking of the vast possibility of rivers of money flowing to Tasmania from pumped hydro. I asked the simple question about where the \$5 billion the minister said such a project would cost was going to come from. What we know from the *Mercury's* work that was reported about six months ago is that the total borrowings of TasNetworks and Hydro Tasmania are already at \$2.65 billion. That is a state debt. That \$5 billion has to be looked at in the context of that existing statewide debt.

There is so much hot air around this pumped hydro project it is hard not to be deeply concerned when it is coming from a Tasmanian Liberal Government on the back of a federal Liberal Government that has as its new minister a person who is a strong proponent for the coal lobby and the continuation of coal.

Mr Barnett - Sorry?

Dr WOODRUFF - It is pretty clear that is exactly the Prime Minister's position. He is definitely furthering the continuation of coal-fired power and fossil fuel power for as long as they can possibly bleed the global climate system of it.

Let us not forget this Tasmanian situation is purportedly in the context of managing problems within the National Electricity Market. I draw the attention of the House to the Australian Energy Market Operators Report from July 2018, an Integrated System Plan for the National Electricity Market. The integrated system plan makes a number of observations. Under their table of key observations on page 5, it says that for the future of a successful NEM, maintaining existing coal-fired generation up to the end of its technical life is a key element of a least-cost approach. When existing thermal generation reaches the end of its technical life and retires, the most cost-effective replacement of its energy production based on current cost projections is flexible thermal capacity, including gas-fired generation and transmission amongst renewable energy, energy storage and distributed energy resources.

It is really clear that the federal Liberal Government is doing everything it can to maintain Australia's dependence on fossil fuels and maintain the coal industry's profits that are coming from an electricity-generating product that is killing the ecosystems that human, animal and plant life depend upon.

Here we are today when the IPCC has delivered its most recent report that gives us, according to the estimates of scientists who have done the work on the global carbon budget, 20 years to get rid of our dependence on coal. Zero to 2 per cent within 22 years is what we are aiming for.

Mr Brooks - You want to shut every coal mine, is that right?

Dr WOODRUFF - Of course we have to shut every coal mine. There is no doubt that we have to shut every coal mine. We have to work towards that, which is why a national electricity market that is based on maintaining coal-fired power stations to the end of their technical life is a dangerous plan that should be resisted by governments that are governing for their people.

How is it possible that \$5 billion is the best spend the Tasmanian Government can make for the future of our people, looking at all the needs we need to address for climate change, not just electricity generation but also our dependence on liquid fuels? Why isn't this minister putting the

effort and energy into coming up with a plan for reducing our state's dependence on liquid fossil fuels? There is no plan. While he is swanning around having high-end meetings and feeling really pumped up about being addressed as an important person by his federal Liberal Party colleagues, he should be putting much more attention into the real critical issues right here and now, which is a plan for action on climate change, and pushing with all the other ministers in Cabinet for a state climate change act that has real-term actions in it.

We have the Snowy 2.0 which will cost the federal government \$4.5 billion that will allow coal-fired power stations to run flat at the most efficient levels for them to continue a constant load. It will enable the continuation of coal-fired power. That is where the federal Liberal Party have made a commitment to supporting that project. They have no commitment to supporting pushing down emissions from coal-fired power stations, and that is what we have to do.

Time expired.

[11.44 a.m.]

Mr BROOKS (Braddon) - Mr Deputy Speaker, I am surprised that the Opposition cannot be bothered jumping, but I would like to make a contribution on this matter of public importance. I congratulate my friend and colleague, the honourable Guy Barnett, for his passion and work for Tasmania, but in particular in the Energy portfolio.

We saw recently the exciting announcements around renewable energy. The west coast wind farm is a huge project. When I was the chair of the West Coast Economic Working Group and we were looking at diversifying the economy in that region due to the decision by CMT to take that mining project into care and maintenance, that was one of the specific projects identified by the community that would deliver jobs. It was through the work of the majority Hodgman Liberal Government, the Cabinet and Mr Barnett that that project is now up and running, or off the ground anyway. It is not obviously producing power yet but the civil works are happening. They are employing locals. It is private investment and a great outcome for north-west Tasmania and the west coast and for renewable energy for Tasmania.

I have worked on a coal mine in Queensland and I am not surprised that the Greens want to shut down every coal mine in the country. We export our coal because it is of some of the highest quality around. You can also blend it. What they do is blend products, whether it is iron ore or gold or whatever. You have a higher quality coal or a lower quality coal -

Dr Woodruff - How is it going to help us if we don't do it, minister? We have to have a plan to do it.

Mr DEPUTY SPEAKER - Order, Dr Woodruff.

Mr BROOKS - You blend the products, you blend the coals, even throughout different countries, but Australian coal is of a very high grade which makes it a lot cleaner and more efficient than other coal products elsewhere.

Dr Woodruff - Rubbish. That is not true. Not clean enough.

Mr BROOKS - Dr Woodruff is happy to kill off every job in the coal-mining sector around Australia, wreck the economy and wreck the exports, just so that they can produce more dirty coal elsewhere. That is typical of their approach. We know -

Dr Woodruff - The time for that argument is well past.

Mr DEPUTY SPEAKER - Dr Woodruff, you are warned for constantly interjecting.

Mr BROOKS - No doubt Dr Woodruff drove here in a car. Where do you think the car came from? Where do you think the glass in the car came from? Where do you think the fuel came from? Where do you think the oil came from? Mining and oil and gas - it all comes from mining. It just proves that she does not mind using the products that come from mining but is quite happy to shut a whole industry down.

This is an important MPI about renewable energy from the minister. We have a vision and a plan to deliver 100 per cent renewable energy for Tasmania and we can do that, but there are other places that are not as fortunate as us. For Dr Woodruff to cripple the economy and increase the price of power for Australians and people overseas because of her ideological hatred of anything that starts with a mine, yet she uses a car, no doubt flies on planes, uses a computer and has a phone - all of that stuff comes out of a mine - just goes to show the hypocrisy of it.

I am proud to stand up as part of a government that has delivered renewable energy projects and am also excited to be working in conjunction with our federal colleagues, with the previous prime minister, Mr Turnbull, and now Prime Minister, Mr Morrison, about the pumped hydro opportunities and aspects. I know my good friend and colleague, Mr Hidding, has been talking about it for a while and raised it even when I was in Cabinet. It is a real opportunity for Tasmania. It is a hugely exciting opportunity and I think we are gifted with something that is very special.

I will give credit where credit is due. The hydro project was built by successive governments of both sides and it is an asset that we now have. There is probably some maintenance that we need to continue with. It is ageing and we need to invest heavily in it, but the pumped hydro system and concept is an absolute cracker, delivering an economic benefit the state, an environmentally friendly and clean energy source along with wind and other aspects. You cannot just have one power source because they can fluctuate, especially with renewable energy, and that is what we have seen in South Australia. People want energy security. They want to know they are guaranteed of having energy available when they need it and it also needs to be affordable. Dr Woodruff has her usual deluded ideas where she is going to shut down the coal industry and send everyone's power prices up by double interstate, but she does not care about that.

We are fortunate in that we have diversity in renewable energy assets that can deliver energy security at a very cheap price but we can also maximise that opportunity through the economy for Tasmania.

Time expired.

Matter noted.

WATER AND SEWERAGE LEGISLATION (CORPORATE GOVERNANCE AND PRICING) AMENDMENT BILL 2018 (No. 53)

Second Reading

[11.52 a.m.]

Mr GUTWEIN (Bass - Treasurer - 2R) - Mr Deputy Speaker, I move -

That the bill be now read the second time.

This bill meets our commitments to accelerate investment into infrastructure, to freeze and then cap prices, to collaboratively progress major projects of environmental, social and economic importance to the state, and for the Government to become a part-owner in TasWater.

Three weeks ago, at the special general meeting of local government held on 27 September 2018, councils around Tasmania voted overwhelmingly to implement the memorandum of understanding developed earlier this year. Twenty-eight of the 29 councils in Tasmania voted in support. Following their overwhelming support, the Water and Sewerage Legislation (Corporate Governance and Pricing) Amendment Bill 2018 represents the next stage of the ownership and governance reforms for our water and sewerage industry.

The challenges in Tasmania's water and sewerage industry are well known and have been the subject of much debate in Parliament and in the community in the recent past. The problems caused by ageing infrastructure leading to poor health and environmental outcomes have been consistently raised by the Economic Regulator in annual state of the industry reports. In November last year the Auditor-General concluded that despite significant effort and expense, significant infrastructure challenges remain, especially in wastewater treatment.

It was in this context that the Government, TasWater and local government worked together to develop the MOU earlier this year, which was agreed in May 2018. The MOU set out a cooperative model for reform of the water and sewerage industry. A key feature of this model is that the Government becomes a part-owner of TasWater.

If the bill is passed, the Government will become a shareholder of TasWater, allowing TasWater to better leverage government support and expertise. The MOU contains a commitment for the state Government to invest \$200 million in TasWater over the next 10 years, at which time the state Government will own 10 per cent of the shares in TasWater.

The Government's investment in TasWater will help TasWater to accelerate its infrastructure investment, with a target of \$1.8 billion infrastructure investment to be delivered by 2026. It will also help ensure that TasWater keeps water and sewerage prices more affordable. As part of the MOU commitments, TasWater has agreed to impose a price freeze for regulated water and sewerage services in the 2019-20 financial year. From 2020-21, TasWater has agreed to maximum price increases of 3.5 per cent each year to 2025.

Under the MOU, the Government also agreed to progress investment in major infrastructure projects of special environmental and economic benefits for Tasmania, including projects to address issues with the combined sewerage system in Launceston, the removal of the wastewater treatment plant at Macquarie Point and addressing sewerage issues in locations such as in the Freycinet-Coles Bay area. The Government is currently progressing these very significant projects with TasWater.

As I have already stated, at the special general meeting of councils on 27 September 2018, councils overwhelmingly endorsed TasWater's resolutions to allow the Government to become a shareholder of TasWater, to the lower price increases up to 2025 and other changes to the governance of TasWater as set out in the MOU.

The next step in the pathway to reform is this passage of this bill. This bill amends water and sewerage legislation to give effect to a number of the key commitments in the MOU. The Water

and Sewerage Corporation Act 2012 currently prohibits any body other than a council owning shares in TasWater. This bill amends that act to permit shares to be held by the Crown, as well as councils. Consistent with the MOU, the bill also prevents the Crown from receiving dividends from TasWater.

The bill removes the current requirements that TasWater's distributions to councils include income tax equivalents and loan guarantee fees. In future, all payments to councils from TasWater will be in the form of dividends. This proposal was a request by TasWater to simplify its administrative arrangements about distributions to councils. This will not affect the total level of distributions that councils will receive.

The bill includes amendments to the Water and Sewerage Industry Act 2008 to enable TasWater to charge lower price increases than those set in a price determination by the Tasmanian Economic Regulator. The bill ensures that the regulator can only set maximum prices, or maximum price increases, and not set actual prices or minimum prices, as the regulator currently can do under the act. These amendments are needed to enable TasWater to meet its pricing commitments under the MOU, including the price freeze in 2019-20.

The bill removes some provisions in the state's water and sewerage legislation that are no longer needed. It repeals Part 6 of the Water and Sewerage Industry Act, which establishes interim price orders issued by the Treasurer for water and sewerage corporations and interim water and sewerage licences. These transitional measures are no longer needed as the full regulatory framework under the Tasmanian Economic Regulator has been in place since 2012.

The bill repeals a provision in section 10 of the Water and Sewerage Corporation Act which requires all councils to have an equal number of shares. TasWater is proposing a different share structure, with the number of shares each council owns equal to that council's voting rights. Councils agreed to this change at the special general meeting.

The bill removes the section in the Water and Sewerage Corporation Act 2012 that deals with the staged repeal of the earlier act, the Water and Sewerage Corporations Act 2008, which established the three regional water and sewerage corporations. This earlier act has been entirely repealed.

I take this opportunity to thank TasWater, its CEO and chair, councils, and the owner's representative for the work they have done to get us to this point.

Mr Deputy Speaker, I commend the bill to the House.

[11.57 a.m.]

Mr O'BYRNE (Franklin) - Mr Deputy Speaker, I want to respond to two concepts the minister referred to in his contribution where he talked about working together and a cooperative model. Maybe if he had done that two-and-a-half years ago he would not have wasted so much of the taxpayers' money and put so many councils through the mill and having to spend ratepayers' money fighting a campaign against his hostile takeover of TasWater. It is a bit rich to get up here and talk about a cooperative model and working together when this policy area has been littered with him walking about like a bull in a china shop smashing up as much as he can.

In the shadow of an election where weeks prior he had taken a policy, which was a significant traction from where we land now, to the election in terms of his commitment to take full control of

water and sewerage in Tasmania, lower prices, fix infrastructure sooner and support council so rates would not rise. It was effectively a hostile takeover and then in a matter of weeks after the state election he capitulated and signed off on the opening day of Parliament an announcement around a memorandum of understanding - essentially the peace treaty for the war that he started and lost.

We will support the bill, not because we think it is the right thing to do, but the last thing local government needs is a continuing festering mess that has been created by this Government.

In talking to councils, we know there has been significant concern around the amount of money, concern around the deadlock arrangements and concern around the capping and capacity of TasWater to not only meet its existing infrastructure strategy but also the many challenges around the state. We noticed that one major council took the brave step of voting against the MOU. A number of other councils had major concerns. They wanted to end the war you started. They wanted to end the two-year attack that you led on local government, on TasWater, on local communities, which wasted not only state government funds, but also wasted ratepayers' money in various councils, because they had to fund a war against you.

They have voted to support this as they want peace. We commend the Local Government Association and those councils that sought to end the war not of their making. We have structural concerns about the money and the deadlock - all the concerns local government raised with us privately, which led to one major council in the state voting against the MOU, only just achieving the 75 per cent required for the MOU. We do not want to add to the festering sore that is the relationship between the state and local councils in Tasmania.

We will support the bill, but we will make it very clear we have many concerns about the details of the MOU and the capacity for Tasmania to deal with the state's significant water and sewerage challenges. The deal inhibits the flexibility of TasWater to meet those arrangements. Clearly they are not dealt with in this bill, but they are context to this bill.

This arrangement is one of two things: It is either kicking the problem down the road for a future government, 'It will not be your problem it will be somebody else's problem, the Labor government coming in to clean this mess up', or it is the first stage in the takeover. It will lull them into a false sense of security and then seek a hostile takeover in different political times. Maybe in the context of another election a treasurer and a minister will be looking for an agenda. They have no micro-economic reform so they might roll out this old chestnut and have another crack in the lead up to the next election. It is a well-worn path, particularly by those opposite. We have major concerns with the MOU.

We will support this legislation, but we want to put on record that we are concerned about the nature of the MOU. We have concerns about the relationship and we commend local government for trying to mend this in the interests of the state. They put the interests of the state above their own political self needs-

Mr Gutwein - Why don't you share your preferred model, rather than just whingeing. That is not a policy, you know that.

Mr O'BYRNE - We know what your model was. Two and a half years ago you wanted to take it over and they handed yours to yourself. That is what they did, in the most humiliating backdown in modern politics. This was your one piece of legacy for the state, 'I am going to take

over TasWater, I will show these councils, these mendicant councils'. You know what that means? You know what 'mendicant' means?

Members interjecting.

Mr DEPUTY SPEAKER - Order.

Mr O'BYRNE - We have heard that before. You know what 'mendicant' means. That is the bully in the schoolyard. You wanted to have a crack at local government. They have been failing the state. Not only that, you used parliamentary privilege to attack the chair of TasWater. You know that was disgraceful. I am sure you have apologised to him and said, 'Oh well, mate, I went a bit far there and got ahead of myself'. It was a shameful moment in Tasmanian politics.

Mr Gutwein - I think you are filling in space. Explain your position.

Mr O'BYRNE - Not at all. I know you do not like hearing it. I know it is painful. This was your one legacy piece. Now you have nothing, minister.

Mr Gutwein - You are voting for it so I have something. I would like to hear what you have.

Mr O'BYRNE - He is a bit noisy over there because he does not like what is going on. He has a bit of a glass jaw. The councils showed him what leadership was all about. A number of councils are genuinely concerned with this arrangement, but they are willing to sit down and work with the state Government, and I quote the Treasurer, 'in a cooperative model working together'.

It is a pity it has taken two-and-a-half years. The cuts and bruises are starting to heal and he can dust himself off. Hopefully they are not just words and he does commit to working cooperatively.

We have heard the announcements on Macquarie Point's water and sewerage plant. We are unclear about the number on the cheque to resolve that. The media has reported it is a \$140 million commitment from the Government. I know that is not the case.

Mr Gutwein - We discussed it earlier this week.

Mr O'BYRNE - I am just putting it on the record, minister. The public record says the minister has committed \$140 million, so you might want to clarify that on the record in response. That is important for *Hansard*. It is important that we understand the commitment.

There are many other challenges facing water and sewerage in Tasmania. There is the black hole for the Tamar River remediation and the water and sewerage cycle in Launceston. These are words but we are yet to see it funded in the Budget. The federal government has funded it but we have not seen the money in the state Budget. If the minister wants to refer to the page number we will have a look and we will clarify that. He has had an opportunity in this house a number of times to do that and he is yet to do it.

In supporting this bill we have grave reservations about its nature and the money required. The good performance by the GBEs has the Treasurer out of jail, he has a little more money to play with. He will be splashing it around. It is crucial for the state Government to have good relationships with key utilities and other tiers of government. This is a war that was created two-

and-a-half years ago. It is a massive capitulation by this Government. We have concerns, as do many councils, with the nature of the MOU. We do not, as a party, want to contribute to a continuing dysfunctionality between two key tiers of government. We wish TasWater and the local government owners well in their work in bringing the Treasurer around to a more reasonable, constructive and hopefully forward-looking position. There is much work to be done and the last thing we want is for the state Government to be at war with a key utility. It is one of the biggest dead hands on economic development in Tasmania, and one of the key challenges. We put that on the record so that when people come to us we will take no joy in saying, 'We told you so' years down the track. The next Labor government will have to fix up this mess and make sure that this is an appropriate governance model. It is a model that delivers for local communities and it ensures that we have 21st century water and sewerage infrastructure in this state.

There are a couple of questions in that. It is up to the Treasurer to respond. On behalf of the Labor Party and the Opposition we will be supporting the bill.

[12.09 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, I was wryly amused to hear the Treasurer's comments in his second reading speech about his interest in working on cooperative models and working together. Mr O'Byrne made such obvious points that this was -

Ms O'Byrne - Yes, they were obvious, but they were salient.

Dr WOODRUFF - I meant they were obvious for those of us who had not seen the Treasurer in his full form, his way of responding to TasWater was exceptional and illuminating and revealed his capacity to be a bully in a public forum and in this place, including publicly belittling and attacking the chair of TasWater, Mr Miles Hampton, when he responded - as any good chair of a board looking after the risk of its corporation would - to the broadside takeover bid by the Treasurer of TasWater without any discussions with the board, the chair or the 29 councils who are shareholders of that company.

When the Treasurer released that statement on 19 February 2017 he said he believed the state's water and sewerage situation had reached a crisis point and the Government was no longer prepared to stand by and let the situation continue. It was a so-called situation and so-called mismanagement by TasWater of our vast water and sewerage network. He followed that up on 24 February 2017 by meeting with the council owner representatives to explain what he believed was the urgent action necessary, which was the takeover of TasWater and bringing it into state government ownership, and on 7 March 2017 the Premier announced the Government had decided to take control of TasWater.

What followed was a public display of attack and bullying by this Treasurer which revealed it as a political stunt designed to exert some level of control over local councils and enhance the destabilisation of local government, which this Minister for Local Government has successfully done in the last term of government on a number of levels by allowing councils to go into states of dysfunction and by holding back from appropriate investigations early enough into complaints of misconduct that have occurred in councils around Tasmania. He allowed them to go to a point where they fell over and essentially imploded into a state of dysfunction because the councillors were not being supported in the proper governance and the investigations and complaints being made.

The takeover bid by the state last year came on the back of the very poor relationship this minister had as Local Government minister for the preceding three years. Into that space, when he as Treasurer attempted the takeover bid, then it was on. Councils responded strongly. There were 23 of 29 councils opposed to that takeover and the proposal ultimately failed on 23 November last year when the Legislative Council voted 10 to 4 against that proposed legislation.

On 5 February this year the Treasurer revived the failed TasWater takeover bid with a revised offer which included a one-year price freeze for customers and a guarantee that councils would receive an annual total dividend of \$20 million or up to 50 per cent of TasWater's profits, which ever would be the greater, indexed forever instead of until 2025. On 6 February that sweetened TasWater takeover bid was criticised by TasWater chairman Miles Hampton and the president of the Local Government Association, Mayor Doug Chipman, both of whom criticised the plan. Miles Hampton said that the state Government's artificially managed pricing structure an accelerated works program would rack up a state debt equivalent to \$2675 for every TasWater customer, accruing interest for decades to come. He also said that committing an annual payment to councils of at least \$20 million a year will, 'lock in an even greater commitment to debt'.

LGAT president at the time, Mayor Chipman, said:

Tasmanian councils are always mindful of cost-of-living pressures facing their communities but we have to take a very long-term view.

It is important that disproportionate costs are not shifted to future generations, particularly for short-term or minimal gains.

I could add 'or political gains'.

It is important for the House to understand the history of where we are today. By May this year the Treasurer had finally learnt the value of having conversations and bringing people on and doing a deal the right way, which is by bringing parties to the discussions and providing financial evidence of the value of the proposal being made. An MOU was signed on 1 May between Miles Hampton and the chief owner representative of TasWater, Mayor David Downie, with the Treasurer on behalf of the state Government.

That MOU has a number of key features in it. In relation to ownership and governance, governance will be by an independent skills-based board, and that will continue. That is a very important fact. The state government will contribute \$200 million over 10 years in new equity and for each \$20 million contributed the state government will receive 1 per cent of the voting capital. The state government shareholding will not receive dividends. The annual TasWater corporate plan will be jointly agreed between the board, the owner councils and the state government, with defined arrangements in place in the event of a deadlock.

The state government representatives will sit on the board's selection committee and will be consulted, along with the chief representative, on the appointment of a CEO. The state government will not have the right to appoint a director. If the state government does not meet its commitments to make equity injections it will lose its rights in respect of the rights to jointly approve the draft corporate plan and to participate in the process to resolve any dispute regarding the adoption or amendment of the corporate plan; its seat on the board selection committee; and its right to be consulted in relation to the appointment of the CEO. These rights will be reinstated on receipt of

the overdue equity injections. Any decisions made by the board selection committee, the owners' representatives or the board during such a period will continue to be valid and remain effective.

The state government's commitment to contribute equity will be formalised through a share subscription and implementation agreement between TasWater and the state government. This agreement will also reinforce the particular state government rights referenced above and the loss of those rights if contributions are not made. TasWater's obligation to maintain price increases within the cap and/or accelerate the capital program may be suspended in the event that unforeseen events arise - for example, significant interest rate and/or inflation increases beyond that reasonably projected, or if the government does not meet its commitment to maintain equity injections.

Commenting on that MOU in an information memorandum to the 29 owner councils, TasWater chairman Miles Hampton advised that:

Like all compromises, there had to be some concessions on all sides, but on balance I am confident it represented both a fair-minded and sensible way forward.

After 10 years the state Government will have contributed equity of \$200 million and owner councils contributed equity will be unchanged (i.e. at \$1.528 million).

The MOU scenario will not have a negative impact on TasWater's ongoing financial sustainability.

The policy to pay distributions to Owner Councils remains unchanged, albeit under the MOU scenario this will be solely in the form of dividends.

Most importantly, TasWater and Councils will be working with the State Government to ensure that water and sewerage services across the state are affordable, reliable and enhance economic development opportunities.

The TasWater board endorsed the signing of the MOU and authorised a release of that MOU to all owner councils. An initial concern was flagged by at least one council, some councillors and other councils that the MOU was signed without an opportunity for full scrutiny of the conditions of the MOU. That has left a space for some councils to, in retrospect, do due diligence on some of those conditions. Although, as the Treasurer has noted, there is overwhelming support for this move it is not unanimous.

Some important concerns were raised by one large council. In relation to the analysis of the two scenarios that were provided within the memorandum of understanding - a business as usual case and the future scenario that was presented under the MOU proposal - analysis of the two scenarios shows that at the end of the 20-year period TasWater's revenue is \$237 million lower, borrowings are \$95 million higher and net profit before tax is \$318 million lower under the memorandum of understanding than under a business as usual approach.

The state government will contribute \$200 million in new equity over 10 years under the MOU proposal. In return for that 10 per cent buy-in they receive a 33 per cent say in strategy, operations and dividends in relation to the TasWater annual corporate plan. That corporate plan will be jointly agreed to by the board, the owner councils and the state government. In other words, a third party is being introduced, which substantially reduces the proportional contribution of owner councils to

that corporate plan. This disproportionate say of the state government is exacerbated once the state government pays the first instalment of \$20 million, that is, their 1 per cent of equity, when they are entitled to a 33 per cent say. By virtue of making the initial contribution they have as much equity, 33 per cent, as they do at the end of the period when they have made their final contribution.

The MOU proposal does represent a good deal for the consumer in that it provides a price freeze in the second year, 2019-20, and provides that annual price increases will not exceed 3.5 per cent from financial year 2021 through to 2024-25. The MOU proposal also represents a good deal for the state government because it helps the Treasurer to deliver on that pre-election commitment and we would expect to lead to lower water prices and an accelerated program of work.

The TasWater Board has unanimously backed the MOU proposal because it ends the so-called ownership debate with the state government. It guarantees the future of the board and it provides a glimmer of optimism that federal government funding could be achieved with a now-supportive state government. This is a point worthy of strengthening. With all the effort the Treasurer has made in focusing on bullying and attacking and a state takeover of TasWater, he has fully missed the opportunity to look at working cooperatively - so-called 'developing cooperative models', in his own words - with the TasWater Board two years ago to investigate partnering with the federal government for very much needed water and sewerage infrastructure investment funds. That is a two-year missed opportunity that is all on the Treasurer's head. He could have been taking leadership instead of running a retrograde attack on the board.

The risks for council are small but worth reporting. The main concern about a risk appears to be the impact on TasWater's interest cover ratio due to the increased borrowings required to accelerate the capital works program over the next 10 years. The chairman, Miles Hampton, has consistently said the financial sustainability of TasWater requires an interest cover ratio above 2 per cent. I understand from my conversations with the staff, and I thank them very much for making themselves available for an early morning briefing on this bill with me this morning, that the 2 per cent interest cover ratio is a level at which many boards and corporations seek to be at or above in order to minimise risk and maintain security.

The financial modelling provided by TasWater shows that for the 20-year period, financial years 2017 to 2036, the interest cover ration never drops below 2 per cent under the business as usual approach. During that 20-year period, under the business as usual approach, the lowest interest cover ratio is 2.57 per cent. This shows quite a deal of fluctuation in the first 10 years under the business as usual scenario with the interest cover ratio going up as high as 3.35 per cent and in the second part of the period never dropping below 2.57 per cent, which is the lowest point that it would drop across the whole period. Under the MOU proposal being adopted and that this bill seeks to make law the interest cover ratio drops below 2 per cent in a number of financial years, financial years 2026 through to 2032 and financial year 2034. In his words, the chairman, Miles Hampton, would argue this leaves the organisation more vulnerable than it would otherwise have been should the interest rates rise during those years, albeit by a small amount. Compared to the business as usual case it is a fairly large difference. It is a full 0.5 percentage points lower than the business as usual scenario in the worst year.

Some councils are concerned it is not a better deal in that regard. It is only one measure but it is an important one. It is a measure of risk and it does relate to interest rates in particular. The interest rates would want to be low. On balance, this bill we have before us is certainly better than the proposed takeover the Premier was proposing the state Government undertake this time last year. It is not an intrinsically better deal for councils. There is the concern the MOU significantly

impacts on the interest cover rate ratio in the increased borrowings that would be required to accelerate the capital works program. That has to be balanced, and has been, by councils and found that, on balance, councils are happy to wear that risk in preference to the alternative, which is not to be able to accelerate the capital works program and bring forward better water and sewerage infrastructure for all Tasmanians.

We all want to live in a state where we have excellent water and sewerage infrastructure. I asked during the briefing whether we were somehow reducing our capacity as a state - perhaps the Treasurer can answer this - given the now certain climate volatility we have in our climate system and the potential for extreme events, particularly extreme water events, and the possibility -

Mr Brooks - Climate change.

Dr WOODRUFF - Yes, climate change; that is right, Mr Brooks, thank you - the possibility of that having an impact on water and sewerage systems requiring infrastructure work. What confidence does the Treasurer have that this MOU and this proposal, given it is bringing forward a substantial amount of capital works, will enable us to respond if we need to in addition have a large amount of infrastructure repair or building as a result of unforeseen events?

On behalf of the councils that overwhelmingly decided that this was a better deal for Tasmanians and a good enough deal for councils, the Greens are happy to support this bill. We are glad the Treasurer got there in the end in his negotiations with councils on this important matter.

[12.32 p.m.]

Mr BROOKS (Braddon) - Mr Deputy Speaker, I will bring the water up as there is a fair bit to go through and it is very important.

Mr O'Byrne - Water and sewerage and you - what a surprise.

Mr BROOKS - Some people say that under the previous Labor-Greens government all that got served up was sewerage. What we need to look at here is why the majority Hodgman Liberal Government and -

Ms Butler - No consistency. You are quite nice outside the Chamber, but not inside.

Mr DEPUTY SPEAKER - Order.

Mr BROOKS - Ms Butler, I make no apologies for standing up on behalf of the constituents of Braddon and ensuring their views are represented on the floor of the Chamber.

Ms Butler - You're quite nice, though, outside the Chamber.

Mr BROOKS - Absolutely - I am nice everywhere. You were not here eight years ago when we had to listen to the Labor-Greens disaster.

Ms Butler - I was actually, but not in this role.

Mr BROOKS - I did not see you in here.

Ms Butler - I was here. I've actually been here longer than you.

Mr BROOKS - You have a short memory then.

Mr DEPUTY SPEAKER - Order.

Mr BROOKS - We had a policy to fix the water and sewerage because it was broken. The biggest concerns coming in to my electorate office were based on water and sewerage and TasWater. The biggest issues raised, amongst others, in opposition and then even when we were in government, was about the challenges with some pricing, things such as grease traps for small businesses, and other issues relating to water and sewerage.

What many people did not understand was that the state government did not actually own water and sewerage - it was owned by the councils - but they wanted to know why we were not doing something about it. We know those opposite have criticised our policy, but our only agenda on this matter was to fix the community's concerns. That was what we wanted to do and what we still want to do. We want to address the concern the community has raised because it is impacting business, it is impacting households, it is impacting individuals and it was having a big impact on their cost of living as well.

We have seen examples where there have been some extraordinary charges for minor work handed out and sometimes on review they have been changed, amended or reversed and sometimes they have not. I have taken the concerns of my constituents directly to TasWater, as is part of my job, and I am sure other members here would as well. If I have a constituent who has a concern, I see it as my job to listen to that concern and raise it with the relevant authority.

Some in the community thought the government owned TasWater but we do not. It is owned by the councils. That was set up by the previous government and it was causing a lot of heartache for many people in the community. The reason I am talking about this is because it is important to remember why we had this policy in the first place and why we brought this in. I congratulate the Treasurer for continuing to focus on fixing the mess that was left and working towards continuing improvement.

Part of our job as MPs and the Government is being a government that listens but also understands the reality of what we can and cannot achieve. Unfortunately, due to the Labor-Greens bloc, we were not able to proceed with our original plans for dealing with the issue that was raised by the community. It was raised on behalf of the constituents that came into my and my colleagues' offices, and I have no doubt they would have gone to those opposite. Ms Butler, I do not know when you were working if you ever had a TasWater inquiry come into your office.

Ms Butler - I used to work for TasWater. I was in their HR department.

Mr BROOKS - There you go. I will not say it is your fault.

I would be surprised if there is not an MP in this Chamber who has not had a TasWater issue raised with them. The government did not own TasWater. It was owned by the councils and people did not understand that. They wanted to know what we were doing about it and how we were going to fix it. That was part of the drive behind the original policy setting. The Labor-Greens bloc effectively killed off the constituents' wishes and we had to revise and amend the strategy because we are a government that listens but also a government that lives in the real world and we still think we can make a difference.

What the Government did, through the leadership of the Treasurer - and I congratulate him for delivering real reform and real results - was enter into an MOU. I will get into that a little because it is important we deal with this issue.

The contribution from Mr O'Byrne did not offer one solution, one idea or a plan of what he would do or what we should not do. He was part of the government that created this but now, over there it is all care, no responsibility - not his problem. That is the way the member operates.

We make no apologies for standing up for Tasmania and the constituents who come into our electorate offices and ring us and the businesses that have concerns and raising them with the TasWater authority and trying to come up with a solution that will deal with the issue. Throughout regional Tasmania, there was a vast difference in the quality of that asset in the investment that councils had made when councils owned water and water infrastructure assets. Some had done a very good job and some had not done as good a job, according to the locals. I am not here to judge one council over another.

It is evident there are still some problems with water in Tasmania. Boil water alerts not very far from Hobart are not great for our tourism sector or for our infrastructure. We have many treatment plants that still do not comply with the Australian standard and that is unacceptable to our Government. That is what we wanted to fix and we wanted to deliver a better product and a better service to the Tasmanian people.

The wording the member opposite used in his contribution about us trying to do a hostile takeover, I cannot remember the exact words you used but that was the tone, and was basically us commandeering the asset. It was about us trying to fix something on behalf of the constituency, on behalf of the Tasmanian community and on behalf of the businesses out there that are struggling under the pressure of the cost of running their business. One of the bigger costs is their water and sewerage infrastructure and those costs. We also have the issue with grease traps that we will continue to work with.

Under the MOU, given we are a government that listens and the Treasurer lives in the real world and takes on board what we can achieve, unlike those opposite, we entered an MOU with the intention of addressing the concerns and the problems of the community. That is what this is about. Made in Hobart on 1 May 2018, it was about progressing further reforms and it is really important that we look at. Sorry? I am sorry about that, Mr O'Byrne?

Mr O'Byrne - Keep going, mate.

Mr BROOKS - Thanks, I really appreciate your permission and your feedback because -

Mr O'Byrne - It is not, mate, it is just an interesting filibuster.

Mr BROOKS - I value your contribution every time. It is an amazing contribution you make all the time, Mr O'Byrne.

It is important we look at the key principles and objectives because it is a really important aspect.

- 1.1. The State Government, TasWater and the Chief Representative of the Owners' Representatives Group have reached in principle agreement to

work together to further reform the important water and sewerage sector to achieve the following key outcomes:

- a. The State Government to become a part owner of TasWater, involving revised governance arrangements, to enable Local Government and the State Government to work together to improve water and sewerage outcomes for the betterment of Tasmania;
- b. TasWater will accelerate its water and sewerage infrastructure investment program;
- c. future regulated water and sewerage prices in Tasmania will be capped until 30 June 2025; and
- d. TasWater continues to be a sustainable and financially viable corporation that delivers water and sewerage services in Tasmania effectively and efficiently.

They are the underlying principles or outcomes that were set out to be achieved. One of the challenges was that we had no say in how TasWater operated, in how they managed their affairs or their business. Complaints and concerns were raised with me and my colleagues and probably every politician on occasion and we could not influence a better outcome for the community. A government is a service provider. It is a customer service organisation. It does not mean we do whatever everyone wants us to do but we listen and we act where we can. We take on board feedback and if there is a problem or there is something wrong, we try to fix it. We also need to balance the budget. That is something those opposite cannot do but we can through the knowledge of the Treasurer.

The joint ownership of TasWater gives us more of a say in this vital structure. You have a statewide asset that covers regional communities and areas and, when you look at a statewide asset, what is the best body, organisation or entity to own and manage that? In our opinion it was the Tasmanian Government rather than the councils that lacked accountability for outcomes. This is not a reflection on individuals. This is on the model and on the business case that was set up. There was not the accountability and there was not the direct path to improve outcomes. That was part of the challenge. That is why our Government felt strongly that we probably needed to have a say in a statewide asset.

To develop a joint ownership model with the objectives I have outlined, the councils will collectively own majority ownership of TasWater. The state becomes an owner through a new class of shares, which will reflect the state's decision not to receive any distributions from TasWater. This is not a cash grab for the state government, as has been accused by others, over time. It is not about the money or the state trying to get its hands on a financial asset. It is trying to fix an asset that needs fixing.

Boil water alerts are unacceptable in Tasmania today. Tourists come from everywhere and they would not expect to be visiting a great regional community and still have to boil their water or drink bottled water. People may say it was 50 kilometres or 100 kilometres out of Hobart, but to a tourist it is Hobart, the capital city, or Tasmania as a whole, where we have challenges with that infrastructure and that asset. That has an impact on the perception of Tasmania and its infrastructure and it can have flow-on effects.

There is range of reasons as to why we wanted to be involved in trying to address these challenges and these problems. We will become a shareholder and it is not about the money. The councils will continue to receive payments as agreed between them and the corporation and the option of legislating this commitment was to be jointly explored. Some were trying to spread fear amongst the community that we were going to take money off councils and rip them off, send them broke and their rates were going to go up. It was a load of nonsense. This was about a government that was hearing daily concerns about TasWater, real concerns from the community and business sector, and they wanted to know what we were going to do about it.

That is why we have continued to work on this. We have not given up on it and we have not walked away from it. We have worked proactively and sensibly to deliver an opportunity to influence not only the outcomes but to fix this asset. TasWater's corporate plan is jointly agreed between the owners' representatives and the state. Corporate plans are vital, especially in the private sector, so you know where you are heading. Agreements will be put in place in the event of a deadlock, because that can happen.

The state will be part of the process in appointing the board. The chief owners' representative and the state are to be consulted regarding the appointment of the CEO. The chief owners' representative chair and the CEO of TasWater will appear at the GB Scrutiny Committee of the lower and upper House in alternate rotation.

I previously mentioned accountability. A challenge I had with constituent concerns was no one was accountable for the answer. Sometimes I would get an answer and sometimes not. Mayors had very limited accountability and control over the outcomes of TasWater. The mayors across the state would say that.

This provides the opportunity for public scrutiny of TasWater at GBEs. That is good for accountability. It allows those opposite and members of the Government to question TasWater on its corporate governance. At the moment they cannot do that. That is a significant change in this structure. It makes them accountable for their decisions and where they are heading. At the moment that is very challenging. That is not a reflection on the mayors or on those on the body, it is just a fact that we cannot question them. I go on about buying local and supporting local. I tried to get it down in opposition. Unfortunately Mr O'Byrne did not agree with me when he was the minister. We implemented that in Government and we have seen an increase in participation as well as the awarding of Government tenders and contracts to Tasmanian small and medium businesses.

We can start working towards that now with TasWater. TasWater provides financial and other information to the Department of Treasury and Finance, which allows the department to provide advice to the owners, as it does for state government businesses. They have a good balance sheet. They can leverage it to invest more. The state's balance sheet is really good too. That leads to faster investment in infrastructure by leaning against that at a lower rate than a commercial rate. The Treasurer has explained that ad nauseam to those opposite, but they normally do not understand. Hopefully it is getting through to them.

There will be regular post-board meetings between the Treasurer and the Minister for Primary Industries and Water and the chair and chief executive of TasWater. Their corporate governance documents, including its constitution and the shareholder's letter of expectation, will be amended to reflect the changed governance arrangements.

The memorandum of understanding is an important step in accountability and delivering for the Tasmanian community. It will deliver for the people of Tasmania who have been frustrated, outraged, disappointed and unsure of who to go to when they had an issue with TasWater. There is still an ongoing issue with grease traps for many small businesses. From what I understand, TasWater is now starting to listen to some of those concerns and take on board alternative suggestions that are not as expensive. It might be all right if you are a multinational and you need to put a grease trap in, but if you are a small business in a shopping centre struggling to pay the rent and the bills, and it is going to cost you \$10 000 to \$20 000 for one and it could send some businesses to the wall.

Under the MOU we would introduce legislation into parliament to allow TasWater to be jointly owned by the council and the state. I will not go into the investment program other than to say we want to see accelerated infrastructure investment. There are many concerns about the safety and compliance of our treatment plants. Some communities are still on boil water alerts. Seriously, there are areas in Tasmania in 2018 where the water is not safe to drink. It is unacceptable. We are focused on trying to rectify that as quickly as possible. That includes looking at ways TasWater can deliver on the remainder of its most recent 10-year infrastructure plan and achieve a target of \$1.8 billion of total infrastructure investments.

In Queenstown, they have begun replacing corroded water mains and lines. It is a vitally important infrastructure project. A state government should be involved in managing a statewide asset.

Pricing has been raised with me, and it has been a challenge. We will put in a cap that freezes prices for regulated services for water and sewerage customers from 1 July 2019 to 30 June 2020. We will develop a future price profile for regulated water and sewerage services with annual price increases for target tariffs to be no greater than 3.5 per cent commencing from 1 July 2020. We will apply any subsequent determination by the regulator if it is below 3.5 per cent.

It is not what we were originally looking at, but we, on this side, live in the real world. We understand the reality of Labor-Greens blocks. This is about delivering an outcome for the community and for the people. I support the bill.

We are focused on lower prices. The cost of living is a major issue for many struggling Tasmanians.

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

WATER AND SEWERAGE LEGISLATION (CORPORATE GOVERNANCE AND PRICING) AMENDMENT BILL 2018 (No. 53)

Second Reading

Resumed from above.

Mr BROOKS (Braddon) - Madam Speaker, this is not a financial matter. It is about delivering a better service and better outcome for the Tasmanian community. I congratulate the Treasurer for his leadership on this matter and I commend the bill to the House.

[2.32 p.m.]

Mr GUTWEIN (Bass - Treasurer) - Madam Speaker, I thank members for their contributions, some of them more supportive than others, as is often the case in this place. There were a couple of matters I want to touch on. I welcome the support from the Labor Party and the Greens for what we are proposing in the new way forward with TasWater. I am not going to spend a great deal of time summing up but I will touch on a couple of matters raised by Dr Woodruff.

In terms of interest cover, you will note the interest cover dips slightly below 2 per cent as a result of the acceleration of the investment program over that 20-year period but then strengthens as the corporation continues over the forecast two-decade period, and things will change. I make the clear point that the board feels very comfortable with what has been proposed. Second, TasWater is and will remain a regulated entity. Therefore, an interest cover at or around 2 per cent is very acceptable. The board and the Government feel comfortable with the metrics in the financial ratios set out in the explanatory memorandum presented to councils.

Twenty-eight of the 29 councils, representing 94 per cent of the equity holders, voted for what we are proposing. That sends a very strong signal that local government is very supportive of what we have proposed. The Government looks forward to working very closely with local government to achieve the outcomes we set out to achieve. That is, to deliver a lower price path for customers, which is very important, and to ensure we can bring forward the investment required to ensure the water and sewerage infrastructure we have in the state is quickly brought up to scratch.

It also enables us to work with local government in a collaborative and cooperative way in the major projects of economic, social or environmental importance. Two were named in the MOU and subsequently we have named working with the corporation in Freycinet. That will stand us in good stead as a state. The arrangements we are putting in place, with the Government becoming a partner in TasWater with local government, and the business of improving our water and sewerage will also stand the state in good stead.

I will make two points with respect to Mr O'Byrne's contribution. The first was predictable. You would agree with me on that point. I would have been surprised if you had not raised some of the matters you did. Whether it was a slip of the tongue or you were intending to do this, you did announce this is not your preferred model. What is your preferred way forward? That is a matter for discussion and debate on another day.

In closing, I thank Doug Chipman for his approach shortly after the election and for the opportunity he presented to have a discussion about how we could move this forward and find an outcome to deliver those things that were important for both parties. For the Government, it was a lower priced path and an increase and bringing forward of the investment to ensure we could deliver better water and sewerage services sooner. Local Government had a view that they wanted to retain majority ownership and we were able to arrive at what is a very good model. It will stand the state in good stead.

I thank Tony Ferrall and Mike Brewster for the work they did in preparing the memorandum of understanding and other supporting documents provided to the council in the information memorandum, ensuring the legislation we have been debating today could be prepared. I thank Mr Lock, and his area of Treasury, who did a significant amount of work as well.

Finally, to the current chair, I know Miles has announced his retirement and that he will not be standing for chair again. I thank him for the way he has been prepared to work with the Government to arrive at the outcome we reached. We both wanted an outcome that was going to provide better outcomes for Tasmania and we have been able to sensibly and responsibly reach that point. Today, this legislation will pass this place and hopefully be supported in the upper House. Without reflecting on their deliberations, we have 28 councils out of 29 that are supportive of this. It will pass through this place supported by the Opposition and the Greens. That sends a very strong signal that we want to get on with this and ensure we can provide a lower price path and we can bring forward investment.

I thank all members for their contribution and with that I will conclude my remarks.

Bill read the second time.

Bill read the third time.

MACQUARIE POINT DEVELOPMENT CORPORATION AMENDMENT BILL 2018 (No. 50)

Second Reading

[2.41 p.m.]

Mr GUTWEIN (Bass - State Growth - 2R) - Madam Speaker, I move -

That the bill be now read the second time.

The 9.3 hectare Macquarie Point site presents a unique opportunity for Hobart and our state. The site links together key destinations and activity centres in the city between the Queens Domain, the Regatta grounds, Sullivans Cove, Salamanca, the waterfront and Hobart's CBD. It also represents a huge opportunity as a destination in its own right to facilitate community, social and cultural celebrations and engagement, as well as a hub for innovation, scientific research and design excellence.

The expectation of the community and industry is the same as the Government's. We all want to see Macquarie Point developed to its full potential. The state has been working closely with the Commonwealth Government and is on the cusp of signing the Hobart City Deal, which has the potential to create a blueprint for the future of the central Hobart area, harnessing the resources of all three levels of government. It is a once-in-a-generation opportunity and the Government needs to be well positioned to take advantage of the huge benefits it could bring.

The community wants this to occur. They want to see investment and development on Macquarie Point now and we are determined to deliver. The Macquarie Point Development Corporation Amendment Bill 2018 seeks to do just that.

Currently the planning controls for the site reflect the old masterplan; however, the implementation of that plan is heavily constrained by the limitation of both sensitive and non-sensitive uses across the site. The bill provides a framework to facilitate investment in, and the development of, the Macquarie Point site by resetting the masterplan and drawing from the MONA vision to bring the site to life. It also updates the Macquarie Point Development

Corporation Act 2012 to reflect a shift in the corporation's focus from remediation to redevelopment.

In addition to tabling the legislation, I have also released a revised site masterplan for Macquarie Point. This site plan draws from the MONA vision and this first stage covers the former rail yards component. Whilst the MONA vision extends past this footprint into the broader Macquarie Point area and involves future stages, these will need to be undertaken by prospective governments due to the lengthy timeframes associated with this project. Critically, the site plan I have released is stage 1 of the reset and will be a stand-alone development, so that no matter what happens into the future the reset vision will be realised.

It retains the community's strong wish for public open space, art and cultural builds, public transport corridors and, importantly, from the perspective of our \$180 million Antarctic sector, the ability to move forward with a world-leading precinct.

As the Premier stated when MONA released its vision for the site in December 2016:

While the Government has endorsed the vision as a new starting point for Macquarie Point, it is a starting point, not the end product. The corporation will be expected to consult extensively as it develops the final plan, and I have no doubt it will undergo many changes through that process.

The masterplan is the result of a long consultative process with a broad range of stakeholders by the Macquarie Point Development Corporation. The corporation has engaged widely and developed a comprehensive package based on feedback and expert advice.

The bill includes updates to the principal act. These include expanding the corporation's principal objectives and functions. Currently the objectives of the act include:

- (a) to plan, facilitate and manage the remediation of the Macquarie Point land in accordance with the Intergovernmental Agreement; and
- (b) to plan, facilitate and manage the redevelopment of the site so as to ensure that the site -
 - (i) is redeveloped as a vibrant and active area, with a mix of uses, that connects with and complements adjacent areas within Hobart; and
 - (ii) encourages inner-city living; and
 - (iii) is redeveloped so as to deliver sustainable social and economic benefits to Hobart; and
 - (iv) is redeveloped in accordance with sound planning, urban design and environmental principles; and
- (c) to the extent practicable, to make a profit from carrying out its functions.

The amendments to the act will:

- encourage pedestrian and bicycle traffic;
- allow for public transport and transit corridors;
- provide for public open spaces; and
- plan, facilitate and manage temporary and long-term uses of the site.

These amendments reflect the Government's and community's expectations for the site.

The Government has committed to working to activate the transit corridor from the northern suburbs to the centre of Hobart, including a potential linkage through Macquarie Point. Providing for transit corridors in the bill supports this commitment, as well as ensuring that Macquarie Point is open and accessible for the first time since 1850.

A key consideration for the Government and the corporation is to ensure the delivery of a world-leading Antarctic and science precinct as part of the Hobart City Deal. It is important that the corporation continues to work in partnership with TasPorts to support Macquarie Wharf to remain as a working port. Remaining as a working port while providing ongoing access for industry and users of the Antarctic and science precinct will be fundamental for this critical infrastructure.

This bill also includes the ability for me in my capacity as Minister for State Growth to provide the board with a statement of expectations. This will enable this Government, and future governments, to make its expectations clear regarding the corporation's activities in implementing its prescribed objectives and functions. It is another level of transparency and accountability which is important to enshrine for the Government and the corporation, especially as we enter a period where commercial property transactions will be occurring.

Critically, the bill also provides for me in my capacity as Minister for State Growth the ability to amend the planning arrangements that guide development at the Macquarie Point site. Right now, development on the site is heavily constrained by the planning arrangements in place, in particular the 400-metre buffer zone around the wastewater treatment plant, which applies to the majority of the site and impedes sensitive and non-sensitive uses and development.

We are working to resolve this issue on two fronts - first, the removal of the wastewater treatment plant and second, to implement immediate planning changes to take advantage of the opportunities that are out there, especially the Hobart City Deal. For the sake of our community, our businesses, our visitors and our potential developers we need to get on and develop Macquarie Point, now.

We are determined to get on with the next phase of development. This bill enables the corporation's board to prepare a proposal for my consideration to seek an amendment to the Sullivans Cove Planning Scheme 1997 to reset the masterplan. Importantly, Hobart City Council will remain as the planning authority for all projects, which will still be assessed against the provisions in that planning scheme.

After considering the proposal in consultation with the Minister for Planning, the corporation, TasPorts, TasWater and the Hobart City Council, this legislation will enable me to approve a planning amendment and request the Tasmanian Planning Commission to make the change.

The proposed amendment must:

- further the objectives set out in schedule 1 of the Land Use Planning and Approvals Act 1993;
- be consistent with any applicable state policy within the meaning of the State Policies and Projects Act 1993; and
- be consistent, as far as practicable, with the Southern Regional Land Use Strategy.

Furthermore, the bill also requires consistency with the existing strategic framework and conservation of cultural heritage values of the Sullivans Cove Planning Scheme.

The corporation has been finalising the planning amendment to support development on the site in line with its revised masterplan. To give you some idea of the changes involved, the proposed amendments to the Sullivans Cove Planning Scheme 1997 involve -

- The arts and institutional use area adding exhibition centre as a permitted use but moving gambling, hospital services and recreational boating facility to prohibited uses.
- The mixed-use area adding exhibition centre and manufacturing sales to permitted use status along with residential accommodation.
- Heights being broadly consistent with the existing limits.
- The total combined areas of various uses changed to reflect a more civic focus for the site, however the overall footprint is broadly in line with the current site plan.
- Open space remaining a prominent feature, with more than 50 per cent of the site set aside for public open space.

After parliament's consideration of this bill, if supported, I hope to shortly commence engagement with the relevant parties to seek to amend the planning arrangements in place for the Mac Point site in the coming months.

Madam Speaker, as you are aware, the Government is continuing to work with the Clarence, Glenorchy, Hobart and Kingborough councils, along with the Australian Government, to negotiate the Hobart City Deal. This includes working to facilitate the realisation of the Antarctic and science precinct at Macquarie Point.

This legislation seeks to balance the need to support the investment in, and development of, the Macquarie Point site now and provide flexibility to support an Antarctic and science precinct. That is why the bill includes the ability for me to make further amendments to the site for a period of 12 months after an initial amendment is made. At the end of that 12 months, any further amendments will need to be progressed through the Land Use Planning and Approvals Act 1993, not this legislation.

As we are exploring the addition of other parcels of land to the Macquarie Point site, including the site of the TasWater waste water treatment plant (which also includes a small parcel of land owned by the Hobart City Council), the legislation provides for land that is subsequently added to the site to be dealt with in the same way to the original parcel. That is, any new land will be limited

to a one-off power to amend, supported by a 12-month window for amendments, consistent with the treatment of the primary Mac Point site.

Macquarie Point is one of the nation's last remaining vacant sites adjacent to a working port on the edge of a capital city's CBD. It is a development which will deliver an extraordinary opportunity for Tasmanians and all Australians. Mac Point aims to be a site which fosters culture and community, innovation and inspiration, nourishment and growth, action and energy. It also provides the opportunity to progress the vision of a Truth and Reconciliation Park, but most importantly, it is a place for everyone.

Madam Speaker, this key parcel of land will provide spaces which can be used for arts and cultural events, festivals or even Carols by Candlelight. It can be a place to represent our history and culture, a place for leisure or a place to be inspired and learn.

This legislation provides for accelerated investment in, and development of Mac Point. The time for talk is over. The community expects the Government to act, and we are. We want to see action now, so let us get on with it.

I commend this bill to the House.

[2.53 p.m.]

Ms DOW (Braddon) - Madam Speaker, Macquarie Point represents a once-in-a-lifetime opportunity to develop an interconnector to community space which reflects the heart and soul of the Tasmania community, showcasing arts, culture, educational precincts, science, research and design to our visitors and Tasmanians. This project is of state significance and has the potential to generate significant economic activity. It will play an important role in Tasmania's knowledge and cultural economy in the future.

It reminds me, albeit on a much smaller scale, of West Park in Burnie as a strategic site. It has potential and should be enjoyed more by the local community. It has the potential to stimulate economic activity through large scale events and cultural attractions. The Inveresk development in Launceston is of a similar nature and of similar significance to the state.

The MONA vision for this site varies considerably from the Macquarie Point development plan released earlier this week. MONA has expressed concerns about the newly developed master plan, particularly the mixed-use area and the siting of residential accommodation. If the true vision of MONA is to be realised does the proposed use map enable this to be realised? MONA has also raised concerns regarding increased mixed-use activity, including residential areas which may compromise the potential for cultural activities and large scale events.

This bill comes after four years of relative inaction on this site. We are very disappointed that we have had just 48 hours to consider it. The timing is in the middle of a local government election and the bill proposes changes to the site and planning process, which ordinarily would have been the role of the Hobart City Council as a local planning authority.

The site development plan lacks technical details related to purpose and changes to permitted and non-permitted uses in these areas. Although the second reading speech generally outlines these changes it does not provide certainty on these changes.

I will read through the proposed amendments to the Sullivans Cove Planning Scheme 1997 which involved the following:

- the Arts and Institutional Use Area adding Exhibition Centre as a Permitted Use but moving Gambling, Hospital Services and Recreational Boating Facilities to Prohibited Uses.
- The Mixed Use Area adding Exhibition Centre and Manufacturing Sales to Permitted Use status along with Residential Accommodation.
- Heights are broadly consistent with the existing limits
- The total combined areas of various uses are changed to reflect a more civic focus for the site however the overall footprint is broadly in line with the current site plan
- Open space remaining a prominent feature with more than 50 per cent of the site set aside for public open space

Minister, how do we define 'broadly' in this context? Hobart City Council will be involved in the 21-day representation process and after the initial amendment to the scheme through regular development application processes. Some Hobart City Council aldermen have expressed concerns regarding the process associated with the introduction of the bill. There will soon be a new council in Hobart City that will not have been consulted on this plan or the changes to the powers of the minister it entails. In addition, I understand the minister will not have to accept those representations and amend the proposed amendment accordingly but instead rely on his own assessment process in consultation with his planning minister.

This legislation is prefaced on securing a city deal, which is a strategic partnership between all levels of government to plan for future infrastructure and economic opportunity for the greater Hobart region, yet local government is being excluded from its role as a planning authority in this bill.

We are being asked to adopt a 'trust me' approach to this bill and the powers it gives to the minister and the Government in future development opportunities for Macquarie Point. It is intended to be a one-off, short-term ministerial power but it sets a precedence for future projects.

In looking at the clauses we acknowledge the improvements in governance, namely the ministerial statement of expectations and a greater focus on a three-year corporate plan and enhanced strategy and policy development by the corporation and the greater sharing of information. These are all good inclusions.

Clause 16 says that the proposed amendment must further the objectives set out in schedule 1 of the Land Use Planning and Approvals Act; and be consistent with any applicable state policy within the meaning of the State Policies and Projects Act 1993 and be consistent 'as far as practicable' with the Southern Tasmania Regional Land Use Strategy. What does 'as far as practicable' mean?

What is the sense of urgency around this legislation and what is the real reason for it? What warrants the departure from the normal planning process over this site? Can the Hobart City Deal

go ahead without this legislation? Has local government been consulted? By that I mean with technical officers and elected representatives? Has the Government considered the fact we are in the middle of local government elections? Is the Planning minister happy with the authority given to the State Growth minister in the bill and the implications with the development alongside this amendment process of the Hobart City Local Provision Schedules and the timing of this?

Can you confirm the proposed amendments? Can you confirm these proposed amendments regarding density and height are consistent with the current strategy and have been discussed with Hobart City Council technical staff and elected representatives?

What consideration has been given to this project being assessed through a project of state significance process? Was consideration given to the insertion of a clause allowing parliamentary scrutiny of the proposed amendments, as was the case in the Housing Supply Bill? Can you please explain who the stakeholders are who are involved with 21-day representation process and is the community part of this? Is there any mechanism for community representation, given this is such an iconic site in Tasmania? Is there further opportunity for stakeholder representations following the consultation process if the board further consults with the minister and an amendment is made following this, which is outside the consultation period?

Can you please explain further the process associated with the development of the Hobart LPS and the implications of this bill? What is the role of the Tasmanian Planning Commission and do they provide any independent assessment of the minister's assessment against the relevant planning law policy and strategy and if not, why? What guarantee can the minister give regarding independence in planning decisions and the minister being at arm's length from the development? Are the public representations made during the consultation process made public and put on the public record? What is the mechanism in the bill to ensure independent oversight of this process and the minister's power?

I conclude my contribution today where I began and that is there is no doubt that Macquarie Point represents a once-in-a-lifetime opportunity to develop an interconnected community space, which reflects the heart and soul of the Tasmanian community showcasing the arts, culture, educational precinct, science, research and design for our visitors and for all Tasmanians. This project is truly of state significance and has the potential to generate significant economic activity over many, many years and will play an important role in Tasmania's knowledge and cultural economy. It is a project of such significance that it should be planned for consultatively and widely. It is a project that has been around for a long time and has had a number of iterations. In order for us to give this bill the full consideration it deserves I ask the minister to address the questions we pose today. I thank the House for the opportunity to speak on this bill.

[3.02 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, I thank Ms Dow for her contribution and make the point that of those significant questions you asked of the minister, Ms Dow, he did not make a record of them as I can see.

Mr Gutwein - I understand that we are and I will do my best to address all of them.

Ms O'CONNOR - I hope you were listening because the questions were thoroughly valid.

Mr Gutwein - I was certainly listening and you would understand that I would listen to a debate like this.

Ms O'CONNOR - You would hope so.

Mr Gutwein - You know me well enough.

Ms O'CONNOR - Madam Speaker, I rise to make a contribution on the Macquarie Point Development Corporation Amendment Bill 2018, significant legislation that landed on the table a bit over 48 hours ago. It is a very substantial reset of the original master plan and the MONA vision, significant legislation that hands the Minister for State Growth, not the Minister for Planning, extraordinary powers to determine what happens on that site in the future.

It is disappointing for people in Hobart, Greater Hobart and Tasmania to have been so thoroughly shut out of this process at this point. The first time any of the key stakeholders in the future of Macquarie Point, that is the people of Tasmania, saw the revised master plan was in the *Mercury* newspaper, which it was given to and splashed across on Tuesday, the same day that we received this legislation. That is extremely poor process. It is dismissive of the owners of that site, the people of Tasmania. It is dismissive of good parliamentary practice. It provides what I regard as unjustified and unprecedented powers to the Minister for State Growth to develop planning principles for the site, decide for himself that they are consistent with LUPAA and then consult the Planning Commission.

The provisions in this legislation are all over the place. Clause 39H is the clause that allows the minister to prepare proposed amendments. Clause 39H states that -

(1) The Minister, after receiving a request under section 39G(1) ...

and that is a request from the corporation -

... containing a draft of proposed amendments to the relevant planning scheme, must -

- (a) prepare the proposed amendments ...
- (b) after consultation with the Board, prepare proposed amendments ...
- (c) require the Board to amend ...

(2) The Minister must consult with the Planning Minister ...

We have an in-house consultation on significant planning decisions that are being made over the Macquarie Point site. The Minister for State Growth and the Minister for Planning will consult on this public site. They will decide everything is fine and the planning changes the Minister for State Growth wants to make are fine. Then, after consulting with Mr Jaensch, the minister needs to provide a notice of the proposed amendments to -

- (a) the Board; and
- (b) the relevant planning scheme planning authority; and

- (c) each relevant statutory authority; and
- (d) any Agency that the Minister considers has an interest in the proposed amendments to the relevant planning scheme.

Where are the people of Tasmania? Nowhere; they have been dismissed in the development of the new master plan and dismissed in the development of this legislation. You can sit there and roll your eyes at me but when we have to deal with legislation that goes to some of the significant social issues that impact on people's lives, like sorting out the Births, Deaths and Marriages Act, we are told that needs to be consulted for six months. When it comes to making money out of a public site there is no consultation, we are given legislation for 48 hours, and a master plan is developed without reference to the people. Do you think that is good process? It is arrogant and dismissive process.

There is no requirement for consultation in clause 39H. It can go to the Planning Authority. The Hobart City Council, which has been shut out of this process to date, can look at it for 21 days. There is no requirement for council to consult on it. Council may choose to consult on the proposed amendment to the planning scheme but nothing in there gives reference to the people and nothing considers the importance of having a shared sense of ownership of the future of Macquarie Point.

We go to the staggering drunk-on-power clause 39I, Approval of proposed amendments to relevant planning scheme -

- (1) The Minister, after considering all representations made under section 39H(5), may -
 - (a) approve proposed amendments ...
 - (b) approve proposed amendments to the relevant planning scheme ...
 - (c) refuse to approve the proposed amendments ...

I recall the debate we had in this place about the changes to the statewide planning scheme and the extraordinary powers that were given to the minister in that process. When we look at the proposed major projects legislation, again, extraordinary powers are given to the minister. When the statewide planning scheme provisions went through I pointed out that Mr Gutwein sees himself as the 'planning overlord', giving himself such extraordinary powers. He cannot help himself. He cannot let it go because again we have Mr Gutwein giving himself the most extraordinary powers in a different portfolio.

This is how backward the whole process is: the minister can consider and dismiss the concerns of council or another statutory authority and he approves his own proposed amendment but as soon as practicable after approving the proposed amendment, then the minister goes to the Planning Commission. What the minister provides to the commission is a copy of the approval. He needs to explain to the commission in this provision how the proposed amendments to the relevant planning scheme, and in this case at this point in time it is the Sullivan's Cove Planning Scheme -

- (i) further the requirements of the objectives set out in Schedule 1 to the *Land Use Planning and Approvals Act 1993*; and

- (ii) is consistent with any applicable State Policy within the meaning of the *State Policies and Projects Act 1993*; and
- (iii) are, as far as practicable, consistent with the Southern Regional Land Use Strategy made under the *Land Use Planning and Approvals Act 1993*; ...

It gives a direction to the commission to make the proposed amendments to the relevant planning scheme and publish in the manner that the commission thinks fit a statement referred to in paragraph (c).

Therefore the one power we give the Tasmanian Planning Commission in this process is to make a decision about how it publishes the determination to amend the Sullivan's Cove Planning Scheme. That is appalling planning process. It has clearly come from a desire to take control of this site, to drive it harder, but in the process the people with the most at stake in the future of Macquarie Point, Aboriginal Tasmanians and non-Aboriginal Tasmanians, are being utterly shut out and the independent planning processes that test whether a proposed amendment is compliant with LUPAA or the State Policies and Projects Act are turned on their head, because the minister has already decided that the proposed amendment complies on those three subclauses and he is just going to tell the Planning Commission that it does. The Planning Commission has no power, none at all, to reject the proposed amendment.

The Tasmanian Planning Commission is the independent expert and excellent primary planning authority in Tasmania. Proposed amendments of this nature should not be left in the hands of one minister who has a chat with his mate across the Cabinet table and then bypasses any public consultation to get the Planning Commission to rubber stamp it. That is what we are talking about here. Mr O'Byrne might have a better recall of this than I, but did the parliament create the Macquarie Point Development Corporation in about 2012-13?

Mr O'Byrne - Yes.

Ms O'CONNOR - So Mac Point was created as a discrete entity in order to guide the development of this site five or six years ago. There has been ongoing public consultation and conversation about the future of Macquarie Point, so why the unholy rush? Why shut out people at this point?

Dr Woodruff - They're waiting to hear from investors about what they want to do there. They can't lead, they can't direct, they have no vision, they have no plan. They haven't created anything.

Ms O'CONNOR - I totally take on board your point, Dr Woodruff, because as the minister said, he may approve an amendment that allows for a building which does not fit within the height constraints of the Hobart City Council should they determine that there needs to be a ceiling on heights. Mr Gutwein, the Minister for State Growth, can make a planning amendment, for example, if Fragrance Group came along and said, 'We have this great idea. Now that you've changed the masterplan from cultural precinct to mixed commercial, we've got a really good off-the-books skyscraper that we think would look fantastic just down there near the rail yards, and you've got the power, minister, to help us, Fragrance, bring the modern world to the city of Hobart. Could you please do that for us?', and there is nothing in the amendments we are debating today that we can see would prevent that from happening.

Because there is no public consultation on any aspect of the realisation of the masterplan or whatever iteration of the masterplan there might end up being, it is a flawed process because it is all a political stitch-up. It is very frustrating to be in this place and to see legislation like this come forward which is so dismissive of the fact that Mr Gutwein is just passing through this place as the Minister for State Growth and Mr Jaensch is just passing through as the Minister for Planning. You do not own the Macquarie Point site. It is not yours to shape. It belongs to the people of Tasmania. It belongs to Tasmanian Aboriginal people, who will have a reconciliation park on the site but they have not been consulted about this legislation either. There has been no consultation with council, no consultation with the Tasmanian people, no consultation with the Tasmanian Aboriginal people and this is a suite of extraordinary powers that the minister is handing himself.

Then we see that this new master plan reverts to an element of the original 2014 master plan which included housing. If we could be reassured that the kind of housing being contemplated for the mixed-use areas is affordable, maybe we would take a different view of this. Personally I am inclined to agree with Leigh Carmichael from MONA that given the extraordinary, unique and never-to-be-found-again opportunities presented by this site, it should be public open space to the greatest extent possible - mixed use, but a cultural space. How you can reconcile having accommodation or housing there and then realising the full potential of the site, I do not know, but the issue here is that it is not going to be affordable housing. As if it is going to be affordable housing! If the minister wants to get up and say he will mandate that any housing on the site is a mix of prices so that we have some genuine affordability there, maybe that would provide some reassurance to some stakeholders, but it will not be.

I believe it was in the *Mercury* newspaper where they said something about it being one of the richest addresses in Hobart. I have so many clippings here that are pretty damning. Here we go. From the *Mercury* of 16 October - 'Macquarie Point could become the best address in town':

The 'bold reset vision' for the prime 9ha site to be unveiled today will allow for residential housing as part of the first stage of the redevelopment.

Of course we need more people living in the city; that is what is happening in Hobart now. We are seeing our city come to life more because we have more residential premises and properties in the city. You only have to look at a fantastic development like the Common Ground facilities to know how important it is that cities have life and human beings in them 24/7. But this is not about affordable housing. It seems to us clearly that it is about creating high-end housing in some of the best real estate in Tasmania. If it was about affordable housing the minister might have said something about it, or there might have been a reference to the possibility of inclusionary zoning so we can prescribe that a part of any residential development on the site be given over to affordable housing. If it becomes a real estate precinct, what is to stop it becoming a short-stay accommodation precinct?

We have real problems with this legislation on a number of levels. The first is the total contempt for public process in dumping this master plan and the legislation on the Tuesday, and the second is the unjustifiable powers it gives to the Minister for State Growth. It is important that I put on the record on behalf of the Greens that we have no gripe with the Macquarie Point Development Corporation. We had a briefing yesterday with the Corporation, with Mary Massina and Emma Hope, and really appreciated that briefing. We know they are doing their best on that site to make it work and to progress the realisation of that site's potential.

This is not about the corporation. This is about what has become political. It has come to this point because you have a Government in utter disarray, you have a disgraced minister, you have a Health minister under enormous pressure, and a Government that wants to look like it is getting on with the job. In doing so it is rushing one of the most important opportunities that our beautiful city has been presented with.

It is not good enough for the minister to say the state has been working closely with the Commonwealth Government and is on the cusp of signing the Hobart City Deal, which has the potential to create a blue print for the future of the central Hobart area harnessing the resources of all three levels of government. A government that is so contemptuous of the public conversation about Macquarie Point or the City of Hobart, the Hobart City Deal brings no reassurance whatsoever. We have two levels of government, because Hobart City Council is still being shut out, conservative governments that are full of climate deniers -

Mr Bacon - Federal government?

Ms O'CONNOR - I am talking about both of them. Climate deniers, antagonistic towards public transport, all about the money and much less about people and amenity and liveability. The notion that you have two conservative governments deciding what is going to be in the city deal is alarming.

It is a once-in-a-generation opportunity to transform this beautiful city, to make sure we are dealing with the congestion that is blighting people's lives, to make sure that our children and grandchildren can look forward to living in the most beautiful city in the world on the most beautiful, sustainable island in the world. That is, a modern city that has fantastic public spaces and public transport, and in an era of accelerating climate disruption has resilience built into it. That is what the Hobart City Deal needs to deliver for our city. To tie the potential signing of the Hobart City Deal in with this abuse of the minister's powers is unjustifiable.

We strongly support the Macquarie Point site being a cultural precinct, a precinct for science. We want to see, for example, the Eden project come to Macquarie Point. Madam Speaker, before your time here we had a minister for state growth, Mr Groom, who had been presented with the Eden project proposal. Much to the frustrations of the bureaucrats he was working with, it sat on his desk for seven or eight months because it was a bit too green for him to tick off. That is why it sat in his in tray, which is why we were getting calls.

We cannot support this bill in its current form because of the abuse of good planning process. We cannot support it because there has been no argument made or justification for the minister to give himself such extraordinary powers. We are concerned that what should be one of the most exciting things that has happened to our city in decades is becoming a political stitch-up and is not involving the people of Tasmania in a conversation. Why are we having to cop a master plan being dropped in the local media as a fixed plan when this is a place that belongs to the people? Why are the people not part of this conversation? What problems do you have with engaging with Tasmanians about what they want to happen to their place? Is it too inconvenient for you? It is annoying? Does it annoy you to have to listen to your constituents -

Dr Woodruff - Is it too hard?

Ms O'CONNOR - Is it too hard, Dr Woodruff? I think it might be too hard.

I can indicate we will want to go into Committee. We have a number of questions about provisions in the legislation as they relate to the minister's powers and the lack of consultation. Dr Woodruff would like to make a contribution.

Even in his second reading speech the minister has not bothered to explain why he needs these powers and why the Tasmanian people and the Planning Commission have been so thoroughly sidelined. It is disappointing because we could have been in here debating a process for Macquarie Point that is genuinely inclusive, that draws on all the best ideas. Let's face it, Tasmania is a highly creative and connected community. The ideas that could come forward in this reset process will not be realised because there is no space for that to happen. The space has been closed.

We could have had a tripartisan debate on an excellent amendment bill and a process that is inclusive and refers back to the people of Tasmania. Mr Gutwein, when you sigh heavily like that, I think am a boring you or frustrating you. A bit of both?

Mr Gutwein - It would not be fair for me to say.

Ms O'CONNOR - I do not care what you think of me but when you sigh so heavily I do wonder what that is about. Is it because you do not have all the powers yet because we are giving you hard time about your mad power grab on Macquarie Point?

We will deal with some of these issues in the Committee stage of the bill. I would like some guidance from the minister about whether we are looking at a specific area plan in the provisions that relate to the request the board makes for a planning scheme amendment. Is the proposal that we create a new planning scheme within the planning scheme like Cambria Green would be?

Mr Gutwein - I am happy to explain that because I honestly think you have misunderstood part of what we are attempting to do here. I am happy to explain it when I sum up.

Ms O'CONNOR - I am glad you did not say that in too patronising a manner, Mr Gutwein.

We have been briefed on it by the corporation and officers. We have spoken to local government representatives, been through the legislation in detail, and the points we are making about shutting people out are unarguable. That represents a lost opportunity to make sure the future of this site is not decided on political lines but is decided by the people who have the most stake in this. That is, the people of Tasmania, Aboriginal and non-Aboriginal. It is young people who will be walking that site long after we are in the ground.

This is a missed opportunity to make this an inclusive process that gets the best out that site and makes sure the owners of the site feel they are being heard and the best ideas are being drawn on. Instead we have a master plan cooked up and dropped in the newspaper that says to the people of Tasmania, 'Here you go, this is number 3 version, this is the way it is'. We can do better than that by this site.

We cannot support the bill in its current form. We will be taking it into Committee so we can ask some questions on those specific provisions that provide the Minister for State Growth with more power than he is capable of responsibly wielding.

[3.30 p.m.]

Mr O'BYRNE (Franklin) - Madam Speaker, as with my colleague, the member for Braddon, Ms Dow, I have a series of questions that need to be asked about this bill. I do not want to put too

strong a point on this, but this is one of the most potentially damaging pieces of legislation in terms of the 'moment of time' decision we are making on one of the last parcels of waterfront land in a capital city across the country that could redefine or add to the liveability, the cultural richness and the type of capital city we want. This is a real moment in time.

The way this legislation has been handled and the one-off powers it gives to the minister to set a footprint on this parcel of land - and we have seen the latest version of the site plan that has been given to the media and have been briefed on it - if this is the result, this will be the biggest mistake and one of the most catastrophic decisions in terms of planning of a capital city space in Hobart's history since European settlement.

This is a once-in-one-hundred year opportunity to look at this parcel of land, develop it in the interests of all the community and have something we can be proud of, not only once developed in the next five, 10, 15, 20 or 30 years - because that could be potentially the window of development because it is such a large site and it takes time to develop - but will have significance for 100 years. We either get this right for our city or we completely blow it. The way this Government has handled not only the consultation since coming into government in 2014, but this legislation is another example of white-knuckle panic. To drop such a drastic change in the powers of a minister to make a decision on development in our capital city on us on a Tuesday morning in parliament and expect us to debate it and pass it within 48 hours is an absolute disgrace.

This legislation is disgraceful in how you have dealt with it. You say you have consulted but we have spoken to people as well. You have talked about the reset and the legislation but they have been asking for a briefing on this legislation for months. People have only just been briefed in the last 24 hours or so. There are significant questions, not only from the Hobart City Council and the planning authority, not only from interested parties who may want to invest in it, not only from people who have been involved in public consultations around the MONA reset, but all Tasmanians have an interest in how this parcel of land is to be redeveloped in the interests of Tasmania for generations to come. We do not get many pieces of legislation to deal with matters of importance to our city in planning every year. This is the first time in my memory that I have seen such a major development that has the potential to redefine our city and make it one of the world's truly great places to live and work in.

I am not overcooking this. If the planning powers in this legislation are as we read them, and there is a number of people who have come to that view, it gives one person the ultimate right to set the footprint. If it is based on what was released, and we can only assume that the minister has been working closely with the Macquarie Point Corporation and has released this new reset at the same time as the legislation, this is what we are locking into.

What it does is fundamentally miss the opportunity. I am not saying it is easy but this is a mediocre outcome for what could be a redefining moment in this state's history in terms of how the capital city is seen, viewed and lived in. This is a really important piece of land for all Tasmanians, not just this generation, but for generations to come.

If it is the view of the Government that they want the power to lock off this site plan and then move it back into a planning process once they have locked down what looks like a mixed-use development with a bit of a park and a bit of arts and culture thrown in for good measure, that would be an absolute tragedy. If that occurs, we should hang our heads in shame that we have allowed that to occur. We should be better. We are at a point in Tasmania's history where we should not accept a mediocre outcome for purely another mixed-use property development. We are better than

that. We want to be a global city and if you travel the cities of the world, major parts of the central business district or surrounds, cultural parks and areas add to the liveability of a city.

If you look at the great cities of the world, they treat these parcels of land - so uniquely placed between the river, the mountain and the CBD in our context - with respect and they do not dumb it down or create a mediocre outcome. They invest in something that, when they shuffle off their political coil, they can say, 'We did that. That was our legacy to this state'.

The most recent example of this was in the 1970s when the then premier looked at the Salamanca wharves and the property developers were wringing their hands and saying, 'We can have a crack at those wharves, we'll knock them all down and create something brand spanking new'. The premier of the day said, 'No, we are not doing that. These are special buildings and this is a special place for this capital city. We are going to create the Salamanca Arts Centre'. That created significant cultural richness and activity in our city. It created the Salamanca Market; the markets started from that one decision. There was a moment where the premier of the state, the government of the day, said, 'Let's not try to make a quick buck and knock down all those Salamanca warehouses. We can make a small dollar' - but look at the richness that row of warehouses has created for our capital city, not only for us who live here but for those who visit regularly. One of the most used photos of the Hobart CBD is not a business block up in town, not the Marine Board Building, but the Salamanca warehouses. The beauty of that place and from the foresight and the leadership echoing down through the years, he created and supported the Salamanca Arts Centre, which has enriched our community.

This is the same crossroads moment for this state and this Government. This is a 9.3 hectare site, cradled between our mountain and river, which can redefine how people come together and view Hobart as one of the greatest harbour cities in the world.

This legislation that you are seeking to bash through in a disgraceful way within 48 hours of lumping it on people to give you more power, to sign off on a footprint and then deny the Hobart City Council, the Tasmanian Planning Commission, the people of Tasmania, those with interests in this site a genuine say in how that is laid out, is disgraceful. We have so many questions about this bill and having one minister being compelled to consult with another minister. There is a whole range of questions about the appropriateness of that. The legislation to compel a minister to do certain things: there is a whole range of questions to be asked about that.

Let us look at the history. As a former minister for economic development who secured the money, I am invested in this emotionally, not only because I was involved in the early days of the creation of the corporation and obtaining the money from the federal government through the minister, Mr Albanese, but as a Tasmanian who wants to be proud of development in Tasmania, to have something that we can be proud of and say that I played a role in creating one of the most globally iconic places, which is the potential of this place. I am very engaged.

We know why, after four-and-a-half years of inaction on that site, this Government, dragging the chain with no vision, no plan and fumbling through this, threw this in within 48 hours. It reeks of their desperation to try to get other stories off the front page of the newspaper. That is what it is about. We know that the development will take a number of years from concept to building, so a 48-hour turnaround is disgraceful. You have not allowed people their say in this, their right to consultation. You have not justified the need for you to create these powers. It is a political construct.

I remember in 2011-12, because we know the history of this site, the work we did as a state government, and which I did as economic development minister, to prepare this site. This was initially a small part of our Infrastructure Australia bid in 2009. The Tasmanian Government, working with local government, created a bid under Infrastructure Australia for significant funding in a proposal called 'Hobart - A world-class, liveable waterfront city'. It was a reimagining of Sullivan's Cove. In 2011, we made a submission to Infrastructure Australia to reimagine Sullivan's Cove and to seek funding to meet a number of the challenges and opportunities. We wanted to make sure that Hobart was redefined as an Antarctic and Southern Ocean gateway, building our relationships with those nations that do the research and the work in East Antarctica. We wanted it to be a place of research excellence and learning. We wanted it to be a living city, a place of arts, culture and recreation, and we also wanted to make sure it was a viable working port.

Through that, there were a number of propositions put to the federal government within that bid. One was around the rail yard site; the other was around Mac 1 and Mac 2, particularly with the cruise ships and the Antarctic gateway nations working through there, the Australian program and the French program partnering with the Italian program. We wanted to make sure to address some of the issues TasPorts was facing in the port infrastructure. We knew, with MONA, that the existing Brooke Street Pier was inadequate. There was a range of proposals around Sullivan's Cove. We wanted support from the federal government to provide funding through the Infrastructure Australia process so that we could invest in the Sullivan's Cove precinct. It was in excess of \$120 million for a range of projects.

In March of 2012, the Australian Government committed \$110 000 under its Liveable Cities program for work to support the Macquarie Point rail yards project, complementing a matched contribution from a range of rail yard project partners, including the Department of Economic Development, Tourism and the Arts, the Hobart City Council, and the Department of Infrastructure, Energy and Resources and TasPorts. We knew that this site had massive potential.

At that stage it was still a working rail yard. We had TasRail there, we had Toll there. There were emerging challenges with Evans Street in truck and freight movements. We knew, with the Labor government's decision to build the Brighton Transport Hub, they would need to be removed. TasRail and Toll would need to be moved off-site to Brighton to remove a significant amount of freight and traffic movement south of Bowen Road, south of EZ, to the city. We knew that was happening.

We had started negotiations over Toll and TasRail and about what that looked like. There was no time imperative at that stage. We knew that the hub was to be completed in the 2012 to 2014 period and we had commenced negotiations. Success has 1000 parents with this and particularly when there is a large bucket of money to be announced, but I remember the conversation. I regularly met and had conversations with Mr Albanese on a range of infrastructure issues for Tasmania. Tasmania had done very well out of the federal government because at one stage we had the Dilston-East Tamar Highway bypass up and running and being built; we had the Brighton bypass; the Brighton hub; and the Kingston bypass in one of the biggest spends at one time with infrastructure money in the state's history.

We were regular partners, talking with Mr Albanese on a range of projects. A number of those projects were starting to come to an end and I remember the conversation clearly. I was in the old Murray Street office. It was during a parliament week and I was in the old parliament office on level 9 or level 10. I said, 'Albo, good friend of Tasmania, we really need to get some more stuff going, let's get cracking'. I said, 'Recently, we briefed you on the world-class liveable waterfront,

liveable cities', and he said, 'Yes, that is a big whack of money. Can we look at some of the opportunities?'. I met with the consortium around the Brooke Street Pier upgrade. They were very keen to get some support. I pitched to the minister the opportunity to provide \$50 million, which could be combined to prepare the site of Macquarie Point to be cleared for development and allow the development of Brooke Street Pier. He said, 'I will consider it, I will have a look at it', and we got it done.

It was at the time when Mr Wilkie was on the front page of every newspaper claiming everything and sundry, and I did not mind. We had briefed his office that day on the Liveable Cities project. I will not go into how it all played out but I am glad he was supportive of it and he was there at the time. I remember the conversation I had with the minister and we got the money. It was the end of a financial year and, as the Treasurer said yesterday in the debate, there are times when there is a bit of an excess, a bit of a change, there is an opportunity to re-profile money and we were able to have the federal government re-profile that money. We got ahead of time. We made the announcement, we gave the money to allow the Brooke Street Pier development to occur - and what a great outcome that was - and then we got the \$45 million for Macquarie Point.

The money was forwarded to the state government and the work was done in the second half of 2012. Between the time we got the announcement and went into caretaker mode, a period of 18 to 20 months, we had created through legislation the Macquarie Point Corporation. We also, way ahead of time, way before they were preparing to move out, had TasRail move out to the Brighton hub and clear the site and we had Toll move off the site.

Mr Hidding - But not SeaRoad.

Ms O'BYRNE - No, but we had Toll, the two major players. We had virtually cleared the site to be ready for the next stage. In that 18-month period, we did all of that work and the election came around and the new kids were on the block.

In some respects you want to rush but you do not want to rush because it is such an important site. What was needed was leadership to create a master plan that the city could be proud of and had worked on. At that time the mixed-use development was the conversation. It was about residential and it was about the Antarctic university convention. I admit that was the nature of the conversation at the time. I do not think anyone was particularly happy about it because there was a real threat and danger that it could just be another Docklands, which is a soulless place and it adds nothing to Melbourne in what a site set off a CBD could potentially deliver. That was the conversation and then the MONA reset. This reset occurred after the first Dark MOFO and Dark Park and when thousands of Tasmanians, thousands of hipsters from Victoria and people from all over the globe came to a large site so close to the city without a line of restaurants or a line of hospitality or a convention. It was a large open space not constrained like Salamanca Square and Battery Point are by restrictions on noise, traffic, how to clean up a site, how to set it up, light pollution. Look what happened. Tasmanians came out in their thousands: families walking around experiencing their site, their place, their part of the city. How brilliant it was.

Tasmanians, and I hate using the reference because of the height jokes I get all the time, walked taller. Not just me as a small fellow but all of us walked taller because it was a wonderful site. Suddenly people were not saying we could put apartments there, restaurants there, like any vanilla mixed-use development across the world which will add nothing to the city. People sometimes say we really need mixed-use development. We need people there after 5 p.m. We need to do that in the CBD. We have the rail line out to Moonah, we have the CBD, we have North Hobart, we have

that area of old light manufacturing all the way out, which is quiet after 5 p.m. How about we fix that first instead of saying that is the requirement of Macquarie Point. We have not even done it in the CBD. Get people moving into the CBD. Get mixed-use development in the CBD. We have already seen it with the proposal for behind the Republic Bar that is now before the planning authority. It looks like a fantastic mixed-use development for accommodation and a whole range of activities there. Fantastic. That is exactly what we want for the CBD.

Dark Park opened our eyes. It could be something where thousands of Hobartians and tourists and people from all over the world come together regularly for culturally enriching experiences. The problem is as soon as you put in mixed-use development you completely wipe away the opportunity that this place provides this capital city and this generation to leave a gift to the generations that follow. The minister is asking this parliament to give him the power to back this in.

This is our one shot. If we blow it now this will be a tragedy for our capital city. As soon as you put in mixed-use development, it will go to property developers and they will say no, we will not be able to build what you want unless we can build what we want. As soon as you put in mixed use and potential residential below the Cenotaph - Dark Feast gets complaints when they clean up at 11 p.m. at night because they clink glasses together. The additional cost for MONA and others if they want to have large scale events in an area where there is noise pollution and visual pollution makes it almost prohibitive.

You want it to be a big Salamanca Square, where nothing much happens because of the residential precincts. This is what you are asking us to agree on. It is ministerial overreach in terms of your powers, with respect, minister. You want action on this site. I believe you have been sick of what has been going on, like us, but bashing this through is not the way to do it.

There has been no consultation. You only have to listen to the words of Leigh Carmichael and the media when he was briefed on this. He said it is a betrayal. The reset of MONA, the experience of Dark Park during Dark Feast should have completely changed the conversation on how we view this site. We do not have in Hobart a place where we can bring thousands of people together for Candles by Candlelight. That will not happen in a mixed-use area with residential people looking over. It will be too expensive. It will have time constraints and noise constraints. The considerations you need to give people who live there will completely knock it off.

To get up in your second reading speech and say all of these things will happen in this site completely misunderstands the opportunity this site presents. In some respects the Aboriginal voice in this has been lost. When the MONA vision was announced they raised a number of concerns. They wanted to be consulted on this and were working through a process. Then we get another reset which is a Lego patchwork, with a bit of mixed use here or there. The Aboriginal voice has been lost. MONA knew its vision had to be tweaked and wanted to work on it. MONA's concepts had the support of many in the Hobart and Tasmanian community. MONA saw it was longer term, there were stages, but it saw that this opportunity, through its experience with Dark Park, was the chance to create a place where culturally rich events occur. It was a place where tens of thousands of community members could come together for artistic events, protests, cultural events or special times in our community calendar.

This is our one chance. There is no other place. If we want an outdoor concert with 10 000 or 20 000 people, there is no place in Hobart where that can occur. The original vision from MONA, while it might not be exact, gives us the opportunity to have a genuine peoples' place.

The minister will say MONA proposed housing. However, it was right out the end, far away from the Cenotaph, far away from the escarpment with its potential for a convention centre, a cultural and arts precinct, and open public space. MONA knew it had to put it in there but did it in a way that would not inhibit the opportunity of this site. This is a problem. You have not consulted on it. It is yet another rehash-reset.

I am respectful of public servants and those in organisations such as the Macquarie Point Corporation for doing their work. My following comments are not a criticism of them, but since we secured the money from the feds in 2012, since we moved Toll and TasRail and created a corporation, we have had multiple fumbling attempts at a reworked master plan. We have had faltering attempts of public consultation. We had a minister in the previous government who was so desperate for activity, he instructed the corporation to knock down the cold store and the only thing that created was more problems for Dark Mofo because it removed a whole range of spaces for them to hold installations. To announce after four-and-a-half years a demountable, a car park, an extension of the bike track and a concept around an edible garden, with no master plan or vision for the site, is disgraceful.

Then you pop this in the media, you drop that legislation which gives you the power to set that in this legislation - that is what you are asking for in this - and you say in your second reading speech that the council will have planning authority. They will, once the footprint has been set, once mixed use has been set. That is the problem we have. To bash it through and have your people briefing people over the last 24 hours is shabby and will not dress up your Government's appalling inaction on that opportunity. It by no means dresses it up; in fact it makes it worse. You dig yourself a bigger hole.

The only other time a government of the day has brought in legislation to deal with a development since my time in this parliament was for Parliament Square and the Parliament Square Planning Permit Bill 2012. It was for a single, specific project. The bill was designed to clear the way for the Parliament Square project after a prolonged planning and approvals process. The Parliament Square project had been frustrated by a number of appeals and the bill simply cleared the way for construction to begin so the investment was not lost. The project had already been approved under the planning scheme and the decision was upheld by the Supreme Court. The planning scheme was not altered by the bill. The public had been provided with ample time to consider and comment on the Parliament Square project and it had overwhelming public support.

What we have in front of us in the Macquarie Point bill is something completely different. It allows the minister to lock down parcels of land for various mixed-use development, suspending and ignoring the planning processes. The public has been given no opportunity to be consulted on this master plan and the powers this bill confers on the minister are far in advance of the Parliament Square Planning Permit Bill 2012. If you get up here and say it is exactly the same, you are a disgrace, because it is not. That process had gone through the planning authority, gone through the courts, and we were at a point where something needed to happen and we took action. This is not the case with Macquarie Point. That is the only example I can see where the minister has had so much power in terms of building in Hobart.

In the creation of the Macquarie Point development we were very mindful of it being such a special part of Hobart and the state and we wanted to get this right. We wanted to make sure the planning process was followed. I will say that in some parts of the bill there is some clean-up. There are elements of the bill we would support in terms of the ministerial statement of expectations. That is not the problem we have with the bill; it is the planning bit that is the problem.

In the creation of the original corporation we had approaches from the then mayor of the Hobart City Council to say he wanted to be on the board. The Hobart City Council wanted to have a say on it because it is within their local government area. It is something close to their heart and they wanted to have a say on that. We said that we agreed the Hobart City Council had to be front and centre with the consultation but we were concerned and mindful that we did not want to create a conflict of interest between the Mayor of Hobart City Council and the planning authority being on the corporation, being the proponent for any proposed development on the site, that we chose at that stage not to include a Hobart City Council representative on the Macquarie Point board because we wanted to make sure the integrity of the planning authority was not questioned. He was not happy, I can tell you.

We knew it was for future ministers. I knew that not in my ministerial lifetime would we get to the point where major development would occur and we would have DAs. I knew that this would not happen, although it broke my heart because I really wanted it to. But I knew in terms of the time that this was for a subsequent minister and a subsequent government to act responsibly in the better interests of the state to ensure that a good development of the Hobart community could be sustained. We did not want to create problems with our planning process by putting the Mayor of Hobart City Council on the corporation board, so effectively he as a person became a proponent, proposing changes to the planning authority. It did not make me popular at the time but it was the right decision, because this is too important a place for Hobart to have poor process, poor planning and ministerial overreach to destroy the opportunity.

My friend and colleague the member for Braddon, Ms Dow, has pitched a number of questions at the minister around this overreach. What are the safeguards? What processes are in place? There are no appeal rights. It is a one-off free kick for the minister to set the site plan, regardless of the views of a range of people in the community. The community has no voice in this. I understand as economic development minister you cannot have a never-ending consultation process, but at some stage you have to bring people in and listen to them and see the opportunity that is there, because your name will be written into history. This is a real crossroads moment, minister. Your name will be written into history as someone who made the right decision for this capital city, who gifted future generations of Hobart and Tasmania, a great place that we can all be proud of, in a manner that the people of the day had confidence in, where people had a genuine say about what goes on at this very special place, or you will be remembered as someone who went the low road and bashed it through because of political imperatives.

People have said we need to get this done because of the City Deal. The City Deal is a political construct. The concept of a City Deal is to bring tiers of government together to consult on the agenda for a capital city or a city and, in terms of planning, your bill cuts out the authority, the Hobart City Council. You have said, 'No, we don't trust you. We need to get something done because there is this political construct of a City Deal'.

Let us be clear. The previous prime minister, Manhatten Mal, was a big fan of the City Deal. There are political announcements, but there is no money committed to a City Deal by the federal government. It is a political construct. It is a framework within which to ensure development occurs, bringing the three tiers of government together. Nothing will happen at this site for years to come because you have to go through the planning process and the DAs. We know that even if we signed off on something today and we had an idea it would be years, maybe around the time of the next election potentially, that something would happen on the site. This is undue haste in the shadow of the City Deal.

This is an important moment for this parliament and we have to get this right.

Time expired.

[4.09 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, I have deep concerns on many levels about this bill before us. It was not something I was expecting to speak on but you only have to open the bill and look at some of the comments from a range of people in the community over the last couple of days, from people at MONA, councillors on the Hobart City Council and a number of other groups in the community who have instantly picked up what this is proposing to do.

It is a bill to remove the voice of Tasmanians from debate about this most central part of our capital city. We are a small state, this is a small city, but it is a beautiful one. What happens on that most central and precious plot of 9.3 hectares will be the biggest planning decision any government makes for their generation, for at least 30 years. It will have impacts that will ripple out for good, for missed opportunity, for children, communities, tourists, all opportunities and possibilities of connection and reconciliation, for experiencing public events and the joy of being together in community with other people. This site promises all those things.

In 2016, when MONA presented their views of what should happen on that site they were taking a space that we, the public in Tasmania, had been waiting for this Liberal Government to speak into, waiting for the Macquarie Point Development Corporation to make their announcements into a public space. There had been deafening silence from the corporation. There has been a noted lack of activity and it was within that space that MONA presented their thoughts on a vision for Tasmania.

What struck me, and I am impressed, was the way that MONA somehow seems to find a place where people can have a conversation: the things they bring together gives people something like a neutral spot, it is a creative spot, it is an inventive spot, and they speak to people's imagination. There is a bunch of clever people there and they have conversations. They reach out and they create the space for people to dream into.

What they presented were some ideas for how that fantastic, special site of Hobart could be used and it included a reconciliation park. The support for that in the community expressed in public places and also in conversations I heard with people was overwhelmingly positive. It was clear it was the first step in a very long conversation that needed to be had, first with the Aboriginal communities in Tasmania. It was so well received. People felt, yes, this is a contribution that we are ready for. We are ready to make that step in Tasmania. We are ready to start the conversation about what reconciliation looks like in a physical place, how we would mark that, how we would create memorials and celebrations of culture and connections with community. Greg Lehmann opened a space for having that conversation about the opportunities for commemorating our history and for providing us with an opportunity to have that conversation together.

MONA also presented a range of other ideas around our linkage, our connection to the Antarctic, there was space for the Eden Project, conversations about linking to the water, an opening to the water as well as conference centres. Most of all, public open spaces so that there would plenty of opportunity for people to come together in community to have the sorts of dynamic, exciting, challenging, jaw-dropping, awe-inspiring, creative events that MONA and other Tasmanian artists put on for us. We are so blessed to live in a state like Tasmania that has such a diverse and now world-renowned arts scene.

What this bill would provide is a squandering of that opportunity because it would give the person who is sitting here, the minister, the Treasurer, the opportunity, the sole responsibility for making those decisions. It would be Treasurer in consultation with Mr Jaensch, the Planning minister. These two, shall I say, white guys, would sit down -

Members interjecting.

Dr WOODRUFF - It is true and it is exactly the point. Two white men would sit down and have the final decision about that space. It is the uncomfortable truth, Mr Hidding. The uncomfortable truth is that there should be children, there should be Aboriginal people, there should be women, there should all ranges of people in Tasmania involved in what happens in that space. It is not the remit of two guys to make that decision without any recourse to the recommendations of the State Architect or our Tasmanian Planning Commission, to make an essentially planning-free decision.

The minister is not required under this bill to seek the approval of the Tasmanian Planning Commission before he prepares and provides final planning amendments for the planning scheme in that area, which is currently the Sullivans Cove Planning Scheme. The minister is not required to present them to the Planning Commission for their considered assessment and a public hearings process. There is no mandated requirement in this bill for public consultation. As it has been written, it would be up to the Hobart City Council if they so wished and if they had the time and resources to undertake the public consultation process as is drafted before us in 21 days. That is impossible and it highlights what is going on here. There is no intention in this bill to seek people's views about this important site. It could barely have been drafted more clearly to remove the views of the Tasmanian community, of the council acting as the planning authority for that space and of the delegated planners within the Tasmanian Planning Commission, who have the experience and the ability to undertake that sort of work.

Having looked at the budget and what has been happening over the last couple of years under this Liberal Planning minister, Mr Gutwein, there has been this constant transfer of resources from the Tasmanian Planning Commission into the Department of Justice. It is no wonder because all of the work required in developing these sorts of major planning scheme changes is going to be done within the minister's department. This has been in train for several years now, the removal of staff and expertise from the Planning Commission. There was a view, and it was expressed to me while the Tasmanian Planning Scheme was being drafted that the Planning Commission was a bit big for its boots and they were making life difficult for governments. They kept planning things and looking at the letter of the law and taking a big-picture view and thinking about extensive impacts and looking at the Land Use Planning and Approvals Act and really applying the objects of that act.

When you get down to the objects of the Land Use Planning and Approvals Act they are pretty annoying if you just want to have a quick and dirty development approval. It is hard to do because when you have public space, public land, you ought to be taking a really clear eye to the impacts on the local environment, the costs for the unintended consequences for other infrastructure, the health of the community and the sustainability of the local community as well as the environment.

For the new look of Macquarie Point, it appears that housing will be part of the mix. Housing, as Mr O'Byrne said, was always meant to be part of the mix but in a way that was clearly not going to fetter the maximising of public open space so we can have the very large events, the late-night events, the loud and noisy events, the chaotic events, the firecrackers and outside fires, the carousing - the public joy of being together in a noisy community. Who knows what else will go

on there? Some random MONA-ness, which we would all enjoy. The question is, if this is going to be housing as some groups have spruiked, in that we need to have affordable housing. We certainly do, but there are many places around the city we could be looking at having in-fill. We certainly need more affordable housing in Tasmania, but there is nothing in here that says it would have to be affordable housing. It is much more likely to be housing for people who are on the other end of the financial spectrum.

I am also a bit concerned about the positioning of Macquarie Point and the number of cruise ships that are planned for Hobart and the welcoming of this Government for more and more cruise ships to come. It raises real question marks about what sort of Macquarie Point we could be looking at. We could well be looking at a Darling Harbour-type of Macquarie Point, which would be a disaster. Once a long time ago I remember enjoying going to Darling Harbour and it was a fun place. I go there now, shudder and cannot wait to leave as soon as I get there. I went last year and it was a theme park. It was gross. It was not a public space; it was space where I was assaulted by junk and it was truly kitsch. There was no public space left.

Mr O'Byrne - You could have been anywhere in the world.

Dr WOODRUFF - Exactly, you could have been anywhere in the world. It was totally built out, there was no good public open space left, and all the beautiful buildings had been overshadowed by skyscrapers. It was a concrete jungle on the edge of the water. That is what we could have. We could have Louis Vuitton shops and arcades of expensive shopping for the endless boats and cruise ships that turn up. That is definitely a possibility if this minister is making the decision, because look what happened at Kangaroo Bay.

Kangaroo Bay was a beautiful bit of Crown land foreshore that was given away for \$2.5 million - a steal - to a company which put in a development proposal that was twice the height of the Kangaroo Bay development plan, twice the height that the community of the Eastern Shore, Clarence City Council and ticked off by the Tasmanian Planning Commission, had agreed to as the maximum height that would be appropriate for that area. Not only that, we lost the public open space. That building has taken away the public open space. There was a design for a beautiful section of public open space around two buildings that had a transect for people to move around the foreshore of Kangaroo Bay. That has gone.

There is an opportunity for people to ride their bikes, hunkering still on to Cambridge Road, and there is some kind of patching together they have done around the outside of the hotel that is now twice the size of what the Kangaroo Bay development plan has allowed for. Why was that? Because someone from State Growth went to China and found a suitable developer, Shandong Chambroad Petrochemicals, and brought them back here, and guess what that company said? They said, 'We're not going to bother to invest unless we get what we want. We want twice the height and we want all the public space'.

That is what happens with this Liberal minister when he is left to his own devices. We have no confidence, minister, that with these sort of single-handed, secret operations you are going to keep the public open space that this beautiful central area requires. Inevitably, if you are making the decision about what should go there, you will be having private conversations with developers who say, 'We would like to put that Eden project thing in but we're actually going to need to take a lot more space because it won't be worth it for us to come to Tasmania unless we can have twice the space you are offering us'. That is a real risk.

The Cenotaph is an important landmark in its own right. It deserves to be respected and it should not have buildings that outshine it in its nearby vicinity. There is not anything in this bill, or anything as I read it, that would prevent a minister making a decision to create a planning scheme amendment that would prevent a high-rise building being built in this Macquarie Point area. It does say that it must be substantially similar to the planning requirements in the area but as was pointed out earlier, there is nothing that defines that and there is no ability for the Planning Commission to make an independent determination about whether it is substantially different or not.

The minister can, on the request of the board, consult with the board and prepare some proposed amendments to the planning scheme, provide them to the board, in this case the Hobart City Council authority, receive representations from those bodies and then make a decision. There is no requirement for the Planning Commission to approve this process; in fact the Planning Commission does not get the opportunity to make an approval at all.

There is the possibility therefore that we could be seeing high-rises, perhaps not at the height of the Fragrance development - but I note the Fragrance proposal has been withdrawn from the Hobart City Council, although that does not mean the company is not looking at resubmitting it. We would not want to see Macquarie Point ending up with high-rise buildings. Fragrance has dismissed the idea of human-scale cities. A comment from Fragrance Hotels was that Hobart would be suffering from short, fat buildings and that we need to have high rises. People in Paris would be amused to hear that their five-storey maximum height on buildings would be considered short and fat.

Jan Gehl, who was here as an architect and brought out as a consultant by the Hobart City Council some years ago, is an international luminary architect who has done fantastic work in public places and city planning. He has some very strong views that are based in experience and evidence that people need to keep earthed. We need to keep to a maximum of five storeys so that we can see up and appreciate the details of the flowerpots, the clothes hanging off people's railings and to see people's faces. About five storeys is pretty much as far as the human eye can go. Humans living on the fifth floor are still able to see the trees, the ground and people moving around on the earth below. That provides an opportunity for people to connect across spaces and to retain the human community connections we know we need in order to be happy, functioning individuals as part of a socially cohesive group.

We are concerned about another planning bill, which gives the minister unfettered powers to make decisions about this very important area. We are concerned that four-and-a-half years have been wasted on Macquarie Point when we had a proposal as substantial as the one MONA put the effort into, delivered in 2016. We have had two-and-a-half years since then in which the Macquarie Point Corporation and this minister could have been undertaking a public consultation about that proposal. Two-and-a-half years of consultation has been wasted and we have had very little come out since then. It is not surprising that when you wait this long people start to become a bit itchy, but it is our job to put the brakes on an ill-considered bill like this, which would give the power to the minister to make these decisions on his own. That is not the way forward for Tasmania.

It is such a special site and there are many good things that have been proposed, people are dreaming into that space and we have to do what we can to not squander the opportunity and to leave it open for people to be in community together in open spaces. We do not want this to be privatised. We do not want this to go underground, like what is happening on Rosny Hill and like the secretive expressions of interest process. Under this Liberal Government, when things go underground they do eventually pop up. They pop up in a form that is privatised, that has lost the

public open space, that has degraded the natural environment within the vicinity and that locks people out of public places in city landscapes where, more than ever, we need opportunities to come together and enjoy each other's company, being part of some beautiful artistic programs of community together.

[4.35 p.m.]

Mr BACON (Clark) - Mr Deputy Speaker, this might be my first time speaking as a member for Clark. It is a huge achievement to be elected in Denison and Clark. I give myself a pat on the back.

I commend both my colleagues, the member for Braddon, Anita Dow, who has a long history in local government and planning and spoke very well on the bill, raised a number of questions and set out some very serious concerns, and my colleague, the member for Franklin, David O'Byrne, who is the shadow minister for planning spoke very passionately about his concerns about the way the Government is operating.

I express my concern with the impending doom that seems to be falling upon Hobart as the Government rushes this bill through in the dead of night. We have thunder and lightning. Someone upstairs seems very displeased by the way the Government is acting but that is not a problem for me, as a non-believer.

Mr DEPUTY SPEAKER - I did not figure you to be one of those.

Mr BACON - I am a non-believer but even I can read the signs when it comes to this bill. I will do something I do not usually do and that is to commend the minister, in all seriousness. What we have seen from this Government with Macquarie Point is very little over the past four-and-a-half years. I do not lay the blame for that at the current minister's feet but it is well-known in this House that even his colleagues thought the previous minister was one to drag his feet and not one to act with any haste. There is no doubt the minister wants to get things going. What we have seen with this Government, as my colleague, the member for Franklin, Ms Standen, pointed out, is that they have two speeds. They have stand still and do nothing, or you have the bull in the china shop, Mr Gutwein, who does not care about proper process, does not care about consultation and does not care about giving the community of Tasmania a say in what is going on.

In the minister's second reading speech he talks about the 9.3 hectare Macquarie Point site presenting a unique opportunity for Hobart and our state. I could not agree more with that line from the second reading speech. He has it there in writing but he does not believe it in his heart of hearts. This is a once-in-one-hundred-year opportunity on this 9.3 hectare site. It is an opportunity for an iconic cultural site all Tasmanians can enjoy, all Tasmanians can have ownership over and all Tasmanians can be proud of.

We particularly want to see indigenous Tasmanians feel part of the process, to set this site up and to feel real ownership of what is ultimately their land, stolen from them 200 years ago. The consultation with indigenous community over this issue has not been good enough but the opportunity is not lost. They could go back now, take up the MONA vision, consult widely with the Tasmanian community, particularly the indigenous Tasmanian community, and undo the wrong Mr Gutwein has done in his few months in this portfolio. He says he has consulted but he has not. You only have to look at what has been done in terms MONA's vision, which put forward the opportunity for a national truth and reconciliation park. This was a fantastic step forward by the

Government. The Government paid \$250 000 for that plan from MONA. Minister, was that about \$250 000?

Mr Hidding - It is that kind of thing, yes.

Mr BACON - There or thereabouts. The Premier said at the time, and it is in the second reading speech, that when the MONA vision was released in December 2016 -

While the Government has endorsed the vision as a new starting point for Macquarie Point, it is starting point, not the end product.

That is right. It was something you were supposed to build on, minister, not tear down, abandon and walk away from. It is a missed opportunity for the Government and for you in particular but that opportunity is not gone. This plan put forward by the Government, looking to rush it through. It is 48 hours or thereabouts since the Government tabled this legislation. There has been very little consultation on the legislation itself and very little opportunity for the Tasmanian community to engage on this legislation. The bill put forward by the Government is not true to MONA's vision but you do not have to take my word for it. You only have to look at what Leigh Carmichael from Dark MOFO has said over the past few days, some of whose comments I will read out.

One of those is, 'Are they listening to the community?' You have to say loud and clear that is a no. They are not listening to the community. He went on to say that it is 'a terrible step in the wrong direction'. You would not call that a ringing endorsement. It is condemnation of this plan of Mr Gutwein's that has been put forward. It has not been consulted on and is a terrible step in the wrong direction. That says it all. He goes on to say - and this is a very important point to make as well - that 'it looks like they have wasted two years and used up a lot of money'. This is a once-in-a-lifetime, once-in-one-hundred-year opportunity to remake this site right on our waterfront for all Tasmanians.

The bill looks to allow the minister to amend the planning arrangements that guide development at the Macquarie Point site. This will override the role of the local planning authority, being the Hobart City Council. The Labor Party has talked with the Hobart City Council about this issue. The Hobart City Council will assess future development applications for specific projects on the site in the role of the local planning authority following this one-off role of the minister to set the planning framework over the site.

It is this new addition to the act that raises many concerns. We believe if the Government did not know the Tasmanian community would have concerns about this bill they would not table it on a Tuesday and then seek to rush it through on a Thursday. We know that the normal course of business with this Government is a lack of transparency, a lack of consultation, and looking to rush things through when they do not have things right or if they do not want the Tasmanian people to notice. The Labor Party supports the progression of the development of Macquarie Point and we understand the importance of taking action, but we do not believe that should be at the expense of due process and it should not be with political interference.

Other than the need to move on the project, the information from the Government has not set out why this legislation is so urgent and why it has not been consulted on fully and correctly. This legislation shows as clear as the nose on your face that the Liberals' 'faster, simpler and cheaper' planning reform has failed Tasmania and it has particularly failed the Macquarie Point site. It is a failure because we know that straight after the election the former failed minister for planning,

Mr Gutwein, had to handball this off to Mr Jaensch. The incoming minister came in bright-eyed and bushy-tailed but they gave him all the problems they had. They took all the problems that Mrs Petrusma had created through the last term of government and the Planning portfolio that the former failed minister had completely botched over the last four years and handballed it all to the member for Braddon, Mr Jaensch; a disgraceful way to treat a new Cabinet colleague. He has not made the best fist of it, you would have to say, as he is getting started but we hope he improves his performance over the next three-and-a-half years, if he lasts that long.

There has been some talk about how this is a similar process that was followed with the Parliament Square Planning Permit Bill of 2012, which is a completely erroneous argument. That bill was for a single specific project and was designed to clear the way after a rigorous planning process that had been frustrated by vexatious appeals. It was about one single project which was consulted widely with the Tasmanian community. The planning scheme was not altered by that bill. The public had ample time to contribute to the process. This bill is completely different. This bill will give the minister the sole discretion to implement a master plan that will shape Macquarie Point forever and the public has been given no opportunity to provide feedback on the masterplan.

There was a huge groundswell of public support when MONA relaunched their vision for the site in December 2016. It appeared at the time that MONA had saved the Government from around three-and-a-half years of inaction and they had an opportunity to take that plan up, consult widely with the Tasmanian community, particularly the indigenous community, and make an iconic cultural site for all Tasmanians at Macquarie Point, an opportunity that this minister looks determined to squander.

I say to the Tasmanian people, now is your opportunity to speak up about this. Do not let this minister squander the opportunity that is there for all Tasmanians. We know that he looks set to try to do that. The clearest indication of that is the way the minister released the plan to the *Mercury* and then tabled the bill on Tuesday this week. He then sought to debate it straight away on Thursday without proper consultation or a proper conversation with the Tasmanian people. It is sneaky and underhanded - all the hallmarks of this minister. We urge him not to squander this opportunity. There have been four and a half years wasted at the site. We know that the former minister did not do everything he could to get things going down at the site. I personally congratulate the minister on wanting to get something done, but let us do it right, minister.

[4.47 p.m.]

Mr GUTWEIN (Bass - State Growth) - Mr Deputy Speaker, I move -

That the debate be adjourned.

Debate adjourned.

Quorum formed.

JUSTICE AND RELATED LEGISLATION (MARRIAGE AMENDMENTS) BILL 2018 (No. 47)

Second Reading

[4.49 p.m.]

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

That the bill be now read the second time.

I am pleased to introduce the Justice and Related Legislation (Marriage Amendments) Bill 2018. This bill makes a number of consequential amendments to various Tasmanian acts as a result of the Commonwealth Marriage Amendment (Definition and Religious Freedoms) Act 2017.

Under paragraph 51(xxi) of the Constitution of Australia, the Commonwealth has the power to make laws relating to marriage. On 9 December 2017, the Commonwealth Marriage Amendment (Definition and Religious Freedoms) Act 2017 amended the Marriage Act 1961 to allow same-sex couples to marry. Marriage is now defined as the 'union of two people to the exclusion of all others, voluntarily entered into for life', and the right to marry is no longer determined by the sex of the parties. The act also made consequential amendments to a number of other Commonwealth laws to ensure all married couples are treated consistently. The states and territories were given 12 months, until 9 December 2018, to change their own laws to ensure they are consistent with the Commonwealth legislation.

This bill makes a number of consequential amendments to various Tasmanian acts to ensure consistency with and support the changes made by the Commonwealth Marriage Amendment (Definition and Religious Freedoms) Act 2017. These consequential amendments are predominantly technical in nature. Many are designed to ensure the terminology is consistent with the recent amendments to the Marriage Act 1961 and that the legislation encompasses same-sex marriage by using gender-neutral terms.

I will now outline each of the amendments.

Section 29 of the Adoption Act 1988 provides that the court shall not make an order for the adoption of a child unless consent is given by appropriate persons. The current consent provisions do not recognise same-sex marriages. For example, in the case of a child whose parents were married to each other at the time of the child's birth, the appropriate persons are the mother and father of the child. In the case of a child whose mother was in a significant relationship with another woman, the appropriate persons are the parties to that relationship if the child was born as a result of a fertilisation procedure and there was no man required to give consent.

This bill amends section 29 to recognise a woman married to the mother at the time of the child's birth as an appropriate person to give consent to the adoption of a child. Section 20(3) is also amended to reflect the changes in section 29 of the act. This bill amends section 104 and 109 to insert the word 'parents' as a gender-neutral term to again recognise a woman married or in a significant relationship with the mother of the child.

The next amendment is to the Anti-Discrimination Act 1998 and reflects the position at Commonwealth law to exempt ministers of religion or religious celebrants from being required to conduct same-sex marriages. The Commonwealth Marriage Act allows a minister of religion or a religious marriage celebrant to refuse to solemnise a marriage if the circumstances set out in sections 47 or 47A of the Commonwealth Marriage Act apply.

Under section 47 of the Marriage Act 1961, a minister of religion may refuse to solemnise a marriage if the refusal conforms to the doctrines, tenets or beliefs of the religion of the minister's religious body or religious organisation; or the refusal is necessary to avoid injury to the religious susceptibilities of adherents of that religion; or the minister's religious beliefs do not allow the minister to solemnise the marriage. Section 47A of the act provides that a religious marriage

celebrant may refuse to solemnise a marriage if the celebrant's religious beliefs do not allow the celebrant to solemnise the marriage.

The bill makes amendments to the Tasmanian Anti-Discrimination Act 1988 to reflect the exemptions provided under the Commonwealth Marriage Act. The bill inserts a new provision into the Anti-Discrimination Act 1988 to allow a minister of religion or a religious marriage celebrant to refuse to solemnise a marriage if the circumstances mentioned in section 47 or 47A of the Marriage Act 1961 apply to that refusal. This is consistent with equivalent changes made to the Commonwealth Sex Discrimination Act.

I note that this exemption will not apply to civil marriage celebrants. In accordance with the existing code of practice and antidiscrimination laws, marriage celebrants who are not religious marriage celebrants will not be able to refuse to solemnise marriages on religious grounds.

The next amendments in the bill relate to the Births, Deaths and Marriages Registration Act 1999. Section 17 of the Births, Deaths and Marriages Registration Act 1999 provides that the registrar must not include information about the identity of any of a child's parents in the register unless the father and the mother of the child make a joint application for inclusion of registrable information about that identity. This bill amends section 17 to replace the terms 'father' and 'mother' with the word 'parents' as a gender-neutral term to include parents of the same sex.

The bill also makes important changes to the act to remove what has become known as the 'forced divorce' requirements in relation to the registration of a change of sex. Section 28A(1)(c) of the Births, Deaths and Marriages Registration Act 1999 provides that a person may apply to the Registrar for alteration of the record of the person's sex only if the person is not married. Section 28C(3) provides that the registrar must not note in the Register particulars of the change of the person's sex if the person is married. This paragraph is now obsolete and inconsistent with the recent amendments made by the Commonwealth Marriage Amendment (Definition and Religious Freedoms) Act 2017 which repealed the forced divorce exemption in subsection 40(5) of the Commonwealth Sex Discrimination Act 1984. This bill amends sections 28A and 28C to remove the requirement that a person applying to register their change of sex 'not be married'.

The bill also includes amendments to section 28D of the Civil Liability Act 2002 to include same-sex marriage in the abolition of action for loss of consortium, and section 62 of the Conveyancing and Law of Property Act 1884 to include persons in a same-sex marriage conveying freehold land or a thing in action, alone or jointly with another person.

The bill makes amendments to two provisions in the Criminal Code Act 1924. Section 232 of the Criminal Code 1924 provides that any person who, while a husband and wife are living together, assists either of them in doing, with respect to the property of the other, any act which would constitute stealing if they were not married, knowing that such property is being so dealt with, is deemed to steal such property. The bill amends this provision to include same-sex marriage in the crime of assisting married persons to take property.

This bill also amends the conspiracy laws in section 297 of the Criminal Code 1924 which include an exemption stating that a husband and wife are not criminally responsible for any conspiracy between themselves only. Under the amendment, this is updated to refer to 'married persons' so that it includes same-sex marriages.

The final amendments in the bill are to the Status of Children Act 1974. The Status of Children Act 1974 removes the legal disabilities of children born out of wedlock and establishes parenthood of certain children. Section 3 provides that for all purposes of the law of the state the relationship between every person and his father and mother shall be determined irrespective of whether the father and mother are or have been married to each other. This bill amends section 3 to replacing the terms 'father and mother' with 'parents' as a gender-neutral term to recognise all parents, whether of the same sex or opposite sex.

The Status of Children Act 1974 also establishes a number of presumptions as to the parenthood of a child, some of which currently exclude same-sex marriage. For example, the section 5 presumption of parentage arising from marriage presumes that a child who is born to a woman while she is married is the child of the woman and her husband, and the section 10C presumption of parentage arising from a fertilisation procedure recognises the parentage of both women in a significant relationship but not in a marriage. This bill amends the presumptions of parentage in the act to recognise same-sex marriage.

I commend the bill to the House.

[5.00 p.m.]

Ms HADDAD (Clark) - Mr Deputy Speaker, this is an historic day. It is the day that Tasmania makes changes to its laws to recognise the changes to the Commonwealth Marriage Act following Australia achieving marriage equality last year. That was a long time coming. People had been fighting for the right for people to marry for decades. Not just people within the LGBTI community, but all Australians because we are all Australians.

We were late as a nation to adopt marriage equality. Many nations such as Canada, New Zealand and Northern Ireland got there before us. Our federal government did not make it easy. Instead of listening to the decades-old calls for marriage equality they decided to survey the nation. I am all for community consultation, but that was not the intention of the marriage equality postal survey we saw last year. At best, the postal survey was a step that then prime minister, Malcolm Turnbull, had to take to placate the far right wing of the Liberal Party. At worst, it was an attempt to kill the idea and the hope that we would ever achieve it once and for all.

It was not intended to be consultation in the true sense. It did enormous damage to so many of our LGBTI friends, families and community members. To have the entire nation given a ballot paper to cast judgment on the value and the worth of you and your relationship was cruel. It was damaging and it did do damage. It put people under enormous stress and pressure. One friend of mine was admitted to the psych ward. One couple I doorknocked said they were not political and did not expect the campaign to affect them, but it did. They found themselves staying home, staying out of sight, not venturing out, feeling diminished and crushed that their relationship was put to a national vote in the way it was.

It gave us an opportunity to campaign, and campaign we did. Hundreds of thousands of Australians from Darwin to Dover took to the streets. We doorknocked, we phoned strangers, we phoned our friends and we phoned our family members. All walks of life, all ages, people of every political persuasion joined the campaign for marriage equality. If you take a quick look at the numbers there were dozens of organisations which went publicly on the record as supporting marriage equality and joined the campaign: small businesses, large companies, unions, churches, local government, including the Hobart City Council, right here in the seat of Clark.

The campaign was full of positivity, full of love, full of passion and full of hope. It took place at the same time as our state election campaign. I was one candidate who put my own campaign on hold for several weeks to doorknock and campaign with the marriage equality campaign. We won: 7 817 247 Australians voted yes. That was 61 per cent of the vote. In Tasmania 63.6 per cent voted yes, higher than the average. In my own electorate of Clark, along with my fellow members for this electorate, the Speaker, my colleague Scott Bacon, Greens Leader and long-time LGBTI advocate Cassy O'Connor and the Attorney-General, Elise Archer, the sponsor of this bill, 73.8 per cent of residents voted yes.

Ms O'Connor - Hooray for Clark.

Ms HADDAD - Hooray for Clark, indeed. With a huge 82.4 per cent response rate, ours was the 14th highest yes vote in the country. We have gone from one of the most homophobic parts of Australia to one of the most inclusive. It was the last place in the western world to have capital punishment for homosexuality, believe it or not, until 1867, it was where 130 gay law reform supporters were arrested at Salamanca Market in 1988, it was the last state to criminalise homosexuality, until 1997 when it was removed from the Criminal Code in a bill sponsored by Christine Milne, Greens leader under a Liberal government, it introduced nation-leading anti-discrimination legislation in 1998 under Labor attorney-general, Judy Jackson, repealed anti-transgender cross dressing laws, also under Judy Jackson, in 2000. Australia's first civil union scheme was introduced by Judy Jackson in 2004.

Recognition of same-sex parenting, under Judy Jackson, was introduced in 2004. Hobart City Council lord mayor Rob Valentine apologised for the Salamanca arrests in 2008. Hobart City Council became one of the first in the nation to endorse marriage equality in 2012. That was then lord mayor Sue Hickey, now Speaker of this place. Hobart City Council later flew the rainbow flag until marriage equality was achieved.

We were also the first Australian state to move to allow same sex marriage in 2003. That was moved by Lara Giddings and Nick McKim. We then saw the expunging of former arrests for homosexuality in 2016 by the then attorney-general the late Dr Vanessa Goodwin under a Liberal Government.

Tasmania voted resoundingly 'yes' for marriage equality last year, higher than any other state except Victoria.

Our discrimination laws, when introduced in 1998, were nation-leading. They are still nation-leading. It was a Labor achievement to introduce those laws. It was the trail-blazing reforming minister Judy Jackson who achieved that law and the many attorneys-general who followed her who defended attacks.

As Tasmanians and as Tasmanian politicians, we should take enormous pride in this act and the incredible impact it has on our society, making it more inclusive. We should be doing everything we can to defend it and to improve it, not to punch holes in it. The fact we have championed changes like the Anti-Discrimination Act in Tasmania means we have led the nation and shown others the way. It is undoubtedly part of the reason why we saw such a high 'yes' vote in Tasmania in the marriage plebiscite.

Tasmania has always been part of this change and we were very much part of that victory in that plebiscite. A landslide victory. It was a landslide victory, for love and equality, for fairness and for justice.

On a personal note, there was not a dry eye in the House when two of my best friends married recently, celebrating their already 30 years together and many more decades to come, I hope. I look forward to many more weddings coming up in 2019 and beyond.

This historic win for Australia cannot be recognised without recognising Rodney Croome AO who has been, for decades, Australia's leading marriage equality campaigner. Rodney, thank you for your continuing advocacy, not only during the marriage equality debate and since, for this law reform but on all issues faced by LGBTI people in Tasmania, Australia and around the world. Your unique style of advocacy, which at all times is kind, calm, respectful and courageous not only gets results but it speaks volumes about you, your passion and your commitment.

I also want to single out my admiration and thanks for Martine Delaney. Martine has campaigned tirelessly for decades, not only for the rights of gay and lesbian people but more specifically she has campaigned fiercely, passionately and often patiently for the rights of transgender people. People in this Chamber may not know that I first met Martine in 2004 when I was an adviser in the then Attorney-General Judy Jackson's office. Judy was the first attorney-general Martine visited to explain the issues facing Tasmanians in being able to have their gender accurately recognised on identity documents. She has met with nine attorneys-general since, who she has lobbied and worked with to explain the problems of gender identity recognition on identity documents and the legislative changes required.

Each of them has either refused or decided not to act. It does feel somewhat fitting that I have the honour of moving some amendments today and to be part of the Parliament that may finally achieve the change that Martine and so many others have lobbied for so long.

Change in the law at the federal level has meant our state laws need to change, to update outdated provisions that could no longer be operational because of the changes in the federal Marriage Act.

This bill does the absolute minimum required. That is, it removes the requirement for forced divorce. Currently the requirement is that a person has to be unmarried in order to register a change of sex under the Tasmanian Births, Deaths and Marriages Registration Act. In practical terms, what this means is that transgender people who are married and wish to have their gender properly identified on their identity documents must divorce.

Worse still, if they are happily married they must perjure themselves by claiming irreconcilable differences to have a divorce granted. This is unfair and outdated and it causes enormous and unnecessary emotional trauma and harm. The changes to the Commonwealth Marriage Act require states and territories to remove these onerous requirements from their statutes by the end of 2018. This bill will achieve that requirement but so much more could and can be done to further protect the rights of transgender Tasmanians, to stop doing the harm that is currently being done by these outdated and in some cases offensive legislative requirements that make their lives difficult and treat them unfairly.

Currently under the act a person can only register a change of sex if they have had sexual reassignment surgery. Many people have no wish or need for surgery in order to live as the sex or

gender with which they identify. There are financial or medical reasons why some people cannot have surgery. In some cases that surgery might be unwarranted, unaffordable and unnecessary and it may even be medically dangerous or life-threatening. Under the act people must choose between having expensive, potentially dangerous surgery or living with identity documents that do not reflect who they really are.

Perversely, they also require them to live for a period of time as the gender they identify with before even being able to access these paths. Imagine the administrative difficulties of having to prove to the world who you are while all the time carrying around identity documents that say you are someone you are not. I cannot imagine the personal trauma and damage this would potentially do every day to transgender people. It is wrong and while changing it legislatively is relatively simple, the effect of the change have enormous positive effects on the people who need it.

One of the amendments we will move for this bill will attempt this change. The Attorney-General has this week begun the process of sending a reference to the Tasmanian Law Reform Institute to research and make recommendations for future law reform in this area. While I welcome that the TLRI, an institute I have enormous respect and admiration for, will now have the chance to advise Government on changes needed, I point out that there has been ample time to do this before now. People like Martine, like Rodney and like Robin Banks have been explaining the difficulties of gender on identity documents for years and decades but these changes have been more heavily campaigned for since the changes in Canberra last year. There has been ample time to do this consultation and draft this legislation. We have known for close to a year that the state would need to remove forced divorce provisions. Why does the Government not take the chance to do more holistic law reform now to protect the rights of transgender Tasmanians? I cannot help but think it is a cynical way of pushing the possibility of such reform further into the future or, worse still, to kill it off. We can all feel right in being disappointed that more is not being done when it so easily could be.

There will be a series of amendments moved to this bill. First, the part of the bill that amends the Anti-Discrimination Act that will attempt amendments to section 3 and section 16, which specifies attributes on which basis people are protected from discrimination. It will insert some additional definition such as gender expression and gender identity and update other outdated definitions contained in that section of the act.

There will also be an attempted update of section 19 of the Anti-Discrimination Act, due to an error made in 2014 when changes were made to the definition of sexual orientation in the act by excluding transgender from the definition and creating a separate attribute of gender identity recognising that gender identity is not a sexual orientation. This should have resulted in the new attribute being added to section 19, which deals with incitement to hatred to ensure the continued protection of people with this attribute, but because of a drafting oversight that attribute was not returned to section 19. This means in practice that transgender people inadvertently lost their protection from public incitement to hatred based on that attribute. The Government has known about this inadvertent error for some time and has even committed to making this change in the past under the leadership of the late Dr Vanessa Goodwin. They have, however, not taken the ideal opportunity this bill presents to make this administrative change so I will be moving to make that change to this bill.

Following these amendments there are amendments that will be moved to the births, deaths and marriage part of the bill to remove the requirement for the forced surgery I described above and to update how gender is recorded on identity documents.

The parts of the bill amending the Adoption Act, the Civil Liability Act, Conveyancing and Law of Property Act, the Criminal Code and the Status of Children Act are not being amended as all of the changes in these acts are needed and are of an administrative nature, simply replacing instances of the words 'husband and wife', 'mother and father' with terms such as 'spouse' and 'parent'. This is a good thing and we should ensure that our legislation is gender neutral.

In preparing these amendments we have worked extremely closely for some time with Transforming Tasmania. I want to acknowledge Rodney and Martine and also Dede River who has been instrumental with her wealth of knowledge as a former Commonwealth legislative drafter in preparing the amendments that we will be moving. This was a unique set of skills that we were extremely fortunate to have advising as part of the consultation on proposed amendments to this bill. I also thank Robin Banks, former Anti-Discrimination Commissioner, whose acute, precise knowledge of the law has made sure these amendments are watertight and achieve the changes proposed. I thank the many other members of Transforming Tasmania I have had the pleasure and the honour to meet and speak with over the time we have been working on proposed amendments in this area of law reform. Thank you to Trish, Roen, Matty, Amander and Kai for generously sharing your stories with me and my Labor colleagues.

There has been ample opportunity for the Government to consult on these changes. These changes and proposed changes have not arisen simply as a result of the marriage equality plebiscite last year. Many of the attempted amendments we will be making to this bill have been significant areas of law reform that have been lobbied on for decades. This is not new law we are arguing for today. That Tasmania is required to update our legislation as a result of the marriage equality survey gives us the opportune time and gave the Government the opportune time to consult with the community, with LGBTI Tasmanians, to hear their stories and their experiences, to listen to the difficulties imposed on their lives day by day because of outdated legislation that does not belong in a progressive, beautiful state like Tasmania in the 21st century.

The Government failed to take that opportunity. They had that chance. We have been working with Transforming Tasmania, both Labor and the Greens, for many weeks and months. The Government had that chance, they had that opportunity. It was in their court to drive this legislative change by way of a Government bill, which would have been a beautiful thing and would have had tripartisan support around this Chamber but they chose not to do that. They chose to do the bare minimum required, which is to remove the forced divorce requirement which is important but so much more can be done.

This is about respecting the dignity of every human being. I invite members to reflect on that list of milestones from the 1980s until last year I read out earlier. We have come so far in recognising and protecting the rights of LGBTI people and their families. We have come so far in making Tasmania a more inclusive and equal society and showing the way for other states. This affects all of us. It affects our families, our brothers and sisters, our parents, our grandparents, our friends, our colleagues, our neighbours, all of our community. Let us continue to lead the way in showing that we are a courageous and compassionate people here in Tasmania. Let us not miss the opportunity to be leaders today.

[5.20 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, I rise to speak on the Justice and Related Legislation (Marriage Amendments) Bill 2018 and acknowledge the outstanding contribution we just heard from my colleague, the member for Clark and shadow attorney-general,

Ms Haddad. It is inspiring to hear the history of advocacy and activism, of protest, heartbreak and ultimately triumph from time to time.

Today is not a time, however, where we can say we have done our best by the Tasmanian people. This legislation is missed opportunity. We have before us a bill which is the bare minimum reflection of what the people of Australia told their parliaments to do last year. They directed the federal parliament to make sure marriage was about love, not about a man and a woman, and to make sure there was equality in the law. While the right-wing conservative forces did everything they could to knock off that vote, to muddy the waters and in the process hurt people, ultimately love won, as we know. Madam Speaker, I acknowledge your advocacy on this issue over many years as lord mayor of the City of Hobart.

It is disappointing to hear the legislation before us - which again was tabled two days ago - does not contain the provisions we know need to be contained within the Births, Deaths and Marriages Act to ensure the legislation does not continue to harm, which it is, and discriminate against people on the basis of their gender. It is not a revelation to the Attorney-General that there is an issue here. It is disappointing that we can have this bill presented to us two days ago for an issue that has been a matter of concern to transgender Tasmanians and every fair-minded Tasmanian for more than two decades.

I do not understand why the Attorney-General thinks it is a matter that needs to be consulted very widely. Who does it affect if, for example, there are no gender markers on a birth certificate? Who does it affect if we remove the provision that requires a transgender person to undergo sexual reassignment surgery? Who it affects by failing to do that is very highly vulnerable people who struggle with life because of the legislative barriers in place, like the one in the Births, Deaths and Marriage Act, because of discrimination and a failure of some people to understand human diversity and gender diversity, a resistance and unwillingness to accept that gender is not binary; it is not an either/or.

I too will be moving some amendments and we have been working with the fantastic people at Transforming Tasmania. The great education I have had in this area of law reform has come from people like Rodney Croome, champion of Tasmania and living treasure, Martine Delaney, who I met many years ago when we were much younger, when I was working in Duncan Kerr's office. Martine was agitating and trying to affect law reform then.

This is an area of law reform that must progress. We need to acknowledge that by failing in this amendment bill to make those changes to the Birth, Deaths and Marriages Act what the Government of the day is saying to transgender people is 'We're prepared to let you suffer for a bit longer because we're not prepared to look at the evidence of the need for reform here. We don't accept, necessarily, that the requirements in the Births, Deaths and Marriages Act are discriminatory and we're going to ask the people of Tasmania their view on these things.'

There has been no consultation, for example, over the Macquarie Point legislation or the masterplan, so they are not going to ask the people of Tasmania about the future of Macquarie Point, but they are going to ask the people of Tasmania their views on the birth certificates of transgender people. Why that would be a matter of public consultation is very difficult to understand.

It has been a really excellent process working cooperatively with Transforming Tasmania and Rodney, Robin, Martine, Dede and Ella Haddad on the amendments that we have developed to the

bill. These are amendments which are based on evidence and on the compelling reality that the law as it is discriminates against people and harms people.

I have some notes here from Transforming Tasmania relating specifically to the removal of gender references from birth certificates. For anyone in this House who is still confused about this evolution of law, I implore you to listen:

The inclusion of gender on birth certificates has one effect, and that is to perpetuate discrimination against people who are transgender or gender diverse. To not remove it is to continue that harm. Parliament should be in the business of identifying and removing harmful practice in law. Elimination of references to gender from birth certificates follows the precedent of removing race from birth certificates and removing parent's occupations from birth certificates. Birth certificates are not proof of anything other than identity. They are not proof of gender or race or parentage.

Transforming Tasmania says to us:

Hands up anybody who has been required in recent years to produce their birth certificate to prove their gender. Radio silence. Birth certificates are not historical documents and are not used for statistical or genealogical purposes. Look at our driver's licences. There is no reference to gender to be found.

The current international human rights position from the United Nations and other international human rights organisations is to exclude references to gender from birth certificates. For many years the only use of gender on birth certificates was to prevent same-sex marriage so there is no justification for continuing it for this purpose. This is not about getting rid of gender or denying gender or deleting gender. Just as removing race from birth certificates has not resulted in the elimination of racial diversity, this is about recognising everyone's gender.

Gender markers on passports in a number of jurisdictions, including many parts of Australia, are male, female and X. This was introduced in 2011 when it matched international practice, so our national law recognises gender diversity, but Tasmania is lagging behind even this outdated provision which provides for three gender options.

Members of parliament would have received this week a submission from an organisation that calls itself Women Speak Tasmania. I have seen these arguments put before by women or women's representatives who feel threatened by transgender women.

There are women, and this organisation that calls itself Women Speak Tasmania holds this view, who discriminate against transgender women and have made a submission to members of parliament based on their view that somehow transgender women threaten women. Transgender women are women. What is going on here? What happened to the sisterhood?

Mr Hidding - Are these the people who laid a complaint against Robin Banks?

Ms O'CONNOR - Yes, one of them is.

Again, it is so potentially damaging to have women discriminating against other women, putting up more barriers to their equal treatment under the law, describing other women as being a

threat. I do not understand these arguments at a profound level. They do not stack up. What they come home to are women who do not regard all women as being equal. Shame.

The issues that were raised by this organisation which I have not heard of before, Women Speak Tasmania, suggested that there is a safety risk to women and girls posed by transgender women. Transforming Tasmania's response to the question of safety is this -

Men who are seeking to prey on women or girls in women's spaces, do not dress up as women to go to the trouble of getting a new birth certificate. They simply do it.

There is no evidence of men changing their gender in order to attack women or invade safe women's spaces.

Ms Haddad - That is right. They attack women anyway.

Ms O'CONNOR - That is right.

However, the rise of these arguments has resulted in greater danger, including physical assaults to transgender women, non-binary and women who do not conform to out-moded stereotypes of femininity. This has included women in toilets abusing and attacking trans women, non-binary women and women who do not conform to gender stereotypes.

I simply urge the authors of the submission that was made to members of parliament to engage in a meaningful way with Transforming Tasmania. The more we talk to each other, whatever our differences of understanding may be, the better the chance of achieving good outcomes for all.

If Women Speak Tasmania has formed the view that not all women are equal, then Women Speak Tasmania, Bronwyn Williams, Isla MacGregor, should seek a meeting with transgender women, Transforming Tasmania, look each other in the eye and identify the differences of understanding. I would like to think that if the people who are behind Women Speak Tasmania sat down with transgender women, they would not hold the view that not all women are equal.

Ms Standen - It is fear and ignorance.

Ms O'CONNOR - It is fear and ignorance and it is sad, Ms Standen, that women who have had to fight so hard for equality, to feel safe, which not all women do, that women would do this to other women. I find that really sad.

I encourage Women Speak Tasmania to engage in that conversation. We are talking about an evolution of law. It is an evolution of law that relates to marriage, significant relationships and gender. I want to acknowledge that the first parliament to have no forced divorce legislation tabled in it was the Tasmanian Parliament. It was the then Greens shadow attorney-general, Nick McKim, who tabled that bill. He had another crack at it in the last term before he went to the Senate. There is a delicious irony in knowing that the bill is being forced on a conservative government by the vote of the people of Australia.

Ms Haddad outlined some of the history, as a result of the Greens advocacy in this area. It was Christine Milne's legislation in 1997 that decriminalised homosexuality in 1998. We had landmark anti-discrimination legislation. I indicate to the Attorney-General that we do not see the argument for making this specific provision in the Anti-Discrimination Act. We are prepared to name it for what it is. It is a sop to the religious right, because the Anti-Discrimination Act has worked effectively until now. There is no legal reason to put this new 52A into the Anti-Discrimination Act of 1998. The law functioned before. It is not standard that all the provisions in a federal legislative reform are reflected in state law. In fact this is unusual. It is a reflection of the fact that there are some in Government who regard same sex couples as a unique threat to marriage. That would be the conclusion to draw, and that is highly regrettable.

Our parliament decriminalised cross-dressing in 2000. This is the provision that was in the Police Offences Act that we were debating last night during our bill to remove the crime of begging. That Police Offences Act provision captured transgender women because it was transgender women who were charged with the crime of cross-dressing. I want to acknowledge the reform of the former attorney-general, Vanessa Goodwin, in expunging past convictions. It was a really significant legislative reform because it meant that women who were captured by the law and described in grotesquely insulting ways did not have that conviction attached to them, or they can have conviction removed.

We were the first state to have marriage equality legislation tabled. Again that was Nick McKim's legislation. He tabled that legislation I believe in this parliament twice and both times could not get support of either of the major parties in this place. Then in 2013, Nick McKim and the then premier, Lara Giddings, co-sponsored the marriage equality bill. We were the first parliament in Australia to pass marriage equality legislation. Then in late 2016 we were the first state to have both Houses give their in-principle support for marriage equality. We are a big-hearted and progressive state. You saw that in the plebiscite. Did it not make us all proud? Wasn't that wonderful? That is who we really are. Here in our beautiful electorate of Clark, close to three quarters of all citizens of Clark eligible to vote supported love and the right to equal marriage.

Ms O'Byrne - Hear, hear. Good on them. They were the citizens of Denison then.

Ms O'CONNOR - They were then, Bass, too, and all over the state. Braddon voted strongly. Interestingly, the vote I loved the most apart from our own Tasmanian progressiveness was in Tony Abbott's seat where more than 75 per cent of all his constituents said, Tony, you are wrong, you old bigot. That was a very good result.

We have been working on the amendments we will be moving in this legislation. Ms Haddad and I have talked through the amendments we would each like to move. I look forward to going into the committee of this legislation and being able to talk through some of these amendments.

This legislation is a start. It is the bare minimum of this parliament's response to the people of Australia saying we believe in love and we believe in equality. There is much more work to do on the Births, Deaths and Marriages Act to make sure we are treating every Tasmanian equally, that we are not boxing people by outdated notions of gender and that we are not requiring transgender people to undergo invasive reproductive surgery in order to have their birth certificates altered. It is unaffordable and out of reach for some people to have that surgery. Why should people have a hysterectomy if they do not wish to but they know they are a man? I know this is very confusing to some of the conservatives in here. I know that. It is hard to wrap your head around and I was not pointing at you at all. My hand was slightly higher up above the Attorney-General.

There is a lot to talk about in the Committee stage of this legislation. I commend any member of this place who has an issue to engage with Transforming Tasmania and talk to people who are affected by the discrimination that exists in our laws today. We will be having more to say in the committee stage.

[5.43 p.m.]

Mr BROOKS (Braddon) - Madam Speaker, I rise in support of the legislation brought on by the Attorney-General, my good friend and colleague, Elise Archer. I will go through some aspects of this legislation and give some historical background as to my position on this and my previous votes without reflecting on previous debates of this House. I have been a keen watcher of the transition of the Australian community from a thought process of previous times to a more modern or more open and welcoming thought now. That was shown in the reflection of the vote of the people. Whether the argument on a plebiscite was the right one, it gave people the chance to have their say and they had their say. That message was overwhelming.

While this bill might be administrative in nature, it is hugely significant and it will bring Tasmania in line with national same-sex marriage laws. The seventh of December 2017 was an historic day in Australian history when the federal parliament voted to legalise same-sex marriage, becoming the 26th country to do so. As the then Prime Minister, Malcolm Turnbull, declared -

Australia has done it. What a day for love, for equality, for respect. This belongs to us all. This is Australia - fair, diverse, loving and filled with respect for every one of us. This has been a great, unifying day in our history.

Today, 10 months on, this parliament has a bill before us that represents the final step in the process to implement these historic changes to the Marriage Act. Marriage is now defined as the union of two people to the exclusion of all others, voluntarily entered into for life and the right to marry is no longer determined by the sex of the parties.

The amendments in this bill will ensure that same-sex marriage couples will be treated equally in Tasmania in a range of areas of law. We follow the lead of jurisdictions that have already introduced and passed legislation to make necessary consequential amendments to their laws as a result of the Marriage Act amendments. These include New South Wales, Victoria and Queensland. Like these jurisdictions our amendments are focused on ensuring consistency with the Commonwealth law. States and territories were given 12 months, until 9 December 2018, to change their laws to ensure they are consistent with the Commonwealth legislation. I am pleased that the Government prioritised this reform and have moved to ensure this important deadline is met.

I congratulate the Attorney-General for her work in this area and for bringing this legislation on. The bill is yet another demonstration of the Government's commitment to working towards an inclusive community, where all Tasmanians are treated with dignity and respect. We have a strong record when it comes to progressing reform of this nature. As mentioned by Ms O'Connor, the Expungement of Historical Offences Act is another example of this.

I was pleased to hear the Attorney-General's update to the House earlier this week regarding a referral to the Tasmanian Law Reform Institute to consider further reforms for how our state's legislation deals with issues of sex and gender, and I feel this is a measured and sensible approach to dealing with what are significant and complex issues. This will ensure that people in our community will have their voices heard. Let us not forget we are elected to represent our communities and we need to listen to them to ensure their voices are heard.

I voted against similar legislation to this in this parliament twice. I voted against it in my first term of parliament because I gave a commitment before the 2010 election that I would not support the legislation. I believe that if I gave a commitment that I would not or that I would do something then that is what I should do. After the 2014 election, I voted against the legislation again because I felt changes to the Marriage Act needed to be done at the federal level. I thought you needed consistency across the country and across the nation for the Marriage Act to be consistent. That is why I voted against that legislation twice. That is why I will be supporting the legislation this time. I certainly will be.

On a personal note my sister, Emma, who I have mentioned on radio is in a loving, caring relationship with her beautiful partner, Janine, and they have two wonderful kids, Mia and Josh. Tania and I spend time when we can seeing them in Melbourne. I saw my sister go through not only some prejudices of the period but also overcome and work through them and I know how challenging they can be. My vote previously on legislation similar to this is not a reflection on that at all. It was for specific reasons.

This change that has been accepted and adopted by Australia overwhelmingly, by Tasmania and by my own electorate of Braddon, shows not only a level of maturity and understanding of where our community is now but also where we are heading.

We have heard love is love and we have seen that. Some people at my church have challenged me on my position on this. Some people have challenged me on same-sex couples adopting children and I supported that legislation when it went through. That was an anomaly because same-sex couples at the time could foster-care children - I think there were seven registered at the time - but they could not adopt them, which was quite frankly ridiculous.

I see young Josh and Mia, my little nephew and niece, not as often as I would like but they are in one of the most loving, caring home environments you will ever see. They have parents in Emma and Janine who will do anything for their kids. Unfortunately we see children who are not loved or cared for as they should in our community, who are let down by the community, by the system or even by their own parents. Emma and Janine are a hell of a lot better parents than some other parents I know. That has nothing to do with disparaging any parent because it is a tough gig, but to discriminate against them based on their ability to be in an environment where they are loved and looked after is the most important thing at the end of the day. If my sister and Janine want to get married, that is their choice. Who am I, as a member of parliament, to say that should or should not happen? That is their choice.

I support the legislation. I have voted against the legislation twice previously but for specific reasons, and the ultimate reason was I thought it needed national consistency and we now have that. I am proud to stand in this Tasmanian Parliament on behalf of the community. I know some of my friends and some of the members of my church won't be very happy about this but at the end of the day, who am I to say that Emma and Janine, for example, should or should not get married? That is not up to me to decide. It is up to them to decide.

This is a step for progress. When we moved a motion in the House about supporting the principle and the referendum, I said I would be voting 'yes' in the referendum. The great thing is that the majority of Tasmanians did, as did the majority of Australians.

Ms Haddad - Tasmania had a high proportion of yes votes.

Mr BROOKS - Yes. I am privileged to be in a family environment with Emma and Janine, who will do anything and everything for their kids Mia and Josh, and I think it is a wonderful thing. If they want to get married, I will be there. I reckon I will get an invite - maybe. We will see what happens. I think it is a good thing and I am proud to stand here and say that.

I am aware there are sensitivities around our Anti-Discrimination Act and it is important to note that the Anti-Discrimination Commissioner's view is that the act should be amended to create an exception to cover the Commonwealth changes to avoid inconsistencies. This bill does not go beyond this point. Members may also be interested to note that since the changes to the marriage law started there have been 100 same-sex marriages registered as of today. That is a wonderful and really positive thing - 100 out of a total of 1801 marriages over the same period. That is heartening.

I get that some people are uncomfortable with it for whatever reason; that is their own personal opinion and part of the freedom of the country we live in, but I will stand beside the Attorney-General and this majority Liberal Government in supporting this change and look forward to Emma and Janine's wedding if they want to get married. They might not want to, but it is their choice. This bill is about giving them that choice and that is the most important thing in my opinion.

Ultimately the real focus of this is about recognising what the Australian people have said. Their message was very clear. It is a good thing that we have a community, a state and a country that adopts the feelings of what the community has said. To the Government's credit, whilst not everyone agreed with it, they are there to represent the views of the community. They are there to represent what the people say. That is what the federal parliament did and I welcome this legislation. It is a great outcome and I am looking forward to seeing more stories about people who want to share their lives together, irrespective of whether they are the same sex or not. It does not matter. It is about the environment they are in and the care and love they have for each other that is the important thing. I am proud to stand here today and support legislation like this that will allow, from a personal point of view, my sister and her partner to get married if they want, but also their beautiful kids Mia and Josh to be part of that ceremony as well. It will be a pretty cool thing, too.

[5.59 p.m.]

Ms STANDEN (Franklin) - Madam Speaker, I thank the House for the opportunity to speak very briefly on the Justice and Related Legislation (Marriage Amendments) Bill and perhaps to bring a bit of a personal perspective to what it means to grow up in an environment of discrimination. My own experience pales into insignificance compared to some in the LGBTI community. Many people we know of have sadly taken their lives.

Debate adjourned.

ADJOURNMENT

Violence against Women

[6.00 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, I rise tonight to speak on behalf of women and girls everywhere, to acknowledge the contribution of the Deputy Leader of the Opposition last night and to acknowledge that Ms O'Byrne has a proud history of advocating for women and girls, for gender equality, for an end to violence against women and girls.

We are a parliament with equal representation. That is a fantastic outcome and it has improved to some extent, the way parliament operates. We are not there yet. Mr Barnett and I have had an exchange in this place, relating to his comments on Brett Kavanaugh, the United States Supreme Court Justice. His views on Justice Kavanaugh, who was accused by Christine Blasey Ford of a violent sexual assault are an example of what parliaments and MPs should do everything they can to avoid in order to progress the cause of gender equality and an end to violence towards women and girls.

The Kavanaugh case brought to the fore, and this is not just in the United States, but around the world, the fact that women and women's rights have taken steps backward in recent times, particularly with the elevation of Donald Trump to the presidency, a sexual predator, who is the President of the United States of America, a man who denigrated Christine Blasey Ford, following her testimony. She was a victim of sexual violence and she was shamed in front the world by the President of United States no less.

This kind of victim and slut shaming, as it is known, distrust and manipulation of fact, only creates fear among women and girls in our community. It does not make people feel any safer.

We have the latest Police Fire and Emergency Management annual report. On page 33: public safety and the percentage of the population in Tasmania who feel safe walking locally during the night. No surprises, but in Tasmania people feel more safe walking the streets at night. What we know from these figures is that only 60 per cent of women feel safe walking home at night. The good news is that Tasmanian women feel 7 per cent safer than the national average, but it is far from okay on our streets.

Our office received an alarming report earlier this week of a devastating incident that happened in the past few weeks in a Hobart suburb. A teenage girl was walking home from a house party. She was drugged, tied up and raped against a fence. That is here on our streets. That is someone's young daughter, that is someone's precious little girl who will suffer the consequences of that violence for the rest of her life. It is a terrifying and graphic example of how attitudes towards women can infect our society and increase the risk of violence towards women and girls.

In her book *En Garde*, published after her public stoush with Senator David Leyonhjelm, Senator Sarah Hanson-Young talks about the sexist treatment and language she has endured and continues to endure through her career.

There is a letter here from a 17-year-old Hobart girl.

Hi Sarah, I am not sure whether you will read this but here goes anyway:

I'm 17, female from Hobart Tasmania, in grade 11 and I am sick of men degrading women. One week ago my boss (an older man) called me and two other young girls in the workplace 'bitches' to our faces, twice in the space of a few minutes for absolutely no reason at all, other than to refer to us. I was taken aback and luckily it was at the end of our shift, so I left as quickly as possible. It made me feel uncomfortable and embarrassed.

I spoke to a few people I trusted about the comments he made, and I was told 'He's just an old man that doesn't know any better, and, 'You'll have to put up with this for a long time yet', and 'pick your battles'.

So I dismissed the whole incident. I dismissed being called a bitch by my own boss. This morning I listened to the news, and heard what David Leyonhjelm said. Then I heard you speaking up for us, for all the women who get slut shamed, abused and degraded, for all the women who do not have the platform to speak out. You have made me think twice about the comments my boss made, and I don't think I should dismiss his behaviour any more.

I believe this is where it starts, dismissing one seemingly 'flippant' comment because it's not worth the hassle and soon women all over the world are dismissing a society that degrades women. I am so over accepting unacceptable behaviour. So thank you for standing up for us. Thank you for helping me understand that this is not okay. That it's not okay to feel uncomfortable and embarrassed and that I can make a stand.

I don't know where to from here, I am scared of speaking out, but I know enough is enough, because this is where it starts and this is where I want it to end.

Thank you.

Madam Speaker, I commend Sarah Hanson-Young's book to the House. The experiences of these two girls who I have talked about tonight while very, very different stem from the same thing - sexism, misogyny, a power imbalance created by gender. That is why what we say inside and outside Parliament matters. When we say what we say we have to mean it and we have to continue to be advocates for women and girls, for their equal treatment and for safe spaces for all Tasmanians.

Quorum formed.

Health Service Issues

[6.09 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Madam Speaker, I rise on the adjournment tonight to convey the concerns of a nurse who works in the ICU at the Launceston General Hospital, who has written correspondence to myself, the Premier and to the Health minister. The Premier and the Health minister, I note, are both absent from the Chamber, which is unfortunate because it was a very deeply personal letter that was written to us. I commend the bravery of the writer of the letter. I will not disclose their name; however, they do in their correspondence. I hope that as a State Service employee raising a matter like this with the Government does not mean they have been reprimanded. This Government does have a history of seeking out those who speak against it.

I will read the letter into the *Hansard*.

Dear Will

I am writing to you regarding the industrial action taken by Tasmanian nurses.

I am a RN based in ICU at the Launceston General Hospital. I have worked across many areas of the health system in the public and private sector. I have completed a Master's degree, and I lecture at the University of Tasmania.

Today, I attended the Union meeting at the LGH. There are many things about the current state of the Tasmanian Health system that cause concern. We rarely hear stories of the direct pain and suffering caused by short staffing, double shifts and clinical environments that are inadequately resourced or funded. These experiences are hard to articulate to the wider community. I encourage you to walk in the shoes of a Tasmanian Nurse for a week, to understand the fear and the horror of struggling to help as you pull back sheets to find litres of clotted blood. Imagine the fear that the patient must also have been experiencing. Come home with me and feel the sadness that fills my heart after a shift as I watch water in the sink turn pink as I put my scrubs in to soak to remove the bodily fluids from them - knowing that the patient's condition should not have deteriorated.

Every day that I go to work I will be exposed to a patient's story who has suffered direct and indirect harm as a result of the shortages and funding issues of the Tasmanian Health System.

I meet many patients who experience extended ICU admissions which are associated with increased rates of morbidity and mortality due to extended time in accessing initial specialised health care. For example, the LGH ICU receives many cardiology and stroke patients from the North and North-west of the state. Prompt accesses to specialised care for these patients is key to their long term survival and recovery. Many patients are not treated within recommended time frames that meet Australian and international clinical guidelines. This leads to decreased clinical outcomes leading to increased morbidity which increases the burden and costs to the health system and the Tasmania community.

The current station within the Tasmania Health System is simply unsustainable.

Shame on you Will. The lack of funding for Tasmanian Nurses and the Health system would have had direct health consequences for your community, your family and your friends.

I sincerely hope that you and your family stay well, as I would not like to see my family in the Tasmanian Health System at this time, the Safety of Patients within the Tasmanian health system is dependent on the good-will of fatigued Nurses working overtime in under resourced environments.

Shame on you and your government.

Madam Speaker, we know that our health system is under enormous pressure and there is a \$100 million black hole in the system. We have a minister who does not care and is failing to listen to clinicians on the front line. Hearing stories like this is heart-breaking. This nurse has been moved to speak out publicly because of her concerns about her ability to provide adequate care to patients at the LGH. I hope that the minister responds and goes, at the invitation of this nurse, to see how they are operating at the LGH. He has been invited to meet with this nurse and others at the LGH and walk in their shoes. Perhaps if he did that he would take a different approach to funding the health system.

The House adjourned at 6.13 p.m.

QUESTIONS UPON NOTICE

The following answers were given to questions upon notice:

6. DEPARTMENT OF EDUCATION - PRINCIPAL WELLBEING INITIATIVE

Ms O'BYRNE asked the Minister for Education and Training -

Has any funding been allocated to implement recommendations of the Principal Wellbeing Initiative Principal Consultation and if so, how much?

Mr ROCKLIFF replied -

Funding of \$70 000 per year was allocated in the 2018-19 Budget for research and seed funding for principal wellbeing.

A further provisional allocation of \$130 000 per year has been provided to support progressing recommendations. That amount will be reassessed as part of finalising actions that flow from the recommendations.

10. DEPARTMENT OF EDUCATION - RIGHT TO INFORMATION - STATUS OF REQUESTS

Ms O'BYRNE asked the Minister for Education and Training -

With respect to RTIs received by the Department of Education during 2017-18 -

(1) Have any RTIs been received by the department and if so, how many have been -

- (a) accepted immediately?
- (b) refused?
- (c) accepted after a delay?
- (d) accepted with condition?

(2) If any, how may RTIs were resolved -

- (a) in the 20 day period?
- (b) in excess of 20 days and the reason why?
- (c) in excess of 30 days and the reason why?

(3) If RTIs were rejected, how many of the rejected applications were appealed to the Ombudsman?

Mr ROCKLIFF replied -

(1) and (2)

The Department of Education (DoE) fulfils the requirements of section 53 (Reporting) of the *Right to Information Act 2009* by publishing financial year statistics on RTI applications in the department's annual report.

The relevant statistics are published annually in the Department of Education Annual Report 2017-18.

(3) No DoE RTI applications that were refused were appealed to the Ombudsman.

12. DEPARTMENT OF EDUCATION - SALARY OF SECRETARY

Ms O'BYRNE asked the Minister for Education and Training -

What is the salary of the Secretary of the Department of Education?

Mr ROCKLIFF replied -

The current per annum salary of the Secretary of the Department of Education is disclosed annually in the Department of Education Annual Report.

15. DEPARTMENT OF EDUCATION - STRESS-RELATED LEAVE

Ms O'BYRNE asked the Minister for Education and Training -

Are any departmental employees on stress-related leave and if so, how many and what is the total cost related to that leave?

Mr ROCKLIFF replied -

As was explained during the Education portfolio Legislative Council budget Estimates committee hearing, the reasons for personal (sick) leave are usually unknown and are not required to be declared by employees.

The only known stress-related absences involve workers compensation claims. Details on workers compensation claims for stress are disclosed in the Department of Education Annual Report.

17. DEPARTMENT OF EDUCATION - OUT OF CONTRACT EMPLOYEES

Ms O'BYRNE asked the Minister for Education and Training -

Are any people who are out of contract still working for the Department of Education and Training, and if so, how many?

Mr ROCKLIFF replied -

None. The Department of Education has no people out of contract still working for the department.

19. DEPARTMENT OF EDUCATION - SUPPORT SCHOOLS PLACEMENTS

Ms O'BYRNE asked the Minister for Education and Training -

Have any students been referred by their mainstream school and not placed on a waiting list and if so, how many?

Mr ROCKLIFF replied -

All students nominated for attendance at Support Schools were considered by Placement Committees in September 2018.

All students for whom Support School placement was appropriate were recommended for either a part-time or full-time enrolment.

Where it was noted by the committee that a student's current skill level and functional capacity was higher than the other students currently enrolled at the Support School, placement was not recommended by the Placement Committee at this time as their needs will be best met with additional supports in their local school environment amongst peers with rich language skills and the capacity for developing friendships and social connections.

21. DEPARTMENT OF EDUCATION - PART-TIME ENROLMENT FOR STUDENTS WITH DISABILITY

Ms O'BYRNE asked the Minister for Education and Training -

With respect to part-time enrolments for students with disability -

- (1) Have any applications for part-time enrolment been refused by the sector and if so, how many?
- (2) If any, on what grounds have they been refused and what checks have been done to ensure those students are attending school full time as required?

Mr ROCKLIFF replied -

No, the Department of Education has not refused any part-time enrolments for Tasmanian Government students with disability.

25. DEPARTMENT OF EDUCATION - DUAL ENROLMENT OF STUDENTS WITH DISABILITY

Ms O'BYRNE asked the Minister for Education and Training -

Have any students with a disability been dual enrolled since the implementation of the Education Act, and if so, how many?

Mr ROCKLIFF replied -

In 2018, the Department of Education has 53 students who are dual enrolled across a special or support school and a mainstream school.

There are also 18 students on the Severe Disability Register - SDR - with a dual enrolment at a mainstream school and college program across years 11 and 12.

26. DEPARTMENT OF EDUCATION - ACCESS TO ADVOCATES FOR STUDENTS WITH DISABILITY

Ms O'BYRNE asked the Minister for Education and Training -

Has funding been provided by the DoE to families of students with a disability to have access to advocates for support in state schools and if so, how much broken down by liaison officers and advocates?

Mr ROCKLIFF replied -

In 2018, the Department of Education, through an open tender process, awarded Life Without Barriers - LWB - the contract to deliver statewide liaison and mediation services to schools and families of students with disability.

LWB is funded approximately \$260 000 to deliver services across Tasmanian Government schools over a two year contract period from 2018 to 2019.

LWB currently employs 0.5 FTE advocate in the north and 0.5 FTE advocate in the south within the current DoE statewide contract.

LWB report that they are currently meeting demand for the services that are being referred from both families and schools in support of students with disability.

27. DEPARTMENT OF EDUCATION - DISABILITY PROFESSIONAL DEVELOPMENT

Ms O'BYRNE asked the Minister for Education and Training -

With respect to disability professional development -

- (1) Has any disability professional development been provided to Department of Education staff in 2018 and if so, what?
- (2) If any, have any teachers/TAs completed and/or participated in the professional development and if so, how many?

Mr ROCKLIFF replied -

The Department of Education - DoE - is committed to improved access and the provision of high quality teaching and learning in relation to inclusive education for students with disability by offering a range of professional learning opportunities.

Professional Learning

Inclusive Education Specialisation Initiative

Again in 2018, DoE partnered with the University of Tasmania and the Professional Learning Institute to deliver the Graduate Certificate in Inclusive Education for the second year.

The Graduate Certificate took place in Terms 1 and 2 in 2018, and a total of 22 teachers participated and graduated in August 2018.

This course has now been delivered over the past two years and a total of 47 teachers have completed the qualification.

The course includes four compulsory units:

- Inclusive Education
- Learning Difficulties and Dyslexia
- Engaging Disengaged Students
- Multiple and Complex Disability.

The course aims to strengthen the skills, knowledge and teaching practice of teachers to provide quality inclusive education across Tasmanian Government schools and improve educational outcomes for students with disability.

Family Partnership Model - FPM - Program

DoE has continued to implement professional learning within the Family Partnership Model Program.

Within the DoE context, FPM has been used to facilitate and strengthen partnerships between school staff and families to achieve positive outcomes in relation to children with disability, child mental health difficulties, learning and educational difficulties, and families experiencing multiple stresses and complex psychosocial difficulties.

To date, a total of 103 schools/workplaces (92 DoE schools, libraries and CFCs) have engaged in Family Partnership professional learning:

- 250 participants have completed the Family Partnership Foundation course.
- 39 participants have completed the Family Partnership Leadership course.
- 312 participants have completed the Family Partnership Workplace reflective program.

FPM is an evidence-based and internationally recognised approach to partnership practice which aims to achieve better outcomes for children and families. The Model demonstrated how specific helper qualities and skills, when used in partnership, enable parents, families and others to overcome their challenges, build strengths, resilience and enable their goals to be achieved effectively.

The FPM training explores all aspects of the model that support the building of genuine and respectful partnerships towards achieving improved outcomes for children and their families.

DoE will continue to provide FPM training in 2019 through the Professional Learning Institute.

Professional Learning for School Staff

Each term, DoE delivers a full day of professional learning for support teachers per region to continue to build the capacity of the support teacher workforce. These professional learning days focus on networking, collaborating, sharing resources and research, and building best practice knowledge in relation to inclusive practice for students with disability.

The Inclusion and Diversity Programs Unit has worked with the PLI to support teacher learning sessions that promote inclusive teaching and learning from a highly accomplished and lead teacher level. These levels are based on the descriptors as outlined in the Australian Professional Standards for Teachers.

In 2018 the *Making a Difference* professional learning involves three southern high schools and one primary school working on action research using inquiry to support improved whole school policy and practice for improved outcomes for students with disability. The school teams have developed action plans and tracked their progress towards goals in collaboration with their staff and partner schools through this professional learning.

Learning Service Student Support Leaders are now presenting at Principal Induction Sessions through the Professional Learning Institute with a focus on importance of inclusive practice and being disability ready as well as creating awareness of Disability Standards in Education legislation and our obligations within these standards.

Student Support Leaders, Respectful Schools Support Consultants and Leaders are continuing to work with schools around capacity building and support for individual students in these areas on a daily basis.

Online Professional Learning

DoE is continuing to support school teams in providing access to online disability specific professional learning modules in partnership with the University of Canberra for the Disability Standards for Education modules - DSE - and Online Training Australia - OLT.

The *Disability Standards for Education 2005* seeks to ensure that students with disability can access and participate in education on the same basis as other students. The DSE is Australian law under the *Disability Discrimination Act 1993* - DDA - which clarifies the obligations of education and training providers, and the rights of people with disability.

Staff can learn more about their obligations through the DSE online training models, which includes seven online modules designed to cater for different student age groups or teacher career stages. These modules provide accredited professional learning for staff in relation to understanding their obligations with the DSE to make reasonable adjustments for students with disability.

To date, a total of 7533 DoE staff members have participated in the DSE online modules - this is an increase of 677 participants from the same time last year.

OLT on disability specific modules has been strongly promoted in 2018 to encourage greater participation rates and tutors at a local level.

Approximately 60 teachers and professional support staff have enrolled in Term 3, 2018 across a wide range of areas including ASD, Speech, language and communication; Dyslexia, Behaviour Support, Motor Coordination difficulties; Hearing Loss; Visual Impairment; Personalised Learning and Support and Special Education Needs.

This program of learning has a strong reputation amongst school staff in Tasmania and across Australia for being highly accessible, relevant and supportive of teaching and learning for students with disability and diverse needs.

Inclusive Practices Resources

DoE continues to utilise and develop online and hard copy resources and support materials to provide professional learning for staff in inclusive practice.

A website for staff has been developed to share inclusive practice, including information, resources and materials, including videos and access to online professional learning. This online room has been developed in collaboration with Curriculum Services staff, and is regularly accessed by support teachers.

Examples of resources include:

- Learning Plan materials and templates
- Inclusive Practice - Illustrations of practice
- Information about the Nationally Consistent Collection of Data and the levels of educational adjustment
- Good Teaching Guides on Inclusive Teaching, Differentiated Practice, Supporting Students Impacted by Trauma
- Online Professional Learning disability specific modules - DSE and OLT.

Regular feedback is sought from Support Teachers to inform the development and revision of professional resources to support their practice.

Currently 1379 staff members have access to online resource Support Staff: Inclusive teaching for students with disability. These resources are accessed on a regular basis with approximately 736-12 732 page views per week (during Feb-July 2018).

School-based Professional Learning

In addition to the system-wide programs outlined above, individual schools also undertake professional learning on an 'as needs' basis aligned to school priorities and students and staff needs with the support of professional support staff, including professional learning programs designed by school psychologists, speech and language pathologists, social workers, autism consultants, inclusion and access officers, Vision Services and Hearing Services. Data is not collated across the system detailing the number of participants.

The Respectful School Support Team has also provided school-based professional learning in 2018, covering the topics below:

- Using visuals to support students with ASD
- Understanding and supporting needs of students with disability
- Positive Behaviour Support, including students with disability

- From Learning Plan to Practise
- Zones of Regulation
- Team Teach
- Dyslexia
- Differentiated learning and behaviour supports to remove barriers to learning.

28. DEPARTMENT OF EDUCATION - EARLY CHILDHOOD INTERVENTION SERVICE

Ms O'BYRNE asked the Minister for Education and Training -

Have any services offered by ECIS been withdrawn in the last 12 months and, if so, which ones and why?

Mr ROCKLIFF replied -

No services offered by ECIS have been withdrawn in the last 12 months.

The ECIS program continues to be fully operational in all centres, statewide.