

Tuesday 29 October 2019

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

QUESTIONS UPON NOTICE

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have answers for two questions - question 12 for the member for Nelson, and question 13 for the member for Mersey. I seek leave to have the answers incorporated in *Hansard*.

Leave granted.

12. SOCIAL AND ECONOMIC IMPACT STUDY REPORT 2018

Ms WEBB asked the Leader of the Government in the Legislative Council, Mrs Hiscutt -

With regard to the latest Social and Economic Impact Study - SEIS - report released in January 2018 -

- (1) Has the Minister for Human Services now read the latest SEIS report?
- (2)
 - (a) Does the minister acknowledge that the report notes a 20 per cent increase in the proportion of problem gamblers from 2013 to 2017?
 - (b) If so, what specifically has the minister directed be considered and/or included in the Gambling Support Program Strategic Framework 2020-23, beyond previous efforts or initiatives, to achieve an improved result in the number of Tasmanians experiencing problem gambling, moderate-risk gambling and low-risk gambling?
- (3)
 - (a) Across that same period which saw an increase in the number of problem gamblers, does the minister acknowledge the report notes a decline of over 30 per cent in the proportion of people seeking help from gambling support services related to their own gambling and a 15 per cent decline in the proportion of people seeking help for someone else's gambling?
 - (b) What specifically has the minister directed be considered and/or included in the Gambling Support Program Strategic Framework 2020-23, beyond previous efforts or initiatives, to achieve an improved result in the number of people seeking help from gambling support services?
- (4) What are the updated findings from the latest SEIS report on -
 - (a) the gender breakdown of clients of gambling support services;
 - (b) the age group most likely to be clients of gambling support services, and whether that is reflective of the age group(s) with a higher prevalence of use of EGMs;
 - (c) the methods of referral to gambling support services; and

- (d) compared with the general population, the levels of satisfaction with general health and psychological health experienced by people with a gambling problem, moderate-risk gamblers and low-risk gamblers?
- (5) (a) Was data on the socio-economic profile of problem gambling in Tasmania included in the most recent SEIS report?
- (b) If so, what are the updated findings from the latest SEIS report on the socio-economic profile of problem gambling in Tasmania?
- (c) If not, was data on the socio-economic profile of problem gambling collected by the researchers but not included in the report?
- (d) If the data was not collected, why was it removed from the SEIS data collection between 2013 and 2017?
- (e) If the data was collected but not included in the report, who made the decision to exclude it and what was the rationale for its exclusion?

The answer read as follows:

- (1) Yes.
- (2) (a) The report states the estimated proportion of problem gamblers increased from 0.5 per cent in 2013 to 0.6 per cent in 2017 (Volume 2, Chapter 7, Section 7.3). Section 7.1 Key Findings, states that 'The proportion of problem gamblers, moderate risk and low risk gamblers were comparable to estimates from the 2011 and 2013 surveys'.
- (b) The Gambling Support Program Strategic Framework 2019-23 is currently being developed through consultation with key stakeholders. It is a broad overview of the strategic direction of the Gambling Support Program as the public health response to gambling.
- (3) (a) The report states the estimated proportion of people seeking help for problems related to their own gambling has decreased from 0.6 per cent in 2013 to 0.4 per cent in 2017 (Volume 2, Chapter 9, Section 9.3). Under Section 9.3 the report states 'Results were comparable with those seen in 2011 and 2013'.

The report states that the estimated proportion of people seeking help for problems related to someone else's gambling has decreased from 1.3 per cent in 2013 to 1.1 per cent in 2017 (Volume 2, Chapter 9, Section 9.3). The report does not indicate a significant difference between 2013 and 2017.

- (b) See answer to (2)(b).
- (4) The SEIS is undertaken every three years with the next report due in 2020.
- (5) (a) Yes. Please refer to Part 1, Chapter 7, Section 7.5 Table 7.3 - Gambling Severity by Selected Demographic Characteristics, Fourth Social and Economic Impact Study of

Gambling in Tasmania (2017) - Volume 2. The table summarises the demographic characteristics of each of the gambling severity categories in 2017.

- (b) Table 7.3 shows compared to all Tasmanian adults, the prevalence of problem gambling was significantly higher amongst males (0.9 per cent versus 0.6 per cent of all Tasmanian adults). No other significant differences were noted for problem gamblers compared to the Tasmanian adult population.

Due to the relatively small number of problem gamblers (0.6 per cent) identified in the 2017 prevalence survey, and the comparatively high relative standard errors which resulted from this, the demographic profile has been combined with the moderate-risk group (1.4 per cent). The prevalence of moderate-risk/problem gambling was higher among males (2.8 per cent) than females (1.2 per cent). No other significant subgroup differences were noted in 2017.

- (c) Not applicable.
- (d) Not applicable.
- (e) Some of the data on problem gamblers in Table 7.3 is not available for publication due to insufficient responses from a small sample size.

Both the 2013 and 2017 prevalence studies were completed by an independent consortium led by ACIL Allen Consulting. Both studies were subject to two peer reviews, which included review of the methodological design and the data analysis. Matters raised were addressed by the consultant in the final report.

13. STUDENT TRANSPORT FARE STRUCTURE POLICY

Mr GAFFNEY asked the Leader of the Government in the Legislative Council, Mrs Hiscutt -

With reference to the task of transporting students to and from school -

- (1) What is the student transport fare structure policy in terms of:
 - (a) establishing if a fare is to be paid by a student or not;
 - (b) defining an urban area boundary and how it triggers the need for a fare payment; and
 - (c) the full fare chargeable for students that travel beyond their nearest government school?
- (2) What is the rationale for the amalgamation of contract student only bus services with general access bus services in terms of fare protocols and service provision when they appear to be totally separate services regardless of an 'urban' or 'rural' area designation under current transport policy?
- (3) What would it take to separate non-public access contract student only bus services from general access public bus services in terms of area designations and the service requirements?

- (4) What provision is made to ensure that access to a student's nearest government school via student transport is fair and equitable for whomever and wherever they may be in Tasmania in terms of:
 - (a) Advice and information to the parents of prospective students as to exactly what student bus fares will be applicable depending on which school they choose to enrol their child or where they might live; and
 - (b) advice and information to councils for residents with school-age children that find themselves liable for fares of up to \$720 a year for each child that utilises school bus services within their home municipality?
- (5) In terms of clause 40(a) of the National School Reform Agreement between Tasmania and the Commonwealth of Australia, with up to 4 per cent of the Schooling Resource Standard - SRS - for the government sector each year that can be used for direct student transport costs and depreciation costs:
 - (a) What percentage of the SRS for government schools is used for student transport;
 - (b) what provision is made to ensure that this is not being used to cross-subsidise non-government student transport services; and
 - (c) is the cost of providing student transport services and support to non-government schools offset against the Tasmanian Government's legislated 20 per cent contribution to the SRS of these schools, and if so, by how much?
- (6) With regard to the current review of bus services and procurement -
 - (a) What is the method of authentic community consultation in this review;
 - (b) what input has the School Transport Users Group - STUG - had into this process; and
 - (c) what are its terms of reference, communication and reporting protocols?
- (7) In terms of future options -
 - (a) What is the breakdown of net revenue derived from student transport fares, where they are charged, after administration costs, expenses and on-costs have been accounted for;
 - (b) based on current usage rates, what would be the net cost, or surplus, of providing free student transport to those students that are currently charged a fare to travel to their nearest government school or college; and
 - (c) what would be the minimal cost neutral fare if every student were to be charged when utilising student transport to their nearest government school or college?

The answer read as follows:

- (1) (a) Government policy on student fares ensures that all children residing in rural areas attending their local rural school have the ability to travel to and from school for free. In

this context, rural is defined as all areas outside the urban boundaries of Hobart, Launceston, Devonport and Burnie.

Children who travel to schools and colleges located within an urban area, as well as those who travel on a school bus service operating wholly within a town, are required to pay a fare to travel to and from school.

Students listed on a health or concession card are entitled to make an application for free travel to State Growth.

- (b) Urban boundaries were established over time in various areas of the state. For example, the Devonport urban area was established when the decision was made to provide Devonport with an urban bus service in 2000. Urban boundaries were reviewed in 2007 in the Core Passenger Services Review to ensure consistent criteria. The boundaries are based on:
 - Population
 - Density, and
 - Contiguity
 - (c) The fare charged for any fare-paying travel by students, whether they travel to their nearest government school, to another government school or to a non-government school, is the same. The cash fare is \$1.80 per trip. This is deeply discounted. A further 20 per cent discount is available when using pre-purchased multi-trip tickets or where the student uses a smart card for an electronic ticketing system.
- (2) The Bus Services Review being undertaken by the Department of State Growth has developed the new bus network around a core general access network, appropriate to the transport needs of the community, supplemented with dedicated student services where required. In Tasmania, approximately 30 per cent of students would use a general access bus to travel to and from school. In many cases, particularly longer routes travelling to city-based schools, a standalone general access service would not be viable without combining all passenger categories, including adults and students, on a single service. Student fares are identical on all services where a fare is charged.
 - (3) The separation of general access and student services would result in a significant increase in the cost of delivering bus services to the community and/or an overall reduction in service levels. This approach would necessitate duplicating services on many corridors. Providing general access services, augmented by dedicated student services where demand warrants, provides a higher level of accessibility for all the community, including school students. This is particularly the case when the required travel time for a student does not align with a dedicated student only service.
 - (4) One of the key functions of the state's public transport system is to support access to education. In doing so, the system is prioritised to support travel to the nearest government school, but also recognises the freedom of choice in school that exists in Tasmania.

The student transport system is designed to extend bus services as far as practical (with conveyance allowance provided where a bus service cannot be sustained) so as children are able to attend their nearest government school.

- (a) Under current bus service contracts, responsibility for provision of information to passengers rests with the operator of the service. New contracts, which are due to commence in 2020, also provide for operators to provide information to passengers about their service. However, the Department of State Growth will establish a central information point through which information about services will be available in a consistent format. This will include information about fares.
 - (b) There is no information channel specific to local government.
- (5) (a) The 4 per cent of the SRS referenced in the bilateral agreement is not solely allocated for student transport expenses; it also includes capital depreciation.

As the reportable limit is 4 per cent, and capital depreciation is more than 4 per cent, student transport costs have not yet been collated by the Department of Education. The annual report for lodgement for the 2018 year is due by 31 October 2019.

- (b) Costs that are included in the reporting that confirms Tasmania's funding for government schools are only costs that are attributable to government schools.
 - (c) The cost of providing student transport services and support to non-government schools is not offset against the Tasmanian Government's legislated 20 per cent contribution to non-government schools.
- (6) (a) The Bus Services Review has used a wide range of approaches to ensure broad consultation on proposed network changes.

In regard to consultation on school bus network service redesign, each case is initially discussed with the relevant school or college principals, prior to broader consultation with the school community. Where the proposed change is relatively minor, parents and students are asked for input/feedback by way of a letter issued to all that may be impacted by a proposed change. Where the proposed changes are more significant, school community forums are also arranged.

- (b) The School Transport Users Group - STUG - was discontinued in 2015. The decision was made due to a steady reduction in agenda items meaning that the value of maintaining STUG interaction in that format was limited. In subsequent years, the department wrote to STUG members asking whether to reconvene the group or whether some other communication protocols could be adopted. However, no response was forthcoming.
 - (c) Extensive information on the Bus Services Review, including service eligibility guidelines and information regarding the recontracting process, is available on the Department of State Growth's transport website (www.transport.tas.gov.au/busreview).
- (7) (a) Revenue from fares on dedicated student only buses is approximately \$1.5 million per annum. Note that this does not include student fare revenue collected on general access services which is primarily, but not exclusively, for travel to and from school.

The cost of operating the dedicated student only services which generate fare revenue is approximately \$15 million per annum.

- (b) The cost of free travel to the nearest government school or college cannot be estimated. However, free travel at current usage levels would result in loss of a substantial proportion of fare revenue collected for student travel. Free travel would also likely trigger a significant increase in demand for services which cannot be estimated.

Services to meet this increase in demand would be extremely costly. Were additional funding not available to expand the service network, the only alternative would be to review the extent of the schools served.

If free travel were to apply for travel to the nearest government school or college, a decision would be required on the level of fare that should apply for travel to schools of choice.

- (c) The cost of delivering dedicated student transport in Tasmania is approximately \$34 million per annum. This includes approximately \$19 million on free school bus services in rural areas. A very significant proportion of travel on general access services is also student travel. These services cost a further \$55 million per annum.

It is not possible to translate these costs directly into a fare per student travelling to their nearest government school or college. Public transport in Tasmania is heavily subsidised. It is estimated that the level of subsidy per student varies from a few dollars to almost \$60 per trip depending on the distance. In all cases, the cost of operating the service on a per-fare basis would be above the current student fare level. To impose a cost of travel approach may preclude some students from accessing school.

Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010

24. Conditional licences

- (1) A driver licence is subject to the conditions (if any) imposed by the Registrar.
- (2) In determining licence conditions, the Registrar –
 - (a) must have regard to the interests of road safety; and
 - (b) may attach, by way of condition, to a licence of a particular type a requirement that normally attaches to a licence of a different type.
- (3) Without limiting [subregulation \(1\)](#), the conditions may include one or more of the following:
 - (a) a condition that the holder of the licence must not drive a motor vehicle unless it is fitted with an automatic transmission (A);
 - (b) a condition that the holder of the licence must not drive a motor cycle unless it is fitted with an automatic transmission (A1);
 - (c) a condition that the holder of the licence must not drive a heavy vehicle unless it is fitted with an automatic transmission (A2);
 - (d) a condition that the holder of the licence must not drive a heavy vehicle unless it is fitted with a synchromesh transmission (B);
 - (e) a condition that the holder of the licence must not drive a motor cycle other than a learner approved motor cycle (E);
 - (f) a condition that the holder of the licence must not drive a motor vehicle except in accordance with [Division 3A](#), as applicable (I);
 - (g) a condition that the holder of the licence must not drive a motor vehicle unless wearing corrective lenses allowing distance vision in accordance with a relevant medical standard (S);
 - (h) a condition that the holder of the licence must not drive a motor vehicle unless the vehicle is fitted with aids specified by the Registrar, or the vehicle has been modified as directed by the Registrar (V);
 - (i) a condition that the holder of the licence must not drive a motor vehicle with a breath or blood alcohol concentration greater than zero (Z);
 - (j) any other condition the Registrar considers appropriate and notifies in writing to the holder of the licence (X).
- (4) The code for designating a particular licence condition is shown in [subregulation \(3\)](#) in parenthesis.
- (4A) The Registrar is not to impose an I condition under [subregulation \(3\)\(f\)](#) on a learner licence unless –
 - (a) the holder of the learner licence also holds a full licence, or a provisional licence, of another class at the same time as holding the learner licence; or
 - (b) the Registrar believes that it is appropriate in the circumstances.
- (5) A driver who holds an Australian driver licence that is subject to a condition imposed under [subregulation \(3\)\(j\)](#), or the corresponding provision of a corresponding law, must carry while driving a notice explaining the condition issued by the Registrar under these regulations or by the authority responsible for administering the corresponding law.
Penalty: Fine not exceeding 10 penalty units.
- (6) Without limiting the conditions on which a probationary licence may be issued, such a licence may be issued on one or more of the following conditions:
 - (a) a condition that the holder of the licence must not drive a motor vehicle with a breath or blood alcohol concentration greater than zero (Z);
 - (b) a condition making the licence liable to suspension or cancellation if 2 or more demerit points are recorded against the holder of the licence.
 - (c)
- (7) A condition imposed under [subregulation \(6\)\(b\)](#) operates independently of the demerit points scheme.
- (8) Subject to [regulation 26L](#), the Registrar may, on the Registrar's own initiative, or on application by the holder of a driver licence, vary or revoke a condition of the licence.
- (9) A variation or revocation of a condition takes effect on the service of the notice of variation or revocation on the holder of the licence.

Vehicle and Traffic (Review of Decisions) Regulations 2010

- Version current from 1 January 2018 to date (accessed 15 October 2019 at 13:19)



TASMANIA

Vehicle and Traffic (Review of Decisions) Regulations 2010

- I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the [Vehicle and Traffic Act 1999](#).

26 July 2010

PETER G. UNDERWOOD

Governor

By His Excellency's Command,

LARA GIDDINGS

Minister for Infrastructure

PART 1 - Preliminary

1. Short title

These regulations may be cited as the [Vehicle and Traffic \(Review of Decisions\) Regulations 2010](#).

2. Commencement

These regulations take effect on 11 August 2010.

3. Interpretation

In these regulations –

administrative decision means a decision specified in column 2 of a table in [Schedule 1](#);

applicant means a person who makes an application;

application means an application under [Part 2](#) for the review of an administrative decision;

decision-making authority, in relation to an administrative decision, means whichever of the following authorities made the decision:

(a) the Registrar;

(b) the Commission;

eligible person, in relation to an administrative decision, means the person specified in column 4 of a table in [Schedule 1](#) as an eligible person in relation to the decision;

notice means notice in writing;

reviewing authority, in relation to an application, means whichever of the following authorities is required by [regulation 6\(1\)](#) to consider the application:

(a) the Secretary of the Department;

(b) the Commission.

3A. Certain decisions not to be taken to be administrative decisions

In this Act, a reference to an administrative decision does not include a reference to a decision –

(a) to issue an offensive advertising notice in relation to a vehicle; or

(b) to refuse to register a vehicle because there is an offensive advertising notice in relation to the vehicle; or

(c) to cancel the registration of a vehicle because there is an offensive advertising notice in relation to the vehicle.

PART 2 - Internal Review of Decisions

4. Right of review

A person who is aggrieved by an administrative decision may apply to have it reviewed if the person is an eligible person in relation to the decision.

5. Notice of decisions

(1) As soon as practicable after making an administrative decision, the decision-making authority must give each eligible person in relation to the decision notice of –

(a) the decision; and

(b) the person's right to apply for a review of the decision; and

- (c) the application procedure and the name of the reviewing authority; and
- (d) the effect of [regulation 9](#).
- (2) An eligible person in relation to an administrative decision is entitled, on request, to receive from the decision-making authority a written statement of the reasons for the decision.

6. Applications for review

- (1) An application is to be made in writing and lodged with –
 - (a) the Secretary of the Department in the case of an administrative decision specified in column 2 of the table in [Part 1 of Schedule 1](#); or
 - (b) the Commission in the case of an administrative decision specified in column 2 of the table in [Part 2](#) or [Part 3 of Schedule 1](#).
- (2) Notwithstanding [subregulation \(1\)](#), a reviewing authority may waive the requirement for an application to be made in writing if it is satisfied in the circumstances of a particular case that it is an unreasonable or unnecessary requirement.
- (3) A waiver under [subregulation \(2\)](#) is incapable of being retracted.
- (4) An application made to the incorrect reviewing authority is not invalidated by that error and in any such case the application is to be passed to the correct reviewing authority as soon as practicable.
- (5) An application –
 - (a) may be in any form; but
 - (b) must clearly state –
 - (i) the administrative decision to which it relates; and
 - (ii) the applicant's reasons for seeking the review.
- (6) A reviewing authority may, by notice, require an applicant to give it any information or evidence that the reviewing authority reasonably considers is necessary for a proper consideration of the applicant's application.

7. Withdrawal of applications

- (1) An application may be withdrawn at any time.
- (2) An application is taken to have been withdrawn if the applicant fails to comply with a notice under [regulation 6\(6\)](#) within 2 months after being given the notice.

8. Time within which applications to be made

- (1) An application is to be lodged with the reviewing authority within 28 days after the day on which notice is given to the applicant under [regulation 5](#).
- (2) A reviewing authority may consider a late application if satisfied that it would be fair to do so in the circumstances of the particular case.

9. Effect of applications

An application does not set aside the administrative decision to which it relates or stay the operation of the decision.

10. Consideration of applications

- (1) A reviewing authority must consider each application that is made to it and, in so doing –
 - (a) must observe the rules of natural justice; and
 - (b) must ensure that any employee or agent engaged in the review process –
 - (i) was not involved in making the administrative decision under review; and
 - (ii) is not under the direct control of a person who was involved in making the administrative decision under review; and
 - (c) may engage an independent mediator to assist in the review process; and
 - (d) may consult with any representatives of, or organisations in, a sector of the transport industry if –
 - (i) the administrative decision under review relates to matters that are of general importance to that sector; and
 - (ii) it is possible to do so without prejudice to the applicant.
- (2) If a reviewing authority finds that an application is frivolous or vexatious it must give the applicant immediate notice of that finding but is not required to take any further action.
- (3) In any other case, the reviewing authority must make a determination to –
 - (a) affirm the administrative decision; or
 - (b) vary the administrative decision if the decision is able to be varied and the variation is appropriate in the circumstances; or
 - (c) set aside the administrative decision.
- (4) If [subregulation \(3\)\(b\)](#) applies, the administrative decision as varied forms part of the determination for the purposes of these regulations.
- (5) If [subregulation \(3\)\(c\)](#) applies –
 - (a) the reviewing authority must make a new administrative decision in place of the decision that has been set aside; and
 - (b) the new administrative decision forms part of the determination for the purposes of these regulations.
- (6) A determination under this regulation is to be made within –
 - (a) 14 days after the application is lodged; or
 - (b) if within the period specified in [paragraph \(a\)](#) the reviewing authority gives the applicant notice in accordance with [regulation 6\(6\)](#) that further information or evidence is required, 14 days after the reviewing authority is given the further information or evidence.

- (7) The period in which a determination may be made may be extended for one further period not exceeding 28 days if the reviewing authority gives notice of the extension to the applicant within –
- (a) the 14-day period specified in [subregulation \(6\)\(a\)](#); or
 - (b) if notice of an extension has not been given under [paragraph \(a\)](#) and further information has been requested under [regulation 6\(6\)](#), the 14-day period specified in [subregulation \(6\)\(b\)](#).
- (8) If a determination is not made within the period provided by [subregulation \(6\)](#) or, if applicable, the further period provided by [subregulation \(7\)](#), the reviewing authority is taken to have made a determination to affirm the administrative decision to which the application relates.
- (9) The reviewing authority must give an applicant notice of a determination as soon as practicable after it has been made or, in a case to which [subregulation \(8\)](#) applies, taken to have been made.
- (10) A notice under [subregulation \(2\)](#) or (9) is to –
- (a) give reasons for the finding or determination; and
 - (b) if applicable, inform the applicant of the applicant's right to have the decision reviewed and the procedure for applying for a review.

PART 3 - External Review of Decisions

11. Right of appeal

A person who is aggrieved by a finding or determination of the reviewing authority in relation to an application made by that person may apply to the Magistrates Court (Administrative Appeals Division) for a review of the finding or determination if the application related to –

- (a) an administrative decision specified in the table in [Part 1](#) of [Schedule 1](#); or
- (b) the administrative decision specified in item 6 in the table in [Part 2](#) of [Schedule 1](#).

12. Orders on appeal

- (1) After hearing an application for a review against a finding under [regulation 10\(2\)](#), the Magistrates Court (Administrative Appeals Division) may, by order –
 - (a) affirm the finding; or
 - (b) set aside the finding.
- (2) If [subregulation \(1\)\(b\)](#) applies, the Magistrates Court (Administrative Appeals Division) may, by order and with or without

directions, remit the matter for reconsideration by the reviewing authority in accordance with any directions or recommendations of the Court.

PART 4 - Miscellaneous

13. Service of documents

- (1) For the purposes of these regulations, an application, notice or other document may be lodged with or given to a person by –
 - (a) in the case of an individual –
 - (i) handing it to the person; or
 - (ii) leaving it at, or sending it by post to, the person's postal or residential address or place or address of business or employment last known to the person seeking to lodge or give the document; or
 - (iii) sending it by way of facsimile transmission to the person's facsimile number; or
 - (iv) sending it by way of electronic mail to the person's electronic mail address; and
 - (b) in the case of a reviewing authority or any other person –
 - (i) leaving it at, or sending it by post to, the person's principal or registered office or one of the person's places of business; or
 - (ii) sending it by way of facsimile transmission to the person's facsimile number; or
 - (iii) sending it by way of electronic mail to the person's electronic mail address.
- (2) An application, notice or document sent by post is not taken to have been lodged, served or given until the time when it would have been delivered in the ordinary course of post.
- (3) For the purposes of [subregulation \(1\)\(b\)\(i\)](#), a police station or *Service Tasmania* shop is not taken to be an office, or place of business, of a reviewing authority.

14. Savings and transitional

- (1) In this regulation – *commencement day* means the day on which these regulations take effect;

superseded regulations means the [Vehicle and Traffic \(Review of Decisions\) Regulations 2000](#).

(2) An application made to the reviewing authority under the superseded regulations before the commencement day may continue to be considered, dealt with and determined in all respects and may, if applicable, be the subject of appeal in all respects as if –

(a) the application had been made under these regulations; and
(b) these regulations had taken effect on the same day as the superseded regulations took effect.

(3) Any appeal made to a magistrate before the commencement day under the superseded regulations may continue to be heard, dealt with and determined, and orders as to costs may be made, in all respects as if –

(a) the appeal had been made under these regulations; and
(b) these regulations had taken effect on the same day as the superseded regulations took effect.

SCHEDULE 1 - Administrative Decisions and Eligible Persons

- [Regulations 3, 4, 6 and 11](#)

PART 1 - Administrative decisions under [Vehicle and Traffic \(Driver Licensing and Vehicle Registration\) Regulations 2010](#)

Item	Decision	Relevant provision of regulations	Eligible person
1.	A decision of the Registrar to make a novice driver or novice rider subject to a novice case management program	Regulation 14(2)	The novice driver or novice rider
1A.	A decision of the Registrar in respect of the content of a novice case management program	Regulation 14(4)	The novice driver or novice rider who is subject to the novice case management program
1B.	A decision of the Registrar to refuse an application for the issue or renewal of a driver licence	Regulation 22(1) , (8) and (9) R regulation 31(1)	The person whose application has been refused
2.	A decision of the Registrar about a licence condition	Regulation 24(1) and (8) other than the imposition of an I condition under regulation 22(9A) Regulation 22(1) , (8) and (9) (as applied by regulation 39(2)) Regulation 31(1) (as applied by regulation 39(2))	The holder of the licence
3.	A decision of the Registrar to refuse an application for the issue or renewal of an ancillary certificate	Regulation 24(1) and (8) (as applied by regulation 39(2))	The person whose application has been refused
4.	A decision of the Registrar about a condition of an ancillary certificate	Regulation 24(1) and (8) (as applied by regulation 39(2))	The holder of the certificate
4A.	A decision of the Registrar to refuse an application for an exemption from the application of regulation 26B(2)(a)	Regulation 26N	The person whose application has been refused
4B.	A decision of the Registrar to place conditions on, or cancel, an exemption from the application of regulation 26B(2)(a)	Regulation 26N	The person who has been issued the exemption
5.	A decision of the Registrar to vary, suspend or cancel a driver licence	Regulation 32(1) (subject to regulation 32 (5))	The person whose licence has been varied, suspended or cancelled
6.	A decision of the Registrar to vary, suspend or cancel an ancillary certificate	Regulation 32(1) (as applied by regulation 39(2)) Regulation 43(3)	The person whose certificate has been varied, suspended or cancelled
7.	A decision of the Registrar that a person is no longer exempt from the requirement to hold a driver licence	Regulation 38(2)	The person whose entitlement to the exemption has ceased

8.	A decision of the Registrar to refuse to issue a certificate of roadworthiness	Regulation 46(4)(a)	The person who has been refused the certificate
9.	A decision of the Registrar to cancel a certificate of roadworthiness	Regulation 46(4)(c)	The registered operator of the (unroadworthy) motor vehicle
10.	A decision of the Registrar to refuse an application for registration, or renewal of registration, of a motor vehicle or a trailer	Regulation 57(1) and (2) Regulation 68(1) and (2)	The person whose application has been refused
11.	A decision of the Registrar about a condition of registration of a motor vehicle or a trailer	Regulation 59(1) and (4)	The registered operator of the motor vehicle or trailer
12.	A decision of the Registrar to refuse an application for the transfer of registration of a motor vehicle or a trailer	Regulation 69(7), (9) and (10)	The person whose application has been refused
13.	A decision of the Registrar to suspend or cancel the registration of a registered motor vehicle or trailer	Regulation 72(1)	The registered operator of the motor vehicle or trailer
14.	A decision to refuse to clear a written-off vehicle label	Regulation 81	The person whose application for the clearance has been refused
15.	A decision of the Registrar to refuse an application for a trade plate	Regulation 91(1)	The person whose application has been refused
16.	A decision of the Registrar to cancel a trade plate	Regulation 91(10)	The person whose trade plate has been cancelled
17.	A decision of the Registrar to refuse an application for a short term unregistered vehicle permit for a motor vehicle or a trailer	Regulation 92(1)	The person whose application has been refused
18.	A decision of the Registrar to cancel a short term unregistered vehicle permit for a motor vehicle or a trailer	Regulation 92(7)	The person whose permit has been cancelled
19.	A decision of the Registrar to reassess motor tax for a motor vehicle or a trailer	Regulation 113(1)	The registered operator of the motor vehicle or trailer

PART 2

PART 3 - Administrative decisions under [Vehicle and Traffic \(Vehicle Operations\) Regulations 2014](#)

Column 1 Item	Column 2 Decision	Column 3 Relevant provision of Regulations	Column 4 Eligible person
1.	A decision of the Commission not to grant an exemption	Regulation 56	The person whose application has been refused
2.	A decision of the Commission to vary or revoke an exemption	Regulation 57(1)(b)	The person who holds, or is operating under, the exemption
3.	A decision of the Commission to refuse to grant an application for a permit	Regulation 60(4)	The person whose application has been refused
4.	A decision of the Commission to impose conditions on a permit	Regulation 61(2)	The person whose application has been approved subject to conditions
5.	A decision of the Commission to vary, suspend or cancel a permit	Regulation 63	The holder of the permit
6.	A decision of the Commission to impose conditions on an exemption	Regulation 67(1)	The person who holds, or is operating under, the exemption

Displayed and numbered in accordance with the [Rules Publication Act 1953](#).

Notified in the *Gazette* on 4 August 2010

- These regulations are administered in the Department of Infrastructure, Energy and Resources.

TABLED PAPERS

Parliamentary Standing Committee on Subordinate Legislation - Annual Report 2018-19

Ms Rattray presented the Parliamentary Standing Committee on Subordinate Legislation annual report for 2018-19.

Report received.

Parliamentary Standing Committee of Public Accounts - Review of Auditor-General's Report No. 1 of 2013-14 - Fraud Control in Local Government

Mr Dean presented the Parliamentary Standing Committee of Public Accounts - Review of Auditor-General's Report No. 1 of 2013-14 - Fraud Control in Local Government.

Report received and printed.

MARINE-RELATED INCIDENTS (MARPOL IMPLEMENTATION) BILL 2019 (No. 37)

First Reading

Bill received from the House of Assembly and read the first time.

RECOGNITION OF VISITORS

Mr PRESIDENT - Honourable members, I welcome guests from Palliative Care Tasmania who are sitting in the President's Reserve. They are the guests of the most honourable member for Mersey, who will be telling us all about you. I gather if he mucks anything up, you have permission to correct him on the record as he goes through.

SPECIAL INTEREST MATTERS

Palliative Care Tasmania

[11.07 a.m.]

Mr GAFFNEY (Mersey) - 'Most honourable member' - I did not realise it was on a comparative scale but apparently it is.

Mr President, today I speak on an incredibly important organisation, one which may potentially support every person in this state in their time of need. There is an old saying that in this world nothing can be said to be certain except death and taxes. When one is contemplating their own mortality, or perhaps that of a family member, they may turn to Palliative Care Tasmania for assistance and guidance.

So what is palliative care? This is the most frequently misunderstood question Palliative Care Tasmania addresses across Tasmanian communities. Every year this organisation provides education to about 4000 Tasmanians. Many believe palliative care is about pain relief, occurs only in hospitals or palliative care units and can only be accessed in the last days of life.

Palliative care is much more than this. It is one of the few components of the health system that provides a holistic approach to care, focusing on clinical, psychosocial, emotional and spiritual support. It supports the dying and the people they value. It is provided in homes, residential aged care facilities, group homes, palliative care units and hospitals. The majority of palliative care is provided by family members and friends, followed by community nurses, general practitioners and other allied health professionals.

Palliative care works to support people with life-limiting illnesses to have the absolute best quality of life they can have. It neither prolongs life nor hastens death. Palliative care is a recognised component of the right to the highest attainable standard of health, which is protected in Article 12 of the International Covenant on Economic, Social and Cultural Rights and Article 24 of the Convention on the Rights of the Child.

As our state's peak body, Palliative Care Tasmania's vision is that all Tasmanians with a life-limiting illness, together with those they value in their communities, are supported to live, die and grieve well.

The organisation works to achieve this in a number of ways. It has a comprehensive education program aimed at community service providers. This education is aimed at increasing the capacity of our communities to care for their dying. Thousands of Tasmanians access this education every year.

Palliative Care Tasmania also has a strong advocacy and lobbying role. For example, it has lobbied for dedicated palliative care beds on the north-west coast. A government commitment to provide those beds has yet to be met. In May this year, Palliative Care Tasmania garnered support and encouraged the Government to expand its after-hours palliative care telephone service to patients and families in the south. This service commenced on 2 September.

The organisation also links patients with services across the state. This is critical work because we know that about 85 per cent of Tasmanians will need to access palliative care. The Productivity Commission describes this country as facing a tsunami of palliative care cases. Tasmania can expect a greater proportion of people aged over 65, increasing rates of dementia and deaths from dementia, and multiple morbidities requiring much more complex care.

To meet future needs, the Tasmanian Government must invest in palliative care, particularly through increased availability of community-based palliative care. It is proven that palliative care works - research consistently shows that people receiving palliative care compared to those receiving standard care have fewer hospitalisations, shorter hospital stays, reduced use of intensive care units and fewer visits to the emergency departments.

Palliative Care Tasmania has worked tirelessly for years to build capacity and confidence across Tasmanian communities to support the dying within their own community. It has achieved all this work with a staff of only 4.8 FTEs and \$500 000 a year from a national partnership on the transfer of the Mersey Community Hospital support, the palliative care services funding agreement. This is federal funding provided through the state Government.

Unfortunately, this funding will end on 30 June 2020. Palliative Care Tasmania has not received a commitment from either the Tasmanian Government or the Australian Government to enable it to continue its valuable work. It is the only state palliative care peak body that does not receive recurrent funding from its own state government.

Without Palliative Care Tasmania, the thousands of Tasmanians who access its education, advocacy and lobbying services each year will have nowhere to go. The state Government will not be able to provide these services within the public health system as cost effectively or with as much community reach and access as our state peak body. The loss of this organisation will exacerbate the already stretched palliative care system within Tasmania. I urge all members to join me in supporting Palliative Care Tasmania and lobbying the Tasmanian Government to ensure the vital services this organisation provides are not lost to us, and to honour its commitment, especially to those beds needed on the north-west coast.

In closing, I warmly acknowledge my friends from Palliative Care Tasmania. The member for Hobart and I attended one of their functions not long ago, which was very well supported. I also encourage members to attend the conference at Wrest Point on 14 and 15 November. There is still room for people from parliament to enrol and be part of that conference, and the program looks wonderful. Once again, I congratulate Palliative Care Tasmania on the work it is doing and I hope the Government takes on board the need for recurrent funding of its services.

Bream Creek Dairy

[11.13 a.m.]

Ms HOWLETT (Prosser - Deputy Leader of the Government in the Legislative Council) - Mr President, one of the best parts of my job as the member for Prosser and the Parliamentary Secretary for Regional and Community Development is getting out and about and visiting some of the businesses that are contributing significantly to our local communities and our economy. One business I would like to mention today is Bream Creek Dairy, a dairy farm with a very rich history -

Bream Creek Dairy is Stroud Dairies, home to three generations of the Bignell Family.

John Bignell was just 20 years old when he first purchased 70 acres at Bream Creek on Tasmania's beautiful south-east coast. On that pocket of land, he nurtured and milked just 12 cows, selling the milk to Baker's Milk in Lenah Valley -

In that first year, he milked his cows in a leaky old shed which was soon condemned, forcing John to build a new dairy. Along with that he bought more parcels of land in the district until he and his wife Kay had acquired ten small farms and added them to the Stroud Dairy landholdings.

John and Kay raised their children Charles, Richard and Sarah on the fresh air and fresh milk of Bream Creek. Richard and Charles worked on the farm from a young age, bringing in the cows for milking when they were little boys.

By the time they had finished their education and with the addition of a mechanical engineering apprenticeship for Charles and an overseas agricultural exchange for Richard, it was clear they were well equipped to work alongside John and eventually take over the business. When John passed

the operations over to Richard and Charles some 30 years ago, John's skilled management and precise breeding program had seen the dairy herd increase from 12 to 300.

In 2008, Richard and Charles undertook a series of measures to droughtproof the farm including the construction of a 2500-megalitre dam and numerous pivot irrigations. In 2009 they developed a brand new and impressive 60-head rotary dairy, which aligned with advances in milking technologies and current efficiencies. Today Stroud Dairies incorporates 2000 acres of land in Bream Creek and Copping, a milking herd of 800 beautiful Friesian cows and their offspring, and 50 years of skilled, careful breeding and countless efforts of hard work.

The family supports three growing families - six adults and six children as well as eight local farm employees. On top of managing the very busy operation, Bream Creek Dairy is proud to be an active contributor to many local events and activities, including the famous Bream Creek Show, the Bream Creek farmers' market and the Falls Festival.

In 2018, the Bignell family's long-term plan to value-add to their milk finally became a reality after the launch of their new Bream Creek Dairy-branded milk. The milk is now being delivered to shops and cafes right across Hobart as well as to local communities, and the response has been wonderful.

The farm also supplies milk to other small bespoke dairy operations and businesses, including Coal River Farm, Bruny Island Cheese, Wicked Cheese and Hobart Milk, thereby wholeheartedly supporting local innovation and enterprise.

It should be noted the dairy industry is the largest sector of Tasmania's agricultural industry and a significant contributor to the Tasmanian economy. It offers a number of investment opportunities, including large-scale pasture-based milk production, speciality cheese manufacture and large-scale dairy commodity processing.

Tasmania's dairy sector has shown consistent growth over the past decade, rebounding strongly from the difficulties of 2016 to a new production record of over 910 million litres in 2017-18.

Lush pastures nourish 146 000 dairy cows on more than 450 farms across Tasmania. The ongoing strength and potential of this important industry has been repeatedly demonstrated by major investment in Tasmania by Australian and international dairy processors, and Bream Creek Dairy is no exception to this growth.

With this sector continuing to boom, I have no doubt Bream Creek Dairy will continue to invest and support our regional communities, and I very much look forward to seeing this growth in the future.

The ongoing vision, passion and determination of the Bignell family is nothing short of inspiring and I sincerely thank them for their ongoing commitment to this very important sector.

In closing today, I sincerely thank Charles, Richard and Jack Bignell for taking the time to show me around the farm. The whole farm - and, indeed, the operation - was nothing short of impressive. I very much look forward to visiting again soon.

In the meantime, I strongly urge all members of the House to try their milk as you certainly will not be disappointed.

Windeward Bound Trust

[11.20 a.m.]

Mr VALENTINE (Hobart) - Mr President, I can vouch for the observations of the member when it comes to the Bream Creek Dairy. I spend a lot of time down that way and they certainly run a slick operation.

Today I share with the House some insights into a special enterprise orchestrated by the Windeward Bound Trust, a venture very dear to the heart of Captain Sarah Parry, the managing trustee of the trust, of whom members are likely to be aware. Captain Parry provided all the material for my special interest matter this morning, for which I thank her.

The special enterprise the Windeward Bound Trust is undertaking is the *Mistral II* project. Many members will have noticed the bare hull of a somewhat older vessel laying tied up in Constitution Dock, minus its masts and much of its hardware, and to the rear of an old trading ketch, the SV *May Queen*. The vessel is in fact *Mistral II* and her current home is indeed quite an appropriate location given her history, which I will now share with you.

Mistral II was designed by John Alden and built in Berrys Bay, Sydney in 1922 by Wattie Ford Junior for a Mr Edward Percy Simpson, a noted Sydney solicitor and vice-commodore of what was to become the Royal Sydney Yacht Squadron. *Mistral II* competed in the first Sydney to Hobart yacht race in 1945 and in the next five races. She was reported to be the biggest yacht in Sydney at that time.

During her life her various owners have included Tasmanians - Jack Paine was a noted owner. *Mistral II* is still registered in Hobart and was donated by the late Ron Burton's family to the Windeward Bound Foundation Limited. She will be restored and will then be operated for young Australians by the Windeward Bound Trust.

So how did *Mistral II* arrive here? The story began when Barbara Burton, the head of the donor family, contacted the Managing Trustee Captain Sarah Parry and advised her of the family's desire to donate *Mistral II* to the Windeward Bound Trust in order to see her both preserved and used to develop the future prospects of young Australians.

A thorough inspection of the vessel was carried out by Sarah and one of her tall ship colleagues, Jon Simpson. Having spent several days going over the entire inside of the hull, pricking and poking into every surface, it was decided to accept the challenge and bring her to Hobart, first for restoration and, second, as a future adjunct to the trust's youth development programs.

While Sarah began exploring the development of the future program, Jon managed to cement an agreement with a shipping company that had one of their ships calling into Sydney for fuel while on its way to Hobart. However, time was short and the window of opportunity was very narrow. A cradle to support *Mistral II* was required. Barbara Burton contacted a family friend, structural engineer Mr David Hall, who agreed to design the eight-ton steel cradle. Having done so, Barbara contracted with a fabricator to build the cradle. The cradle was so large, it had to be demountable to transport it to the wharf area. They then had to wait for the ship to arrive in Sydney. The weeks sped past and the ship was held up by cargo problems in various ports and several potential loading dates came and went.

In the meantime, Jon enlisted the aid of Sydney Heritage Fleet tugs to move *Mistral II* around as required. Australian Bridge and Wharf Pty Ltd agreed to provide an alongside work berth, a crane and appropriate personnel to lift the masts and bowsprit out.

Many days were spent by a growing group of both Sydney- and Hobart-based volunteers filling a shipping container with *Mistral's* fittings, hardware and equipment, a large quantity of Burmese teak and countless other items.

Then the year ran out and the loading wharf in Sydney was needed for the New Year's Eve fireworks preparation and the ship was still running behind time. Enter the Royal Australian Navy - it came to the rescue after the hardworking organisers of this project discovered the RAN's heavy lift transport ship HMAS *Choules* was going from Sydney to Hobart for the Royal Hobart Regatta and the MyState Bank Australian Wooden Boat Festival. A request was submitted to the Emergency Defence Assistance to the Civil Community program, which in due course was approved.

Commander Scott Houlihan and his team aboard HMAS *Choules* enthusiastically embraced the challenge, agreeing to carry *Mistral II*, her cradle and two shipping containers of equipment to Hobart with them. The Navy was amazing - *Mistral's* cradle was assembled inside the Garden Island dockyard; she was then towed over and craned into the cradle, chocked and strapped securely in place. The package and the containers were craned up onto HMAS *Choules'* cargo deck and *Mistral II* put to sea, once more feeling the rise and fall of blue water.

Where to from here? I am afraid members will have to wait for the next thrilling episode of my special interest speech to find that out. All I can say is: congratulations to Captain Sarah Parry and her amazing army of supporters who have worked so hard over many years to see her vision unfold. I have watched the development of this story since the early 1990s when I visited the old ANM shed where the *Windeward Bound* was being built. That is near the Botanical Gardens, although some here might be too young to remember that. It has been an amazing journey. I wish them well in continuing with the *Mistral II* project.

Poppy Lopatniuk - Tribute

[11.26 a.m.]

Ms SIEJKA (Pembroke) - Mr President, today I will speak to the House about a remarkable woman from the electorate of Pembroke, Poppy Lopatniuk, and her work advocating for her community. Poppy grew up in a safe, healthy, happy home on Tasmania's north-west coast in the 1920s and 1930s. As an adult, Poppy settled with her husband, Stefan Lopatniuk, on Tasmania's eastern shore to raise four children in the 1960s.

The family's new home was situated near the old Howrah tip site. Poppy's family, along with their neighbours, had trusted government information that the site was not toxic. However, Poppy soon realised that their home was in a place that was neither healthy nor safe to live. Despite the assurances, a large number of illnesses and cancers began to occur among residents within only a small number of streets. In such a small area, what appeared to be an epidemic of brain tumours, rare cancers, immune and other diseases killed many people.

Using a map of the area, Poppy can point to the majority of houses, indicating the homes hit with multiple and rare cancers and illnesses. It is incredible to see that so many illnesses occurred

among so few people. Poppy believes the number of people who suffered from cancer in this small area constitutes a cancer cluster. Poppy's family was directly affected. Her son Peter was diagnosed with acute myeloid leukaemia when he was nine years old, went into remission when he was 14, but, sadly, 15 years later the leukaemia returned along with a brain tumour.

Poppy's grandson, Tim, was diagnosed with a million-to-one brain tumour at only five years of age. His illness was complex and difficult to treat and he passed away aged 21. Poppy reports that one family who were close neighbours, the Kerslakes, lost their father to non-Hodgkin's lymphoma, their mother to ovarian cancer, a son to brain tumours and kidney disease, and the youngest daughter to kidney disease. Another former resident of this household also suffered ovarian cancer. Only a few houses down the street a man died from non-Hodgkin's lymphoma. Many more residents in this area of Wentworth Park also died of cancer.

It became apparent to Poppy that the former Howrah tip site, now the Wentworth Park area, was likely the cause. Current and former residents began to talk about their concerns. Poppy began to document, research and investigate what had occurred. Poppy found that a small domestic landfill operated during the 1960s and 1970s, and homes were built around that, which was sanctioned by state health authorities.

The chairman of the then Clarence Commission stated that there would be no menace to health and that tipping would be strictly controlled. Twenty years later, a Mineral Resources Tasmania report found that the tip had been an uncontrolled site right from the beginning. During the tip's operation legal oil repositories were made in this area, unknown to most people but used by council and waste oil depositors.

An investigation was conducted by a consultancy firm, but when testing it is likely it was not made aware of the location of the dumping of these toxic contaminants. A former resident and Clarence Council worker said that everything used to go in there. Poppy submitted cancer deaths, house numbers, dates of death and the movements of occupants as much as she could cover to the Health department and Clarence Council.

Poppy says she has been in contact with almost every Hobart politician over the years about the issue. Poppy maintains that past directors of Health brushed aside her concern and investigated little. Despite her research, she was told that there were no more health problems at Wentworth Park than in any other area. She has faced challenges in raising the issue and has remained determined despite many setbacks.

At one point, journalist Judy Tierney investigated the contamination and ran stories on the *7.30 Report*. Following this, the government conducted a study into the area, using data from the 1999 cancer registry. However, one issue that Poppy has found is that the registry does not track the lives of those who die of cancer. Some cancers take 20 years to develop. You can see that, in this case, where people lived and what work they did and what they were exposed to 20 to 30 years before they died is of great importance.

The Howrah tip study did not indicate any abnormal levels of cancer. However, because it did not include an in-depth examination of the residents in the small area, Poppy believes the study results were not accurate.

A further study was conducted of areas of groundwater and soil. This indicated that the ground was not toxic. However, Poppy and others remain concerned that not all necessary information about the oil repository sites was provided.

During her seventies, Poppy authored a book, *Tomorrow's Children*, on her life and her search for answers. Journalist Judy Tierney wrote in its introduction -

This book will remain a burning reminder to the bureaucrats that they are not always right and that people closest to a problem, with personal investment, can indeed have a greater understanding of the facts and their consequences.

Unsatisfied, at age 93, Poppy continues to raise awareness of the impact of the toxic dump at the Wentworth tip.

Poppy is not seeking compensation but wants to see that the deaths and suffering experienced by so many are not in vain. She wants acknowledgement and a thorough independent investigation to be conducted. Poppy says -

I would like to see the Government publicly acknowledge that these cancers and serious illnesses did occur in this small community of mainly two streets, and that the Cancer Registry make the cancer deaths in this area publicly available to very concerned researchers and residents.

The site is considered to not be contaminated now and with many families moving into the area, it does not appear that the illnesses are occurring at the rate Poppy discovered in the past.

This in no way diminishes the experiences of Poppy's family and her neighbours. Poppy serves as a strong reminder that the mistakes of the past should not be needlessly repeated. Her advocacy also exemplifies the lesson of the need to take ownership of actions that have damaging consequences even when those actions occurred in the past, when different standards applied.

100th Burnie Show - New Agriplex

[11.32.15 a.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, on 4 and 5 October this year, the Burnie Agricultural and Pastoral Society held its 100th Burnie Show.

The show's inception was in 1914 but there were a few years where they were unable to have the show, so this was its 100th show.

While this show was definitely worth a big celebration in itself, this year was especially significant for the society because it threw open the gates to its new Agriplex location at Romaine, a different location. This new 40-hectare site allowed plenty of space for the Burnie Show to return to its roots, with a renewed focus on agriculture.

In the months leading up to the event, the volunteer committee was hard at work to ensure that the earthworks and the electrical and plumbing infrastructure were completed, with weekly meetings to make sure everything was attended to and on schedule.

I attended one of those meetings to see how things were progressing. There was a big whiteboard with many lists on it, and, as they brainstormed the agenda, it slowly and gradually was covered with many ticks.

It seems that their hard work and passion had paid off, with the Burnie Agricultural and Pastoral Society estimating that more than 20 000 people passed through the gates over the two days. Stunningly, this is three times the number seen at last year's show, held at the Wivenhoe Showground. Burnie City has a population of just under 20 000 so we can all see it was a big drawcard for the region, not just Burnie.

While the giant big top tent was a hit, and the marquees were fantastic for this year's events, the society has big plans to construct permanent sheds onsite to accommodate animals and craft in the future. I believe it hopes to have an indoor arena for equestrian events - if that is a success, it will be wonderful.

This was the first time in a decade that equestrian events, heavy horses and bullock teams have been able to join the main show onsite. As the Wivenhoe Showground had been used for many years as a playing surface for cricket and football, horses were not permitted to venture onto the turf, meaning all equestrian events were held at the local Fernpark Pony and Riding Club, a further five minutes drive away.

While the horses have rejoined the show, tractor pulling and rodeo events were on display for the first time, with plenty of interest and support from the patrons. There is also a large interest from the public in the livestock judging rings, where more schools now are offering young people the opportunity to take part in the events. These young people are our future and it was fantastic to watch them enjoy their experiences so much.

As a farmer and a livestock buyer, the success of this year's show gives me great pleasure, especially when you see many other shows around the state struggling. It shows our agriculture sector is strong and the public wants to see more of it, which they will be able to with the ongoing hard work by the volunteers from the Burnie Agricultural and Pastoral Society.

Words taken from the society's 'thank you' email following the event sum up everything very nicely -

It was a script written in courage and reflected the entire effort, of not only the committee but all who shouldered the wheel from our sponsors, equestrian, heavy horse, beef, dairy, miniature goats, sheep, animal nursery, tractor pullers, rodeo, showman's guild, marquee builders, sign makers, rubbish collectors, cleaners, toilet providers, road and land shapers, plan makers, car parkers, mowers, tractor workers, delivery people, electricians, food makers, gate keepers, money handlers, first aiders, girl guides, exhibitors, tradespace promoters, council people, public faces, security, judges, police and anybody who did anything.

They covered them all.

Mr Valentine - Garbage collectors?

Mrs HISCUTT - They had garbage collectors in there. They thanked absolutely everybody.

The president of the society, Ms Carol Jackson, saw all the stars align when she was able to line up a fairly prestigious bunch of guests for the official opening.

As patron, of course, I was there. We had other leaders from state and federal governments. The honourable Will Hodgman and the Prime Minister, the honourable Scott Morrison, showed up. We also had a couple of agricultural ministers. We had the honourable Guy Barnett and the federal Minister for Agriculture, Senator Bridget McKenzie. Senators Richard Colbeck and Jacquie Lambie and Gavin Pearce MP and Burnie mayor Steve Kons were also there. Last but not least was the chairperson of Agricultural Shows Australia, Dr Robert Wilson, and also Mr Scott Gadd, CEO of the Royal Agricultural Society of Tasmania.

Ms Rattray - And the member for Montgomery.

Mrs HISCUTT - Yes, as the patron.

As you can see, Ms Jackson and her trusty and hardworking committee pulled all the right levers. It was a massive effort by so many to bring this year's show together and I congratulate everyone on such a successful event to mark the 100th Burnie Show. I certainly look forward to seeing the bold vision for the Agriplex come to life over future years.

Youth Justice

[11.38 a.m.]

Mr FINCH (Rosevears) - Mr President, I thank two people who gave me a briefing during last week for my presentation today on youth justice. I speak of Neil Warnock, a former and highly esteemed administrator of the Ashley Youth Detention Centre, and Ivan Webb, former principal of the Riverside Primary School. I have spoken before about Ivan Webb and his interest in restorative practices and restorative justice.

This small island state of ours has the potential to create a justice system, and especially a youth justice system, that is the envy of the rest of Australia. We can reduce offences, we can cut our prison population and we can improve rehabilitation and build a safer and more productive society, but this can only be achieved with considerable change.

Prevention, of course, starts in the home and in the education system, where young males in particular should be more closely observed and mentored. Good teachers can swiftly recognise problematic behaviour. We need a system where problematic behaviour can be addressed - both in the school and at home. Specially trained social workers are needed here to initiate early intervention.

Peer pressure is a big factor in schools and often leads young males astray. However, it can also work for the better, persuading young people that crime is a futile pursuit. One problem, as I pointed out in a speech last year, is that young people have a poor understanding of the law and their rights. This can be incorporated into curriculums - at least one Melbourne secondary school employs a lawyer to lecture and advise students who come up against the law system.

There needs to be many more sentencing options for magistrates dealing with youth crime. The Ashley Youth Detention Centre is obviously not working well. When young people leave it, there is insufficient support from the underfunded and understaffed youth justice system. Last week

Greg Barns commented that if a young person goes to Ashley, it is almost 100 per cent certain they will end up in Risdon.

We are told it costs \$9.5 million a year to run Ashley and it could be argued that money would be better spent on more youth justice officers. Preparations to support after release should start at sentencing. Victoria Police now visit homes to check offenders are obeying bail and parole conditions. The week before a young offender is released, police will often visit the family home providing tips to help the ex-prisoner from reoffending.

The usual political argument these days is that stiff sentencing and being tough on crime are effective deterrents. It could be argued that the most effective deterrent is the certainty of getting caught. Looking at our deficient justice system more closely we need to have a serious debate about the effectiveness of the present policies of recruiting more police, building more prisons, using mandatory sentencing and toughening parole systems.

The present rate of increases in prison numbers is not sustainable. We all know keeping offenders in prison is highly expensive, yet we virtually ignore alternatives like home detention. Those who are a danger to society must be in prison, but there are many in prison who can be dealt with elsewhere. Our police should be relieved of more duties that can be done by civilians, so they can step in before a crime is committed. In Melbourne, the Hume crime reduction team was assigned a spate of aggravated burglaries and home invasions. Last year, this small team achieved a 32 per cent reduction in burglaries in a big city. We can do better than that in Tasmania. In Tasmania, we have tremendous potential to dramatically improve our justice system, but our stress on the outmoded concept of crime and punishment does need to change.

MOTION

Strategic Infrastructure Corridors

[11.43 a.m.]

Ms RATTRAY (McIntyre) - Mr President, I move -

That the Legislative Council notes -

- (1) the Strategic Infrastructure Corridors (Strategic and Recreational Use) (North East Corridor from Turners Marsh to Lilydale) Notice 2019; and
- (2) the Strategic Infrastructure Corridors (Strategic and Recreational Use) (North East Corridor from Lilydale Falls to Tonganah) Notice 2019.

I appreciate the opportunity to be able to speak to the Strategic Infrastructure Corridors statutory rules put forward by the Government following the noting of Government Administration Committee B's Final Report on Tasmania's North East Railway Corridor.

My reason for this last-ditch effort is to encourage all stakeholders - both rail and trail, and including the biking contingent - to get together because we have the opportunity of a good result with this if people are prepared to work together. I also have a couple of questions in regard to the actual strategic corridor infrastructure notice put forward. I will ask those up-front so the Leader has time to find an answer.

My first question relates to the strategic infrastructure corridor notice for Lilydale Falls to Tonganah. I am interested in why it does not include Billycock Hill. The current rail trail is to the top of the Billycock. Mr President, you know the area well but some members of this Chamber will not know the area so well. Originally, we needed to ratify that area where the existing former railway corridor, which now has a walking and bike track, goes from the Scottsdale township right through to the top of the Billycock.

The Billycock is just shy of the 'snake track' - again, this is very local knowledge - that accesses the Legerwood township. I know that there have been some issues about extending the trail into Legerwood. That is for another time and another debate. I do not want to go down that path now.

I am interested in why it is only from Lilydale Falls to Tonganah. My understanding was that we needed to ratify what was already there in regard to the existing trail. As part of the committee inquiry, we got on the trail at Tonganah and drove up, but we only drove up to the top of the rocky gully. We did not get right through to the Billycock. I know that the Leader may well have some information about that.

My second question concerns the other notice, which is obviously for train enthusiasts and the groups that have been involved with it. I will talk a little more about some of their responses as I move through my contribution today.

This notice says the north-east corridor from Turners Marsh to Lilydale. I thought it was to be Coldwater Creek to Lilydale. You need to get to Coldwater Creek to access the existing line so that effectively any train can go into Launceston. A key recommendation of the committee was that eventually a train could leave from Lilydale or from Launceston. In the committee's view access to a population hub was key to the success or otherwise for a train to run from that area.

Is that just the reference? Is there any impediment in the negotiations being undertaken by the heritage rail group in working with TasRail to access the line, whether it be on a Saturday or a Sunday, when the line is not being used by TasRail? We know that it is a working line. It is the access to Launceston and that population hub that is really key to building the numbers and having destination points.

These questions are specific to the two notices we have before us. I make it clear that this is not anything to do with a disallowance motion. I have no intention of moving a disallowance motion. As I said, this is an opportunity to have the necessary discussions that people need to clearly understand how this might work into the future. Over the past couple of weeks since we noted the report, I have also been in contact with Wendy McLennan, the Chair of the Launceston and North East Railway - L&NER - that we have been referring to.

I took the opportunity to again contact Wendy McLennan and thank her for her time in discussing how she sees the L&NER group being able to move forward. I was also interested in getting a full understanding of what happened with the advisory group's meeting with TasRail. I understand things are progressing in that regard. I shared, at a previous time when I noted the report, the names of the current members of the advisory group, who are the key players in working towards access to that other part of the line that is now the working line through TasRail.

I want to read out once more the members of that advisory group because a very impressive group of people has taken on board the initiative to work with the group and facilitate what I believe

is a really important aspect to be able to progress the rail initiative. The members of the L&NER advisory group are -

- Professor David Adams, Pro Vice-Chancellor, University of Tasmania - Professor Adams came before the committee and provided some evidence and had strong support for the value of heritage rail and being able to reinstate that in Tasmania. I was pleased to see he put his hand up to be part of that group. To be able to have someone with Professor Adams's knowledge and understanding and certainly contacts will be very useful for the group.
- Mr Chris Martin, CSE Tasmania, who is a civil and structural engineer. I am not telling members anything they do not know, but he knows everything about trains and how they operate, and what you need to have in place to operate a successful venture. Chris Martin is a very busy man but he still put his name forward.
- Mr Robert Ravens, the co-owner - with his wife Jennifer - of the Bridestowe Lavender farm has a strong interest in promoting heritage rail tourism in our state. We all know in this place that he has the runs on the board when it comes to tourism and access to markets. I have talked about that as well in this place previously.
- Ms Wendy McLennan, Dorset councillor and Chair of L&NER. Wendy has her own significant curriculum vitae.

We have four really good people who are going to progress those negotiations with TasRail; I can only see benefit from having those people there.

A letter was provided to the minister, and I have been able to secure a copy of that. The group has made direct contact with regard to continuing those discussions. The group has to be congratulated for the way it has gone about getting on with things once the report was tabled and decisions made. The tabling of the notices was part of the next process, which I will talk more about later. The group has certainly not sat idle about what do next in making this project a reality.

I am interested in whether the Government has some updated information in regard to the minister's response to the contact with L&NER around what the group sees as any impediments to progressing that. That is another question for the Leader. We have talked a lot about that cooperative approach; the member for Windermere, who has just returned to the Chamber, may also have some more thoughts on how this might come to fruition. It is certainly an opportunity and we should be able to work through that, so there is a question there.

It has been suggested that the rail group was very happy with the outcome. I certainly have not heard any negative feedback from Dorset Council in regard to its satisfaction with what the committee recommended. Perhaps only a couple of 'I told you so's' and 'You have wasted a lot of time', but I believe the process was a reasonable one. I think without the committee process there would have always been an underlying view by members of the community that they did not have a fair and equal opportunity to have input into the process. There is still more to do with the community because we know there was some disappointment, particularly in regard to the cyclists, from landowners whose lands adjoin the corridor.

We cannot dismiss those concerns, albeit the committee found that in other places where bike trails have been placed some of the concerns initially raised by the community were somewhat unfounded when the actual trail went through properties. We can only hope that is the case for

people who have land adjoining the section from Scottsdale to Lilydale Falls. If that is not the case, there will be a need to address those issues however they can be addressed.

I feel sure that nobody would want hostile neighbours in an arena like that, so there will be an opportunity for people to work together. The rail trail itself has to go through development application and planning processes, so there will be plenty of opportunity for people who still feel their issues have not been addressed when it comes to privacy - particularly around screening and the like - to have those issues addressed. We know that process takes some time. I am not suggesting that people appeal for the sake of appealing, but that is part of the planning process. If you have a genuine concern and it has not been addressed through the development application and planning process, you have every right to put in an appeal if it does not fall your way.

People will need to be vigilant in regard to that, and I am sure they will be, particularly if they feel that will have a negative impact on a business they are already undertaking from their land.

It is important we acknowledge that people have not had anyone through their land for a number of years; they have had privacy and have not had to deal with anyone coming onto their property. We must ensure these people's concerns, if they still hold those concerns, are addressed through the process.

The Leader provided a lengthy response to the committee's report. I know they talked about the next steps of the project. To proceed, the section of the north-east line needs to be declared. That is why we have moved our motion today. The minister still has a role in this. The land is designated on a central register plan to form the corridor by using the corridor notice. It also goes on to say -

The Minister may only issue a corridor notice where both Houses of Parliament have first approved the draft notice.

The consideration of both Houses of parliament is five days sitting without a disallowance. I am not proposing a disallowance, just taking the opportunity to speak to this important issue.

It goes on, Mr President, 'subject to the establishment of the corridor', which I feel will proceed. It provides two mechanisms for access by future land managers for designated recreational purposes, such as the rail trail. We have the bike section from Scottsdale. In this case, it is from Tonganah to Scottsdale, Scottsdale to Lilydale Falls. That one is already in place and is operational. There is always a question about the numbers using it, but as with anything, these things take time to build up. We can only hope that the numbers build and the benefits promoted from taking away the rail infrastructure where necessary - where necessary is one of the key points - result.

One of the committee's recommendations was that no railway line is removed unless absolutely necessary. Some parts of the corridor are going to have to be gone around. The \$1.47 million Dorset Council secured is a small drop in the ocean when it comes to putting down the trail that is needed. We know it is a big challenge for the rail enthusiasts. In my view, it is just as big a challenge for Dorset Council to deliver this. Certainly, \$1.47 million will go some way towards it but the ratepayers of Dorset Council and possibly elsewhere where funds can be sourced will have to dip their hands in their pockets to make this project become a reality. We know it is expensive. Very few people work for nothing. If you do not have a trail suitable for bikes to ride on or for comfortable walking, people will not use it. They will still ride on road verges and possibly not walking and using the trail as it was envisaged.

There will probably be some hands out for funding. I expect that it will not only be the Dorset Council as the proponent of the rail trail, but also L&NER because as much as it has volunteer labour, and the offer of some infrastructure and the like, it will still need funding. I feel there will be federal and state government requests for funding on both sides of the project. I expect that will not be any surprise to many of the people involved.

Moving to the corridor that is going to be pulled up. That is another important aspect of this whole process. Section 99 of the Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016 says that the corridor manager may not remove railway infrastructure unless the minister has issued the corridor manager with a railway track removal notice, and the minister may only issue that notice if he or she is satisfied that 'it is not reasonably practical, or would be unreasonably costly, for the designated recreational use to occur on land within the corridor, other than the land on which the railway track is situated'. The second part of that is that the removal of the railway track is reasonably necessary for the purposes of enabling the safe use, of the corridor for designated recreational use.

They are really important. The minister has a large task in deciding what fits under those parameters. We have heard that rail enthusiasts are very keen to leave any of the line intact, particularly the ones where the steel sleepers are. The ballast needs to be replaced under quite a bit of the steel track. It is not necessarily picking up and replacing the steel sleepers. The ballast is missing from some of those areas. When we undertook the tour, I found that interesting. It looked quite good, from a non-engineer's perspective. The Rail Safety Regulator pointed out quite quickly that it looks all right from the top, but underneath holding the steel sleepers in place is the ballast and that comes out. When a heavy train goes along a track like that, of course it will vibrate, and the ballast will eventually roll out, and drop down on the side.

You can see with the naked eye the sleepers that have rotted. It does not take an engineer to work out that half a sleeper that has rotted away will need replacing. That is a different story altogether. If sleepers need to be removed, that goes into a sleeper bank, where the L&NER or its representatives can have first access and after that other railway entities around the state, for example, the Derwent Valley or the one down south in the member for Huon's electorate.

Mr PRESIDENT - Ida Bay

Ms RATTRAY - Ida Bay. I believe Ida Bay is not working at the moment, but they might be waiting on some very good second-hand sleepers.

Ms Forrest - I do not think there are very many good second-hand ones. I suggest that they would be more likely to be used in your garden.

Mr Dean - Most of them are metal.

Ms RATTRAY - There were quite a lot of metal sleepers on the track between Scottsdale and Lilydale. The steel is fine; it is the ballast holding them in place that is the issue. Obviously some components, the steel sleepers, are surplus to requirements - once the track comes up - and would be ideal for any of the other heritage railway sections around the state. Put them in, put the ballast in. While specialised and heavy work, once this is done, it is not unachievable for volunteers. It is just hard yakka.

Mr Dean - They are fairly light.

Ms RATTRAY - We have had varying views on how much it is going to cost to maintain the line, no matter whether it is for a bike and walking track, or whether for a heritage railway. Probably the jury is still out about how much it is going to cost per kilometre and per annum in regard to this. Dorset Council had a very meagre cost on its quite large section of this. Yet, the rail enthusiasts were somewhat more realistic about the cost of maintaining. Obviously, a different type of maintenance will be needed to undertake running their trains.

It will certainly be interesting to watch. TasRail will be rubbing its hands together, thinking it is less it has to consider. It certainly has a lot of corridor it still has to maintain. Parts of the corridor we saw on our site visit have not seen any attention by TasRail or anyone else for a long time. I was quite surprised at how overgrown Denison Gorge was. You could not really get a feel for the gorge. I was expecting some deep crevasse. It was not quite what I had envisaged of a gorge, albeit you could see the remains of the siding where people used to get off. When you think about people living in that remote area relying on trains for access and for supplies, it is quite interesting to walk down the memory lane of the line's history. I understand why history enthusiasts would want an opportunity to revisit that.

One of the key committee recommendations I am keen to see progressed is the need for some interpretation. If you are cycling and stop at the Denison Gorge - I am not sure you would walk that far, it is a huge walk; some people do long walks, though not so much on my part - key to your experience will be looking for that interpretation so you can get an understanding of where and what the history is - it is steeped in history. You only have to look at the history around the tunnel itself - it is quite exceptional: the craftsmanship and the fact that there are still some bricks lying around. The tunnel is an engineering feat in itself. I am looking forward to seeing what comes from that recommendation.

I have taken the opportunity to send a small map around the Chamber. I have some concerns about the gap and what I think will be a real opportunity for this initiative between Lilydale Falls, which is where the cycle track will end, and the Lilydale township. I am estimating it is about three kilometres from Lilydale, where there is a bit of activity, to the Lilydale Falls. It is not a straight line and I understand the train will not be going through that part so you will need to use the road verge.

There will need to be an application to the Department of State Growth to look at, through Infrastructure, putting a track between Lilydale Falls and Lilydale itself. You will be able to hire a bike in Lilydale, or, if you are up to a three-kilometre walk - or a six-kilometre walk if you want to get back to the train - to experience the Lilydale Falls. When I recently went through Lilydale, I looked at what is on the side of the road. There are about four driveways on the only side you could use because on the other side are the sewage settling ponds. If you are coming from Scottsdale, you would want to be on the left-hand side and you will then not have to cross the main road. You would leave Lilydale and possibly go around the old servo and perhaps there is a crossing in town. We will need to put some sort of access for people who are walking or riding on that side of the Lilydale Road. You will see where it says 'Lilydale Falls' and then 'Lilydale township'; I would suggest it is about three kilometres and we will need to fill that gap. What a great opportunity for a small business start-up. You hire a bike or walk out to Lilydale Falls, have that experience, walk back, perhaps grab a coffee or something to eat and then either back in your car or onto a train to Launceston. I think that would be a fantastic add-on experience.

There are some challenges along that stretch of road with driveways and a small bridge. Deep water there requires a small bridge and a large culvert because it is swampy.

This may become part of the Dorset Council component down the track because possibly just finishing at Lilydale Falls, you would have to get on the road to ride your bike. You would get off the track or trail and have to go on a fairly busy road and the best outcome for the future would be to have a track on the side.

There are working farms throughout the area and a big old timber building; you could snake around the front, but there are driveways on and access to that road. I am not sure what the name of that road is. It is not Second River because that is on the other side. I do not think it is an extension of Second River, but anyway it is there.

In the interests of members' understanding where there is that gap - it is important we encourage both Dorset Council and the L&NER to work together, possibly with the Lilydale District Progress Association. They have a fairly active progress association, member for Windermere, that may be able to encourage the Launceston City Council. Lovely - I have attention of the member for Launceston.

Ms Armitage - You have had my attention the whole time. You drew it a little bit more when you wanted money from Launceston.

Ms RATTRAY - It could be money well spent. That is what I am suggesting.

Ms Armitage - Provided there is a return.

Ms RATTRAY - That is an experience for tourism. It is a return and also recreation. That is good for people's health. We heard that a lot through the inquiry, as the member well knows.

Ms Armitage - I suggest you lobby the current councillors of the Launceston City Council.

Ms RATTRAY - It is probably not necessarily my role to lobby Launceston City councillors; it is for the Lilydale District Progress Association and the community to come together and they will then do the lobbying. They are the ratepayers and the ones voting at the next Launceston City Council election. This might influence a number; it has done in the past and I expect it will happen in the future.

The opportunity might bring that stretch of road to join up the two experiences. This is really important. The settling ponds on the other side of the road present a challenge for the trail to go along that side. It would be better placed on the opposite side, although there are some driveways and the need for a large culvert because of the water there, but you effectively have a fairly straight section as members can see from the map.

What you could do is pretty amazing. Consider the benefits to the Lilydale community in being able to offer another experience. They are exceptionally busy on their great market day once a month. If people came for the day to the market, if they did not come on the train but came in their cars, went to the market, hired a bike, went down to the falls, came back, had coffee, lunch, ice cream, whatever they felt inclined to have, it is more of a day out than simply driving out to the market.

This is a really good opportunity I would like to see progressed in the future. My understanding - from listening and speaking to people - is that the Dorset Council will start at the old train station at Scottsdale and join up the existing track across King Street from the Tasman Highway into King Street, which is where the trail starts.

Mr Dean - The Tonganah strait.

Ms RATTRAY - At the moment it is out to the Billycock. Why does it not say anything about the Billycock? It only says north-east corridor, Lilydale Falls to Tonganah. Tonganah is where we started the trail and the Tonganah reference is there. My question to the Government is: do you class Tonganah as part of the Billycock Hill to make sure we are covering the existing part?

Mr Dean - How far does the current track come into Lilydale from Tonganah?

Ms RATTRAY - The track into Lilydale?

Mr Dean - How close does the trail Tonganah to the Billycock Hill come in?

Ms RATTRAY - How far into Scottsdale does it go? Right into the centre. The railway line is up to Ellenor Street, and you can get on there.

Mr Dean - The notice here identifies to Tonganah; you are right, and the question to be asked is: why only to Tonganah and why to Tonganah if the track is already into Scottsdale?

Ms RATTRAY - That is ratifying what has already been done and it is one of the issues. The rotary club had the foresight to put the track in place, but that strategic corridor was not formalised. In some respects, that was putting the cart after the horse. That is my understanding, but my question is around taking it to the top of the Billycock where the North East Rail Trail currently stops.

Mr Dean - Has that been identified in another notice?

Ms RATTRAY - I do not know; it is not in one we have received. We only have the two notices. We have one to cover the train, which is north-east corridor from Turners Marsh to Lilydale. My question is: how do they get to Coldwater Creek for access? You join up with the current working line when you reach Coldwater Creek.

Does Turners Marsh get you access onto the main line? Otherwise you cannot get into Launceston if you do not have access. Down the track, will that need another notice to get them from Turners Marsh to Coldwater Creek onto the main line? I am not sure. I am asking that of the Leader, and I am sure there will be a very good answer in that regard.

I keep coming back to this: if you do not have a population hub where people can get on and off the train, it will be difficult for the group to put the infrastructure in place, particularly at Turners Marsh. We went to Turners Marsh and went on the track, but we were parked in the scrub, as members may recall. Anyone who does not like their car being scratched will not go much on the parking at Turners Marsh. How many car spaces were there? Not many, were there?

Mr Dean - Why would they spend all that money to open up a big car park there knowing that it is their intention to come into Coldwater Creek and use the TasRail line?

Ms RATTRAY - Or come into Launceston, where you might already have a facility to put a prefab office and a toilet block for people to use. You get your ticket, you wait and then you head off on the train at 10 o'clock. You are not all going to arrive at 10 a.m. There might be something at Inveresk or something out at TasRail. We identified some government-owned property at the TasRail site that could be utilised for a platform where you would get on and off on Saturday or Sunday when the line is not operational with TasRail freighting goods.

We need to have some understanding of whether there is any impediment to passing this for the group to be able to fully explore its opportunities if it can get on the line in Launceston and go out to Lilydale - again, two population hubs, and that was the key. Having an end in the middle of nowhere is probably not desirable.

You may recall, Mr President, from our very enjoyable trip on the train from Dunedin - a long way out, through what I would call a large gorge, very steep - that is what I was expecting at Denison Gorge; I was expecting a gorge but it was not quite the same as what we saw in New Zealand. When we got to where the train stopped, there was a toilet that was not entirely satisfactory and a little bit of interpretation like a shed just to say 'Here we are'. Half the passengers were picked up by a bus and away we went, so we were able to swap seats on the way back and get the other side of the gorge view as we went back. Realistically, had there been somewhere to have a coffee or somewhere to buy an ice cream - and I know you can buy bits and pieces on the train but it was quite limited and having a drink and shaking along the track is not always ideal. It is certainly not like the Ghan experience or something like that, which I believe is quite streamlined and lovely.

That is particularly what I am interested in because access to that population hub, in my view, is very important.

I have spoken quite a bit about the rail heritage enthusiasts and the L&NER group. They are keen to support all the rail enthusiast groups and operations we have around the state. They are keen to form a group and come together as one. Part of the committee's recommendations was to have someone facilitate not only the rail enthusiasts but also to bring the groups together. I am keen to have some understanding of whether the Government has given any further consideration to that request for someone who can facilitate. We need someone to bring together the groups and have that cooperative approach; it is also a good way to identify whether there may be a group in the Derwent Valley with items surplus to requirements that could be used by the north-east group, or whether you might have bits and pieces at Ida Bay.

I know the Government might say it is up to the organisations to bring that together. If someone in your department has a really keen interest in progressing this, it will be of real benefit not only to the organisations but also to the state. We are looking at the benefits of tourism here and the experiences people might have when they come to Tasmania. We are looking at a statewide approach - this is not just about the north-east line. We had to be reminded quite a few times when the strategic corridors legislation went through that it was not just about that north-east line, it was also about all the Tasmanian lines and access to them. We do not know what might happen in the future. We have access to the line at Fingal - who knows what the future holds for that wonderful little place in regard to tourism and rail heritage in the future? They might want to put a walking and cycling track in.

We do not know what the future holds. That is why we had the Strategic Infrastructure Corridors (Strategic and Recreational Use) Bill and this is part of that process. As a parliament and as community, we decided we wanted to hold onto that corridor. We never wanted to relinquish it.

I think something outside of Deloraine was relinquished some years ago. If the former member for Western Tiers were here, I know he talked about a discussion about a walking and cycling track, but I think eventually it was sold.

Mr PRESIDENT - I think that was the Mole Creek line.

Ms RATTRAY - That is it.

Mr Dean - The member for Western Tiers would have said the 'Mole Crick line'.

Ms RATTRAY - My understanding was that line has been forfeited and gone into adjoining landholders' ownership. I will stand corrected on that. There was some discussion at the time, and there was some pushback by landowners for various reasons. At the time, they may not have seen the value of being able to keep it in state hands. As I said, as a parliament, we decided, on behalf of our community, that we wanted to hold on to the corridors and we are not about to relinquish them.

As we know, landowners already use the lines. There is a centre pivot over one. The corridor is obviously still there, but because it has been non-operational for so many years, the fences have fallen down. And how do you keep weeds away? We know it is a challenge to manage the corridors. We have heard that on many occasions. If it were not a challenge, TasRail would have perfectly clean corridors, wouldn't it? Even some of the places we went to by car were pretty overgrown.

What about when we tried to get off at the Karoola Bridge? It was a mammoth task trying to get off and onto the road because we could not go across the Karoola Bridge. Warning signs said, 'Do not tread on this bridge'. Then a lady came along the bridge with her dog. We asked her if she realised she was not allowed to walk on the bridge. The lady said she did it every day. That bridge was not in such bad repair as the Wyena Bridge. I would have walked on the Karoola Bridge had I have not been with officials who were very clear we were to do as we were told. Possibly if they had not been around, I might have had a little wander across, at my own risk.

I would not have put one toe on the Wyena Bridge. It will be a challenge in itself - how to get something that will put a cyclist or a walker around the Wyena Bridge. There is nowhere on the road verge where you can put something. I had a good look at that.

As I have said on many occasions, I think Dorset Council will use its \$1.47 million to put something in place at the Wyena Bridge before it has even managed to get a bike on any part of the corridor. You would not put one foot on the Wyena Bridge as it is now. Going around it is also a challenge because it is quite narrow. It goes down into a dip, and then you have really high sides heading towards Lilydale. You come from Scottsdale, go down, with water on both sides, and no road pavement.

I am not sure what the council has in mind, but I feel sure that possibly someone is working on it as we speak. They have put a suspension bridge over the Ringarooma River at Derby so people can get from one side of the pump track at Blue Derby to the other, to the new more family-friendly track on the other side of the Ringarooma River. Perhaps that is what they are thinking, but I am sure suspension bridges, with all the safety requirements that come with them, are not an inexpensive item in any way, shape or form. I am looking forward to seeing what is proposed in that regard.

Do I have very much else to add? Possibly not. Again, I congratulate L&NER, and the north-east farmers group that has continually put forward its concerns but never wavered from the process. It has always been committed to making sure its voice was heard. It is really important in any issue that even if they do not get the outcome they are looking for, the group feels they have had opportunities to have input.

I highlight the fact that the North East Rail Trail will need to go through the development planning application process. That will be assessed not by the Dorset Council because one of the amendments put forward when we debated the strategic corridor bill was a possible conflict when the Dorset Council was the proponent. We had people who were possibly putting in objections or raising concerns being the planning authority sitting in judgment of its own project. That could cause problems, so the council is going to outsource this. I am not sure if the Leader has an update on who will be undertaking that, given they are possibly closer to making a start.

The current federal member for Bass had been doing some work on where the funding was for the Dorset Council part of the project. I expect that is sitting somewhere in Canberra waiting for the parliament to go through what I consider is an appropriate process. Again, I certainly do not apologise for being part of that process, because there were grave concerns about how it might impact on people undertaking farming activities and even people's personal amenity around having a disused line corridor through their property and being used to what was there.

When a new initiative comes forward, it is not unusual for people to look for some of the negative aspects because they feel their way of life is going to change in some way. This is not unreasonable; it is important we have a parliamentary process that allows them the opportunity to bring those issues forward and at least be heard. That is all anyone can expect. What is being proposed will not suit everyone. I know I have done my best to try to look at both proposals and hopefully see some positives in both.

It is also fair to acknowledge the challenges, but I certainly wish both ventures all the best because it can only be of benefit to the area. We have a long way to go in making sure we support both groups progressing their initiatives and it is something I think Tasmania might be able to replicate in other parts of the state. Again, everywhere I go somebody has a bike sitting on top of their vehicle or at the back of it. I feel somewhat out of it now. It used to be a boat, now it is a bike. I would say that having a bike rather than a boat is probably slightly better for the family's finances. It is one of those things that was quite Tasmanian. You would see a boat on the back of the vehicle, but now it is two, three, four, five - I even saw a vehicle with six - bikes on the back. They fit over the back of the ute, like a tarp thing that sits over the tailgate. There were six bikes on the back of a vehicle coming back from Derby when I was heading to my mum's on Sunday afternoon for my weekly visit.

I note these notices. I have asked a couple of questions and would appreciate it if I could have the responses about how it will unfold and affect the two groups looking to progress their north-east line projects. It will be a sad day when we lose some more of our rail infrastructure. I know that time moves on; we have to accept that.

Our rail is steeped with history. It has served us well. I think I probably told the story about how I went to my aunt's when my mum went away when I was maybe 10. Sadly, she passed away recently. When I went to visit my aunt at Gowrie Park, it caused me to recall when I boarded the train at Winnaleah. I thought I went to Somerset but my cousins assured me that I could only have ever reached Devonport. I then would have had to catch a bus from Devonport to Gowrie Park. It

is a long time since I have had a train experience but I remember my great excitement to be going on my own on a train to visit my aunt and uncle who lived in Gowrie Park. It was a wonderful memory. I look forward to other people recalling memories of riding on a train. If they are not into trains, they might be biking or walking.

[12.53 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, the Government welcomes the tabling of the draft corridor notices in relation to the north-east railway corridor and notes all your comments and contributions on this particular issue.

Ms Rattray - They are probably sick of hearing it, I know, but it is important.

Mrs HISCUTT - It is important. The committee went through a long-fought process. These draft notices, tabled on 9 October, are consistent with the findings of Government Administration Committee B inquiry into the future use of the non-operational north-east rail corridor - that is, the compromise solutions whereby one section of this corridor is made available to the Dorset Council for the purposes of constructing a recreational trail and the other to the Launceston and North East Railway group to establish a heritage rail operation.

The draft notices also give effect to the Government's policy in relation to this corridor. The corridor notices are the next step in what has been a long and, at times, adversarial debate about the future of the corridor. The committee's final report supports the Government's position that there are potential benefits for both a rail trail and a heritage tourist railway, and that these uses can be complementary. The Government's view, which is supported by many members of the community and this Chamber, is that heritage rail tourism and a recreational trail can be mutually beneficial. The binary debate about bikes versus rail has not been helpful to public perceptions about either project; both promised to increase visitation and economic activity in that beautiful part of Tasmania.

Further, it is hoped that both organisations accept they can benefit by working together - whether that be for marketing, destination planning or the coordination of labour and procurement.

The tabling of these draft corridor notices is an important regulatory step towards approval of their respective operations. It gives the opportunity to both the Dorset Council and L&NER to do what they have consistently said they will do. While the Dorset Council's rail trail was seeded by a grant of \$1.47 million from the Australian Government for its establishment, neither the council nor L&NER has requested state Government support for their intended uses.

Ms Rattray - Yet.

Mrs HISCUTT - Yet. In the case of L&NER, private pledges of many millions of dollars have been made, which we welcome given the extremely capital-intensive nature of heritage rail operations. No-one should be in any doubt about the cost and effort required to establish and operate a heritage rail operation in Tasmania in accordance with the regulatory standards applied by the National Rail Safety Regulator. The recent interruptions to steam locomotive operations on the West Coast Wilderness Railway are a reminder that even in the case of a well-funded government-owned operation with salaried professional staff, heritage rail is difficult to run at break-even, let alone at a profit.

Ms Rattray - That is run seven days a week, though. We are only talking about initially weekends, holidays - that type of thing.

Ms Forrest - They still have overheads.

Mrs HISCUTT - Yes, they still have overheads; they still have a lot of costs.

Members will be aware of the very significant public investment in the West Coast Wilderness Railway in this year's budget. Those that do operate a heritage rail in Tasmania do so on short tracks. The Don River Railway is the longest of these operations. Derwent Valley Railway and the Tasmanian Transport Museum at Glenorchy are only licensed by the national regulator to operate within their respective rail yards. Ida Bay Railway in the far south is not currently operating following a rail safety event.

The 2017-18 annual report of the Office of the National Rail Safety Regulator - ONRSR - aggregates the number of safety incidents at a national level. These incidents are recorded for all types of rail operations, including tourist and heritage rail.

Given the number of track kilometres travelled by heritage rail compared to freight or general passenger rail, safety incidents on heritage rail operations are disproportionately high. The annual report notes 347 category A incidents - the most serious category - and more than 41 000 category B incidents were notified to ONRSR. There were 90 serious incidents and, tragically, 105 fatalities recorded in that one year. I expect that statistics will be broadly similar when the 2018-19 annual report is tabled in the next few weeks.

In last year's report, the competence of Tasmanian heritage rail operators in boiler operation was specifically noted in relation to the need to establish robust competency assessments for this highly specialised work. I am aware that as part of the committee's work, members met with senior representatives of ONRSR, and we were pleased to see that the highly respected CEO, Sue McCarrey, made herself available to the committee.

While the cost of achieving and maintaining national standards for rail safety are appropriately high, the Government shares the enthusiasm of those who want to see trains returned to the north-east rail line. We also look forward to the Dorset Council bringing to life its vision for a recreational trail that will now stretch all the way from Tonganah to Lilydale Falls. I do have an answer for that when I get to the end of this.

As I noted earlier this month, the Government welcomed that the final report -

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

QUESTIONS

Disability Voices Tasmania - Ongoing Funding

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

[2.31 p.m.]

In 2018 the Department of Communities Tasmania agreed to fund the Disability Voices project with the objective of being a collective inclusive voice for all people living with a disability. My understanding is that Disability Voices Tasmania is due to report on the outcomes of this project by the end of this month. During the course of this project Disability Voices Tasmania has been

consulting and building relationships statewide so people with a disability can deliberate on their problems and needs, collectively provide solutions and articulate their opinions and ideas in a strong, united voice.

The funding for this program has ceased.

- (1) Will the Government commit to providing ongoing funding to ensure that people living with a disability will continue to have a united voice?
- (2) Has the minister met with Disability Voices regarding its funding or the outcome of its project?

ANSWER

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

The Tasmanian Government continues to advocate strongly for Tasmanians with disability, their families and carers, including via the Disability Reform Council and working directly with the National Disability Insurance Agency - NDIA.

The minister has responded to Disability Voices Tasmania and has encouraged it to apply for future grant rounds from the NDIS.

NDIS - Reimbursement of Taxi Subsidies

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

[2.32 p.m.]

In the communique released from the recent Disability Reform Council attended by the minister it was stated the council -

... endorsed an approach to improve the provision of transport supports under the NDIS. This includes interim measures to increase transport funding for NDIS participants who are significant users of taxi subsidy schemes, and the full reimbursement of states and territories for the continuation of their schemes for NDIS participants until longer-term transport support policy and funding is resolved.

- (1) When will this reimbursement of the taxi subsidy scheme occur?
- (2) What steps are being taken to ensure a long-term policy solution for transport for NDIS participants?

ANSWER

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

- (1) I am pleased to note the decision of the Disability Reform Council to improve the provision of transport supports under the National Disability Insurance Scheme.

The Government is still to receive advice from the Commonwealth Department of Social Services as to the amount of taxi subsidies used by NDIS participants that will be eligible to be reimbursed. Initial advice to states and territories is that this reimbursement would apply for the period of 1 January 2020 to 31 October 2021 or until a participant's plan is reviewed, whichever is the earliest.

We note that the proposal endorsed by the Disability Reform Council does not pertain to state and territory taxi subsidy schemes generally. Rather, it is only to the extent those schemes are accessed by NDIS participants.

- (2) The Government has been working carefully with NDIA, the Commonwealth Department of Social Services and other states and territories to find a solution for NDIS participants who have not been provided with the transport supports they need during their NDIS plans.

Tasmanian officials have undertaken extensive engagement with the NDIA to provide information about its taxi subsidy program and statistics on its use to inform the NDIA's work on how best to design and deliver transport supports that will enable NDIS participants to achieve their individual goals.

Blueberry Rust Infestation

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

[2.35 p.m.]

My question relates to blueberry rust, and I accept some of these questions are similar to the questions asked by the member for McIntyre.

- (1) In the most recent outbreak, is it correct the primary source of the plants infected with blueberry rust was a Tasmanian establishment?
- (2) What requirements are there on any producer of blueberry plants for distribution and sale that ensures the plants are free of rust infestation at the time of sale through retail or wholesale outlets?
- (3) Since the production of the 2018 blueberry rust inquiry, what changes have been made in Biosecurity procedures, if any, to ensure plants offered for sale are not carriers of a prohibited or restricted biosecurity matter?
- (4) What changes, if any, have been made regarding inspections and ensuring Biosecurity clearances on plants, in respect of any biosecurity risk matters coming into the state from the mainland?
- (5) In the recent outbreak, what processes were undertaken to ensure the plants were free of blueberry rust?
- (6) What is the known, or estimated number of plants, from the infested groups of plants, sold to home gardeners or indeed commercial blueberry farmers?

- (7) What attempts, if any, were or will be made to track any plants purchased from the commercial outlets so far identified as harbouring blueberry rust-infected blueberry plants?

ANSWER

Mr President, I thank the member for Rosevears for his question. When I was reading through the answers, I wondered whether I was answering the same set of questions asked earlier. Anyway, we will run through them.

- (1) The infected plants originated at a nursery in north-west Tasmania and there is no evidence of any breach of Tasmanian biosecurity import controls. Biosecurity Tasmania immediately acted to mitigate biosecurity risks at this nursery.
- (2) Generally speaking, when it comes to plants in nurseries, there are no legal requirements within the State of Tasmania relating to the distribution of plants. When a disease is diagnosed in plants at a nursery, a risk assessment is undertaken, and appropriate biosecurity measures, which may include destruction of plants and non-movement of risk material, may be implemented.
- (3) and (4)

The Government has responded to the Legislative Council inquiry, and Biosecurity procedures have been strengthened. The new Biosecurity Act 2019, which was refined and improved based on a review of the previous blueberry rust incursions, has been enacted.

A key strengthened procedure is increased border checks across all nursery stock and other biosecurity risk products. Blueberry rust checks are part of that process.

The Securing our Borders initiative in the 2019-20 Budget sees an additional investment of \$2.62 million per annum into frontline biosecurity, and has provided capacity for a significantly higher level of security and increased inspections of incoming goods at the border, including at-risk produce, containerised freight and other goods, like machinery and equipment.

- (5) Biosecurity control measures were immediately implemented at the initial source. These measures included the withdrawal from sale of all blueberry plants pending trace back and trace forward activities.

Biosecurity Tasmania confirmed the presence of blueberry rust at associated outlets and at an independent nursery, which were then also subjected to biosecurity controls. Biosecurity Tasmania's trace back investigations identified a single source of the affected plants to a north-west nursery supplier.

Biosecurity measures were immediately implemented at that supplier's site to prevent further movement of any blueberry rust plants. All quarantined blueberry plants, at the retail outlets with stocks from the infected supplier, along with other blueberry plants that were at risk of cross infection, were collected for biosecure disposal.

- (6) The department's advice indicates approximately 80 plants were sold to the general public. There is no indication that any plants were sold to commercial growers.

- (7) Because retail nursery outlets were involved and no specific sales records were kept by the retail outlets, the approach to tracking any plants purchased has been by broadcasting public information to advise the community to report suspect plants. This includes public information via traditional media, social media, Biosecurity advisories to the Biosecurity stakeholders' list and the department website.

Continued and regular public information to raise awareness and possible detections is also a key part of the regulated containment program for blueberry rust. To date, 18 calls were received from people reporting suspect plants. All were negative for signs of blueberry rust, apart from two plants purchased from an impacted retail outlet which showed low-level infection. They were removed by Biosecurity Tasmania and deep buried.

Oral Health - Mobile Dental Units

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

[2.41 p.m.]

Oral health outcomes for people on low incomes are alarming. I am aware there are two fully equipped mobile dental units within Tasmania. Could the Leader update the House on what replacement costs would be for these vehicles?

ANSWER

Mr President, I thank the member for her question. I also note the former member for Rumney is sitting in the back of the Chamber.

The answer is the approximate cost to replace the mobile dental units is \$1 million.

Traffic Cameras - Installation

Ms ARMITAGE question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[2.41 p.m.]

With regard to cameras installed at traffic intersections in the state's northern region, will the Leader please advise -

- (1) At which intersections have these cameras been installed?
- (2) If not yet installed, at which intersections will they be installed?
- (3) How long will these cameras retain the footage recorded?

ANSWER

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

- (1) The Tasmanian Government currently has no active traffic-monitoring cameras in the state's northern regions.

- (2) As part of the smart cities program, the Department of State Growth is upgrading traffic signals and network management infrastructure for key road corridors in Launceston, which includes traffic-monitoring cameras for Bathurst Street, Wellington Street, and East and West Tamar outlets.
- (3) The Department of State Growth does not record footage from traffic-monitoring cameras.

Traffic Cameras - Installation Supplementary Question

Ms ARMITAGE question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[2.43 p.m.]

I have a supplementary question which I will put in writing. The Government might note that recorded footage at intersections would be useful. I am wondering if they have the monitoring cameras, but they are actually not retaining or recording any footage?

Mrs Hiscutt - You will put something in writing?

MOTION

Strategic Infrastructure Corridors

Resumed from above.

[2.43 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I noted earlier this month that the Government welcomed the final report of the committee into the future use of the north-east railway corridor. The committee's final report supported the Government's position that there is potential to generate economic benefits for both the rail trail and the heritage tourism railway, and these uses can be complementary. There is potential for cycling and heritage rail tourism on Tasmania's non-operational rail networks. The committee's final report confirmed that localised concerns by some adjacent landowners about rail trails were not substantiated elsewhere by neighbours of rail trails in locations visited by the committee.

The Government acknowledges that the time has come to stop the talking and to move forward with these promising projects. The Dorset Council stands ready to deploy \$1.47 million from the Australian Government to construct the rail trail subject to confirmation the funding agreement can be extended again. When these funds were secured about three years ago by Dorset, there was no alternative proposal to the rail trail project. The council and its mayor, Greg Howard, made the original funding application in good faith regardless of the debate that would ensue. The Government also commenced the rigour applied to the investigation by committee members including fact-finding tours of mainland and international rail trails and heritage rail operations.

The Government also commends the contribution of the Office of the National Rail Safety Regulator for the expert advice it provided on regulatory requirements to operate tourist and

heritage rail operations in Australia. As I have stated, achieving rail safety accreditation is no simple or cheap matter, as ONRSR made clear to the committee and its stakeholders. Even after achieving the requisite permissions and licences, operators of railways are subject to ongoing checks to ensure infrastructure, including track formation and signals and rolling stock, are maintained to the highest of standards. The accreditation of rail operators is also closely overseen. The standards for passenger rail accreditation are also generally more exacting than for freight rail operations.

The Government is a strong supporter of Tasmania's booming tourism industry, which is growing the economy and creating jobs right across the state. For this reason, Treasury was commissioned to undertake a detailed report regarding both the Dorset Council's north-east rail cycling trail and the alternative tours and heritage rail operation proposed by Launceston and North East Railway - L&NER. Both proposals clearly have strong support in the community and the Treasury report found that while it is clear heritage rail carries with it more financial risk, both projects have the capacity to generate economic and employment benefits and Treasury reports findings were effectively supported by the final report from the Government Administration Committee B.

The Tasmanian Government's position is both parties deserve the opportunity to develop this valuable asset in their own way with access to separate paths of the corridor. Allowing both proponents use of the rail corridor will maximise the chances of both projects becoming viable tourist attractions to the benefit of everyone in the state's north-east. The Government's proposal for the corridor was to allow a cycle trail to be established on a Scottsdale to Lilydale full section of the north-east rail line with a walking and cycling pathway to be created adjacent to the road between Lilydale Falls and Lilydale.

To facilitate the heritage rail, this section from Lilydale to Turners Marsh has been offered as the first stage to allow the proponents to gain accreditation to make the necessary infrastructure investment to the satisfaction of the National Rail Safety Regulator and begin to operate a heritage rail service. Subject to successful completion of the first stage, the Government proposes the section from Turners Marsh to Coldwater Creek will be made available and subject to accreditation and scheduling access to the main Launceston to George Town line would also be considered.

As already noted, the inquiry recommendations relating to removal of rail infrastructure, the retention of sections of the line and the donation of recovered railway materials to the heritage and tourism rail sector are enshrined in sections 99, 100 and 101 of the Strategic Infrastructure Corridors (Strategic and Recreational Use) Act. Section 99 provides that a corridor manager may not remove railway infrastructure, unless the minister has issued to the corridor manager a railway track removal notice. The minister may only issue this notice if satisfied that -

- (a) it is not reasonably practicable, or would be unreasonably costly, for the designated recreational use to occur on land within the corridor, other than the land on which the railway track is situated; and
- (b) the removal of the railway track is reasonably necessary for the purposes of enabling the use, or the safe use, of the corridor for the designated recreational use in relation to the corridor.

Section 100 provides that the minister may only dispose of rail infrastructure by first giving notice, in two published newspapers circulating generally in Tasmania, of that intention, and

inviting any person interested in using the rail infrastructure for the purposes of the operation of a railway in Tasmania to apply to have the infrastructure disposed to them. If more than one person applies, the minister may choose to dispose of the rail infrastructure to one of those persons if the requirements are satisfied. It is a requirement that the person removes the rail infrastructure from the corridor within six months.

Section 101 provides that railway infrastructure may not be removed from a corridor except with the approval of the minister, which may only be issued where, if a permit is required under the Land Use Planning and Approvals Act 1993 for that removal, the permit has been granted.

These are the conditions upon which entities are entitled to have access to the non-operational rail network in Tasmania. The arrangements are completely separate to those that apply to the operational network. While the L&NER group will seek access to the non-operational line through the strategic infrastructure corridors act, this legislation is not applicable to the section of the Bell Bay line between Coldwater Creek and Launceston. The operational Tasmanian Rail Network is an open access network, and access to the operational lines falls under the Rail Access Framework Policy issued by the Tasmanian Government in 2018. Access under this framework is undertaken through direct negotiations between the access seeker such as L&NER and TasRail.

The policy sets out the roles and responsibilities of the below rail operator and access seekers and includes a cost-effective dispute resolution process, should that be required. The policy operates in parallel with the legislative requirements under the Rail Safety National Law, which defines the requirements around rail accreditation.

Broadly, the access seeker will need to be accredited for above rail operations and hold the necessary insurance determined by TasRail. TasRail will require accreditation for the operation of passenger services on the Tasmanian Rail Network. While TasRail operates the freight line between Burnie and Brighton, with operating spur lines to Bell Bay, Fingal and Boyer, the Government was elected with a policy to allow third party access to its operating lines subject to accreditation and scheduling. The following excerpt is taken from that policy-

As part of the progression of Rail Access Agreements with TasRail, a re-elected Hodgman Liberal Government will facilitate the opening of the State's operational rail network to pre-qualified tourist and heritage railway operations on one designated weekend per year.

This invitation to our heritage rail groups remains open, subject to them achieving regulatory approval. Were this approval to be granted to the Launceston and North East Railway organisation, it would provide a heritage rail experience over a total of around 21.5 kilometres of non-operational line between Coldwater Creek and Lilydale, assuming that L&NER group successfully completes the first two stages, as well as access to the 52 kilometres TasRail operational line between Launceston and Bell Bay, subject to accreditation scheduling.

This is a very lengthy stretch of rail by comparison with heritage rail operations around Australia. In terms of cycling, the Government's previously stated position, now supported by the committee's report, allows the Dorset Council to continue what they started, with the existing rail trail between Scottsdale and Billycock Hill being extended to Lilydale, providing around 70 kilometres of cycleways in total.

Mr President, the Hodgman Liberal Government is committed to both these projects, as they have the potential to be fantastic for everyone in the state's north-east. Allowing both parties to develop their projects will minimise the costs and risks involved to each party, and maximise the chances of both projects becoming viable tourist attractions. Launceston's peak tourism and business bodies are supportive of the Government's proposal, including the Launceston Chamber of Commerce and Tourism Northern Tasmania. These organisations have called on both Dorset Council and L&NER to meet and agree on how they will work together. I remember the member for McIntyre talking about a facilitator, so they have agreed to meet.

In 2008, the Launceston City Council also agreed with the Government's assessment that both projects have the capacity to generate economic and employment benefits, both directly and indirectly, for the northern region. Council proposed that the infrastructure corridor between Lilydale Falls and Wyena be shared.

Due to the challenges of local terrain, the limitations of the existing corridor, the need for a deviation around the tunnel for the rail trail, as well as the need to meet mandated regulatory safety requirements, the cost of which would place both projects in jeopardy, the Government's policy towards both projects clearly strikes the right balance.

Since the Government's decision was announced on 26 July 2018, the Department of State Growth commenced progress on the preliminary requirements necessary for both Houses of parliament to consider approval of the draft corridor notices for the two projects.

The tabling of these draft corridor notices was deferred while the committee conducted its investigation. With the report now public, these investigations have concluded and the draft corridor notices have been tabled.

For either project to proceed, the section of the north-east line on which they will operate must be declared a strategic infrastructure corridor under the act.

Section 6 of the act provides that the minister may declare land designated on a central register plan to form a corridor by issuing a corridor notice. The minister may only issue a corridor notice where both Houses of parliament have first approved the draft notice.

Consideration by both Houses of parliament is five sitting days without disallowance and this is what we are noting today.

Subject to the approval of parliament of a draft corridor notice, there are a number of transitional matters that must be dealt with to come into effect concurrent with the establishment of a corridor. These relate to the transitioning of the land from the current administrative arrangements under the Rail Infrastructure Act 2007 to a strategic infrastructure corridor.

Subject to the establishment of a corridor, the act provides for two mechanisms for access by future land managers. For designated recreational purposes such as a rail trail, the act provides for the appointment of a corridor manager by notice, and for tourist and heritage rail, the act provides for a lease.

A draft corridor notice has been tabled for the Turners Marsh to Lilydale section of the north-east line.

A staged approach recognises the challenges facing the development of a railway line for operational service, including the need to gain accreditation and ensure work for the repair and replacement of existing rail infrastructure, and any other existing improvements on the land, is done before commencing operations.

The second stage, subject to successful performance, will be from Turners Marsh to Coldwater Creek at the junction with the operational Bell Bay line.

Finally, it is acknowledged that this has been an emotive debate, but what we have proposed provides the opportunity to deliver a unique mix of both projects. We are looking forward to the proponents both having the opportunity to bring their visions to reality.

When the Dorset Council originally applied and won the \$1.47 million in federal funding for its rail trail proposal, it is unlikely that it contemplated the need for Tasmanian legislation to be enacted to make this possible.

The Hodgman Government developed the Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016 to facilitate the alternative use of the non-operational rail lines on the Tasmanian rail network and to provide a framework for their ongoing management. The conversion of the non-operational north-east line for a rail trail and heritage line is made possible by that act.

There is no reason the two projects cannot be compatible; in fact they could complement each other and make a substantial contribution to the north-east economy.

We now look forward to both parties grasping this opportunity and getting on with the job of delivering their own projects.

The member for McIntyre asked three questions. The first one was: why does the corridor notice not go all the way to Billycock Hill? That is because the rail corridor terminates at Tonganah.

Question (2) was: why does the corridor notice for the rail group extend only to Turners Marsh rather than Coldwater Creek? Because the Government has been consistent with L&NER's operations, and for the Government to be consistent, it would be granted in two stages.

The first stage is between Lilydale and Turners Marsh. This has been offered to allow the proponents to gain accreditation, make the necessary infrastructure investments to the satisfaction of the National Rail Safety Regulator, and to begin operating a heritage rail service. Subject to successful completion of the first stage, the Government proposed that the section from Turners Marsh to Coldwater Creek will be made available. It should be noted that Coldwater Creek has no station infrastructure - I think the member for McIntyre mentioned that in her contribution. It is simply the junction with the operational line.

Question (3) was: what is the Government's response to the L&NER's most recent correspondence? The correspondence has been received and the minister will respond once the corridor notices are approved by parliament, so that is still being considered.

Mr President, we note the motion and cannot wait for something to happen out there.

Ms Rattray - While the Leader is on her feet, I do not understand how the corridor ends at Tonganah when there has definitely been a railway line from Billycock Hill to Legerwood, and then

from Legerwood to Herrick. Are you saying there is no longer a corridor from Tonganah to Herrick?

Mrs HISCUTT - I am advised that historically the rail line did go through there, but the corridor stops where it stops and that is why it is there.

[3.02 p.m.]

Mr DEAN (Windermere) - Mr President, I commend the member for McIntyre for bringing this matter forward for further discussion. It is, as the Leader said, a very emotive matter; in fact, it has been so emotive that it has virtually split a community, and that is the sad thing about this. We had a community working well in that area; then this comes along and we find that community absolutely divided. That, to me, has been a sad situation.

The report, which we debated some two weeks ago in this place, was accepted reasonably well, albeit while I received some comment by some people involved, I heard nothing from the council at all. Whether they accepted it, I do not know, or whether they are likely to take any notice of it, I do not know. I received information from some people to say that they were very satisfied with it and they were happy inasmuch as this matter could now proceed.

The Leader might have covered this and I might have missed it. In one of these notices, on the rail trail corridor side of it, from Lilydale Falls to Tonganah, this notice takes effect on 7 February 2020, but then the other notice does not take effect until 27 March 2020. I am not sure why the notices are different and why there is that need for them. There has to be a reason for it and the Leader might be able to give me an answer to that.

Mrs Hiscutt - I have had my speak.

Mr DEAN - I understand these notices have now been issued and nothing at all can take place in relation to either of them until the date of commencement. In other words, the council cannot start and proceed to do some work in relation to its part of the corridor before the date of the notice taking effect. I realise it as to go through the development applications and all those things have to be done.

The member for McIntyre covered this very well. My concern here is the policing of this. Who will police it? Will the council police its own side of it? In other words, will it police itself? Will the Government ensure all the requirements in the act are met? The member for McIntyre referred to the letter received from the minister in relation to the report. Specifically, I refer to the penultimate paragraph of that report, which I will read in -

The Government acknowledges the Report's recommendations to protect and preserve the railway infrastructure within the rail trail corridor wherever feasible, and is happy to advise that these protections are already enshrined in sections 99, 100 and 101 of the Act. The Act also provides that where any rail infrastructure is removed from a corridor, it is first offered for use to persons interested in using it for purposes of the operation of a railway in Tasmania.

I go back to my question: who will police it to ensure this happens? The council has already said on the public record that it will sell off some of this infrastructure removed - the sleepers et cetera. That is on the public record from the mayor. I want to know what controls will be in place to ensure this is managed and handled in the right way and that users of the sleepers and the line,

for instance, will be given the opportunity to take possession of that infrastructure before any decision is made to dispose of it. That is a very important part of the whole thing.

It is interesting the word 'feasible' is referred to here. I am not quite sure what it says in the act, whether the act uses that same word feasible, where it is feasible. The line, and I assume sleepers, the whole infrastructure, will remain in place where there is no real need to remove it. This is how I interpret this and it is clear in the act. What involvement will the Government have in ensuring this occurs? When we see the development application put forward, what will that entail? Will it clearly identify exactly where the rail trail will be put in? Will it mean that line and sleepers will be removed in certain circumstances? Will engineers police this to see whether it is feasible to put the rail trail in without removing the infrastructure?

I and other committee members have said all along - and I know Mr President's position - that we ought not remove infrastructure where there is no real reason to do so. We never know what is around the corner. We have often referred to the position with the main line from south to north in this state. At one stage, we were told it would never be used for logging transportation. It was only a very short time thereafter that was being used for that very purpose.

I want to be assured we have some future protection. I raised issues by way of interjection on the Tonganah part. The Leader has answered to some extent why it only refers to Tonganah and no further.

The heritage rail side of this is a very strong group of people, the L&NER. I think the chair of that group is Professor Adams. We know his background, his knowledge and his educational qualifications. He is a very knowledgeable and astute person who is now involved with L&NER. My view is that L&NER has a big chance of being successful, and I look forward to seeing where it will go in the future. I am confident it will be successful. I do not think it will take on a project that is not going to be successful at the end of the day.

It has come out in evidence and in information here - the Leader has referred to it as well - that we have two projects that complement one another. That is why the committee was strong in its position that we needed a strong uniting body that could work with the two groups to bring them together and to have them accept and understand they will be dependent on each other as to whether they will be really successful. That needs to be closely considered. We talked about bringing in a strong group to ensure that this does happen. During our trips to New Zealand and to Victoria we found that is a strong part of successful line and rail trails.

The member for McIntyre made a good point when raising the issue of Turners Marsh. As I see it, the heritage rail group, L&NER, would be required to put in infrastructure at Turners Marsh. That would mean making a car park, maybe sealing a car park. I do not think we could just have a grassed area because it is a fairly wet area and at times it becomes quite muddy. It was wet the day we went there. I can see them having to put in some infrastructure, which would be a cost to them if it was only going to be there for a relatively short time - say, three to five years. Then, all of a sudden, we have them moving to Coldwater Creek and then probably to Inveresk. I do not think we should put anything in that is likely to add to the group's costs. The way we have this working, that seems to be the case; I am not sure why.

The committee's findings and recommendations were consistent with what the Government put forward. I think we expanded on certain things and went into some other details that the Government had not talked about at that stage. It may have considered them, but it had not talked

about them. The committee went a little further than that. One point often brought to my attention, and I suspect to others as well, is that tourist rail is available to everybody. It is available to the very young, the elderly and those who have physical challenges, but they will not be able to use rail trail areas. We need to cater for all people when we are looking at this type of infrastructure and not just concentrating on one area.

The member for McIntyre made a good point about Lilydale Falls. I think it would be a much more successful operation for it to come right into Lilydale.

Ms Rattray - All over.

Mr DEAN - To me, it is common sense that should happen. It probably is what will happen. How it will happen is the question. There will be a big cost to that. When we hear the council say that the cost in relation to the rail trail is going to be relatively minor in some respects, I do not accept that. I think they are in for some shocks. This has probably been put to us as a way of trying to ensure it can happen, will happen and will happen quickly.

I think the Leader might have referred to short tracks being successful. We saw in New Zealand that some long tracks are very successful - I think it was the Taieri railway we went on. It was a long track, a track performing very well. That could happen in this state as well.

These were the main points I wanted to raise.

Mrs Hiscutt - Mr President, while the member is on his feet, a point of clarification. You asked about who is going to police it. The proponents will be formally reminded of their legal obligation under the act before it commences.

Mr DEAN - They will be reminded of their obligations under the act -

Mrs Hiscutt - They will be formally reminded of their legal obligations under the act.

Mr DEAN - Is that sufficient?

Mrs Hiscutt - I hope so.

Mr DEAN - We remind people all the time about their legal requirements, what they are entitled to do and what they are not entitled to do, but we do not have -

Mr Valentine - Whether they follow it or not is another thing.

Mr DEAN - That is right. I would like to be assured that some close contact will be made in relation to the development of the rail trail and probably the other side as well, but in the main the rail trail as they are the ones who will be removing the infrastructure and who will have the lines and sleepers at their disposal. I would like to see something stronger than simply being reminded of their obligations. There will be people watching them. I will be interested to see where that all goes at the end.

I think the Leader made some comment about when this was first discussed the only proposal put forward was the rail trail. The Leader said something to the effect that when this matter first surfaced on the use of the north-east rail line, the only proposal put forward was the rail trail. I

suspect at that time not a lot was known about it; the other party we now have, L&NER, did not exist at that time either, and I suspect many other people would not have then known what was going on.

Mrs Hiscutt - Everything has to start somewhere and that is where it started.

Mr DEAN - Absolutely, and I commend the rail trail side of it for getting up and getting moving with it. I do not have a problem with that, but since then the second party has become involved and that is where we saw some issues and problems arising, which was most unfortunate.

Having said that, I support the position the member for McIntyre has put forward in supporting the notices.

[3.19 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I have a very brief offering to wind up. Following on from the member for Windermere, the funding allocation of \$1.47 million at the time of the election was quite a surprise to the Lilydale community and many of the residents who live on that corridor. To say there was only one project is fair enough in some terms, but people did not know there was going to be a project until the announcement of 'Whoopee! We have secured \$1.47 million from Mr Nikolic', who was a candidate in the federal election. People just did not know that was the case. There was not a lot of lead-up to the announcement of the project. It was an announcement that took a lot of people by surprise.

Ms Forrest - Pork-barrelling was suggested.

Ms RATTRAY - I am saying it was a surprise announcement, honourable member - a surprise announcement for many people.

Good on the Dorset Council for the lobbying it did; it managed to get the money, but there was not a long lead-up to the project.

Mrs Hiscutt - Every idea has to start somewhere.

Ms RATTRAY - I am not saying that is not the case. They did not know that project was going to be put forward. The North East Residents and Farmers Inc was established and gained some momentum, as adjoining landowners and other people had some concerns about losing the heritage and the rail.

To the question I asked by interjection regarding the north-east corridor from Lilydale Falls to Tonganah, I was somewhat surprised to receive the following answer, which I will put on the record -

The Tasmanian Rail Network defined in the Rail Infrastructure Act terminates at Tonganah -

and then it goes on to say -

the Strategic Infrastructure Act applies to the Tasmanian Railway Network.

My follow-on question is: does the strategic infrastructure act or the Tasmanian Rail Network include the piece of corridor between Tonganah and Herrick? That is definitely a former rail corridor.

If I cannot have the answer today, I will put it on notice. I need to know what the actual status is of that stretch of line. People, particularly those who have a centre pivot over the corridor, have tried to purchase this so it does not affect any future sale of a property. People have tried to buy a part of the network or corridor that goes through their property and have not been able to because it is a rail corridor.

Is this still the case, or is it is a free for all on what is left? I understand the reason we had the strategic infrastructure act come into play was to make sure we would always have access to those corridors right around the state. I may have been misinformed at the time, but that was my understanding.

As for the other notice, with the corridor for the rail use from Turners Marsh to Lilydale, I will ask the question about how that applies. I have been informed I cannot amend this notice. I still believe it should go to Coldwater Creek.

Having it go only to Turners Marsh does not achieve the committee's recommendation of access on the formal line to get to Launceston. It does not achieve this by ending at Turners Marsh. As the member for Windermere and others on the committee who undertook our tour noted, Turners Marsh is a fairly isolated area. It was not easy even to find it, let alone to be able to park and have numbers of people getting on or off a train.

Why did it not go to Coldwater Creek? I heard what the Leader said, but when L&NER, or whoever the proponents might be, seek a lease arrangement, do we have to have another notice to get a corridor between Turners Marsh and Coldwater Creek? I expect that is what we will need to do. Why would we not just put it right to Coldwater Creek under the one notice?

Mrs Hiscutt - I think I explained that in my contribution.

Ms RATTRAY - Well, you are virtually saying they need the runs on the board. We are not asking Dorset Council to get the runs on the board; we are giving it all the way through to where it needs to go. I think that is somewhat disappointing. We know you need a population hub to make it work; you have to have good access points at either end.

Mr Dean - The infrastructure they are going to put in at Turners Marsh will also probably include security as well because cars in isolated areas are a car burglar's paradise. It would entail a lot of extra expense and cost to run it.

Ms RATTRAY - Another question I will be asking: one has a lease arrangement and one has a management arrangement. I hope no money is attached to either of them. I want a level playing field. I do not want any favouritism for one group over the other. I think it is really important to ensure they both are treated fairly in regard to the lease arrangement. As members and direct members, we will be looking to make sure that is the case.

Again, I am not proposing a disallowance motion. However, when I realised we are not going to get to Coldwater Creek, and therefore we are not necessarily going to have straight access to Launceston, even if we negotiate with TasRail to get on the line from Coldwater Creek into

Launceston, it crossed my mind: how can we do this today? We cannot amend it. We want the projects to get started - otherwise people will lose confidence. I want the projects to get started. I am sure we will be back here with an extension from Turners Marsh to Coldwater Creek so then we can access the line into Launceston where there is a population hub. Get that train on the track and get the bikes on the trail from the other end, then work together to meet up and get the best outcome for everybody as we move forward. I note the motion.

Motion agreed to.

Government Businesses Scrutiny Committees - Establishment

[3.28 p.m.]

Motion by **Mrs Hiscutt** agreed to -

That two Government Businesses Scrutiny Committees be established to inquire into government businesses in accordance with the schedule detailed below and rules as set out in the Standing Orders at Part 22.

That the committees have leave to sit on Thursday, 5 December and Friday, 6 December 2019 between the hours of 9.00 a.m. and 5.00 p.m. and at other times as necessary for the purpose of relevant stakeholder and deliberative meetings.

For 2019 government businesses are allocated to the committees as follows -

Committee A

Thursday, 5 December 2019

Hydro Tasmania, Sustainable Timber Tasmania and TasNetworks Pty Ltd

Committee B

Friday, 6 December 2019

Tasmanian Ports Corporation Pty Ltd, The Public Trustee and TT Line Company Pty Ltd

And that -

Mr Finch, Ms Forrest, Mr Gaffney, Ms Lovell, Mr Valentine and Ms Webb

be of Committee A

and that -

Ms Armitage, Mr Armstrong, Mr Dean, Ms Howlett, Ms Rattray, Ms Siejka and Mr Willie

be of Committee B

And that the committees report on the government businesses by no later than 19 December 2019.

If the Legislative Council is not sitting when the Government Businesses Scrutiny Committees complete their reports, those reports may be presented to the President or if the President is unable to act, to the Deputy President or other office holder and in that event -

- (a) the reports shall be deemed to have been presented to the Council;
- (b) the publication of the reports is authorised by this resolution;
- (c) the President, Deputy President or other office holder, as the case may be, may give directions for the printing and circulation of the reports; and
- (d) the President, Deputy President or other office holder, as the case may be, shall direct the Clerk to lay the reports upon the Table at the next sitting of the Council.

ADJOURNMENT

[3.29 p.m.]

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

That at its rising the Council adjourn until 11.00 a.m. on Wednesday, 30 October 2019.

Motion agreed to.

The Council adjourned at 3.29 p.m.