

Wednesday 19 June 2019

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

FIRST HOME OWNER GRANT AMENDMENT BILL 2019 (No. 24)

Second Reading

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council - 2R) -
Mr President, I move -

That the bill be now read the second time.

The Government is a strong supporter of Tasmania's building and construction industry and wants more Tasmanians to be in a position to own their own home.

The First Home Owner Grant is one of several government policies that support this objective.

Alongside the duty concessions for first homebuyers of established properties and pensioners who downsize, the Government's land tax exemptions, the Foreign Investor Duty Surcharge, our significant investment in enabling infrastructure such as roads and transport links and increased investment into affordable housing, these policies form part of the Government's multi-pronged approach to address housing affordability in Tasmania.

The Government will extend the \$20 000 First Home Owner Grant for a further 12 months. Without the extension, the grant amount of \$20 000 would fall to \$10 000 on 1 July 2019.

This bill therefore amends the First Home Owner Grant Act 2000 to extend the grant of \$20 000 for eligible first homebuyers who enter an eligible transaction for the purchase of a newly constructed home or the construction of a new home from 1 July 2019 to 30 June 2020 inclusive.

The extension to the \$20 000 First Home Owner Grant will mean that Tasmania continues to have one of the most competitive home owner grants offered by any jurisdiction in Australia.

This initiative will give Tasmanians a greater opportunity to build and own their own home and will add to housing supply, which will ease housing affordability pressures. This will have positive flow-on effects for Tasmania's building and construction industry, creating more work and more jobs.

Mr President, I commend this bill to the House.

[11.05 a.m.]

Ms RATTRAY (McIntyre) - Mr President, I never like to see a bill go through the House without making some comment, and other members I am sure will have some comments.

I support the bill. It has certainly been a good initiative in my view. When you look at the fact that there have been 4726 take-ups since 2014, that is 4726 Tasmanians who have been able to build or purchase a ready-built home and settle into our communities. That can only be a good thing,

particularly when we hear such a lot about the stress on housing in our communities at this time in Tasmania.

During the briefing session this morning I asked why the up-to-\$7000 stamp duty relief was not included in this. I was informed that comes under a ministerial order and doesn't need a piece of legislation or support from the House. It also remains in place for anyone who buys a home up to the value of \$400 000, after which the stamp duty relief cuts out.

There is obviously the expectation that if you can afford a home over \$400 000 you do not need support from the state Government and Tasmania. That is a decision the Government has made, to be able to apply for the \$20 000 grant, which has been extended from 1 July 2019 to 30 June 2020 inclusive. The Government will look at that next year and it may be further extended.

We also heard in this morning's briefing - which as always was very useful - that the biggest amount of grant funding was \$30 000. Now it has been pulled back to \$20 000, but anyone building a home and able to source \$20 000 to put into the cost of the purchase or build of their new home would be very pleased.

I note the second reading speech refers to the positive flow-on effects for Tasmania's building and construction industry, creating more work and more jobs. We know how difficult it is in most of our communities to source a builder. There is plenty of work around Tasmania at this point in time for building.

I encourage any young people, if they can get into the trade of tiling, tilers are as scarce as hen's teeth. If you have good strong knees and you can do some tiling and are prepared to do an apprenticeship, it would be an area in which you would find you would never be out of work.

I have no problem supporting this bill, and I expect it will receive favour from this House.

[11.09 a.m.]

Mr VALENTINE (Hobart) - Mr President, I too will support the bill, even though in some ways it is a little biased, if I can say, to people who are building a new home as opposed to those who are buying a new home, in the sense that those who are looking to have a roof over their heads are at a disadvantage because they cannot apply for this. That is government policy and the way it is run. For any young couple - or an older married couple - who may have only just been in the position of being able to purchase a home - any assistance to help themselves into housing is a good thing. It is a good thing for the state. It is a good thing for those people.

I can remember back in 1972 receiving a First Home Owner Grant. I think it was about \$700.

Ms Rattray - Well, you cannot apply again.

Mr VALENTINE - No, I cannot apply again. It's a far cry from \$20 000, but back then it was about 7 per cent of the home we were purchasing as opposed to 5 per cent here if you are looking at a \$350 000 home or more. Our house purchase back in 1972 was \$9700 fully furnished. Many might say bring back those days. Time moves on.

I will support this bill. Yes, it does increase employment because it is also about construction. There is also the issue of a level playing field for everybody because if they are purchasing

something already established, this does not apply to them. That would be disappointing for a lot of people.

[11.11 a.m.]

Ms ARMITAGE (Launceston) - Mr President, I too support the bill. Obviously, it is always good to support first home owners and the great Australian dream of owning your own house is becoming harder and harder, as other members have said. It is something I go on about every year - and to the Treasurer when I see him - but unfortunately it falls on deaf ears; the Government only has so much money, but this grant discriminates against anyone who wants to buy their first home but cannot afford to build a new home.

My other concern is that when a young couple - perhaps not as financial as they would like to be - has the money to pay back a mortgage, they buy a brand-new home because they can get \$20 000, which seems like an awful lot of money, and find themselves overcommitted. This is a real issue. It is not an issue for the Government, which is putting the money up, but sometimes that does happen. Having been in real estate, I have seen that happen. People think they have enough money but they forget loss of employment when, for example, the wife becomes pregnant and they cannot continue to pay back the money.

I have an issue with the title First Home Owner Grant. I have mentioned this previously too - the fact it says 'first' home owner. It is almost like a first home builder, but I appreciate they are not building the home. A FHOG tends to leave someone thinking that if they are buying a second-hand older house, they are a first home owner. How many people in this Chamber, as young people, or first married or getting their first home, would actually think of building a new home? Would you buy a home you could afford and then work up to buying a new or larger home later when you had a family?

In some ways we are making the great Australian dream more difficult for people. How disappointing for someone to go into a brand-new home, find they are overcommitted and cannot afford to stay there. While I appreciate they only have to live in the house for six months, I have an issue with that. We give 50 per cent off stamp duty up to \$7000. It is discriminatory that a first homebuyer gets \$7000 and a first home builder gets \$20 000.

It does help the building industry. I do not know whether anyone has tried to get a builder lately. I have been waiting four months for my builder because builders are so busy out there. The grant has obviously done some work there. I can see why the Government is doing it.

I do not agree with the comment we hear every time in response to my argument that it inflates the price of a house. As a previous real estate agent, people did not put their house up by \$20 000 because someone had a grant. The \$20 000 grant enabled them to get into the house because they then had enough for a deposit and often that was more the way it worked - they might buy a house worth, say, \$253 000, that they could actually afford. The First Home Owner Grant would then enable them to use it in that way. Previously the FHOG was less than it is now. I accept the bill before us is the \$20 000 for first home builders. I certainly will support it, but I will continue to say it is discriminatory and discriminates against people in the community who cannot afford to build a new home.

[11.15 a.m.]

Mr DEAN (Windermere) - Mr President, I will make brief comments in relation to this bill. I certainly support it. The original act was great legislation that boosted opportunities for many

young people to get into their first home. For a long time, as we all know, numbers of people have benefitted from this scheme, so it is great to see the Government continuing it. I am not sure the Government will ever be able to discontinue it. It seems to be a set thing at the present time.

I thank the Leader for this morning's briefing in which I raised a couple of points. I do not know whether any of the information came back - I know it is through the State Revenue Office - about those people who have lived in these homes for six months and then moved out, whether we are tracking what some of these people do. I always thought it was 12 months; I was wrong, as I said in the briefing,

I do not suppose that is such a bad thing, anyway. If somebody gets the First Home Owner Grant - FHOG - to move into a new home and a home is built for them and after six months they leave it, if they make a good profit, so be it and good on them. That house then becomes available to somebody else. With the current housing problems in this state, that is not a bad thing. Those people then either build another home or buy another home and move forward. It would be interesting to know how many people might live in those homes only for a short period.

I do not know whether any common issues have arisen throughout this scheme. It has been in place now for a number of years so I ask: have any common issues or concerns been raised by people wanting to get into this scheme or by those who have gotten into it?

The member for Launceston might have raised the issue about not being able to buy an existing home on the First Home Owner Grant. That might be a common issue that has arisen.

Ms Armitage - It is the first home builder grant; you cannot under that.

Mr DEAN - Yes. With the homeless people and those on the waiting list for affordable housing opportunities, the obvious question arising is: what has this scheme done to free up low-cost housing and rentable properties? You start to look at whether it has helped in that area. All the evidence would suggest it is because the number of people on the affordable housing list is high and I am not sure if it is decreasing at all.

We have homeless people saying they cannot get into rentable properties because they are not available. I heard somebody talking about that on the radio this morning. Homes are just not available. You wonder whether this scheme is helping in that regard at all.

Many people getting into a first home have probably been in rental properties before they have gone into this scheme, so is there any evidence to show that it is helping there? I do not know so I just raise the issue.

The member for Hobart says he believes it is probably a biased scheme. I do not see that at all. This scheme is intended not only to help first home owners get into a home. As I recall, at the time it was implemented, the building industry was not going all that well; there was a slowdown in that market, so it was also a part of the scheme to boost the building industry. That was an important part of the scheme. The two went together, hand in hand.

Mr Valentine - It still disadvantages those who are buying an established home for the first time.

Mr DEAN - It does, but the two major points in this scheme as I understand it - and maybe I am wrong - were that, first, it was to get first home owners into a home and, second, to boost the building industry.

Mr Valentine - I do not disagree with what you are saying; I just think it means there are some who miss out.

Mr DEAN - Because a new home is going to be built for these people, other homes are available to the other people.

Ms Armitage - That does not make sense because it would be their second home if that were the case. If they are selling their first home, this new one could be their first home.

Mr DEAN - I see your point.

Ms Armitage - If the other home is available for someone else to buy -

Mr DEAN - I think I have explained that position. I think back to my first home; the scheme was not around then, but I was lucky because I am a returned veteran, so I was able to get a war service loan. I got a war service loan of \$7000, and on that \$7000 I built my first house. I was a bit of a builder and my father-in-law was a builder, so that helped a lot. I was able to do that, and I had repayments of \$32 a month. That was a pretty awesome task.

Mr President, I certainly support the bill.

[11.21 a.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I thank members for their contributions, and I note that every time this is discussed, the member for Launceston talks about the issues she raised today. The intent of this policy is two-pronged: to stimulate the building and construction industry and to help people get into their first newly constructed or built home.

I acknowledge the comments made by the members for Hobart and Launceston on that.

With regard to some of the issues raised by the member for Windermere - how many grants have been rejected? Since 30 June 2014, two grants have been rejected, with a total value of \$27 000. Rejected grants were where the applicant is found to be ineligible before the grant was paid. Since 30 June 2014, 14 grants have been recovered, with a total value of \$265 000. Recovered grants are grants where the applicant is found to be ineligible after the grant was issued. This number could include applicants failing to fulfil the residency requirement, either intentionally or unintentionally. Since 30 June 2014, eight grants have been cancelled, with a total value of \$108 000. Cancelled grants are where the applicant withdrew the application.

The member also spoke about compliance with the First Home Owner Grant. The State Revenue Office is responsible for reviewing the grant applicants prior to the grant being approved. During this process, SRO can verify information provided and request further information where required.

The SRO undertakes an extensive compliance program, so these processes ensure those who are in receipt of the First Home Owner Grant are eligible for the grant. That is policed by the SRO.

FIRST HOME OWNER GRANT AMENDMENT BILL 2019 (No. 24)

In Committee

Clauses 1 to 4 agreed to.

Clause 5 -

Section 18G inserted

Mr DEAN - In respect of this proposed clause, I would like an explanation. I am trying to understand it, and I am probably gradually working it out, but clause 5(3) reads, in respect of eligibility criteria -

... an eligible transaction does not satisfy this section if the Commissioner considers that the eligible transaction replaces a transaction, entered into before 1 July 2019, that is for the same property and that is between substantially, or that benefits substantially, the same parties.

What does that mean? I thought the scheme was previously in place, so I am just wondering what does it actually mean? Can we get an explanation on it?

Mrs HISCUTT - It is an anti-avoidance clause. It is for a situation such as when the grant was \$20 000 going to \$30 000, and it stopped someone from cancelling that \$20 000 to benefit from the other, so it is an anti-avoidance clause.

Mr VALENTINE - Can you clarify that anything that is on foot from the previous scheme is not affected by this? There is no way that any of that can be interrupted?

Mrs HISCUTT - The simple answer is no.

Mr DEAN - At what stage is the First Home Owner Grant granted? Is it on the signing of the contract with the builder? Is it at the time of signing off on that? What stage is it payable to them? A lot of preparatory work has to be done to get to that stage.

Mrs HISCUTT - The timing of the payment of the FHOG varies depending on the type of new home. If the home is built through a registered builder, payment will be made following completion of the laying of the foundations if the home is financed, or on completion of the home if it is not financed. If the home is built through an owner-builder, payment is usually made on receipt of an occupancy certificate, proof of completion, or proof of construction of the home.

If a new home or an off-the-plan home is purchased with finance, payment is usually made to the financial institution upon settlement of the property, or upon confirmation of settlement, or transfer of title where there is no finance.

Mr DEAN - I will need to look closer at that answer. How many first home owners would have difficulty getting that far, if in some circumstances the home has to be completed because of all other costs incurred getting to that stage? So there is no way where this amount is payable to get to that stage - that is what we are saying. As mentioned certain situations change and need to be looked at more closely, but it seems to me that there would be first homebuyers in this instance who qualify who would not be able to get to that stage. I suppose a loan being granted in this

instance would be subject to also the \$20 000 being obtained. I am not quite sure how people would qualify or would satisfy the criteria to get a bank loan. I do not know whether you can take that any further. I will need to look at the previous answer to get a closer position on it.

Mrs HISCUTT - There has to be a trigger point at which it is going to be paid. When it comes to finances with banks, they will know whether they are going to grant the loan, so they will know whether this would be part of it. With owner-builders, there has to be a trigger point at which a substantial part of the house is built before this can be paid to them.

Mr Dean - I accept that.

Mrs HISCUTT - You cannot just give \$20 000 to someone who may build a house. These are the trigger points that justify it.

Mr Dean - I would have thought the time at which people buying a house have signed a contract with the builder and accepted the circumstances and conditions would have been the trigger point, but obviously not.

Mrs HISCUTT - A lot of contracts are staged. That is why it has come down to the footings, as mentioned. There has to be a trigger point and that is what it is.

Mr Dean - There has to be. I accept that.

Mr VALENTINE - I want to make sure nothing is going to impede the person relying on the \$20 000 as a component of a deposit to be able to build a home from using that \$20 000 as part of their deposit. In other words, the bank requires them to come up with I do not know how many thousands these days, but thousands of dollars. The person purchasing treats this \$20 000 as being part of that. If they cannot get that money before the bank will lend, is there is any problem there? Are banks on top of this and it is well understood in this scheme that the \$20 000 can be considered as part of the deposit?

Mrs HISCUTT - It seems fairly certain that the banks will take that into account and they know what they are doing. They will not grant that loan dependent on that \$20 000 if they deem they are not going to be able to recover their money. The banks make that judgment call.

Mr Valentine - It is not going to be a show stopper?

Mrs HISCUTT - I do not think so. I think the banks are across it.

Clause 5 agreed to.

Clause 6 agreed to and bill taken through the remainder of the Committee stage.

DISABILITY SERVICES AMENDMENT BILL 2019 (No. 10)

Second Reading

[11.35 a.m.]

Ms HOWLETT (Prosser - Deputy Leader of the Government in the Legislative Council - 2R) - Mr President, I move -

That the bill be now read the second time.

In July 2017, the Hodgman Liberal Government endorsed a recommendation for an independent review of the Disability Services Act 2011 be undertaken, with a focus on the act's operational effectiveness since implementation.

The Government convened an independent review committee with an independent chair, and a broad membership including consumer, advocacy and provider representatives.

Specifically, the review was tasked with considering -

- the operational effectiveness of the act since implementation;
- interoperability of the act with other legislation; and
- issues with the act that have arisen as a result of the Tasmanian bilateral agreement for transition to the National Disability Insurance Scheme.

During the transition to the NDIS, the policy framework is complex and evolving. For this reason, the review was intentionally limited to an initial review of the current operations of the act, and the Government will undertake a broader review of the act once the transition to the NDIS is complete.

The committee was supported by an independent consultant, Fae Robinson Futures, to undertake public and stakeholder consultations, analyse feedback and assist the committee to prepare the final review report. The *Review of the Disability Services Act 2011 - Report of the Review Committee*, dated 29 June 2018, was tabled in parliament on 5 July 2018.

The committee's final report identified a number of recommendations requiring legislative change. The Tasmanian Government has accepted the recommendations from the review and has proceeded to act on all. Several recommendations are the subject of this bill.

Some recommendations need to be deferred until the NDIS operational landscape is more clearly defined, at which stage a further review of the act will be undertaken, while other recommendations will be actioned at a policy level by the Department of Communities Tasmania.

In regards to this bill, the committee found the principles in section 5 of the act were high-level directional statements that did not align well with the general principles in the National Disability Insurance Scheme Act 2013, or the declaration of rights affirmed in the Convention on the Rights of Persons with Disabilities.

The committee therefore recommended better harmonisation of the act with the NDIS act and the convention, and the bill for that reason substitutes a new section 5 that adapts the principles espoused in the NDIS act.

The review also identified the act does not explicitly identify the rights of children. The new principles inserted by the bill address this issue, making it clear the best interests of the child are paramount and full consideration needs to be given to protecting the child from harm, promoting the child's development, and strengthening and preserving positive relationships between the child, their family members and other significant persons in their life.

The committee also found the administration and enforcement of restrictive interventions under the act was inadequate and poorly understood, and recommended the act be amended to allow the granting of interim authorisations of restrictive interventions.

The bill therefore introduces an amendment that inserts a new section 41A, which permits the Guardianship and Administration Board to grant a provisional approval of a restrictive intervention. Provisional approvals under the new section 41A remain in effect for up to 90 days, covering the interim period before an application is heard and determined.

The insertion of an amendment allowing for interim orders also provides additional protection to people with disability, by ensuring formalised processes are in place and providers of supports to people with disability are regulated.

The amendment will also lead to more national consistency and will ensure that providers with interim orders in place, also have in place a behaviour support plan and are reporting to the NDIS commissioner every two weeks on the use of the restricted practice.

The committee also recommended improving the scope and effectiveness of information sharing provisions to better align the act with the NDIS act to assist with the transition of clients to the NDIS. In particular, the bill amends the definition of 'information-sharing entity' in section 50(1) of the act to include the national Quality and Safeguards Commission.

The committee also recommended the consideration and implementation of a number of more specific stakeholder requests for change. While some of these actions have been deferred until the NDIS operational landscape is more clearly defined and the transition to the NDIS is complete, the following proposed changes can be implemented in this bill -

- removal of references to the purchase of strategic and operational plans, as these documents are now available via the Department of Communities Tasmania website;
- amending section 28(3)(a) of the act to clarify a person with a disability has the right to have another person present when interviewed under section 28(2);
- replacing obsolete references to the Mental Health Act 1996 with references to the Mental Health Act 2013, and
- including references to the Chief Civil Psychiatrist where appropriate.

I thank the chair and the members of the review committee for their passion and commitment to improving the disability services framework in Tasmania. The changes to the act included in this amendment bill will improve the administration of the act and will ensure Tasmania's disability services framework is better aligned with the NDIS act while we transition to the NDIS.

I commend the bill to the House.

[11.43 a.m.]

Mr VALENTINE (Hobart) - Mr President, I do not have a large offering on this because it is a good and very important bill. The boundaries of state-based legislation and the Australian Government's NDIS legislation are obviously being worked through and it is important that it is

worked through effectively. It is also important to make sure that people with a disability are not inadvertently being disadvantaged.

I think we all understand the complexity of this landscape. I do not think there would be too many who would call it a light matter to deal with. It is very significant.

I applaud the Government for making changes in section 5 to take on board the UN Convention on the Rights of Persons with Disabilities. Quite often there is talk about the need to recognise such conventions and it is very encouraging to see the Government taking this matter on board.

There are many aspects of human rights that need to be dealt with. This is by no means the sum total; this is one part. I thank the Government for taking this on board. I encourage it to look at the other human rights issues that exist and to address those in legislation as well. I thank the Government, and I am sure people with disability would be encouraged by the fact that you have included the rights under that convention in this legislation. More power to you in that regard.

[11.45 a.m.]

Ms SIEJKA (Pembroke) - Mr President, Tasmania has the highest rate of people living with disabilities than any other state in Australia. This includes the highest rate of autism, cerebral palsy and multiple sclerosis. Tasmanian disability service organisations perform a vital role in supporting people living with disabilities, their families and carers. In my view, we cannot be doing enough to support people living with disabilities. Even with the NDIS, many Tasmanians living with disabilities continue to fall through the cracks.

The Disability Services Amendment Bill provides the framework for funding services, researchers and individuals. It specifically relates to specialist disability services, either funded or provided by the Tasmanian Government, and continues to apply to providers during transition to the NDIS.

With regard to the review conducted by an independent consultant and with a review committee, I understand the review's scope included a number of things and that it will continue to work once the NDIS rollout has continued.

Ahead of this bill, I spoke with a number of disability service stakeholders, including those who have been involved with the review committee. I understand that the review process has identified what can be done now at a policy level and what needs to be done in line with the NDIS. Here the changes appear mainly administrative but there are more significant aspects.

Like the member for Hobart, I welcome the change in principles to align with the NDIS and the UN Convention on the Rights of Persons with Disabilities, and the inclusion of rights of children. I had some questions about the introduction of provisions for the Public Guardian to make an interim order with regard to restrictive interventions, but these have been answered during briefings and stakeholders have generally considered these to be sensible, from what I can gather.

In the briefing I raised that I was interested in the involvement of people living with disabilities in providing feedback to the amended act, and this would seem to be particularly important with regard to this section. The process for the application and monitoring of the restrictive interventions, as explained to me, sounds reasonable in practice, but, as with anything, there is always capacity for concerning incidents to occur with vulnerable people, particularly those who are not able to advocate for themselves. It seems a number of people living with disabilities

attended consultations for this work, as well as others who work in advocacy. It is such a vital piece of work when it comes to vulnerable people and I hope that continues.

I understand the act is about service providers; it is also about how the Government seeks to provide support to people living with disability through these services. It would be good to have more detail on the feedback of people living with disabilities on this work and perhaps to know the intent of their involvement in consultation on further work as the review continues.

I understand a number of policy developments at departmental level have been identified as requiring attention and are listed in the report of the review committee. I will continue to follow the process of the policy changes at department level.

I support the bill and will continue to watch the next stage of the review.

[11.48 a.m.]

Mr ARMSTRONG (Huon) - Mr President, I also thank the Government for organising the briefing.

I see the Opposition in the other place noted that this bill is relatively uncontroversial and more administrative in nature. It is as much about dealing with issues around transition to the National Disability Insurance Scheme, which is a moving target. Further reviews of the legislation are planned as the transition to the NDIS occurs and I note that the scope of the next review will commence very shortly. As we were told in briefing, this had a very comprehensive consultation process. I support the bill.

[11.49 a.m.]

Ms HOWLETT (Prosser - Deputy Leader of the Government in the Legislative Council) - Mr President, and the members for Hobart, Pembroke and Huon, thank you very much for your contribution. I thank you for your supporting the amendments to this very important act.

Bill read the second time.

DISABILITY SERVICES AMENDMENT BILL 2019 (No. 10)

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -

Section 5 substituted

Mr VALENTINE - Madam Deputy Chair, clause 4, particularly clause 4(k), which deals with the role of families, carers and other significant persons in the lives of people with disability, is to be acknowledged and respected. The clause contains quite a few statements about how people with disability are to be dealt with.

What I do not see is a statement about what carers must not do. For the most part parents and those caring for people with disabilities deal with them in a very appropriate manner and are fully aware of their duties to that person. We do see and hear significant issues. This has been directed

at people in nursing homes and how they have been dealt with over time, but I do not see any statements in this clause about that. Maybe it is in another part of the legislation that is not being dealt with today. I do not see any statements in this bill about how carers are expected to respect the rights of people and not abuse the person with the disability. I am interested in a comment from the Deputy Leader.

Ms HOWLETT - I advise the member for Hobart, that is not specific to our legislation, and we will be introducing a code of conduct for working with people with disability in the home.

Mr ARMSTRONG - Thank you, Madam Deputy Chair. Clause 4)(b) reads -

people with disability should be supported to participate in, and contribute to, social and economic life to the extent of their ability;

I am wondering how you would determine 'to the extent of their ability', and do those last few words need to be in this legislation?

Ms HOWLETT - The answer is yes. It is all about supporting the individual with their current needs.

Ms SIEJKA - Madam Deputy Chair, I asked a question in the briefing and in my contribution about consulting with people living with disability. In relation to clause 4(d), people exercising choice - and understanding today's restricted interventions - in consultation going forward, one of the things we mentioned was consulting with people living with disabilities on an ongoing basis, and what feedback they have in particular to this bill. Is that yet available?

Ms HOWLETT - The detailed feedback is in that report and we will certainly be continuing to consult in the future.

Mr DEAN - Madam Deputy Chair, I was not able to hear the last response because when you turn your back on somebody with a hearing problem it is difficult to hear. I guess you have to have your back somewhere.

The issue raised by the member for Huon is an interesting point, when we look at clause 4(b), where he raised the point of 'life to the extent of their ability'. Does it need to be in there? Why is it in there? If you look at it, people with a disability should be supported to participate in, and contribute to, social and economic life. That is what they should be helped and supported to do. 'The extent of their ability' should not come into that at all, in my view, with the assistance and support that they are being given - I have a difficulty with that. I am not sure if you have further explanation on that.

I also raise another issue. I am not sure how much the principles have changed from what was in the previous act and so on, but if you look at aged homes now - and if we look at elder abuse and just how much publicity there is around elder abuse - many people living in these aged homes do have disability, and frailty, I suppose, becomes a disability in some circumstances, and age in itself becomes a disability. I am wondering how much education there is in relation to this within the aged homes? Is there updating or continued discussions with aged homes on what they are required to do, and how they are required to treat people with a disability? I know of many people in aged care homes who suffer other physical disability as well.

My other point - I raise it while I am on my feet - relates to clause 4 (i) -

people with disability should be supported in all their dealings and communications so that their capacity to exercise choice and control is maximised in a way that is appropriate to their circumstances and cultural needs;

This is a very important area because we are now a multicultural society, with many cultural differences. How do we really satisfy that need? How can we, in some circumstances, satisfy that requirement in this act? If I can get some explanation of those points, I would appreciate it.

Ms HOWLETT - In answer to the first question, working with the individual to identify their preference for engagement in the community and activity identifies the activities. This act does not apply to aged care facilities and only relates to people under the age of 65.

In relation to culture importance, we need to provide protections relating to religion and cultures and that is why we have incorporated it into this act.

Mr VALENTINE - I too, picked up on what the member for Huon was saying when he was referring to clause (b), to the 'extent of their ability'. Looking at clause 4(h), it says 'to the full extent of their capacity'.

My observation is that not having that in there might leave the individual with the disability - may be an intellectual disability - open to abuse by unscrupulous people using them to their advantage. If this is not in there, there is nothing to prevent somebody using them to obtain advantage. This might be in the minds of those setting the principles.

Ms HOWLETT - I completely agree with you.

Mr DEAN - I again raise the same issue. Looking at clause 4 (b) where it says 'to the extent of their ability', this is a matter for the person as to what they can give, not what somebody else should tell them or identify they should give. Why should another person be able to make that decision for the person with the disability?

As an able-bodied person, nobody takes control of my life and tells me what I am able to give. I make that decision off my own bat, so I do not see why we should have a person with a disability being told what they can and cannot give either, and that is how I interpret the section 'to the extent of their ability'.

This is an interesting point - able-bodied people are not told what we can give and what we cannot give. This is about treating all people equally, not taking anything away from them.

Ms HOWLETT - I believe the extent of the ability is actually working with the individual to discuss with them an endorsed individual circumstance rather than arbitrary requirements or expectations of third parties. It is working with that individual and consulting with them as to what they feel the extent of their ability is.

Mr DEAN - I hear what the Deputy Leader has said but I do not necessarily agree with it. I reiterate: 'people with disability should be supported to participate in, and contribute to, social and economic life to the extent of their ability'. This is taking that ability away from that person and putting it into the hands of another person to decide for them as to the extent of their ability. The

person with the disability ought to be able to make the determination, not somebody else on their behalf, where it says, 'to the extent of their ability'.

I can only reiterate I am not convinced - you might now be able to convince me if you could expand on the answer as to the necessity for this in the clause.

Ms HOWLETT - The whole intention is the individual is supported to do just that.

Clause 4 agreed to.

Clauses 5 to 11 agreed to and bill taken through the remainder of the Committee stage.

REGISTRATION TO WORK WITH VULNERABLE PEOPLE AMENDMENT BILL 2018 (No. 65)

Second Reading

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council - 2R) -
Mr President, I move -

That the bill be now read the second time.

This bill delivers on the Government's commitment to align the current worker screening legislation with new requirements previously agreed to at a national level.

It allows for the exchange of information between two new associated national registries. It addresses new requirements, streamlines process and clarifies existing legislative requirements in the Registration to Work with Vulnerable People Act 2013 - RWVP act.

The recent Royal Commission into Institutional Responses to Child Sexual Abuse made various recommendations into worker screening practices for people to be registered to work with children in Tasmania. Broadly speaking, the recommendations were to improve the protection afforded to children by -

- creating a standardised approach so that key aspects of all schemes across all jurisdictions in Australia are dealt with in the same way;
- allowing checks to be portable across jurisdictions to avoid complexity, duplication and, importantly, 'forum shopping' - where perpetrators work in locations with less rigorous checking; and
- improving information sharing so that there is continuous monitoring of cardholders' national criminal history records, and visibility of working with children check decisions across all jurisdictions.

These agreements are being enshrined in national standards for Working with Children Checks - WWCC - and this bill brings Tasmania in line with the agreed standards.

Consistent with the Government's response to the royal commission, the bill -

- allows for portability of interstate checks to Tasmania;
- reduces the number of exemptions from the requirement to register;
- allows for sharing of information with interstate registration bodies, including national databases;
- introduces disqualifying offences which prevent a person being registered; and
- allows for extension of the registration period from three years to up to five years.

In December 2016 the Council of Australian Governments endorsed the National Disability Insurance Scheme - NDIS - Quality and Safeguarding Framework. As we are all aware, the NDIS represents a fundamental change to how supports for people with a disability are funded and delivered across Australia.

The framework seeks to promote a safe and competent workforce, which includes consideration of worker screening, and, as a consequence, Tasmania's endorsement of the Intergovernmental Agreement on Nationally Consistent Worker Screening for the National Disability Insurance Scheme - IGA.

Both the national standards for Working with Children Checks and NDIS IGA agreements aim to introduce 'disqualifying offences', which are offences prescribed within the legislation that deem a person unable to ever hold a registration to work with vulnerable people. These disqualifying offences will ensure consistency throughout all jurisdictions.

The bill does not list the disqualifying offences; however, it enables them to be listed in a ministerial order in the same way that the current act provides for a ministerial order governing the risk assessment undertaken by the registrar.

The order is required to be published and available to the public once made.

As members would expect, disqualifying offences will include serious sexual offences with child victims and serious violent offences such as murder.

The outcome of incorporating these national agreements into Tasmania's Registration to Work with Vulnerable People Act ensures alignment with the outcomes of the royal commission, and the protective integrity of the legislation. Moving into the vulnerable adult space, and particularly the NDIS, is indicative of Tasmania's commitment, expressed in this act, to protect not only children but all vulnerable persons in our state.

By virtue of Tasmania endorsing both national agreements, two new databases will be established: namely, the NDIS Commission national clearance database and the national reference system for working with children checks established within the Australian Criminal Intelligence Commission.

When established, these databases will give jurisdictions the capacity to have immediate access to the status - and status history - of an applicant or registered person in real time, at a national level. Each screening unit will know immediately if a person has had a refused, cancelled or suspended registration to work with children in another state.

Upon request from the inquiring jurisdiction, all relevant risk assessment documents, police files, court documents and other relevant information about an applicant or registered person will be disclosed from the screening unit in possession of that information.

The NDIS national clearance database will contain all information relevant to NDIS workers relating to registration status, internal complaints, criminal and civil matters, and will also accommodate the exchange of information about reportable behaviours between all signatory jurisdictions.

These databases provide for real-time registration status and subsequent timely exchange of relevant information between jurisdictions, upon request. This will ensure that all individuals who hold, or seek, registration to work with vulnerable persons in Tasmania have been subject to a more thorough and rigorous assessment.

The bill includes a number of provisions to amend the Registration to Work with Vulnerable People Act so that the information gathered in our process can be shared with all other jurisdictions and create a national net to protect vulnerable persons.

The Registration to Work with Vulnerable People Act came into effect in December 2013 with acceptance of first applications commencing 1 July 2014. The requirement for registration to work in child-related sectors was phased in gradually through to 1 January 2017.

The registration period currently lasts for three years. Since inception, the Department of Justice has registered over 130 000 applications for persons to work in child-related activities. During this time the registrar has refused or cancelled 54 applicants, or registered persons, with transparent and defensible decisions which have been upheld when put to judicial review.

Since the legislation came into effect amendments have sought to provide for continuous monitoring of registered persons by integrating the ICT system with Tasmania Police and child protection services, and to establish provisions for other reportable bodies to provide relevant information in a timely manner.

Given we have now completed the rollout of the registration to the child-related regulated activities, it is now timely to begin regulating for people to work with vulnerable adults.

The rollout of the NDIS means that NDIS worker screening will commence on 1 July 2019; the bill therefore both enables the switching on of worker screening for people working with vulnerable adults and for a specific subset of this category for NDIS workers.

To facilitate the national NDIS worker screening process, linked to specific NDIS-endorsed employers, separate provisions are included for the purpose of NDIS - the risk assessment process will be the same, but the application process will include an additional step to limit the sharing of the information with the NDIS Commission to only those applicants who are employed in the NDIS.

Many of the amendments in this bill are to create categories of registration, including a definition of the various categories to be inserted by clause 6. These amendments will make it easier to administer the act now that it will extend beyond the single category of working with children.

The bill also includes a new provision in section 18, to require employers with an employee working for them in anticipation of registration to have a risk management plan in place for those employees.

To enhance the integrity of the risk assessment process, the bill includes provisions to enhance the process -

- to explicitly include the ability to interview applicants or registrants so as to gain additional information relevant to a risk assessment or additional risk assessment;
- to dismiss an application if the additional information is not supplied; and
- to require applicants to keep the registrar updated on where they volunteer or are employed so that if a negative notice, suspension or cancellation occurs all relevant organisations can be advised.

The registrar has become aware that applicants have, after the risk assessment process has begun, intentionally withdrawn their application in such times where they suspect they may be refused a registration to avoid their employer being notified. The bill provides that in such specified circumstances the employer will be notified that the applicant has withdrawn their application.

The bill also contains a small number of amendments to streamline processes or provide clarification.

Mr President, this bill indicates that this Government has made a clear commitment to improving the safety of vulnerable persons in Tasmania.

I commend this bill to the House.

[12.26 p.m.]

Ms SIEJKA (Pembroke) - Mr President, I support this bill but I want to make a number of points.

I support the elements in the bill that ensure the national framework which allows information sharing across jurisdictions. It has been a major undertaking to ensure national consistency across the states and territories. This bill satisfies many of the recommendations of the royal commission and intergovernmental agreement following the royal commission to standardise processes of working with vulnerable people checks across the states and territories. It implements that by including those national standards and nationally consistent worker screening and allows for national information sharing. It also deals with disqualifying offences, and expands current registration schemes from working with vulnerable people checks in Tasmania to working with vulnerable people, including adults.

The bill also limits requirements of those not required to be registered, puts forward supervisory restrictions on people's work while applications are underway, broadens the registrar's ability to request further information for applicants, provides for an exchange of information, allows the minister to make a list of disqualifying offences by regulation, ensures employers do a risk assessment for interim periods and makes changes to the registration scheme as it currently stands. Most of this work can be done through OneCheck which avoids red tape and unnecessary reapplication processes for people who volunteer and work. This would include most people in the

community who choose to volunteer their time. I note the arrangements around conditional registration and the fact conditional registration will continue to be possible in Tasmania. There are a very limited number of people to whom conditional registration currently applies and they are mostly people in kinship care where the expectation is it is better for those people to be in kinship care than not.

The shadow attorney-general in preparation for this bill consulted with a number of disability organisations and members of the community who had feedback on the current scheme and also who have some experience in planning for the NDIS. I will put some of their concerns on the record, but it is mainly feedback done through that consultation. All those who reached out to Labor did so in recognition of the importance of the legislation and were generally pleased to know the parliament is dealing with the legislation and extending what is already a very good system of working with children checks to working with other vulnerable people, including adults on the NDIS.

Concerns were raised regarding the national database and providing the ability to share reportable behaviours across jurisdictions. Charges and convictions will now be included as reportable behaviours. In regard to the safeguards that allow an employer to be notified if someone has withdrawn their application - for example, on the suspicion their employer would be informed of their application and the likely refusal of that application - the safeguard of vulnerable people is achieved by the volunteer organisation or employer advising the registrar who they have engaged with and the individual telling the registrar which organisation they have engaged with. This leads to a question about the resourcing of this area responsible to monitor compliance for these checks. During briefings it was reassuring to hear that two new compliance officers have been employed in this area. Presumably, this will be sufficient to meet the demands of the additional workload, but it would be good to hear whether this will be reviewed on an ongoing basis.

One community organisation that deals with disability clients asked why there is a separation between NDIS and non-NDIS activities. They have been separated into two classes of registration in the act. This organisation's view was that as the two registration types do not appear to be handled differently in an administration perspective, they were not sure why the separation was necessary. I understand this is to protect the privacy of the non-NDIS cohort; however, it sounds as though some communication or education regarding this may be required to inform some stakeholders about why this is the case.

They also spoke about the ability of the registrar to request specific medical or other reports. They wondered whether there might be an unbalanced burden put on people with disability making applications for registration. The likelihood that a person with a disability may be more likely to need to comply with that request and provide medical reports could be an unfair cost burden on them and medical specialists' reports can be very expensive.

They wanted to raise the possibility that people with disabilities might be disproportionately affected by this requirement. It sounds from the briefing that this is only when the registrar has concerns regarding an application and is an uncommon occurrence. However, I think it would be good to hear, perhaps in the response, an example of when this is applied, just for reassurance, so I can communicate that to those stakeholders.

On the current working with children arrangements, there were some concerns regarding the need for greater education of organisations and employers around their responsibilities with regard to these checks. A specific area raised is colloquially called the 'seven-day rule' around volunteers'

involvement with an activity. If that activity results in less than seven days over a year, they do not require a check. There were some members of the community who raised questions with Labor electorate officers about people volunteering in children's sporting organisations who may be ineligible for a check, in that instance - the so-called seven-day rule might be a gap for people to take advantage of. Obviously, we would encourage them to refer that on if that were the case, but that, among others, is another reason for greater education. The reason I raise this is because there is obviously some room to do a lot more around that.

As another anecdotal example - hearing of schools sometimes advising parents and tradespeople working in schools that anyone who sets foot onto school grounds is required to have a check. My understanding is that is not the case, but it appears this is a misapprehension among members of the community. I am also aware from my work in the community sector that many organisations are not as informed as they should be about the checks, and it is likely to be the case again with any changes about when they need to reapply. I know the process is very good when time comes for renewal of your check, but it is for that first initial check, and when you might apply in particular, that is the issue.

This is a very good time to increase education around the current operations, and the changed operations of the act - particularly in the case of community organisations that quite often have a high turnover of staff and volunteers.

Mr President, it is encouraging we now are extending this protection to more vulnerable Tasmanians, including adult cohorts, and to people volunteering and working with vulnerable people in Tasmania. It is very much needed.

[12.34 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I have a short offering with regard to this bill and a couple of questions I would like to pose to the Leader.

We know that this bill has resulted from the Government's commitment to improving the safety of vulnerable people in Tasmania, following the recommendations from the royal commission with regard to child sex abuse and the National Disability Insurance Scheme. I certainly have no issue with that at all.

Probably everyone here has a card that we are registered to work with vulnerable children.

Mr Valentine - I have.

Ms RATTRAY - We were all required to have one. I don't have an issue, but there must be something I am involved in for which I was required to apply for a card, and I have recently renewed it. It is certainly not an onerous task to go through that process.

I am interested in the risk management plan. We are talking about many community groups that work with vulnerable adults and children, but in this case adults. I hark back to the Lions Club and the Rotary Club and those really fantastic service groups we have in our communities which organise Christmas events and events to which people are encouraged to come along.

I am really interested in how they fit into this type of requirement, as they are non-profit and service clubs that do a fantastic job in our community. Does that mean everyone in the local Lions Club who may have some connection to adults who are living with a disability - who they may

come into contact with through the services and work they do in the community - would need to have a risk management plan in place? I am interested in how this plays out.

It refers to employers with an employee working. They are certainly not 'employers', and you are not an 'employee' of a service club - you are a hardworking volunteer and usually have seven other things going on as well. They are the ones who are usually members of those groups. They are on the gate at the football and you see them doing a morning tea up the street. They are doing everything, and they are the types of people who join those clubs.

I am always mindful that by implementing some of these changes - and I am not opposed to them - we may well catch people and perhaps put onerous requirements onto them, and you end up with people who say 'This has got a bit too hard and I might pull back from that organisation'. We don't want that. We want as many people to be involved in our community as we possibly can, particularly when we are talking about adults living with a disability.

We learned from the last bill that we are there to encourage them socially and with their interactions. Do we put some sort of barrier up? I don't want to see that.

A little more detail on the appeal process around that. I wrote down from our briefing, which was a number of weeks ago now, that the right of appeal is to Supreme Court only. We went through the Estimates process and we know how clogged up our court system is. Surely there is somebody who could make a judgment without having to go to the Supreme Court for an appeal process, for somebody who has been refused an application? Some more details around that, Leader.

I understand the steps there need to be complied with, but a right of appeal to the Supreme Court?

Mr Dean - It is not only the time it takes, but also the cost incurred to get a magistrate of the Supreme Court.

Ms RATTRAY - I am mindful the hurdles we put in are not going well over and above needed to have people comply. We will always have those good people in our community who will do whatever they need to do to be involved, but then there are others who say this has become ridiculous.

I want to be convinced we are not making it so difficult we will dissuade or not encourage people to be involved in our communities. We all know how valuable volunteering and community work is. It makes our whole communities tick - community houses, our men's sheds.

Somebody told me a couple of days ago, if you want to get known in your electorate, get around to the men's shed. I think they have morning tea from 10 a.m. to 3 p.m., Mr President.

If all they do is get together and have morning tea and maybe turn on the lathe for half an hour before they head home, so be it. It is a great idea.

[12.41 p.m.]

Mr ARMSTRONG (Huon) - Mr President, this bill helps provide a standard national approach to this issue. As usual with this type of legislation, there needs to be consideration given to civil liberty and from discussion noted in the other place this has already happened.

I also note there is tripartisan support for this bill in the other place and as it further protects vulnerable people, I will also be supporting the legislation.

[12.42 p.m.]

Mr VALENTINE (Hobart) - Mr President, I thank the Leader for providing the briefings to us. They were very good. I will be supporting this bill. I certainly understand and appreciate its intentions and it reduces the opportunity for harm by workers in the NDIS area.

Part of me is concerned when we talk about it being nationally spread and available to anyone. I understand the need because people move between states, but it could be scary if, for some reason, they get this wrong for an individual and their life is done - they can no longer work when it comes to vulnerable people.

There is always going to be a risk of somebody being charged with an offence they did not commit. We always have to be mindful to make sure we and the courts get it right because it could ruin somebody's life. A conviction could ruin their whole professional life. It is what it is, and if they get it wrong, that individual will have to pay the consequence for the rest of their days.

It is important we protect our most vulnerable. I have a question with regard to the working with vulnerable people card. There are various categories. My category is working with vulnerable people, child-related activity because I happen to go out on one or two occasions with Loui's Van for St Vincent de Paul. I have been out on the streets helping to feed people and sometimes you come across children as part of that activity.

Does that usurp the working with vulnerable people adult card for adult-related activity? If you have one that is for child-related activity, do you need another for adult-related activity or does that cover both? I would be pleased if the Leader could answer that question for me.

I support the bill, but I raise that little issue, which I hope we get right because it could ruin a person's life.

[12.46 p.m.]

Mr DEAN (Windermere) - Mr President, the briefing was some time ago, as the member for McIntyre said, so you have to harken back to the briefing to get some of the details we were given on that occasion. At the time, it was a good briefing and it satisfied a number of my concerns, but I still have a couple of issues that I will raise now. I think a couple of these were talked about during the briefing as well.

I realise that we need to ensure that vulnerable people are protected from and by those people who are working with them and around them. I accept that. It is the same as for the registration to work with children. I accept the need for that and the way we are moving forward.

I am also inclined to agree with the position of the member for McIntyre. We need to be careful with where we go here. We have this Big Brother attitude now of wanting to tell people where they can go and what they can do, and how long they can do it for et cetera, so we have to be realistic and bring some common sense into some of these things. This is an area I raised during the briefing. I was told that a person who currently has a registration to work with children card may not necessarily get a working with vulnerable people registration. I am pretty certain I was told that.

If that is the case, I raise this as an issue because I see that as being a nonsense. If you can get a registration to work with children card, I cannot see why you would not get a card to work with vulnerable people, because who is at most risk, the vulnerable person or the child? I would say it is pretty much the same.

Mr Valentine - The card is actually called 'Working with Vulnerable People Card', with 'Child Related Activity' written underneath.

Mr DEAN - That is right, and I will raise that during the Committee stage for the different categories of registration that can be included on the card, that being one of them. If that is the case, no doubt I will get some clarification on that.

I think it was raised during the briefings as well that there will be occasions, and there are now occasions, where people work with children who do not have these registrations. You can look at emergency situations - for instance; volunteers and other people who come in on a scene to help with situations. The same will happen here with vulnerable people when people will come in at times and work with these people. Who is responsible for that? Who in an emergency is going to check to see whether you have a card - 'Are you able to work here, do you have the proper registration?' What a nonsense.

I am wondering where we go with a lot of these issues. I do not disagree with where we are going, but we have to bring some commonsense approach to all of these things.

What is the situation with a person coming to the scene of an emergency, for instance the fires we had over the Christmas period? I would have thought there had been a lot of vulnerable people involved in those fires, sadly. There would have been people there who may not be suitable for registration to be involved in this situation. I am not quite sure.

Mrs Hiscutt - I just want to understand the question clearly. You are talking about the scene of an emergency, for example, a car accident -

Mr DEAN - I am talking about emergencies that go for much longer, and a fire is probably a better example. The fire over the Christmas period went on for weeks and weeks.

Mrs Hiscutt - So you are talking about a rescuer?

Mr DEAN - Any of those. A person who may just come on the scene; a person who can come on the scene and help in emergencies; those who become involved. People do that. I have done that. Everybody here has done that.

Mr Valentine - Make lunches and sandwiches and all sorts.

Mr DEAN - Many things come into it in an emergency when people give their time. They are some of the issues I have raised and issues I will certainly raise during the Committee stage, but I certainly support the bill.

[12.50 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I thank members for their contributions. I seem to have a plethora of answers so I will work my way through them.

The first one is for the member for Pembroke - charges and convictions have always been relevant to the check in Tasmania and available nationally as part of each state's and territory's checking processes. You talked about the withdrawal of applications. They will only be notified to the employer as a withdrawal. The reason will not be given, only that it has been withdrawn.

The member for McIntyre - the risk management plan can be in the form of a checklist which all organisations can use. Clubs and organisations such as the Lions that are not part of the NDIS do not have to register for vulnerable adults and therefore not have to do a risk assessment. We need to protect the vulnerable and the royal commission was strong on the need for the risk assessment that included protection such as two people present to avoid situations such as abuse, which was reported in organisations such as the Boys' Brigade and things like that.

The member for Pembroke - the only time the registrar will request specific medical or other reports is if the registrar is conducting a risk assessment and needs further assurances the applicant is an acceptable risk to children. The registrar may want evidence through a drug test to support an applicant's claim they no longer take the drugs or alcohol that contributed to the initial offending which has put questions to that person's suitability for registration. The registrar may require a report from a counsellor to support the applicant's claim they have received counselling for the issue that contributed to the initial offending. The registrar may require a psychologist to assess an applicant to ensure in the psychologist's expert opinion that the applicant has been rehabilitated.

The registrar is acutely aware the refusal of a registration can render an applicant unemployed. The registrar has on occasions paid for a psychologist's report to aid in the risk assessment.

The member for McIntyre - rights of review and appeals. Decisions of the registrar are a reviewable decision at the Magistrates Court which provides an accessible avenue of appeal. Appeals to the Magistrates Court are heard de novo -

Ms Rattray - Does that mean something?

Mrs HISCUTT - It would if you are a lawyer.

Ms Rattray - Can we have some plain English around that please?

Mrs HISCUTT - I will seek some advice. I was nearly going to ask that question myself.

It means fresh or as new, so it can be heard as fresh or as new.

The member for Hobart - the current card of the member is child-related because that is all that has been switched on. The current card will extend to adults; when it is renewed, you can tick that box for children and adults if you need to. The risk assessment process is conducted in detail by staff who are trained. The person being assessed is given multiple opportunities to respond to the assessment and then has a right of review to the Magistrates Court to have a further de novo review if it is new evidence.

The member for Pembroke - the Department of Justice has an ongoing education and awareness program. As each sector is switched on, the department will run sessions in all parts of the state and on any request from any organisation.

The member for Windermere's last question - it would be extremely rare that a person would be registered to work with children and not adults, but it is possible. For instance, dishonesty or fraud may not be relevant to children, but be relevant to vulnerable adults.

Mr Dean - I would have thought that if fraud were used, it would be much easier to be committed on a child than an adult.

Mrs HISCUTT - The act has a provision that allows for incidental contact to be exempt. This applies in emergency situations. I hope that answers all the questions.

Mr Dean - Volunteers?

Mrs HISCUTT - I think it covers volunteers. We are talking that there is an exemption.

Mr Dean - Emergencies?

Mrs HISCUTT - Yes, this applies in cases of emergencies. The situation you described, where there is a bushfire or something like that, if there is accidental contact with no malicious intent - because then it would be a policing matter - there is provision in this bill to have that exempted.

I think I have ticked off on nearly everything.

Ms Rattray - You mentioned that there would be information sessions anywhere. How far is anywhere?

Mrs HISCUTT - I should imagine as far away as you are talking about. You mentioned Gladstone. I cannot imagine it would be in Gladstone. It would probably be in more major population areas and that is yet to be determined.

Ms Rattray - But anyone can apply?

Mrs HISCUTT - Anyone can apply, yes, but it would have to be a populated area.

Ms Rattray - I have 67 communities, Leader, so I could apply on behalf of 67.

Mrs HISCUTT - Maybe you could or maybe in one of your larger towns.

Mr Dean - A good example here is taxi drivers. Taxi drivers, I take it, will need to have the registration to work with vulnerable people card, or are they able to make a choice as to whom they pick up? In other words, not pick up vulnerable people, or because of their profession, will they be required to have a working with vulnerable people registration?

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

QUESTIONS

Foreign Investor Duty Surcharge

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

[2.31 p.m.]

Regarding the purchase of Tasmanian real estate or business interests by non-Australian residents and companies, can the Government provide from 1 July 2018 -

- the number and value of such purchases;
- the category - domestic dwelling, commercial dwelling, business or corporation;
- country of origin;
- location - municipality and suburb; and
- revenue collected in Foreign Investor Duty Surcharge per category.

ANSWER

Mr President, I thank the member for Hobart for his question. The Foreign Investor Duty Surcharge is an additional amount of duty charged when residential or primary production property is acquired by a foreign person. This includes foreign corporations and foreign trustees.

For the period from 1 July 2018 to 14 June 2019, the following is the transaction breakdown of the foreign person ownership and the additional duty generated as a result of the introduction of FIDS -

- Primary production land - 37 transactions, generating \$436 918 in FIDS.
- Residential property - 192 transactions, generating \$2 101 245 in FIDS.

Commercial property does not attract FIDS.

I have a table that gives information regarding categories, location, property values and nationalities. Mr President, as it is a table, I seek permission to table and incorporate it into *Hansard*.

Leave granted.

Document incorporated as follows -

Attachment 1 - Category, Municipality, Property Value and Nationality

| Category | Municipality | Transactions | Property Value \$ |
|--------------------|-------------------|--------------|----------------------|
| Primary Production | Central Highlands | 4 | 12 604 500 |
| Primary Production | Circular Head | 4 | 29 287 500 |
| Primary Production | Clarence | 3 | 1 629 000 |
| Primary Production | Dorset | 4 | 569 857 |
| Primary Production | Meander Valley | 5 | 13 336 154 |
| Primary Production | Other* | 17 | 26 928 259 |
| | | | |
| Residential | Brighton | 6 | 1 175 000 |
| Residential | Burnie | 4 | 1 441 500 |
| Residential | Clarence | 32 | 12 635 900 |
| Residential | Devonport | 4 | 618 000 |
| Residential | Dorset | 4 | 931 500 |
| Residential | Glenorchy | 30 | 10 030 978 |
| Residential | Hobart | 30 | 24 318 821 |

| | | | |
|-------------|----------------|----|------------|
| Residential | Kingborough | 30 | 13 855 501 |
| Residential | Launceston | 19 | 5 974 000 |
| Residential | Meander Valley | 3 | 695 000 |
| Residential | West Coast | 3 | 83 000 |
| Residential | West Tamar | 7 | 2 521 500 |
| Residential | Other* | 20 | 5 549 915 |

| Category | Nationality | Transactions |
|--------------------|---|--------------|
| Primary Production | New Zealand | 2 |
| Primary Production | Singaporean | 3 |
| Primary Production | Other/Not Specified (Corporations and/or Trusts) | 32 |
| | | |
| Residential | China | 71 |
| Residential | Malaysian | 7 |
| Residential | Nepal | 6 |
| Residential | New Zealand | 11 |
| Residential | Singaporean | 3 |
| Residential | United Kingdom | 22 |
| Residential | United States of America | 2 |
| Residential | Vietnamese | 10 |
| Residential | Other/Not Specified (Corporations and/or Trusts) | 64 |

* Municipalities have been aggregated for privacy reasons (less than three transactions in the relevant municipality)

Meat and Livestock Australia - Biosecurity Compliance

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

[2.33 p.m.]

Given the changes in Biosecurity's and Meat and Livestock Australia's compliance requirements for property owners who are TasNetworks customers, is the Government working in a proactive manner with the Tasmanian Farmers and Graziers Association - TFGA - and TasNetworks to establish a more effective meter reading process than currently exists where meter readers no longer access the property to undertake an actual reading? At the moment, they estimate it.

ANSWER

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

A new charter for working on private farmland, which is in its final stages of development, will formalise an understanding between Tasmanian farmers, through the TFGA, and publicly owned utilities, including TasNetworks, as to what is expected when accessing and undertaking works on farms.

The parties to this charter will be the TFGA and the following utilities and businesses -

- Aurora Energy
- TasNetworks
- TasWater
- Tasmanian Irrigation.

The utilities require access to farms to undertake routine maintenance work and to read meters. Their visits can pose a biosecurity risk because they move from farm to farm and region to region, and can unintentionally spread pests or diseases on their vehicles and equipment. It is impractical to stop all vehicles and equipment moving between farms.

The charter establishes a principles-based approach to address biosecurity risks and other issues like signage to support improved outcomes on private farm land. The charter will be administered by the Department of Primary Industries, Parks, Water and Environment on behalf of the parties. The charter is currently in the process of being finalised and it is anticipated that further details will soon be released.

When it comes to metering, Aurora Energy is undertaking a program to upgrade traditional meters with advanced meters in accordance with the new national metering rules implemented in December 2017. Advanced meters can be read remotely thereby significantly reducing the access, safety and farm biosecurity issues currently associated with the need to physically read meters each quarter. This will result in favourable outcomes for customers and will allow customers to benefit from the more detailed data collected by their advanced meter. Since December 2017 Aurora Energy has installed approximately 28 000 advanced meters.

For customers experiencing access issues - such as farmers with biosecurity requirements - Aurora Energy is focused on providing an advanced meter replacement in the first instance and will continue to provide self-read services either through TasNetworks or directly as needed. Aurora Energy reports that as at May 2019 the average installation time for replacement of an advanced meter is compliant with the Australian Energy Market Commission metering installation time frame rules of within 15 business days.

Legal Aid

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

[2.37 p.m.]

My question relates to Legal Aid and matters I raised yesterday. One of these questions was answered yesterday.

- (1) Has the community legal assistance received any increase in funding other than funding to make up for the national partnership agreement shortfall?

- (2) Lawyers are telling me they are either not electing to take on Legal Aid cases and/or they must restrict their services to clients because of insufficient funding being provided. When will the board of the commission readjust Legal Aid payments to meet today's rates? And that is a matter for the board.

ANSWER

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

- (1) In addition to the state top-up funding provided to Tasmanian community legal centres, there are additional state funding streams provided to CLCs.

The Women's Legal Service Tasmania has received \$200 000 already for the 2019 calendar year under the state Government's Safe Homes, Safe Families: Family Violence Action Plan 2015-20 to provide legal services to people affected by family violence. The state Government has committed further funding for the next three years to the WLST under the next family violence action plan. The quantum of funding will be finalised by 30 June 2019.

The WLST received an additional \$20 000 for the 2019 calendar year approved by the Minister for Justice from excess funds from the Solicitors' Guarantee Fund for the purpose of providing a client disbursement fund. The aim of the client disbursement fund would be to pay the disbursement or representation for the client who is otherwise not eligible for other legal disbursement or legal aid assistance and those who are currently experiencing financial hardship, including those who are affected by family violence. This is an increase of \$20 000 in funding to the WLST from 2018.

The Tenants' Union of Tasmania received an additional \$181 596.71 for the 2019 calendar year approved by the Minister for Justice from excess funds from the Solicitors' Guarantee Fund. This funding provides for legal assistance in the north west and the establishment of a new Launceston office and the employment of a part-time solicitor to address legal needs in Launceston. The funding also provides for a part-time solicitor to deliver community legal education and employment of a part-time policy officer. This is an increase of \$13 968.61 of funding to TUT from 2018.

The Launceston Community Legal Centre received an additional \$82 000 for the 2019 calendar year approved by the Minister for Justice from excess funds from the Solicitors' Guarantee Fund for the purpose of continuing the Legal Literacy Volunteer Program for a period of six months. Further funding of the program for the 2019-20 financial year is currently under consideration by the Department of Justice.

The Prisoners Legal Service - PLS - received an additional \$20 000 for the 2019 calendar year, approved by the Minister for Justice from excess funds from the Solicitors' Guarantee Fund for the purpose of the continuation of a part-time executive officer and additional funding for the new position of a part-time mental health advocacy legal practitioner. This is an increase of \$10 000 of funding to the PLS from 2018.

- (2) The Legal Aid Commission of Tasmania must ensure that legal aid is provided in the most effective, efficient and economical manner, having regard to the amount of money available

for the performance of its functions. It faces competing demands for legal information, advice and representation for a wide range of legal problems. This includes family law, child protection, family violence, criminal law, appearances before the Mental Health Tribunal and elder abuse. The commission administers its funds having regard to its guidelines, funding priorities that are set by both state and Commonwealth funding agreements, current court practices and procedures, previous grants of aid and the stage of a matter.

The commission acknowledges the valuable contribution made by private practitioners and community legal centres in providing legal assistance to the Tasmanian community. In 2017-18 private practitioners received \$4.87 million, a 25 per cent increase on the previous year, and it is anticipated that the sum paid in 2018-19 will exceed this.

The rate paid to lawyers was increased in July 2017. The rates paid are less than the commercial rates that lawyers may charge. This is consistent with the Legal Aid Commission Act 1990 and similar to the arrangements for doctors who bulk-bill.

Any decision to increase fees has to consider whether the fees are sustainable or will result in a reduction of the number of services that can be provided.

While some lawyers may make a commercial decision to do no or little legal aid work, clients who qualify for legal aid are able to get assistance from the commission's staff lawyers, private practitioners who undertake legal aid work or community legal centres.

The board has committed to reviewing the guidelines and fee structure to ensure it continues to meet its obligations. Private practitioners will be consulted in this process.

REGISTRATION TO WORK WITH VULNERABLE PEOPLE AMENDMENT BILL 2018 (No. 65)

Second Reading

Resumed from above.

[2.43 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I will finish my summing up with a discussion about taxi drivers. Of course, taxidrivers are currently required to have this check and this will continue the same as it has been.

Mr President, I believe I have finished my summing up.

Bill read the second time.

REGISTRATION TO WORK WITH VULNERABLE PEOPLE AMENDMENT BILL 2018 (No. 65)

In Committee

Clauses 1 to 5 agreed to.

Clause 6

Section 4A inserted -

Mr DEAN - As mentioned in my second reading contribution, are those categories required to be put on the registration card? If you apply for registration, your card will be endorsed - is that the way it will be? Will it be endorsed with any one of those areas ranging from (a) through to (d)? Category (e) is-

a category of activity or service prescribed by the regulations as a category of registration.

If a person is going to move out of that area, they will have to get the further endorsement. I guess they will have to make a further application to get the further endorsement on that registration document, with a further fee. Does that require a further full fee to be paid for that endorsement as well?

Mrs HISCUTT - It simply works like a drivers licence. Once you have your driver's licence, you have it. If you want to add a truck licence or a motor bike licence, it is the same thing and there is no extra fee to do it. You have to apply for it. If you want your card updated, your card will come.

Mr Dean - No extra fee?

Mrs HISCUTT - There is a fee for the card.

Mr Dean - In the first instance, yes.

Mrs HISCUTT - If you want the card reprinted with endorsements on it, you have to pay for the card, but you will have your endorsements on other paperwork if you do not want to upgrade your card. You can show that paperwork if you so desire, to say that you do have it for adults or for children or whatever sector you are involved in.

Mr DEAN - I have my registration card to work with children. If I wanted an endorsement on that, I have to make the application and that has to be approved by the department as to whether I am a suitable person for that endorsement. But I think what you are saying is that I do not have to have that endorsement on that card. It can be done in the form of a document which I need to keep on me and need to produce if required to produce it. Is it not necessary to be on the registration card, the plastic?

Mrs HISCUTT - The endorsements are online and if it is for an employer, the employer will go online and check it. The card is simply for your benefit and you may wish to upgrade it or not. The database is online and that is what people would refer to.

Clause 6 agreed to.

Clauses 7 and 8 agreed to.

Clause 9

Section 9 substituted

Mr DEAN - This where an employer can require an employee to obtain a registration in a certain category even though the employee does not necessarily need that card to work in that employment.

I guess this is not something that could be answered by the Leader, but where would it go if the employer said they want them to have it and the employee says, 'I do not want it'? Is this a reason to sack the employee? How vulnerable will this make some employees? Is there something within this legislation that can identify clearly that it is not a reason for the dismissal in the circumstances. There would be employees who might not meet the criteria to get the registration in any event. Is there anything anywhere to protect the employee in this circumstance?

Mrs HISCUTT - It would be a matter for the Fair Work Act because it could be seen as an unfair dismissal. A precedent has already been set in New South Wales where it is unlikely that they have to go to a Fair Work tribunal.

Mr Dean - There is clearly nothing in the bill that I identified with that.

Mrs HISCUTT - There is nothing in the legislation, but a precedent has been set and it would be a Fair Work matter.

Clause 9 agreed to.

Clauses 10 and 11 agreed to.

Clause 12

Section 15 substituted -

Mr VALENTINE - Clause 12(2) reads -

However, a person is not required to be registered in relation to a regulated activity that is prescribed and determined in respect of a category of registration--

Clause 12(2)(a)(iii) reads -

the class of persons in relation to whom the person engages in a regulated activity is substantially similar to the class of vulnerable persons to whom the registration under the corresponding law relates ...

I have a working with vulnerable people card but it says 'child activity' and I might be working with vulnerable adults, would clause 12(2)(a)(iii) cover me or would I be working outside the law?

Mrs HISCUTT - It appears the class of persons would be, for example, if you are working with a football team - 16- to 17-year-olds - and you would not have to redo it because that is the class of person, if you are in the same football team. The other part was the transition process to the first renewal and then you would have to look at it again.

Clause 12 agreed to.

Clauses 13 to 19 agreed to.

Clause 20

Section 23 inserted -

Mr DEAN - This issue is simply about proposed section 23, which provides the registrar with the authority to require an applicant for a card to come before him or her for the purposes of an

interview in relation to this matter. What are the circumstances where that would happen? If the registrar is domiciled here in Hobart, as nearly all our public servants are, what happens if an applicant is in Launceston or Burnie and is required to come to Hobart? How would that interview take place? Some persons feel very vulnerable in those circumstances, as to whether they are able to be accompanied by somebody to give them any support that might be necessary. Not suggesting a legal person, not suggesting that at all.

Mrs HISCUTT - The interview would be conducted where the person lives, so they would go to them. They are certainly invited to bring a support person or a legal person if they so desire. The interview is conducted along the lines of Tasmania Police, with its recording protocols.

Clause 20 agreed to.

Clauses 21 to 41 agreed to and bill taken through the remainder of the Committee stage.

APPROPRIATION BILL (No. 1) 2019 (No. 21)

In Committee

Resumed from 18 June 2019 (page 60)

DIVISION 11

(Minister for Resources)

Output group 4

Resources policy and regulatory services

4.1 Forestry policy and reform -

Ms ARMITAGE - My question on this was answered, but I would like a little more detail. With your indulgence, Deputy Chair, I will provide a little preamble with the answer, which will explain it a little.

My question was -

Provide a summary of expenditure for Forestry Policy and Reform, including a timeframe for reporting against new initiatives.

I appreciate that the 2017-18 Budget included \$2 million in new funding over four years for the implementation of the growth plan, with a further \$2 million available from remaining Tasmanian Forests Intergovernmental Agreement funding. The answer to my question was -

This \$4 million committed to Growth Plan implementation provided two key components:

1. \$2.4 million over four years for improving forestry related socio-economic data and its consideration in decision making.

I would really like some detailed deliverables, and -

2. \$1.6 million over four years to implement community awareness, marketing, education and strategies.

It went on further -

The socio-economic data project has three components:

- Assessments of socio-economic impacts of ongoing evolution of environmental regulation in the Forest Practices system

I understand all that and I understand where they are coming from, but it is not really easy for a layperson to read that and understand what it is all about. It goes on -

- Ongoing effectiveness testing of existing environmental provisions in the Forest Practices System
- Annual surveys of key socio-economic indicators.

There is some explanation about the Tasmanian Timber Promotion Board being provided with funding of \$1 million over four years -

... with matched industry contributions to develop and implement an industry marketing strategy to promote Tasmanian wood products, particularly products derived from eucalypt and special species sawlogs.

With all the money we have provided, I would like to know what the projects are. The response also says, 'The socio-economic data project is generally on track'. I am a little concerned with the 'generally, noting that the project still has two more years to run.'

I would like a bit more information on what the projects are. Do we have detailed deliverables? Are we doing an audit strategy to clearly define the key performance indicators - KPIs - relating to where the money has gone? It is easy to say we are putting it into something, such as a community awareness campaign, but I would like to know how much money went in and what it went into. I appreciate that a new industry group, the Tasmanian Forest and Forest Products Network, was established in 2017; \$100 000 was provided in the financial year for a community awareness activity. What was the \$100 000 spent on for that community awareness activity? I would like some detail on the money that was spent.

Mrs HISCUTT - The KPI process is being undertaken as we go, so I do not have that at the minute. They are doing it; the process is underway. I can read quite a bit of information to the member and I will let you take it in. With regards to the socio-economic analysis, there was project funding for -

- \$500 000 per annum is for four years to improve forestry related socio-economic data and its consideration in decision making.
- \$100 000 per annum over four years of legacy Tasmanian Forests Intergovernmental Agreement ... funding to conduct annual surveys of key socio-economic indicators to assist in measuring the success of implementing the Growth Plan.

As a component of this funding, the Forest Practices Authority has engaged an economist to lead socio-economic analysis on the impacts of the forest practices system.

Complementing this project, a new survey of the Tasmanian forest industry, and forestry economic activity, commissioned and funded by the Australian Government was released in September 2018 (the Schirmer report).

With regards to strategic marketing -

The Tasmanian Timber Promotion Board has been provided with funding of \$1 million over four years -

That is 2017 onwards -

... with matched industry contributions to develop and implement an industry marketing strategy to promote Tasmanian wood products, particularly products derived from eucalypt and special species sawlogs.

Then there was a community awareness activity -

The community awareness campaign commenced in late-2017 and completed in mid-2018.

Ms Armitage - I have those answers; they are answers from the sheet I was given.

Mrs HISCUTT - This is a breakdown of the money, so what were you asking for? I thought you asked for what other projects and how much.

Ms ARMITAGE - Thank you, Leader.

I understand - and I have the figures - but there is really no detail about it. It is okay for me to say, 'I am spending a million dollars on a strategy on timber'. I would like a little more detail about where the money is going, the actual projects.

Before we go on to that, the other one is to do with the socio-economic data. Where it says -

The socio-economic data project is generally on track, noting that the project still has two more years to run.

I would like an answer to that too. What are the problems? Obviously if it is only generally on track, there are some issues with it. Could you advise what the issues are?

Madam DEPUTY CHAIR - The member does have another call.

Ms Armitage - I realise but I might forget.

Mrs HISCUTT - When they say 'generally on track', there was some delay in commencing the project due to difficulties in recruiting a resource economist at the Forest Practices Authority. The resource economist is now on board and the steering committee chaired by the Department of State

Growth has been meeting regularly for over 12 months. A number of projects that deliver on the key components are either underway or being initiated.

Ms Armitage - Sorry, with respect, you are reading from answers I have received already. I was asking for further detail.

Mrs HISCUTT - It is generally on track. That is what held it up, trying to find the person to fill that role. They are two years into a four-year project with no big issues and it is generally on track. There is another answer coming, and I will seek further advice.

With regard to the strategic marketing, a recently released Tasmanian community marketing project has advertisements on buses and things like that. This is a program using local timber entities, and you may have seen these ads in your local newspapers.

Mr DEAN - A number of projects that deliver on the key components are either underway or being initiated. Can I be given the number of projects? What projects are currently being delivered and what are underway?

Mrs Hiscutt - Other than what -

Mr DEAN - Other than what has been said. A number of projects that deliver on the key components are either underway or are being initiated. What are all those projects? Was that identified?

Madam DEPUTY CHAIR - I will invite the member to take his seat if he wants the Leader to answer.

Mr DEAN - I have another question. That is one question. What are the projects? The next one is in relation to the answer provided by the minister -

The Tasmanian Timber Promotion Board has been provided with funding of \$1 million over four years ... with matched industry contributions to develop and implement an industry marketing strategy to promote Tasmanian wood products, particularly products derived from eucalypt and special species sawlogs.

What has actually been done to promote it? What species are they looking at? I need to be a little careful because the information I have is embargoed until tomorrow. Some buildings in this state were built wholly and solely of timber, similar to the construction we have in Melbourne, which was from treated timbers.

Mr Valentine - Laminated timbers.

Mr DEAN - Yes, laminated timbers and so on. Is work being done in this area as well? Does it cover that area? What will we see in relation to that?

Ms Armitage - The accommodation block, member, for the university at Launceston is already in timber.

Mr DEAN - There are other buildings, I understand, that are being considered as well. What are we working on in this regard?

It is all very well to make these statements. At times I think we are being fair, and I want to be reasonable here, but this is a way of brushing over without releasing all the information available. That is what we are asking for: rather than just a motherhood statement, we should be given some background about things that are being done by this group of people.

Mrs HISCUTT - We have two parts to this question. I can deliver the first part about the projects.

The department administers the socio-economic project. There is a large number of subprojects, and we can provide a list of those for you on notice. We do not have that here but if you are happy to take that on notice -

Mr Dean - I am happy to take it on notice. I am asking for the actual work that has been done.

Mrs HISCUTT - We are looking at the subprojects and there is a large number of them. Are we on the same page here?

Mr Dean - Yes.

Mrs HISCUTT - We can provide that list, but it is not here today.

Mr Dean - Okay, that is acceptable.

Mrs HISCUTT - The second part of your question was -

Mr Dean - In relation to the laminated timbers and what has been done by this group with the \$1 million.

Ms Armitage - Was it \$250 000 a year?

Mr Dean - Yes, that is what it is.

Mrs HISCUTT - The department has had a deed with the Tasmanian Timber Promotion Board for over four years and this has delivered a number of marketing and communication projects.

Last year the focus was on re-engaging the local Tasmanian community, for example the local marketing campaign on the back of buses I mentioned earlier.

Work for future years is being developed. A future focus is likely to be potentially interstate looking at architectural trade shows. As the future work is being developed, we cannot put our finger on anything in particular at the moment.

Mr DEAN - In relation to the first matter taken on notice, it clearly says here that a number of projects are either underway or being initiated. That is what we want to know about. In relation to the question you have just answered, it is all very well attending trade shows and all those other things. However, it is clear from the answer given by the minister that it is to develop and implement an industry marketing strategy to promote Tasmanian wood products, particularly products derived from eucalypt and special species sawlogs.

What is being done in relation to marketing eucalypt and special species sawlogs? How is it being promoted? Yes, it will be going to trade shows and so on, but what is occurring there? Are they displaying the product and uses for this?

How much of the \$250 000 a year is on wages and consultants? Or is it all going to other aspects of promoting these products? How is that amount being expended? It is all very well to say here we have \$1 million over four years in this area, but what is the \$250 000 a year being used for?

If you go back to the first question you have taken on notice, about \$2.4 million is provided. We want to know what the money is actually doing and what it is getting for us and the promotion of our products. I would be pleased if that question could be answered.

There is another issue that I do not think the member for Launceston covered, and the answer provided by the minister was -

- A new industry group, the Tasmanian Forest and Forest Products Network (Network) was established in 2017. \$100 000 was provided to the Network, in the 2018-19 financial year, for Community Awareness activity.

Again, what community awareness activity has that money been used for?

Mrs HISCUTT - Part of the \$2.4 million you are talking about is part of the question on notice that will come in time.

Mr Dean - That is okay, I just wanted to mention the amount.

Mrs HISCUTT - Some of the money went to the employment of a specific officer for doing this. When you promote this at trade shows, you take timber with you that people can touch and look at. You would have little movies running on a television screen in the background, I should imagine, and pictures and so on of examples of what you can do with the timber. Is that what you are looking for?

Mr Dean - That is what I am after; what do we gain from that, though? Is there any evidence to show we have been successful in attending those trade shows by getting orders for those products or any requirements to further experiment in that area?

Mrs HISCUTT - This money is being allocated for trade shows as it is in the future, not the past. We can tell you what happens at the trade shows when they are attended. This allocation is specifically for part of that. It has not happened yet. I will have another follow-up answer shortly.

The industry as well as communications specialists have had input into developing what they do. The network is a broad-ranging collaborative group of people, including industry and marketing people. That is that group. It is not policy-related; it is a collaborative group of industry and marketing people and it is industry-driven.

Mr DEAN - In relation to the first answer, this project, the promotion board, and the \$1 million over four years commenced in the 2017-18 year - \$250 000 was made available for that year, then \$250 000 was made available for 2018-19.

In your answer, you are saying that nothing yet has been done in relation to the orders and further consideration of the products taken to these trade shows. You are saying that nothing has occurred as a result of that. It started in 2017-18. That was the first use of that \$250 000, and then last year as well, so it has been operating for two years. We are almost to the end of the second year - 2017-18 and 2018-19. One would have thought we would probably have had some runs on the board in relation to what this is delivering. I find that quite interesting.

In relation to the last answer, what has the community awareness activity been? I am aware it is a network - a forest products network - but I am just asking: what community awareness activity has taken place?

Mrs HISCUTT - You are talking about the awareness activities that are happening. We have mentioned television and bus advertisements, broadcasts of interviews with people in the industry and that sort of thing. That is already happening. The trade shows are to come.

You talked about what has happened from 2017-18. The community awareness campaign commenced in late 2017 and was completed in mid-2018. The campaign included a multimedia approach to convey information about the role of the forest industry in Tasmania and its economic contribution to the state. That is what happened in the first year of the funding.

Second, a new industry group, the Tasmanian Forest and Forest Products Network, was established in 2017; \$100 000 was provided to the network in the 2018-19 financial year for more community awareness activities. Then \$30 000 was allocated as Tasmania's contribution towards the development of a national communication strategy by Pollinate for the Australian Government Department of Agriculture and Water Resources, and a workshop was held on 11 June.

That is the detail we have available for you. With respect, the information has been given.

Ms ARMITAGE - With respect, Leader, while we appreciate the information you have just provided, we were provided with that information previously, but we were asking for further information on that. I do appreciate you reading it out again, but it has been read out several times.

Mrs Hiscutt - Can you clarify specifically what further information you are looking for?

Ms ARMITAGE - I think it was the question from the member for Windermere, but we will not go there. Any questions we have for that we will put on the Notice Paper, because we are going around in circles.

I have a further question with regard to the \$30 000 for the development of a national communications strategy. Can you explain the national communication strategy, exactly what is being developed and what is Pollinate? I assume it is a marketing group for the Australian Government Department of Agriculture and Water Resources.

The workshop was held 11 June, so is there any feedback from that? It will be interesting to know what the overall cost of the national communication strategy is and the percentage of our \$30 000 commitment.

What is the likely return for the investment we are making? What is it all about? What is the national communication strategy going to do for us? What is our return and feedback on that workshop? What is Pollinate? Is it a marketing group?

Mrs HISCUTT - Pollinate is a national marketing group; the workshop was held on 11 June and was well attended by industry, with over 50 representatives. The next step is to develop a state-based communications plan using the outcomes of the workshop. This only happened a week ago and is still being analysed, so I cannot answer any more questions on that.

The \$30 000 was the state's agreed financial commitment to the Australian Government. Some states contributed more, some less, and it was based on opt in. We had a very saleable product and decided to opt in.

Ms Armitage - We do not know the total cost of the communication strategy? They may have given a total cost if they are asking for a contribution. To contribute to something, you would like to know what the total cost is.

Mrs HISCUTT - We contributed \$30 000.

Ms Armitage - No, I understand that.

Mrs HISCUTT - The \$30 000 we contributed was considered to be our allocation and satisfactory for our state. The total contribution is a determination for the Australian Government.

Ms Armitage - With respect, if you are contributing to something, it is always good to know what percentage you are contributing. I would have thought we would have wanted to know what the total cost of the strategy would be to formulate our contribution.

Mrs HISCUTT - It was a small amount of money contributed from our state. What the federal government decides to spend would be an ongoing -

Ms Armitage - With respect again, I do not have any more calls, but I do not consider \$30 000 a small amount of money.

Mrs HISCUTT - Towards the whole marketing strategy.

Ms Armitage - But if we do not know what the marketing strategy was, how do we know it was a small amount of money? That is my question. If we do not know the total cost, how do we know how much it is?

Madam DEPUTY CHAIR - I suggest that is another one for questions on notice.

Ms Armitage - It does not seem to be going anywhere, does it?

Mrs HISCUTT - I think it was asked that we deliver \$30 000 and the state has deemed that this is enough to deliver what we need.

Item agreed to.

(Minister for the Arts)

Output group 5

Culture and creative industries

5.3 Screen industry development -

Ms ARMITAGE - Madam Deputy Chair, my questions are not too invasive here.

I have a couple of questions with regard to the answers on this output group; I will give you the questions just in case I only have three calls and it gets very difficult if I cannot get back up again.

How long has each member been in the group? Is there a defined time you can be in the group? With many boards and groups, you can only be there for so long before you have to leave for a period and then come back. Is there a set time under the act?

I notice in the answer that in 2018-19, the costs incurred for the STEAG - Screen Tasmania Export Advisory Group - meetings, it just says 2018-19, \$24 870. Obviously, it is not a financial year because we are not at the end of the financial year yet for 2019. Is it a 12-month period, is it a six-month period, is it an eight-month period? How many meetings were there in that period? I notice they are quarterly meetings. Were there three meetings during that period? Were there two? Were there four?

The other question I have is: when they meet, I notice that they are paid \$550 for a full day or \$275 for a half-day. I am assuming that sometimes they might meet for more than a day. When they met, was it a one-day meeting? Did they meet for longer than a day? Is it two days, three days?

Mrs HISCUTT - Starting from the top - how long on the group? We will have to take that on notice for each individual person.

Ms Armitage - That is fine.

Mrs HISCUTT - Thank you. The defined time in this group. It is a two-year period but it can roll - it is a rolling two-year period.

Ms Armitage - Indefinitely?

Mrs HISCUTT - Yes, it could be.

Ms Armitage - So there is no defined end, six years or eight years?

Mrs HISCUTT - No. It could be a rolling two-year period for as long as that person is fulfilling their role, I should imagine.

The \$24 870 for 2018-19 was the full amount for that financial year, so there will be no more.

Ms Armitage - Up to the end of June 2019?

Mrs HISCUTT - Financial year, yes.

Ms Armitage - There will not be any more meetings?

Mrs HISCUTT - Yes. How many meetings - there were three daily meetings and there will be no more cost for the rest of this year.

How long did they meet for? There were daily meetings and there were three.

Ms Armitage - The question was whether they meet quarterly and there were three meetings - why was the fourth meeting not held?

Mrs HISCUTT - The fourth meeting was on 29 June.

Ms Armitage - It will be, you mean?

Mrs HISCUTT - It was on 29 June, for this financial period. To the end of June now which is in a couple of weeks time. I said there were three daily meetings.

Ms Armitage - You mean the first meeting?

Mrs HISCUTT - It would have to be the first meeting.

Ms Armitage - Not the fourth?

Mrs HISCUTT - I beg your pardon. The other meeting was on 29 June and the finances for that meeting came into this financial year as part of the \$24 000.

Ms Armitage - The next meeting I am assuming will be at the end of June?

Mrs HISCUTT - The next meeting will be on 26 July.

Item agreed to.

Division 11 agreed to.

Postponed clauses 4 and 5 agreed to and bill taken through the remainder of the Committee stage.

APPROPRIATION BILL (No. 2) 2019 (No. 22)

Second Reading

[3.57 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council - 2R) - Mr President, I move -

That the bill be now read a second time.

Bill read the second time and taken through the remainder of the Committee stage.

Madam DEPUTY CHAIR - Honourable members, I would like to congratulate all of you for your efforts over the past one and a bit days. Well done.

ADJOURNMENT

[4.06 p.m.]

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

That the Council at its rising adjourn until 11 a.m. on Thursday 20 June 2019.

Mr President, before I move the adjournment, I remind members of our salmon industry briefings tomorrow starting at 9 a.m. in Committee Room 2.

Motion agreed to.

Tasmania Police - Question During Estimates

[4.06 p.m.]

Mr DEAN (Windermere) - Mr President, I wish to make a short statement. I need to correct the record relative to a question I asked of the Minister for Police, Fire and Emergency Services in Estimates last week.

The Commissioner of Police and the Deputy Commissioner of Police answered the question, and in doing so made it look as though the same question asked the day before by Dr Shane Broad MP and the one asked by me was the first time they had heard about the matter. That is not so; they were advised of the point about three weeks previously on 14 May and in writing by the Police Association of Tasmania.

This is the exchange that took place and I need to identify this. I repeated the question as asked by Shane Broad the day before on the request of the Police Association of Tasmania, which were concerned about the answer that was given. The question I asked was -

It relates to a question asked by Dr Shane Broad MP - does Tasmania Police have any policies, processes and practices within its disciplinary system when interacting with a police officer after a disciplinary matter, who is known to be treated by a mental health practitioner and/or is in a mental health hospital? Is there a systematic referral to seek that health practitioner's professional guidance as to the implications and the wellbeing of that officer prior to that interaction occurring or immediate release being promulgated concerning that matter?

The commissioner answered that question and simply said 'No', and unfortunately my advice is it does occur. Not only has it occurred once, but it has occurred a number of times.

If I can add this to it - currently officers are taken out of mental health institutions for interviewing and charging without such health guidance. I need to be careful here because I do not want to identify the officer. In the most recent case only a few weeks ago, an officer was removed from a mental health area, interviewed, arrested and charged, bailed by the court and returned to the hospital post-bailing from the court by police. This occurred without consulting the treating mental health practitioner. Tasmania Police would not do this to a member of the public. This is the advice I am getting. Adopting a process of seeking guidance would ensure that the police officer who is under investigation and suffering a mental health issue remains safe, and appropriate section [i.e. action] is undertaken within mental health considerations.

An exchange followed that, and I need to refer to some of that exchange so I get this in the right context. The Commissioner of Police, Mr Hine, answered. There was some other conversation with the minister as well, so I am not going through all of it, but I am just taking some of the comment made by the Commissioner of Police and the Deputy Commissioner. Mr Hine answered -

I appreciate the question and I answered the question yesterday to the best of my knowledge. The association hasn't approached me recently to ask that question, and I am a little surprised they haven't actually come to me to ask that question.

Mr Hine then goes on with another answer -

I am surprised I haven't had any contact from the Police Association in relation to this matter to actually ask this directly because I certainly wouldn't want to discuss any case.

It goes on to a further exchange -

I think that is certainly the question you are trying to ask. Again, I would much rather the association came to us and discussed this issue, but I will go to the deputy commissioner to talk about our protocols around this.

We then had the Deputy Commissioner of Police making a comment; following an exchange the Deputy Commissioner for Police, Mr Tilyard, said -

We have a policy in relation to this and that is, if one of our officers is ...

I cannot quite read the next word there -

... some form of treatment for a mental health condition, we would normally consult with their treating doctor or practitioner and seek that person's advice as to whether they can be spoken to in relation to disciplinary matters.

Fundamentally though, we treat our police officers who are subject to allegations of misconduct or perhaps they have committed an offence under the law, the same as we do any other member of the public. That underpins our thinking in our approach in all of these cases.

Yes, we do seek appropriate health advice if the circumstances warrant it, but fundamentally we don't see why police officers should be treated any differently from anybody else if we are investigating a serious breach of the law.

There are further exchanges, but I do not need to go into them to identify with the position I have. On 14 May, three weeks prior to this, the Police Association of Tasmania provided to the Commissioner of Police a document in which the Police Association of Tasmania made this position perfectly clear. I will read a couple of excerpts from the bottom of page 8 of that document -

1. Tasmania Police seeking guidance from a mental health practitioner prior to interacting with a police officer for disciplinary reasons

There is a void in policies, processes and practices within the disciplinary system when interacting with a police officer for a disciplinary matter, who is known to

being treated by a mental health practitioner. In some circumstances, these officers could be regarded as vulnerable people. There is no systematic referral to seek that practitioner/s' professional guidance as to the implications on the wellbeing of that officer, prior to that interaction occurring or a media release being promulgated publicly concerning their matter. This process is currently occurring and is on an adhoc basis for individuals involved to decide whether this is an appropriate course of action or not.

In certain circumstances, to ensure the police officer who is under investigation and suffering a mental health issue remains safe, a mental health practitioner may recommend that Tasmania Police take alternative action other than interacting; as this may cause a significant negative mental health impact on the officer subject to the investigation. Alternatively, the practitioner could provide advice about a safe way to interact with a mental health safety net in place.

In addition to that, the document also contains on page 10 -

That Tasmania Police implement policies, processes and practices within its disciplinary system so that when interacting with a police officer for a disciplinary matter, who is known to be being treated by a mental health practitioner there is a systematic referral to seek that practitioner/s' professional guidance as to the implications on the wellbeing of that officer, prior to that interaction occurring or a media release being promulgated concerning their matter. This is to ensure that the police officer who is under investigation and suffering a mental health issue remains safe, and appropriate action is undertaken within mental health considerations.

What happened there is that the Police Association of Tasmania received a receipt for that document being received in the commissioner's office and the receipt was given back to the Police Association of Tasmania at 4.49 p.m. on 14 May.

At the time of my questioning and the time of Shane Broad's questioning in the House, the commissioners were aware of these matters. It was made to look like, in the process where I came in to ask the question with Committee A, that this was probably the first time the commissioners had heard about it, other than when it was raised by Shane Broad the day before.

That needs to be on the record. The Police Association of Tasmania is quite concerned about it because statements were made during the interchange with Estimates Committee A that the Police Association should have gone to the commissioners and talked to them about it. Well, they did it in writing. They provided it to them in writing three weeks prior to the question being asked in Estimates Committee A.

It needs to be on the record. The Police Association of Tasmania can be further satisfied now this matter has been explained in some further detail, with the record being righted.

Special Interest Contribution - Correction

[4.15 p.m.)

Ms ARMITAGE (Launceston) - Mr President, I have a very short contribution. It is a small correction to my special interest speech.

In my special interest speech, I stated the Launceston Chamber of Commerce was Australia's oldest chamber of commerce. What I should have said was the Launceston Chamber of Commerce was Australia's oldest continuing chamber of commerce, continually running up until today.

It was founded in 1849 and it followed the Sydney Chamber of Commerce, established in 1825, and the Adelaide Chamber of Commerce, established in 1839; however, neither of these organisations are still in existence today.

In 1972, the Adelaide Chamber of Commerce and the South Australian Chamber of Manufacturers merged to form the Chamber of Commerce and Industry, South Australia Inc., and in 1993, the Chamber of Commerce and Industry and the South Australian Employers Federation merged to form the South Australian Employers' Chamber of Commerce and Industry Inc.

The new entity was officially launched in 2000 with a new trading name, Business SA.

The Sydney Business Chamber, as it is now known, traces its heritage back to the Sydney Chamber of Commerce as the first chamber established in Australia, but does not now exist as the same organisation it started as.

The Launceston Chamber of Commerce, on the other hand, has existed since 1849 as the same organisation since that very time, neither merging with any other entities nor shifting its focus away from the very functions which define a chamber of commerce.

The presidents of the chamber are accounted for since 1849, right up until today, emphasising the continuity and consistency of its role and function as a business lobby group among other activities which the chamber undertakes.

I thank the member for Hobart for pointing out to me that little inconsistency. My apologies to the Chamber, just a slight correction.

The Council adjourned at 4.17 p.m.