



**PARLIAMENT OF TASMANIA**

**LEGISLATIVE COUNCIL**

**REPORT OF DEBATES**

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**Wednesday 23 March 2022**

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

**STADIUMS TASMANIA BILL 2021 (No.48)**

**Second Reading**

**Continued from 22 March 2022 (page 48).**

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have concluded the second reading speech and brought the bill to the House.

[11.03 a.m.]

**Mr GAFFNEY** (Mersey) - Mr President, I rise to give my contribution to the Stadiums Tasmania Bill 2021 debate as a lifelong advocate for community sports of all kinds and I appreciate the briefings we have already had. It is from this background I place on record that I welcome the Government's interest in the future viability of our stadiums, as the management teams have always faced significant challenges in our island state. This is in terms of attracting major events to Tasmania whilst on the other hand supporting our grassroots community activities, be they sports, performances, shows and exhibitions.

Within this bill's core impact is the creation of a new government-owned entity, specifically, in this case, an authority. Adding to the context of this are our recent debates on a new structure for TasTAFE, where a bespoke, not-for-profit government business model was introduced. In seeing that there appears to be any number of government-owned entities under a variety of different models, I welcome further clarification of the Government's explanation of how this new model was decided as being the most appropriate for Stadiums Tasmania.

Stadiums Tasmania involves what could be said to be a significant commercial activity, with an excerpt from one of its functions described as:

Operating in a commercial manner that maximises value for the state, proactively communicating and engaging with stakeholders, conducting research and providing advice on the development of these assets.

This suggests to me that anything involving commerce is a business activity with entrepreneurial insights.

I am curious to know why a limited state-owned company structure similar to that of Tasracing Pty Ltd or Tasmanian Irrigation Pty Ltd has not been seen as the ideal precedent. They are only two examples; there are other similar state-owned companies and government business enterprises all founded under statutory instruments.

Both of the entities I have named are tasked with the active custodianship of significant material assets for the benefit of the state, and our wider community, to maximise value as

state-owned companies. Or is it one that is no longer relevant in the modern age of quasi-commercial, government-owned entities?

In my electorate, with the sale of the Devonport Showgrounds, we have seen the Government's declared financial support of \$8 million for Tasracing to develop new harness and greyhound tracks for the north-west. Therefore, a direct Government subsidy to its own commercial enterprise, in a similar way that we might expect for our future stadium refurbishment and development. Putting that into the media - look what they have done; given themselves some money.

This may have been answered when, in response to budget questions in the other place, the Minister for Sport and Recreation stated that:

An equity contribution of \$65 million will be provided to Stadiums Tasmania, which will oversee the development and management of the stadium assets in the state.

However, we are also aware that initially Stadiums Tasmania will start with MyState Bank Arena in Hobart and the Silverdome in Launceston, and potentially the Dial Regional Sports Complex in Penguin, where I assume the asset transfer would be relatively straightforward.

There is a strong suggestion that the UTAS Stadium in Launceston, which is currently owned by the City of Launceston, and the Blundstone Arena in Hobart, which is jointly owned by the City of Clarence and Cricket Tasmania, might also become part of Stadiums Tasmania.

My concern is that the owners of these stadiums will be rightly negotiating with an eye to maximising the sale transfer value, for the benefit of their own ratepaying stakeholders and residents, with regard to the \$65 million to be provided to Stadiums Tasmania by the Government.

We may also have to reflect on an observation from over seven years ago where the now Premier in his role as the incoming Treasurer declared there would be a reduction in spending on boards and committees, with the Government's estimate at the time of roughly 150 boards and committees, with over 900 members, and a declaration of intent that 'over 20 per cent of all boards and committees will either be abolished, merged or have their membership reduced'.

How does this bill fit into that declared goal? Are we in a situation where there is a need to reverse this? If so, can the new corporate board structure, together with the on-costs of the board, with a CEO and staff team, provide value for money? That is over and above what could possibly be managed in-house by impartial public servants in a government department or division thereof.

Maybe the answer lies somewhere in the need for significant government financial support to maintain stadiums that might not be commercially viable in their own right in the open market. When this bill was introduced last year, the Government spoke of a need to compete with mainland stadiums that had huge capital investments to rebuild and update them.

I have to wonder, are we now in the form of a *Hunger Games* ritual - or should that be the 'Stadium Games' - where, as an island state with a relatively small population, we are trying

to beat the major players at their own game, and very much on their terms? This is against far larger states with stadiums located in major metropolitan settings that have populations measured in millions.

I hope not, as it could be a zero-sum game where we overlook the intrinsic strengths of our grassroots community sporting codes, many of which are looking to maintain their own viability against others that are flush with corporate sponsorship, in the pull to seek out the next elite-level sportsperson.

The highly successful and oversubscribed Sporting Schools program is a perfect example of a taster program for our school students of all ages, and one that allows them to try out a new sport in a safe environment, and for volunteer coaches to develop their skills, without the pressure of a roster or constant training that can disrupt their education and family lives.

I am sure, like many others, I welcome the Premier's declaration of intent, in his Premier's Address, to further support the development of the Dial Regional Sports Complex with an additional \$25 million as an essential part of our sports infrastructure for younger generations, and its possible inclusion into a Stadiums Tasmania portfolio. Adding to this is the promise of increasing the capacity of UTAS Stadium at York Park and the prospect of an additional indoor arena. These are prudent collaborative investments in our sporting infrastructure.

This has been declared by the Premier as futureproofing the stadium for decades to come, for A-League, AFL, and other events. I assume that the Blundstone Arena has scope for similar considerations in expanding its capacity and functionality, if and when the need may arise.

I was somewhat astonished to hear of plans to develop a new \$750 million stadium at Regatta Point. It seems to already have been given the nickname of the Devil's Den, perhaps a timely moniker for what appears to be a dark hole into which buckets of money will disappear. I have to truly question the need for this.

If we look around our state, Tasmania already has two stadiums that have the demonstrated capacity for AFL fixtures. These are venues that can hold their heads high against other mainland stadia. To quote some examples, the GWS Giants use two stadiums: the Giants Stadium in Olympic Park that has a 23 500-seat capacity, and the University of New South Wales Canberra Oval for their ACT games, with a 14 800-seat capacity. The Gold Coast Suns, an AFL expansion club, calls the Metricon Stadium home, which has a 22 500-seat capacity. A number of other smaller stadiums are used as AFL venues, such as the Mars Stadium in Ballarat, with an 11 000-seat capacity and Cazalys Stadium in Cairns, with a 13 500-seat capacity. The seating capacity of Blundstone is 19 500 and UTAS Stadium is 19 000 according to one of the websites. We can observe prudent use of stadiums, many of which are a little bigger than our own local club stadiums that will not break the bank while meeting the needs of sports fans and teams alike. It is what we see on the field that matters, not the seats we sit in.

I dare not quote Darryl Kerrigan to the Premier and tell him he is dreaming, but there have been many community stakeholders and members of my electorate who feel that way. Most significant are the concerns of the necessary further investments into health care and education that must surely take precedence over an additional sports venue. What could be done with \$750 million to lift health, housing and education services for the benefit of all Tasmanians, and not just for those who love ball games? The president of Tasmania AMA,

Dr Helen McArdle recently spoke on this issue, suggesting that the money could be far better invested in the Tasmanian health service, a point I heartily agree with. We also have the ongoing issue of a huge shortage of GPs in our community that has to be addressed. These are just two points that would make a significant improvement to the daily lives of many thousands of Tasmanians.

There has been speculation that a new stadium will encourage youth participation in sport. Perhaps this is purely hyperbole, as grassroots sports is thriving in our regional areas, with active participation from all ages and genders. An example of a flourishing sporting code is soccer, with the highest participation rates across all ages of any sport in Tasmania, especially so in my electorate where the Devonport Junior Soccer Association has close to 1000 participants. We have seen recent announcements and promises of grants to enable the development and refurbishment of the Latrobe Recreation Ground. This is to support the growing interest in AFL from both men's and women's teams and to be shared by a number of other sporting and recreational groups.

I now turn to the Premier's second reading speech on this bill, with comment that has been mirrored in the Leader's introduction of the bill. The minister is to issue a statement of expectations to the authority on a triannual basis, like those that are issued for other statutory entities. The intent is to allow the Government to provide more detail on its expectations for the authority within the context of its functions and powers. Ministerial directions have been included to allow the minister - when needed - to direct the board to undertake a specific action to achieve a strategic objective or facilitate the administrative or managerial function of the board if or when it is required.

While I can understand the Government's desire to maintain control, it is my understanding that Liberal governments typically seek to have a light touch to regulation while allowing greater autonomy and stronger governance protocols. This statement appears to contradict this, and resonates with some of my concerns with the TasTAFE (Skills and Training Business) Bill 2021. To use an old euphemism, it is a bit like the minister having a dog and barking themselves. There appears to be a desire for greater autonomy and separation from government. The option to ameliorate or amend some of these clauses suggests a more collaborative approach from the minister and Treasurer rather than that of a prescriptive and overarching authority.

Perhaps some ability for a greater public scrutiny of Stadiums Tasmania activities on a periodic basis could have value and also allow direct submissions and commentary from key stakeholders and the wider community. The stated functions in the bill of Stadiums Tasmania are laudable and many of us would hate to see them diluted by the power and influence of the more powerful sporting codes. Many of these codes are in direct competition with each other to recruit, develop and retain grassroots participants of their sport.

If we look at a national context, Sport Australia has been seeking input for many years on how we develop our future elite sports people. Maybe the solution is far simpler. How can we help our younger generations to have fun and truly enjoy their chosen sport, without the pressure and expense that comes with the expectation of moving to the highest levels, together with the rosters and training obligations that can clash with many of their family lives and education obligations? Sport is all about having fun and enjoying the activity, as an individual or as a team, whether you are a participant or a spectator, win or lose.

This bill has the potential to provide a sense of stability across our larger facilities; however, the devil will be in the detail in the establishment and acquisition phases of Stadiums Tasmania. There are a number of low-level sporting facilities and community initiatives that would greatly benefit from a statewide perspective, as part of the wider portfolio of sports venues, and I hope these needs can be addressed in due course as part of the second phase of this legislation. I will be supporting the bill, but as the devil is in the detail I will be waiting to closely examine the second bill.

[11.17 a.m.]

**Ms RATTRAY** (McIntyre) - Mr President, I initially did not think I had a lot to add to my contribution yesterday, but I have changed my mind. I want to talk about some of the concern there is in the community on the proposed \$750 million new stadium and whether, as the Leader indicated yesterday, this bill is not about that. It certainly is, in my view, when you read:

Establishing Stadiums Tasmania will centralise the ownership, management, and future capital development of our major stadiums under a single entity with a statewide perspective.

I believe it does.

**Mr Valentine** - It cannot be avoided.

**Ms RATTRAY** - I do not think it can. I have certainly been contacted and I attended a very rural event last Friday, an Angus bull sale out in my patch and -

**Mr PRESIDENT** - The bulls' property?

**Ms RATTRAY** - It is Quarterway stud and the biggest topic, other than the highest price of the top-price Angus bull sold, which was \$14 000 I might add - average across the board of about nine for 63 bulls that were up for sale - but the biggest conversation piece was, why on earth would this Government believe they need to spend \$750 million on a stadium on the waterfront in Hobart?

**Mr Valentine** - Great place for a bull sale.

**Ms RATTRAY** - I do not think the member for Hobart is being serious about my contribution, Mr President.

**Mr Valentine** - Sorry, you mentioned the bulls, not me.

**Ms RATTRAY** - I am relaying to the House and to my colleagues and obviously feedback to the government of the day on what the general public is feeling, more broadly, about this proposal. That is what I am here to do and I am taking the opportunity to do so.

It certainly is not gaining the support the Government possibly thought it would. Tasmania is a very strong football state and absolutely a strong AFL state. We also know there is quite a lot of north-south divide in this state and if the northern community feels like they are going to be short-changed by this proposal, there is going to be huge pushback. That is

exactly the message I have been receiving. For instance, I received an email from somebody in my electorate, and it says:

It begs the question, why not simply upgrade UTAS and Blundstone with all seats covered and the job is done? And that gives equity for all parts of the state for a fraction of the cost.

**Ms Armitage** - We are upgrading UTAS Stadium to 27 500 seats and my understanding is all seats are covered.

**Ms RATTRAY** - Right, well already there is an opportunity the significant northern stadium will have all seats covered. I have not been to Blundstone Arena and do not know whether all seats are covered. I am assuming they are not and it is a significant upgrade that is needed to have all seats covered.

I absolutely like the comment from the member for Mersey when he said it is not about your seating, it is about what is being played on the field. We have to be mindful if we make something so expensive that people cannot afford to go then you have lost the purpose of why you have done it in the first place. By passing this legislation you are enabling - down the track - the Government's future initiative on that \$750 million stadium for the waterfront. Given we know how the costs blow out and I talked about that yesterday - the MyState Arena blow out of \$15 million for a redevelopment - imagine what the cost will be of building a new stadium with a covered roof.

**Mr Willie** - Half floating in the Derwent.

**Ms RATTRAY** - Half floating in the Derwent. How much that would possibly go over budget - and I am no architect or builder - but I have seen where nothing comes in on budget, particularly when it comes to initiatives put forward by the Government on behalf of the Tasmanian people, because it is not the Government's money.

**Mr Valentine** - Escalation costs could see it go a little higher.

**Ms RATTRAY** - It could be a billion dollars; that is a 'b', a billion dollars, quite easily. We have to be very careful here about how we move. I can appreciate and have listened to the member for Launceston and others talk about how these big stadiums need proper management in place and the like. When that is put in place, they will also possibly lose focus on why they were there in the first place - to serve the community where they sit. If you cannot afford to use the stadium, what is the point? If your organisation, sport, company or whatever cannot afford the cost, then what have we done? We have outpriced ourselves as a community for use and that would be a really backwards step.

There was some talk yesterday, and I am sure there will be again today, about how the management of these facilities needs to be a professional body. I absolutely agree and ask the question - here we are establishing another authority. I was very encouraged by the Government's policy direction that we were going to reduce the number of boards and the like that we have in this state. Here we are, establishing another one and with an education bill coming up possibly today, four more boards - no, three more boards.

**Ms Webb** - Proposed new housing authority though.

**Ms RATTRAY** - How many have been wound up and how many new ones have been established? Mr President, I apologise for not undertaking that exercise. There is more opportunity to talk about that at another time.

Questions are being asked in the community about whether this is the AFL saying to Tasmania, 'You will only receive your licence for an AFL team if you have a covered stadium'. The concern is that the covered stadium might be a good option on a wet Saturday, because people would possibly want to choose a fully covered stadium rather than attend a football game where they might get a bit of water on them.

**Ms Armitage** - Through you, Mr President, I think anyone with children who have played football are told by the coaches they play in all weather, so I do not know that it matters for those on the field. They quite like playing in all weather.

**Ms RATTRAY** - I am encouraged by the member for Launceston's confidence. I hope that would always be the case. The northern stadium is central to everywhere. That is central to the south and it is central to the north-west and it is central to the north.

**Mr Valentine** - I reckon we ought to move the capital up there perhaps.

**Members** interjecting.

**Mr Valentine** - Sorry, I could not help myself.

**Ms RATTRAY** - That is the second time the member for Hobart has tried to undermine my contribution. I say that in the kindest way because I know he would not be deliberately doing it, but I feel like he is making some ground. There is still a lot of water to go under the bridge.

**Mr Gaffney** - Go under the stadium.

**Ms RATTRAY** - Under the stadium. We are talking about appointing a board. I will be interested in the responses from the Leader on the questions posed by the member for Mersey. They are excellent questions. Let us have some background and some detail into why this model was chosen. We start off at \$1.5 million for the establishment of the board and the CEO and then what happens? They grow and grow. We have all seen it. The narrow focus is here, then you have to buy in expertise, then you have a marketing person who ends up needing five more staff. It goes on and on. The \$1.5 million initial cost is for the establishment of the board and the supporting resources. Then they will need a home and it might not necessarily be in the right area, so then we would need another building site. The Government does not own many buildings these days, so we have to lease another one. This can get completely out of hand.

If it is going to be a money-making exercise, and there is an expected profit, then the cost has to go up. Somebody has to pay. Possibly it will be the attendees of any sport or concert. A lot of questions must be answered. Like the member for Elwick, I can count, so I know where this is going. It is important for me, as a representative of my community, to make sure that the Government understands there are significant questions about what has been proposed.

There is some more work to be done when we get into the next stage, which is the introduction of the transfers bill. Our information states the bill will be introduced this year, with a staged transfer of stadiums from late 2022.

Yesterday, I referred to the letter from Cricket Tasmania. They are still working on what they believe is a way forward for them. I would be very surprised if they do not put their hand out for a large sum of money to go with the transfer. I do not know that for a fact; I have not spoken to Doug Chipman or Dominic Baker, whichever signed the letter.

I am sure the process will not be simply, 'Here you go; have it, and we are happy to forgo any money that might go with that transfer'. Of course, I am not aware of any arrangements that have been put in place when it comes to transfer dollars.

In my contribution yesterday, I referenced the liabilities that come with any transfer. They need to be clearly articulated. That possibly will be part of that transfer bill at a later time, but if any of that information is available today, it would be prudent for the Government to share that with members. Some councils are looking to handball their large pieces of infrastructure to the state Government, but I am not sure they will be as up-front about the liabilities that come with them. That remains to be seen.

I do not have any more to add to my contribution yesterday to the member for Elwick's motion to send this bill to Committee A for further scrutiny. That was done and dusted yesterday.

From my contributions yesterday and this morning, there is a pretty clear and cautious message from those people I represent about what is proposed here. We love a game of football, we love our sport, but we are also mindful that people do not have a roof over their head. I gave the example of a family with four children, including a five-week-old baby. The family was on my doorstep two weeks ago, saying 'we do not have anywhere to go. There are no rental properties in the north-east'. In the good old days, if you could not find a house in the more built-up areas, there was always one in the more outlying areas. That is not the case anymore. There are no farmhouses, and there are not the more modern houses in some of our communities that we used to see that would be quite rentable for \$150 or \$200 a week. There is nothing to rent under about \$350 a week. It is a crisis situation.

To be talking about building this type of facility and taking over the management of stadiums when we do not have houses for people to live in, in comfort, and within a family's budget - I suggest we might have our priorities completely around the wrong way.

[11.34 a.m.]

**Mr WILLIE** (Elwick) - Mr President, I thank members for their contributions so far. We had a bit of this debate yesterday, but the member for Mersey did a good job in outlining the new authority and its functions. Contrary to what the Leader of Government Business tried to make out yesterday, I do support a lot of the comments about this bill, including some from the Government. Where I did have a problem yesterday - and that problem remains - is the commitment from the Premier for a \$750 million waterfront stadium before this bill has cleared this House. I believe it was right to try to refer that to Committee A yesterday. Unfortunately, I was unsuccessful in doing that, but those questions remain. While we support the bill, I will be considering my options for how I pursue those matters.

Yesterday we heard there are accountability measures, with two shareholder ministers, annual reports, Public Works Committee, Estimates, et cetera, but there may be other opportunities too. I noted that, whilst I could not get the support of a number of members yesterday, some may change their position in terms of an inquiry when we receive the second bill. Their concerns were to do with assets, liabilities, leases, sponsorships and other arrangements for the existing stadiums, and what the state Government would effectively be taking on. If the information is not forthcoming from the Government, I suggest it would be due diligence to establish that process.

**Ms Rattray** - Through you, Mr President. How transparent is some of that information? We have never been able to find out how much the North Melbourne Football Club sponsorship is through the TT-Line.

**Mr WILLIE** - I suggest, through that interjection, that the Government is on notice with the second tranche of this reform. Whilst this may enable the waterfront stadium, I am putting them on notice about that too. I would not want to see this authority saddled with significant debt, putting other stadiums at risk, or the state at financial risk. If that is the plan to pay for this, I will rigorously pursue that. The Government did say that they would seek other sources of funding; that remains to be seen. There are a number of other hurdles that they have to jump through, including an AFL decision which is critical, and planning approvals, et cetera.

Going back to the liabilities, I know the member for Murchison - who is not here and has unfortunately not been able to participate in a number of debates - was particularly concerned about the UTAS liabilities and the \$72 million that is required to replace the temporary stands to make it suitable. There is another \$2.4 million for essential work to have it at the standards required according to the document - was it a future directions document or something like that?

**Ms Armitage** - The Launceston Council one?

**Mr WILLIE** - Yes, for UTAS.

**Ms Armitage** - The UTAS Stadium Future Direction Plan.

**Mr WILLIE** - Yes. Those liability questions are live, and I do not know what the plan is there, whether the council will commit to those upgrades or whether it is just going to be handballed to the state and the new authority. I am sure we will give the second bill significant scrutiny when it arrives later in the year.

Mr President, I do support this bill. It will bring our major stadiums under one authority; it will have a statewide outlook; it will have a skill-based board; and it is about maximising opportunities. It is mechanical in nature. I agree with those comments yesterday in terms of setting up an authority to own, manage and develop stadiums for Tasmania and I will not stand in the way of this bill today. We did have a substantive debate on it yesterday, but I strongly believe those questions still need scrutiny and yesterday was a missed opportunity.

[11.40 a.m.]

**Ms ARMITAGE** (Launceston) - Mr President, we heard in briefings yesterday that this is not a new notion and it has been under discussion for the last 10 years or so. As mentioned by previous members, the proposed \$750 million stadium - is an argument for another day.

Obviously, being a little parochial from the north my belief is the UTAS Stadium would certainly cater for a large number and really should be the centre for an AFL team, if we had one. That is purely my view. I am not going to go into any discussion about a \$750 million stadium because that is an argument for another day and I do not think it is to do with this bill. That is all I would say about that, apart from the displeasure southerners and northerners have displayed to me in regard to it.

Regarding the bill before us, this bill enables Stadiums Tasmania to be established with a new statutory body being created. Like everyone else in this place, I have concerns about the number of boards and board members -

**Ms Rattray** - You more than anyone, member.

**Ms ARMITAGE** - Possibly. It is not so much the boards, it is more the representation I have concerns with. I have concern with most of the boards and I will probably ask some questions again in the House shortly, but it is more to do with representation across the regions, the north, the south and the north-west as opposed to interstate, where I have my concern. I believe it needs to be fair representation and the same with this board. I would like to see the board have fair representation across the state and that will be a question I will be asking. There are good people in the north and the north-west as well as the south and everyone does not necessarily need to come from the mainland to be part of a Tasmanian board. That is also a question once the board is put together, when we say where they are from and who they are.

It has been mentioned about cost and how much things do cost. The fact is that costs are positives and negatives and someone always has to pay. In my mind, the ratepayers for Launceston and Clarence should not be paying for statewide facilities. They should not be paying for a stadium used by the whole state. Yes, it is cost shifting in some ways, but it is still the people of Tasmania paying and the whole of Tasmania should be paying for a statewide facility, as opposed to local councils. It is not fair and equitable and I certainly support the bill in that way.

**Mr Valentine** - One might say it is a cost-shifting game back the other way as it has happened from government to local government for many years.

**Ms ARMITAGE** - It has, but I would not call it cost shifting, mainly because when we actually look at it, why should 106 000 people of the Greater Launceston area pay for something that can be used by 526 000 people of Tasmania? It is certainly shared a lot more by the state than it is by a smaller council, and the same with Clarence. I do not know how many people are in Clarence, but it is fair that it should be shared by the state.

**Mr Valentine** - That is my point. Local government not bearing the cost. It is the Government bearing the cost and quite often, that happens the other way around.

**Ms ARMITAGE** - Absolutely, I agree with you. The letter from the acting mayor of Launceston was read in yesterday, but this is a different discussion. I take a couple of the comments from the acting mayor Danny Gibson, from Launceston council, where he says they have been:

... working with the state Government over the last three years to develop and enact the Stadiums Tasmania concept. It is abundantly clear that this

reform is necessary as the management of major sports venues is highly specialised and distinct from the traditional roles of council, government and departments.

I can recall when I was on Launceston City Council, the cost of running areas such as UTAS and the aquatic centre, plus the QVMAG is huge for the people of Launceston when they are used by the whole of the north and sometimes the whole of the state.

He goes on:

Accordingly the creation of Stadiums Tasmania will enable Tasmanian stadiums to act commercially, being more responsive and flexible in decision-making than a traditional government department, provide the ability to operate with independence, reduce the council's and the state Government's exposures to the risks involved in the management of major sports facilities, including financial and legal risks and provide a vehicle for delivering a truly statewide stadium strategy.

The fact sheet we received says about establishing a stadium:

The establishment of a new contemporary ... [statutory authority], whose features are largely drawn from provisions within the existing Tasmanian legislation.

So it is expected to assume responsibility for the four stadiums that we have - MyState Bank Arena, the Silverdome, UTAS Stadium and Blundstone. I believe Dial Park in Penguin is a possibility as well. It makes sense for one group to manage our stadiums, particularly with the number of events that happen in Tasmania.

With regard to UTAS Stadium, a question I asked yesterday was to do with funding or sponsorship and the fact that the university sponsorship ran out on 1 January 2022. I see the Leader is taking notes. That is okay because I am going to answer the question I have just asked.

**Mrs Hiscutt** - Thank you so much, member for Launceston.

**Ms ARMITAGE** - We heard in briefings that negotiations are going on. Perhaps you can answer this question. If UTAS continued the sponsorship from 1 January 2022, when the current funding ran out, but the stadium is not taken over until December 2022, could Launceston City Council keep the proportion of sponsorship that was provided by UTAS Stadium and not have to hand that to the state?

**Mrs Hiscutt** - While the member is on her feet, I can answer that question. The answer is yes.

**Ms ARMITAGE** - Thank you. You might also be able to answer this question. The council has a draft future directions plan for York Park UTAS Stadium 2021 with a plan to take the seating capacity up to 27 500. Is that still on track to occur? While I was not going to refer to the \$750 million stadium, I believe the seating for that was only about 30 000 -

**Mrs Hiscutt** - You are talking about transferring what?

**Ms ARMITAGE** - I am talking about the council's strategic development plan for UTAS in the future directions plan, with the money that was to be spent to take UTAS Stadium up to 27 500 seat capacity, from the current number. If the new stadium was to be built, I believe the seating capacity of that was 30 000. If we were to take UTAS Stadium up to 27 500, is that still on the cards or would that be considered not happening if the new stadium was to go ahead? Would the state Government then have two stadiums?

**Mrs Hiscutt** - I will have to seek advice.

**Ms ARMITAGE** - Yes. Two stadiums in the state with a capacity of over 27 000 seats. That is one of the reasons I believe UTAS Stadium is already suited to AFL standard and to be the home of an AFL team - that is purely my opinion - being more centrally located to both the mainland and the rest of Tasmania.

Leader, I do support the bill before us. It is certainly a positive to have all the stadiums in the state under one management. I am not fond of yet another statutory body and the cost that goes along with it. I agree with the member for McIntyre, that costs can blow out and what starts off as one number, can double and triple. However, I consider the current arrangement we have to be neither fair nor equitable for the local councils that are paying and managing statewide facilities. I certainly do support the bill.

[11.51 a.m.]

**Mr VALENTINE** (Hobart) - Mr President, I thank the Leader for the briefing. It was an interesting briefing because of the way it flowed with the other motion to send it to Committee A. We did get some information that was useful and thank you for that.

I can appreciate the intent for this model of management of our major stadiums. There is no question about that. The Government could do it without this. I think they could, but it seems to me they would prefer to be able to wrap it up into an organisation as possibly a more effective way of being able to manage it. That is the way I read it.

My big issue is how much scrutiny do we have on the operations of such an entity we are talking about at the moment. That is my major concern. I do not have huge issues with the bill in what it is trying to put together, except for that main reason.

We are here as members of the Tasmanian community to scrutinise government in what it does. Not only its legislation, but its activity and how it goes about things. For us to do that properly we need to have the best access we can to all of the activity it puts into play. It concerns me we might be getting into a situation where this becomes a GBE and we get to see them once a year and we ask questions of the minister and the minister says, well, I am sorry, you are going to have to ask the GBE that. We know that can cause an issue.

I would like to think that it does not go that far. that this being an authority, it is under the full scrutiny of this Chamber. I want the Leader to confirm exactly what the intent is in regard to this. We can have some comfort or otherwise. We might have concerns after you give us the answer, but I really want to understand exactly the level of scrutiny we are expected to have, or what we will end up having with this.

There are major public assets already: MyState, Silverdome, Dial Regional Sports Complex have been mentioned. Then possibly UTAS, Blundstone and then another possibility of the southern stadium at the Domain. I do not believe this bill is about the southern stadium. Whatever transpires in that regard will be dealt with in a different forum. It would possibly be dealt with in the next bill that comes forward, but it would certainly come to the Public Works Committee and there will be a chance to look at the various elements of development there. Mind you, it is an interesting point as to how far we go with that - whether it ends up becoming a major project, and bypassing normal planning procedure. I am interested to see that. One expects a \$750 million development fits very nicely into the major projects component of legislation, but whether that is going to satisfy the people who are going to be impacted by this is another thing. Those processes and procedures are to come. It is not something that is necessarily going to change the way this might look. If the \$750 million stadium does not happen, there is still a process and a procedure for managing all the other major facilities.

I do not believe it means that if we pass this, we are passing the stadium. I do not see that -

**Mrs Hiscutt** - No, that is correct.

**Mr VALENTINE** - I will not go into the sense or otherwise of that stadium, because there is more to play out there, and the Public Works Committee will get to see it as well. We hold our whisht on that.

**Mr Willie** - Through you, Mr President. When the Public Works Committee considers a project like that, they can only look at the project and sign off on it. They cannot call it back it in again, can they?

**Mr VALENTINE** - They can sign off on it or not, as is the case in Burnie and outlined in the press today.

**Mr Willie** - But as the project progresses, say it goes over budget, or over time, you cannot pull it back in, can you?

**Mr VALENTINE** - The Public Accounts Committee would, that is their job. It is not the Public Works Committee's role. The Public Works Committee's role is to make sure that everything is in place and fair and reasonably dealt with and the consultation processes and all of those sorts of things have been properly followed. There is no question about that.

The member for McIntyre is with me on that committee, and I am sure she will agree there.

**Ms Rattray** - Through you, Mr President. The committee can make a decision and then the government of the day can be influenced by other outside interests, and that decision can be reversed; just like that.

I am not sure if the committee was even informed of that decision. I have not spoken to every committee member. That is an interesting one, and I am sure the Chair of the committee will follow that up at another time.

**Mr VALENTINE** - Yes, he may well follow that up at another time, even though he dissented at the time. It is an awkward situation. But, there is a protocol and a procedure and one would certainly hope that we would get some information before things hit the press.

While we say it has been reversed, that particular development was approved by the committee. The Government has just decided not to go ahead with it, so there is a bit of a difference.

Nevertheless, back to the topic. I supported the move for a Committee A scrutiny on that, but it did not get through. That scrutiny would have provided some extra information for us to consider, but for whatever reason, it was not supported and we move on.

I can understand the spin-off activity that might be created with the holistic management of stadiums across the state through this particular process. I know it has been stated that councils are not used to operating such sporting facilities. That is not entirely true. The council I was involved in for 20 years managed lots of sporting fields and facilities, like North Hobart Oval. Not a \$750 million venue, I understand that, but they are used to managing sporting facilities on behalf of the community. You might say they do not handle the promotional activities. They handle promotion of the Summer festival and the Taste of Tasmania. They are huge. Get inside some of that activity and you will understand that local government does have quite a capacity.

The reason I will probably support this bill, and I will listen to offerings, is because it has been done holistically and statewide. That means there is an opportunity to be able to better orchestrate how things go. I hope parochialism takes a dive here. I know I am guilty of stirring occasionally, as indeed I did this morning.

**Ms Rattray** - Twice.

**Mr VALENTINE** - Twice. But we cannot afford parochialism to derail things. We need to be able to do things that are sensible for the management of facilities in this state, not based on whether you live in the north or the south. We cannot afford to be parochial. We are too small. There are 540 000 people in the state. So while I might have a bit of fun, I think we have to shy away from that parochialism.

I find it interesting that Cricket Tasmania supports this, when you think it would directly impact on Blundstone Arena. I do not see such a rush for this. I am not convinced that is something that needs to be done today. I am happy to support it at the moment and I will listen to other offerings, but where is the big rush? I hope it is not just because there is an election in the air and there might be announcements to be made.

The people of Clarence might be rubbing their hands together thinking they can get some of their parking back if the big stadium was to go ahead on the Domain.

My main point is the scrutiny. Ministerial power is a concern to me. With every bill that comes before us, there is always this increase in ministerial power. With the education bill we heard in this morning's briefing that the ministers are not going to have their hands on the regulation of teachers. On the other hand, we have ministers being inserted into the processes and procedures. It is happening in a lot of the legislation we receive. Ministers are not experts. They get expert advice and they can make some broad policy decisions on things under their

control, but to be inserted in the decision-making processes below that is an issue. I am concerned about that and I will ask questions on the way through in Committee stage.

I have said enough. I will listen to other offerings. I am leaning towards supporting the legislation.

[12.05 p.m.]

**Ms WEBB** (Nelson) - Mr President, I appreciate very much the contributions of other members on the bill. I found it really interesting to listen to those and to have that added on to the consideration we gave yesterday to the proposal for an inquiry on this bill. I will speak briefly. I do not need to reiterate what others have spoken very well on and questions already effectively raised.

I particularly note the matters raised by the member for Mersey, in relation to seeking an explanation or further clarity on why this particular structure for this entity has been arrived at and some explanation about why, rather than other options that were available, given there would have been a number of options available. I am quite interested to hear the Government's response to those questions put.

I particularly note the member for Hobart, raising matters of regular interest to me in this place. Matters such as scrutiny and accountability, how that will function and how effectively it is being achieved and given effect through this legislation. Those are always incredibly important things - particularly for this Chamber - to raise, look at and look to optimise as bills come through. Thanks to the member for Hobart for raising those and I second and reiterate that.

I appreciate there is a good rationale for changing from the current ownership and management arrangements we have for some of our existing stadium facilities. I hear that loud and clear, especially from those who have current responsibilities in that area and feel they really need, or it could best be undertaken by, a new entity, or by the state Government in some form. I appreciate there is potentially value in this opportunity for a statewide perspective, through the planning, the investment, the delivery and then the management of major stadium facilities across our state. We could achieve some good, comprehensive outcomes for all our communities if we take a statewide perspective, as long as we are also able to look at local nuance and need and not have larger urban areas of our state run roughshod over the needs of smaller communities and more rural and regional areas.

On that, I noted the language used in the second reading speech in relation to the need for, and I think the quote is:

An appropriate balance of being commercially focused and community-minded.

That sounds great and is easy to say. I am quite interested to understand how that will be achieved in practice within this model. It is a whole other matter to make that fairly simple statement a reality. Things like the make-up of the board of this new entity, the parameters provided to it through ministerial directions and expectations, the practices it has in terms of consultation with communities and identification of need - all these sorts of matters will feed into how well in practice this gives effect to this balance suggested, between being commercially focused and community-minded. I am interested to hear from the Government,

having asserted that, that it will be a part of this new entity and how they see that best being achieved.

This is a two-stage process we are in and this is the first stage in which the bill sets up the structure and the functioning of an entity. Then that next bill, which we expect to come to us, is about the transfer of the current assets there and some of those specific arrangements on that. That second stage has been quite effectively foreshadowed in yesterday's discussion on a possible inquiry and then today's discussion on the bill. We quite thoroughly foreshadowed that the level of scrutiny of the second stage in that next bill that may come to us later in the year will be high and we will be looking to examine the detail with much interest.

Mr President, others have noted what we could perhaps term the edifice in the room, around this debate - that edifice being the potential stadium on the Hobart waterfront. It is interesting to have that present as we discuss this bill because it is not necessarily directly centered in this bill, although as others have pointed out, what we are setting up in this bill if it passes is the mechanism for an entity that, we understand, will be doing the business case. I presume they will then shepherd the investment, planning and implementation of that project if it comes to pass.

This potential edifice in the room is interesting. The member for Mersey referenced in his contribution that Australian classic *The Castle* in relation to this, which I found amusing. It brought to mind for me that excellent TV series *Utopia*, which I think was the same creative team. Members might recall in Season 1 of *Utopia*, episode 6, titled 'Then we can build it'. In that episode, the fictional nation-building authority is casting about for a project in Tasmania that the federal government could throw some money at. And 14<sup>th</sup> on the list, but straight to the top, was a stadium! It was proposed by a sensible fellow at the top of that fictional authority that Tasmania needed sensible investment and, he suggests, funnily enough:

No, they do not need a stadium. I tell you what they need. They need better roads, better rail. They need a freight link to the mainland, industry development, airport runway extension [et cetera, et cetera.]

Mr President, I think that episode came to air in 2014.

**Ms Rattray** - Did they mention any housing?

**Ms WEBB** - No, they did not. But we have certainly added to that list, in many contributions, about where we think Tasmania might best spend three quarters of a billion dollars, if not more. Many suggestions and much canvassing of community opinion would be needed to arrive at where best to put such investment. No doubt that discussion about the stadium will continue, as well as discussions about other opportunities we have for considering our needs and how we meet them.

I certainly support the intent of this bill. If we go through to the Committee stage I would like to have some more detailed questions to debate some of the elements of it. I appreciate other members' more comprehensive contributions and I look forward to answers to those contributions to inform us about the detail if we go to that Committee stage.

**Mr Gaffney** - While the member is on her feet, you jogged my memory about an issue that I wanted to raise, and I can only do it through you. Interestingly, there is no definition of

'stadium' in the bill. I am thinking of something like the International Rowing Course at Lake Barrington and whether that was a venue that might also eventually be taken over by this group. Would that definition of 'stadium' include something like a natural asset like Lake Barrington, or one of the huge wave events that might happen somewhere? I ask the Leader to clarify that sort of situation.

**Ms WEBB** - Indeed, perhaps the Leader could clarify that wonderful question raised by the member for Mersey. What could be the parameters of a stadium under this bill? We know that the Hobart stadium is already somewhat on water, so that proposal is ahead of us, but could things that are not necessarily a field with seating around also qualify?

**Mrs Hiscutt** - Mr President, noted.

[12.14 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I will seek some advice. It was a very interesting debate and I appreciate the contributions.

Mr President, there is repetition to the answers I gave out last night, but as they have been raised again today I will do it again.

**Mr PRESIDENT** - Better twice than not at all.

**Mrs HISCUTT** - That is right, yes, it is. In response to the members for Mersey, Hobart, and Nelson, who asked why establish a new authority? I will deliver what I said last night, plus a little more for clarity.

The Tasmanian Government recognises that the management of major stadiums is a highly specialised function and quite distinct from the traditional roles fulfilled by local and state government. Stadiums Tasmania is being established to bring together the right mix of expertise and resources that will allow each stadium to operate effectively and efficiently, position them to continue to develop and meet the future needs of the various communities, sporting codes, other users, and audiences that benefit from their existence. Also, this model is considered to be more appropriate than a GBE or a state-owned company (SOC) given the level of public funding required to support the operations of this new entity and invest in its future development. A GBE or SOC would usually be expected to generate a profit or a dividend. This is not realistic for this entity, but the aim to be as commercial as possible means that it will be expected to be as self-sustaining in funding as possible.

I am conscious that the member for Hobart asked me to ensure that this entity does not become a GBE. As I said a moment ago, the GBE model was considered but it was then considered not to be the best fit. I assure the House that if there was ever a proposal to make Stadiums Tasmania a GBE, then that notion would need to be put to this Chamber for its consideration.

**Mr Valentine** - Through you, Mr President, it would not be the Government's intention to privatise in the future? Surely not?

**Mrs HISCUTT** - It is definitely not the intention, no.

**Mr Valentine** - Thank you, I wanted to get that on the record.

**Mrs HISCUTT** - The member for Mersey asked what the statement of expectations is likely to include. The intent of this provision is to allow government to provide more detail on its expectations for the authority within the context of its functions and powers. This could include:

- to define the relationship between Stadiums Tasmania and the various areas of government with an interest in its operations;
- outline the tasks government expects the authority to assume;
- assessing the feasibility of potential upgrade to existing stadium infrastructure or the development of new infrastructure;
- setting clear expectations about any specific public policy objectives or community service obligations the authority is expected to meet. These may include, as noted in the State of the State Address in 2022, progressing the first stage of the implementation of the master plan for the University of Tasmania Stadium, facilitating the proposed future transfer of the Dial Regional Sports Complex to be managed by Stadiums Tasmania, maintaining Blundstone Arena as the home for cricket, and the development of a 10-year strategic stadium plan.

I acknowledge members' feedback, but believe these provisions are more than justified, given the number of portfolios involved, the level of public funds involved, and the level of community interest.

The member for McIntyre asked what is the status of the proposed new southern stadium? When the Premier delivered the state of the state address 2022, he announced the Government's intention to develop a 27 000-seat stadium in southern Tasmania on the banks of the River Derwent. This commitment is based on preliminary feasibility work that has been done to explore what opportunities there are to develop a new major entertainment, sporting and event stadium close to the Hobart CBD as part of the Government's long-term vision for sporting and entertainment infrastructure. The commitment to develop this proposed new major multipurpose stadium complex is subject to Tasmania achieving an AFL licence later this year and anticipates that a new stadium could be ready for the 2027 season. The development of this new stadium is expected to be a key part of the 10-year strategic plan Stadiums Tasmania will be tasked to undertake and develop. The Department of State Growth is expected to lead the planning and construction phases and Stadiums Tasmania is expected to manage the stadium once constructed.

The development and refurbishment of new stadium infrastructure is part of a wider strategy that aims to boost employment, local economies, and the wider visitor economies. The investment in such infrastructure is an investment in our economy and our need to deliver in a wide range of portfolio areas.

Moving to the question from the member for Launceston. Why have a skills-based rather than a representative board?

**Ms Armitage** - Through you, Mr President. That was not what I asked. I did not ask about a skills-based or representative board. I simply said that I hope any board is regional. I did not ask about skills-based at all.

**Mrs HISCUTT** - I will deliver the answer.

**Ms Armitage** - You can deliver the answer, but it was not my question.

**Mrs HISCUTT** - Mr President, there is a little bit added at the end of it so it probably is addressed. Having a skills-based board with specific essential qualifications, experience and expertise identified in the bill positions the authority to be soundly governed and make informed decisions that supports its functions, powers, and obligations. Key bodies and local government will continue to play an important role in supporting Stadiums Tasmania to identify opportunities to generate content, while continuing to respond to the needs of the local, regional, and wider Tasmanian community.

In addition, the bill contains provisions that enable the board to form committees. This provision is expected to position Stadiums Tasmania to be able to discuss and explore specific needs. This mechanism may be useful in facilitating regular dialogue with major stakeholders and ensure that they have an avenue to provide advice to the board. The Government is committed to an appropriate gender mix on this board. The emphasis in this bill today is on ensuring the board has the expertise and skills it needs to create opportunities for things like regional representation, but not as a primary focus. A skills-based board will position it for success into the future.

Member for Launceston, I hope I have the right question here. How is the \$65 million in the 2021-22 Budget for Stadiums Tasmania being used? The 2021-22 Budget includes an equity contribution of \$65 million to the Stadiums Tasmania Trust (Stadiums Tasmania) for capital upgrades at the University of Tasmania (UTAS) Stadium. It is expected that while Stadiums Tasmania ramps up its operations, Infrastructure Tasmania will continue to manage major capital upgrades for UTAS Stadium and each of the stadiums transferring to Stadiums Tasmania. It is then expected that Stadiums Tasmania's statement of expectations will be used to provide further guidance on the role the authority is expected to have in managing major capital developments and upgrades. Once Stadiums Tasmania has been established, the capital funds included in the budget will transfer to it and agreement will be reached between Stadiums Tasmania and the Department of State Growth on how these projects are to be delivered in the future.

I can confirm that the scope of works, potential design and final seating capacity for UTAS Stadium is yet to be confirmed. This work is currently under way. The Government has made a public commitment to develop UTAS Stadium, and at the same time hopes to also be able to develop a new southern stadium.

The member for Hobart asked what checks and balances will apply to future stadium developments. As we know, Stadiums Tasmania is being established to own, manage, and develop major public stadiums across the state. This may entail the modification and development of existing stadiums, and the development of new infrastructure such as the proposed new southern stadium. The Stadiums Tasmania Bill 2021 includes several checks and balances that ensure Government can exercise control over such developments, and these include:

- a function that allows for the development of assigned assets, meaning the responsibility to develop a new stadium must first be assigned to the authority by government;
- the requirement of clause 7(2) that the authority must not acquire major assets without the approval of the minister and Treasurer;
- a duty in clause 11(1) to notify the minister of risks and developments affecting the authority;
- the provision for a statement of expectations confirming the minister's expectations for the authority;
- the ability to provide ministerial directions should they be needed at any time in the future;
- the requirement for the authority to submit its strategic plan to the minister for approval;
- an annual review of its financial statements by the Auditor-General;
- the requirement for the authority to publish its business plans, strategic plans and annual reports;
- the requirement to adhere to the Treasurer's Instructions; and
- approval from the Treasurer for a loan that can be made to the authority.

In addition, Stadiums Tasmania will be the subject of the annual budget Estimates process, and any construction works valued over \$8 million will be subject to the review of the Parliamentary Standing Committee on Public Works.

Furthermore, Infrastructure Tasmania is positioned, when deemed appropriate, to be responsible for major stadium development projects on behalf of Stadiums Tasmania. This is like the approach used in New South Wales, where Infrastructure NSW manages major capital developments on behalf of Venues NSW. This approach gives stadium authorities the ability to focus on owning and operating stadium infrastructure, and allows for existing expertise within state Government to be called upon to manage capital developments. This approach also provides an added check, by having the capital development managed by an independent agency.

Where new or existing stadium infrastructure is proposed, Stadiums Tasmania will need to comply with the relevant local land use planning requirements. These set the necessary development controls and approval protocols and importantly, also require appropriate community engagement. If a project is of such importance, funding may be sought from the Australian Government. This may require the project being referred to Infrastructure Australia for inclusion on its infrastructure priority list, which then introduces additional controls that further ensure sound and informed decision-making.

All these mechanisms working together provide a robust set of oversight and control measures for future stadium developments in Tasmania proposed by either Stadiums Tasmania or the government. That reiterates the answer I read out last night.

**Mr Valentine** - Mr President, I appreciate that answer to the question. In asking that question, my concern is that when it gets to Estimates, we hear, 'That's commercial-in-confidence, we cannot reveal that'.

**Mrs HISCUTT** - I understand your dilemma, I have seen it all before.

**Mr Valentine** - Yes. We are not going to get that, are we?

**Mrs HISCUTT** - I will have to seek some advice on that and come back to it.

The member for Nelson asked whether the needs of local groups will still be met. The bill explicitly recognises the roles that Stadiums Tasmania and the stadiums it operates will continue to have in hosting state and local competitions, events and organisations. The functions in the bill specify that Stadiums Tasmania is to continue to host state and local content; proactively communicate and engage with stadium users; and facilitate Tasmania's engagement in statewide and local competitions. Therefore, in recognition of the importance of this role, clause 6(h) includes a provision for the authority to have prescribed community service obligations. I will also add, that this is an important benefit of adopting the statutory authority model, rather than a GBE or a SOC. The care and thought that has gone into crafting this bill reflects the desire to balance the businesslike focus with a community focus.

Mr President, I have some more advice to seek. The member for Mersey asked about major stadium assets. The focus of this statutory authority is on major public stadiums and related assets. The definition of asset recognises these assets are mainly used for major sporting activities and, to a lesser extent, entertainment events and recreation. These are the provisions at the moment to ensure a clear mandate and focus for this new entity while allowing scope for suitable assets to be transferred to Stadiums Tasmania in the future. What it is saying, I believe, is that it is not focusing on things like Lake Barrington, but it may not be excluded in the future.

Then we spoke about the \$72 million referred to by the member for Murchison. This relates to upgrades and redevelopments over an 11-year period to ensure the facility remains contemporary and meets patron and participants' needs. It is not an immediate liability identified by the City of Launceston.

The member for Hobart was concerned about commercial-in-confidence. That is something we cannot avoid, but I acknowledge the House's concerns that some matters do not allow for full scrutiny by parliament due to commercial-in-confidence considerations. This bill aims to maximise transparency and accountability.

**Bill read the second time.**

## STADIUMS TASMANIA BILL 2021 (No. 48)

### In Committee

**Clauses 1 and 2 agreed to.**

#### **Clause 3 - Interpretation**

**Mr VALENTINE** - Madam Deputy Chair, why is there is an interpretation for 'applicable' in there? It just seems a normal definition for 'applicable' would apply. Why is it so important that it is in the definition; and secondly, 'asset' (b) 'chose in action.' Could the Leader explain exactly what that means for the record, because most people would find that a little difficult to understand.

**Mrs HISCUTT** - Madam Deputy Chair, the interpretations were a direct plant from OPC. It has come from OPC and that is why it is there. The 'chose in action' is a legal term and a right under law to obtain a sum of money or recover damages, for example, a debt, or insurance policy - it is a form of property and a term in law.

**Clause 3 agreed to.**

**Clauses 4 and 5 agreed to.**

#### **Clause 6 - Functions of Authority**

**Mr WILLIE** - It is important to get this on the record:

- (b) to own, acquire, manage, operate, maintain, plan for, and invest in the development of assigned assets;

It is important to get on the record that if Tasmania is granted an AFL licence Stadiums Tasmania will be assigned to do the business case for the new stadium development in collaboration with Infrastructure Tasmania.

**Mrs HISCUTT** - It will be provided in the statement of expectation and whatever that statement of expectation says is what it will be. It may be what you say, it may be more, I do not know. It will be in the expectations from the minister.

**Mr VALENTINE** - With respect to clause 6, I do not immediately see where third-party leasing may be contemplated. Is it contemplated there will be third-party leasing capacity under this model?

**Mrs HISCUTT** - It is dealt with under clause 7 -

- (a) to acquire, hold, dispose of and otherwise deal with property;

So it is over the page, clause 7, subclause (1)(a) and (b); and (c) says -

- (c) to enter into contracts and agreements;

You are on page 10, Powers of Authority, 7(1)(c) in particular says, 'to enter into contracts and agreements.' Contracts of course could be leasing arrangements.

**Clause 6 agreed to.**

**Clause 7 -**  
Powers of Authority

**Mr WILLIE** - Madam Deputy Chair, this has been the subject of much debate too.

Powers of Authority.

- (1) Subject to subsection (2) the Authority has the following powers:
- (a) to acquire, hold, dispose of, and otherwise deal with property;
  - (b) to borrow funds and hold debt with the consent of the Treasurer;

Can I have a confirmation from Government it is unlimited borrowing capacity? The second question is, if Stadiums Tasmania enters into a borrowing arrangement, will the debt be held off the Government balance sheet?

**Mrs HISCUTT** - While Stadiums Tasmania has been given the ability to obtain a loan with the Treasurer's approval, in accordance with the election commitment the Government released in April 2021, it is not being given the unlimited borrowing capacity, nor is this provision creating the new ability for unlimited loans to be sought and approved by government to facilitate the development of stadiums.

The ability for Stadiums Tasmania to seek and receive a loan for stadium developments with the Treasurer's consent, whether for existing or new stadiums, will be based on and limited by multiple factors, including the value of its assets and the equity it holds in them. From a finance perspective, this ability is limited and constrained since the stadiums will not earn a profit and will be subject to the overall financial ability of the state Government to borrow and to guarantee loans on behalf of the authority considering other funding requirements and initiatives across government.

The reality is the Government can already obtain loans to help to facilitate major stadium developments; however, it does not currently have the benefit of the specialised expertise that Stadiums Tasmania will have to properly inform future investment decisions in respect to such developments. It is not expected to be off the balance sheet.

**Mr WILLIE** - That deserves further questioning. No-one is disputing the Government cannot access a loan if it wants to. It is about where the loan is and what the upper limits of that loan will be. It is not expected to be off the Government balance sheet. I am talking about in terms of the state budget, whether this debt will be catered for within the Stadiums Tasmania authority and that it will not be on the net operating balance of the Government.

**Mr Valentine** - In other words removed from scrutiny.

**Mr WILLIE** - Not removed from scrutiny but will inflate the Government numbers in the budget.

**Mr Valentine** - Fair enough.

**Mrs HISCUTT** - For clarity, are you talking about the money coming off the state budget balance sheet?

**Mr WILLIE** - Yes.

**Mrs HISCUTT** - Thank you. We understand. I will seek some advice.

**Mr Willie** - It will be in state-run entities.

**Mrs HISCUTT** - For clarity, because Stadiums Tasmania is expected to receive annual funds for operating, it is expected that debt repayments will be on the Government's balance sheet.

**Mr WILLIE** - Say the state Government wanted to borrow \$500 million, it could. The interest repayments would potentially contribute to a deficit, and the debt would go on the net debt tally. If Stadiums Tasmania borrows \$500 million, it would not be part of that budget reporting process because it is a state-owned company or entity. Can you confirm that?

**Mrs HISCUTT** - Madam Deputy Chair, it is not a GBE or a SOC. It is a statutory authority within the state Government, so it is expected its debt will be on the Government's balance sheet.

**Mr WILLIE** - That clarifies it.

**Clause 7 agreed to.**

**Clauses 8 and 9 agreed to.**

**Clause 10 agreed to.**

**Clause 11 -**

Duty of Board to notify of developments

**Mr VALENTINE** - Madam Deputy Chair, I read the components of clause 11, and I need comfort that if there was a development that seriously impacted the base value of any stadium to the people of Tasmania, then that would also be notified by the board to the minister. The board must notify the minister if a risk or development may:

- (a) have a significant impact on the Board performing and exercising the Authority's functions, powers and responsibilities under this Act; or

That is in terms of running and managing the stadiums.

- (b) prevent or significantly affect the achievement of the performance objectives under the current strategic plan or business plan; or
- (c) significantly affect the financial viability or operating ability of the Authority.

What concerns me is that if there was a development that devalued the basic asset - I know you might wonder how that could happen - I want to know that the people of Tasmania's assets are being protected. Not just about how the board operates and manages its life.

**Mrs Hiscutt** - While the honourable member is on his feet, for clarity are you saying, for example, if there was an earthquake or a fire, which is covered by insurance, or a devaluation of land? What are you thinking of?

**Mr VALENTINE** - It could be a development adjacent to where a stadium is. Take Glenorchy, for example, at MyState, where they have land adjacent to it. The lessee might want to develop next to MyState Bank Arena, which could severely impact the MyState Bank Arena's ability or value -

**Mrs Hiscutt** - You are talking about devaluation?

**Mr VALENTINE** - Yes, devaluation of the asset. Could the board indicate to the minister that that is about to happen and therefore steps could be taken to prevent it? Lessees are not under the direct control of the board.

**Mrs HISCUTT** - This clause focuses on any risks on the development. Clause 11(1)(a) ties this back to the wide-ranging functions of the board. So, the couple of examples you suggested may or may not happen. Yes, any risk needs to be reported back.

**Mr Valentine** - Okay, thank you for putting that on the record.

**Clause 11 agreed to.**

**Clause 12 -**  
Protection from liability

**Mr VALENTINE** - I would like an example under subclause (2). Can you give me an example of what that is aiming at? I find it difficult to understand.

**Mrs HISCUTT** - It will give protection to the board members if they are acting in good faith and they make a mistake. It is a standard clause with a lot of companies, proprietary limiteds. It has to be in good faith. If the board makes a decision that is in good faith that goes badly wrong, the individuals will not be held liable for that.

**Clause 12 agreed to.**

**Clauses 13 and 14 agreed to.**

**Clause 15 -**

Ministerial statement of expectations

**Mr WILLIE** - Regarding subclause (7), where will they publish that? On their website? In the Gazette?

**Mrs HISCUTT** - The website is where it would be expected to be published.

**Clause 15 agreed to.**

**Clause 16 -**

Ministerial directions

**Mr VALENTINE** - I am looking down at subclause (5).

- (5) A Ministerial direction is not to conflict with an applicable Ministerial statement of expectations.

Back previously in clause 15, surely if a minister can give a direction at any time - my concern is if a minister can give a direction at any time and wants to amend a ministerial statement of expectations at any time, which the minister could, how can a ministerial direction not conflict with an applicable ministerial statement of expectations?

**Mrs HISCUTT** - It could be a matter of timing. It could be amended if it needs to be amended. It is just a matter of timing to keep everything in order.

**Mr VALENTINE** - Second go at this. What you are basically telling me is that change to a ministerial statement of expectations does not necessarily require a ministerial direction?

**Mrs HISCUTT** - I am informed they are separate provisions.

**Clause 16 agreed to.**

**Clauses 17, 18, and 19 agreed to.**

**Clauses 20 and 21 agreed to.**

**Clauses 22 and 23 agreed to.**

**Clauses 24, 25, and 26 agreed to.**

**Clauses 27, 28, and 29 agreed to.**

**Clauses 30 and 31 agreed to.**

**Clause 32 -**

Annual report

**Mr VALENTINE** - Subsection (5) on clause 32 says:

(5) Section 36 of the *State Service Act 2000* does not apply in respect of the Board.

But does it apply to their employees? If not, why not?

**Mrs HISCUTT** - The ongoing transfer bill will contain the arrangements for transfers for the employees.

**Mr Valentine** - It is in the next bill?

**Mrs HISCUTT** - Yes.

**Clause 32 agreed to.**

**Clauses 33 and 34 agreed to.**

### **Schedule 1 - Members of the Board**

**Mr VALENTINE** - Under schedule 1, clause 1, subclause (1), it talks about 'if eligible, may be reappointed'. Where is 'if eligible' defined? What is eligibility?

**Mrs HISCUTT** - There is a set of skills that is here.

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

## **QUESTIONS**

### **Collections for Charities Act 2001 - Allegations of Breaches**

**Ms RATTRAY question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER**

[2.31 p.m.]

Mr President, further to previous questions asked in regard to the Collections for Charities Act 2001, can the minister please advise to which agency/department/person a member of the public should forward allegations of breaches of the Collections for Charities Act for investigation?

### **ANSWER**

Mr President, I thank the member for her question.

Allegations of breaches under the Collections for Charities Act 2001 may be raised with Tasmania Police or Consumer, Building and Occupational Services. Allegations are assessed based on their nature and may be referred to either body for further assessment or investigation.

## COVID-19 Contingency Funding

### Ms LOVELL question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[2.32 p.m.]

Mr President, the Government has repeatedly said that there is a \$300 million contingency for COVID-19 expenditure in the budget.

- (1) Can the Government please outline any and all expenditure of the \$300 million COVID-19 contingency detailed both as month-by-month and year-to-date figures?
- (2) Can the Government please outline how many of the following payments have been granted and include full details of the expenditure month by month and year to date:
  - (a) \$250 PCR test payments;
  - (b) \$250 vaccination payments;
  - (c) \$750 Pandemic Isolation Assistance Grants?

### ANSWER

Mr President, I thank the member for her questions.

- (1) The 2021-22 Budget was developed in the context of the ongoing uncertainty associated with the COVID-19 pandemic. In recognition of this environment the appropriation to the Treasurer's Reserve was increased to \$150 million in 2021-22 to provide for unforeseen expenditure during the year, which cannot be managed without existing budget allocations. In total, \$300 million was allocated to the Treasurer's Reserve over the Budget and forward Estimates period.

Agencies manage costs within their existing budget allocations during the year with requests for additional funds from the Treasurer's Reserve occurring as part of end-of-year processes.

- (2) The Government's Pandemic Isolation Assistance Grants which previously included pandemic emergency assistance grants, has been in place since March 2020. Since this time, eligibility criteria have evolved to ensure the assistance provided supports individuals who have been financially impacted as a result of public health and social measures implemented to deal with the changing circumstances of the COVID-19 pandemic.

The total number of year-to-date grant payments and value for the three categories identified for the calendar years 2020, 2021 and 2022 is provided in table 1, which I will table in a moment. It should be noted that there are and have been additional EA and PIAG categories which, together with the categories requested, have paid a combined total of \$526 170 over this period.

In addition to the PIAG, a number of Tasmanians have previously opted to not seek the state payments, but instead seek the Commonwealth Government's Pandemic Leave Disaster Payment, or the COVID-19 Disaster Payment. Under the Commonwealth's mechanism, a person is unable to get both the Commonwealth and state payments.

I have a couple of notes to go with that answer. There is not a direct correlation between the number of grants approved each month, or year, and the total value of grants paid in each month, or year. For example, a grant may have been approved in one month and paid the following month. There is not a direct correlation between the number of grants approved in total, and the total value of grants paid. For example, pro-rata payments were made in certain circumstances. As a final note, vaccination payments were made available following the Premier's announcement on 3 December 2021.

I seek leave to table this document and have it incorporated into *Hansard*.

**Leave granted.**

**See Appendix 1 on page 71.**

## **STADIUMS TASMANIA BILL 2021 (No. 48)**

### **In Committee**

**Resumed from above.**

#### **Schedule 1 - Members of the Board**

**Mr VALENTINE** - Madam Deputy Chair, schedule 1, clause 4, subclause (2) states -

#### **4. Remuneration and conditions of appointment**

- (2) A member who is a State Service employee or State Service officer is not entitled to remuneration or allowances under this clause except with the approval of the Minister administering the *State Service Act 2000*.

What exceptions might there be? When exceptions like this happen, it can be concerning for those who do not get paid because they are a state servant. It makes it awkward. Can we have an example of why the minister would make an exception, or perhaps where it happens at the moment?

**Mrs HISCUTT** - The question that the member for Hobart left us with at the break was, what was the definition of 'eligible' -

**Mr Valentine** - I was not sure whether that was answered, in the first instance.

**Mrs HISCUTT** - The definition of 'eligible,' is contained in Schedule 1, clause 1(2) which states:

- (2) A member may serve any number of terms but not more than 3 terms, of whatever duration, in succession.

That is the meaning of 'eligible'. You cannot be appointed for more than that.

**Mr Valentine** - It is good to have that clarified.

**Mrs HISCUTT** - For your second question, by way of an example, a member may be a part-time state servant, or in a role where it is deemed reasonable for the board fees to be paid.

**Schedule 1 agreed to.**

## **Schedule 2 - Meetings of Board**

**Mr VALENTINE** - Regarding clause 3(4), given that this board is between five and seven members, it could be that two members have a reason to be excluded, and that could mean two members can be a quorum to make a decision. This seems a little low. Is this a standard quorum clause that exists for other boards? If it is, then so be it, but I am concerned about the fact that there could be such a small number making major decisions.

**Mrs HISCUTT** - These are standard settings that have been pulled from examples of other boards.

**Mr VALENTINE** - So it is not peculiar?

**Mrs HISCUTT** - No.

**Schedule 2 agreed to.**

**Schedule 3 agreed to.**

**Title agreed to.**

**Bill reported without amendment.**

**Third reading made an order of the day for tomorrow.**

## **TREASURY MISCELLANEOUS (AFFORDABLE HOUSING AND YOUTH EMPLOYMENT SUPPORT) BILL 2022 (No. 7)**

### **Second Reading**

[2.45 p.m.]

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

That the bill be now read the second time.

Mr President, on 1 March 2022 the Premier delivered the state of the state Address in which he outlined the Government's road map to secure Tasmania's future. In that Address, the Government promised to increase the conveyance threshold for the first homebuyer and pensioner duty concession from \$500 000 to \$600 000 and to continue the First Home Owner Grant at \$30 000. In addition, the Government will also extend the payroll tax rebate for apprentices, trainees and youth employees and allow the commission of state revenue to extend the completion date requirements of the Tasmanian HomeBuilder Grant.

This bill delivers on these commitments. The Government recognises there are challenges in our housing market, that is why we are continuing to provide targeted action to support home ownership. The Government will continue to provide support to first homebuyers and pensioners downsizing through duty concessions for a further 12 months until 30 June 2023.

In addition, the conveyance duty thresholds for these concessions will be increased from \$500 000 to \$600 000. This change will apply from 1 January 2022 to ensure potential transactions are not delayed between the date of announcement and legislative change.

The Government is extending the First Home Owner Grant at \$30 000 for an additional 12 months to 30 June 2023. The First Home Owner Grant remains the most comprehensive in Australia. The Government's continued focus on the construction of new homes will also contribute to the supply of new housing and support employment in the Tasmanian building and construction sector.

The Australian Government and Tasmanian HomeBuilder Grant have been a great success in boosting the Tasmanian building and construction sector, supporting local jobs and the Tasmanian economy. The Government is aware that some recipients of the Tasmanian HomeBuilder Grant will be impacted by builders no longer being able to operate. The bill will provide the Commissioner of State Revenue with the discretion to extend the completion period in certain circumstances. This will provide grant recipients with an opportunity to engage a new builder to complete the build and agree to a new completion date.

The Government recognises that Tasmanian businesses play an important role in our community and have endured significant challenges created by the COVID-19 pandemic. To support local businesses that invest in apprentices, trainees and youth employees, the Government will extend the payroll tax rebate for apprentices, trainees and youth employees until 30 June 2024. The continuation of this scheme reiterates the Government's commitment to support the employment of young Tasmanians.

This bill gives effect to the Government's tax and grant initiatives announced in the state of the state Address, as well as other measures to provide more sustainable housing outcomes across the state and encourages businesses to employ young Tasmanians. I commend this bill to the House.

[2.49 p.m.]

**Ms ARMITAGE** (Launceston) - Mr President, I certainly support the bill but could not let it go through without at least making comment about the First Home Owner Grant as it should be called the First Home 'Builder' Grant and is discriminatory against those people who cannot afford to build their first home.

I appreciate they do get 50 per cent concession on the stamp duty. We heard this morning in briefings that around that \$500 000 to \$600 000 mark equates to about \$11 000. Looking at stamp duty of about \$22 000, they are getting \$11 000 back, which is a third of the amount of someone who can afford to build their first home. I believe that discriminates against young people or first home owners that cannot afford to build a home, and can only afford to buy a home - and we know how expensive they are now. I could not let it go without at least making the point. I appreciate what the Government is doing and I appreciate the extension of it, but I still believe that it discriminates against those who cannot afford to buy an already built home, as opposed to those who can afford to build their first home.

[2.50 p.m.]

**Mr WILLIE** (Elwick) - Mr President, I have not seen too many second reading speeches lately that have blatant political statements. However, the first statement is:

... the Premier delivered the state of the state Address in which he outlined the Government's road map to secure Tasmania's future.

That is blatantly political, and probably has no place in a second reading speech.

To present this bill as a housing policy is also false. It is an economic stimulus. It is throwing money at the demand side of the housing equation. Economic stimulus does have a place in our economy. I believe that in an ideological way. But it is interesting that we are extending these things. Of course, I support them, but we do know that building and construction is quite overheated at the moment. There are labour market demands and material shortages, and a whole range of other things. An economic stimulus policy would usually be when an industry is struggling, Mr President. I acknowledge that it might help some families and people into homes. But I put on the record that this is not a housing policy. It is well researched that this is not a housing policy. It is an economic stimulus policy.

I agree with the Leader in her statements that some Tasmanian businesses have played an important role and endured significant challenges during the COVID-19 pandemic. Supporting local businesses, including apprentices, trainees, and youth employees is very welcome. I certainly support that aspect of the bill. I have been on the record plenty of times saying our education system is not very well connected with labour market demands, and there are too many young people falling out of the school system, when they could be going into a skilled trade or some other meaningful employment. We are not connecting them to those opportunities as well as we could be. If this means that more small businesses can offer those opportunities, that is a good thing.

[2.53 p.m.]

**Ms RATTRAY** (McIntyre) - Mr President, I support the bill and the points that the member for Launceston made about this being a first home owner grant, but I note over the page it refers to the Tasmanian Home Builder Grant. Perhaps that needs a name change.

I am aware that quite a few people have used this opportunity. There is that argument, does it inflate the price? Certainly, I do not consider it can inflate the price of building. Can it inflate the price of buying? Well, that is an argument for someone more experienced than me in that regard. The stamp duty relief is always very much appreciated. I know for a fact that it often gets buyers across the line, when they go to the financial institution seeking a loan being able to have that whatever-amount of stamp duty relief. It is quite useful.

I absolutely agree with the member for Elwick about the Government recognising that Tasmanian businesses play an important role in our community and have endured significant challenges created by the COVID-19 pandemic. We need to do everything we can to support those businesses. A fair percentage of businesses in Tasmania are small businesses.

I support the payroll tax rebate for apprentices, trainees, and youth employees. I asked in the briefing this morning about mature-age apprentices and trainees. I was told that they are covered as well.

I have a question about the First Home Owner Grant regarding building companies that have gone or are going into receivership and closing down. I believe you cannot access the funds until your home is completed, so I do not think that would impact on it. In Tasmania recently a prominent building company was not able to survive the business world. We do not know if they will be the only one. It would be useful to have that on the record.

I support the measures that the Government has in place.

[2.57 p.m.]

**Mr VALENTINE** (Hobart) - Mr President, it is a little confusing when something is called a First Home Owner Grant and you cannot buy a first home which has not been constructed. It is simply buying into competition with everyone else in the community for a house that comes onto the market.

My question is in relation to the increase in the conveyancing threshold for the first homebuyer and pensioner duty concession from \$500 000 to \$600 000. I want to make sure it is clear we are not talking about houses that have to be under \$600 000. It can be an \$800 000 house and a concession for a first homebuyer would be half the duty up to \$600 000, then they would pay the full duty for the rest. That needs clarification.

I support this. Any assistance that can get people into houses is far better than people paying money out on rent. Finding a place to rent is hard. There is a 0.3 per cent vacancy rate in Hobart.

**Ms Rattray** - Zero per cent on the east coast.

**Mr VALENTINE** - Yes. If somebody is trying to develop something up there, where do the workers stay? It is not easy. It is important that we have rental properties. For people trying to get into the market who have some resources, it is important that we give them as much support as possible. I covered that in my state of the state offering. Some of the mechanisms the Government using are good and I hope we will see some real benefit come out of that. I believe there will be people from the mainland who come in and snap up the houses. They will not get the benefit of the \$200 000 and the Government being a partner. With the \$30 000 on top of that, that is \$230 000. I congratulate the Government for these moves and support the bill, but would like that answered with regard to the duty on the conveyance threshold.

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### Recognition of Visitors

**Mr PRESIDENT** - I welcome to the Legislative Council students from grade 9 Scotch Oakburn which would be in the member for Windermere's electorate. At the moment we are

debating the Treasury Miscellaneous (Affordable Housing and Youth Employment Support) Bill 2022.

**Members** - Hear, hear.

**Mr Duigan** - Mr President, years 6,7, 8 are in the member for Launceston's patch as it splits across the boundaries.

**Mr PRESIDENT** - It sounds very Launceston.

**Ms Rattray** - Mr President, yesterday the member for Windermere's daughter Eliza Duigan came to the Chamber and left him a note, he was not here.

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[3.01 p.m.]

**Ms WEBB** (Nelson) - Mr President, to follow up on some matters I raised in our earlier briefings on the bill, it would be good to get them on the record here as we discuss it. Before doing that, I reinforce what the member for Elwick said, that I do not see this so much as a housing policy, our comments are more geared towards stimulus, for sure.

As the member for Hobart mentioned, there are other measures under way from the Government which are useful and positive housing policy measures and I will speak about those in my state of the state reply when we finally get to them. There are many others that can be contemplated that would be effectively assisting people to be in, and stay in, houses.

However, following on from the member for Hobart seeking clarity on some of the matters to do with the duty concessions for downsizing and first homebuyers, I am also interested in more detail about the expected impact of this. Not just the extension of time but that increase from \$500 000 to \$600 000 in the threshold. What are the expected numbers who will benefit from that? Who will be caught in that and be able to get the benefit? Particularly around the increase from the \$500 000 to \$600 000, in the Government's view, how many more people are likely to access this, or have this available to them and amplify its benefit? I would appreciate some discussion on this.

Similarly, to the other part of the bill in relation to the payroll tax rebate for apprenticeships, trainees and youth employees the figures on this to date, since it has been in, in terms of the benefit provided. How many employers or businesses have been supported under that scheme and what evidence do we have it has generated employment, above and beyond what may have been generated without it? What do we expect to see in terms of impact and outcomes from that, with this proposed extension in the bill? Just to try to quantify impacts and outcomes expected.

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I thank members for their contributions. I will seek some advice for the member for Nelson in a moment.

In the meantime, the member for Hobart spoke about the increase to the threshold for duty concessions. Would buyers be able to access the concession for a house valued over the threshold? The duty concession has been capped to homes with dutiable values below \$600 000, reflecting that purchasers of high-value properties have better capacity to pay the full duty liability. This measure is targeted to help those homebuyers who need it the most.

The member for McIntyre talked about the First Home Owner Grant link to builders going into receivership. The Government is aware that some recipients of the Tasmanian HomeBuilder Grant will be impacted by builders no longer being able to operate. This bill will provide the Commissioner of State Revenue with the discretion to extend the completion period in certain circumstances. This will provide grant recipients with an opportunity to engage a new builder to complete the build and agree on a new completion date.

**Ms Rattray** - That is very good information, particularly for people who are caught in that unfortunate circumstance.

**Mrs HISCUTT** - That is exactly right. Mr President, regarding the member for Nelson's questions regarding the expected impact of the extension and increase to the threshold for duty concessions and how many extra people will benefit.

The duty concessions offered to first homebuyers and pensioners downsizing are fiscally responsible measures targeted at those most in need. For the first homebuyer duty concession, the estimated additional cost of increasing the dutiable value to \$600 000 is approximately \$6.8 million.

**Ms Webb** - I am looking for numbers of people.

**Mrs HISCUTT** - I am getting there. For the pensioner downsizing duty concession, the estimated additional costs of increasing the dutiable value to \$600 000 is approximately \$1 million. The following estimates are based on assumptions that are driven by historical trends: in 2022-23 the estimated number of homebuyers' duty concessions is approximately 1200; in 2022-23 the estimated number of pensioner downsizing duty concessions is approximately 200.

I have some more information to seek for the honourable member for Nelson.

**Ms Webb** - Through you, Mr President, while the Leader is seeking that information, can I have those figures compared to what occurred in the year 2021, so we understand what the difference would be?

**Mrs HISCUTT** - Yes, we can get those figures for you. In the meantime, I will go onto the payroll tax rebate question that you asked about figures to date. How many businesses have been supported? Has it generated extra employment? What is the expected future impact?

With respect to additional employment, we are unable to ascertain these figures. Regarding future impact - we will start with historical numbers - in 2018-19, 193 employers claimed rebates totalling \$6.7 million; in 2019-20, 209 employers claimed rebates totalling \$6.2 million; in 2020-21, 294 employers claimed rebates totalling \$4.8 million. The reduction in 2019-20 and 2020-21 is due to the impact of COVID-19 and associated payroll tax waivers which resulted in fewer rebates claimed because some employers' payroll tax liabilities were waived.

**Ms Webb** - In the first statement you made in relation to the payroll, in answer to my question, can I clarify whether you said you were not able to determine what additional employment might have been delivered under this scheme compared to what normally would

have been occurring anyway? Have we not measured whether there was a successful policy outcome for providing this?

**Mrs HISCUTT** - Are you talking about if, with respect to additional employment, we are unable to ascertain these figures?

**Ms Webb** - I am trying to understand if that statement means we do not determine whether this has been a successful policy, because we do not know whether it has generated additional employment above what would have occurred. We have not assessed that.

**Mrs HISCUTT** - I shall seek some advice.

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### **Recognition of Visitors**

**Mr PRESIDENT** - While the Leader seeks advice, I welcome another group, Scotch Oakburn College grade 9, which we have established is on the side of the road which belongs to the member for Windermere's electorate.

**Mr Duigan** - The eastern side.

**Mr PRESIDENT** - The eastern side of the road. Welcome to the Legislative Council Chamber. At the moment we are working through the Treasury Miscellaneous (Affordable Housing and Youth Employment Support) Bill 2022. Members have made contributions and asked questions of the Government and are now being replied to by the Leader. When that stage is complete, we will move into a Committee of the Council to further consider the bill. You will probably be here when that happens.

On behalf of all members, I am sure they will all join me in welcoming you to the Legislative Council Chamber today.

**Members** - Hear, hear.

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**Mrs HISCUTT** - Mr President, I will start with the duty concession numbers. For 2020-21 the first homebuyers are 1457 and pensioners downsizing are 204. With regard to your question earlier, we do not hold those figures because it is measured in dollars saved, not dollars spent and rebates claimed as opposed to -

**Ms Webb** - Policy outcomes.

**Mrs HISCUTT** - Not policy outcomes. These are the policy outcomes.

**Ms Webb** - Policy outcomes would presumably mean additional employment?

**Mr PRESIDENT** - We should not carry on debate across the Floor.

**Ms Webb** - One point of clarification on those first numbers if I might.

**Mr PRESIDENT** - Certainly. Point of clarification.

**Ms Webb** - The 2021 numbers were 1457 for the first homebuyers and 204 for the -

**Mrs HISCUTT** - Pensioners downsizing.

**Ms Webb** - The expected numbers you gave me earlier for 2022-23 were 1200 for first homebuyers and 200 for the pensioner concession. Both those numbers are lower. Are we expecting there will fewer people benefitted through that in the coming year than in the previous year, even with the extension up to \$600 000? Just to clarify.

**Mr PRESIDENT** - This may be something the Leader wishes to pursue in the Committee stage.

**Mrs HISCUTT** - I will confer with my advisers.

**Ms Webb** - I am happy for it to be followed up in the Committee stage.

**Mrs HISCUTT** - Mr President, my advisers are busy here with calculations, but it is not something they can just pull together and they may need some time. It may be something that we can give you at a later date; perhaps tomorrow, when they have had time to study further.

**Bill read the second time.**

## **TREASURY MISCELLANEOUS (AFFORDABLE HOUSING AND YOUTH EMPLOYMENT SUPPORT) BILL 2022 (No. 7)**

### **In Committee**

**Clauses 1 and 2 agreed to.**

**Clause 3 agreed to.**

**Clause 4 -**

Section 46A amended (Interpretation of Division 2A)

**Ms WEBB** - I am not sure whether this is a relevant spot to ask those questions; do I need to reiterate the questions that we already had?

**Mrs Hiscutt** - Would you please like to clarify?

**Ms WEBB** - I understand this clause is about the extension of conveyancing of those duties. My questions were to understand the expected impact of those, in terms of the number of people who will benefit. I was looking for a comparison between the previous year and what is expected under this extended year, particularly given we are raising the threshold. The threshold raise is in the next clause, but it is within the same package where that threshold is going from \$500 000 to \$600 000. I seek to understand the numbers that will benefit through that, and the comparison of those two figures.

**Mrs HISCUTT** - In 2020-21 through to 2021-22, there has been a drop due to the lower number of pro rata in 2021-22 due to concession numbers. This has contributed to the lower

estimates in 2022-23. So, the starting figure was lower. It dropped down and then it went pro rata to 984. That is why the figures total up to 1212. That is why it is a bit lower.

**Clause 4 agreed to.**

**Clause 5 -**

Section 46D amended (Eligible transaction)

**Mr VALENTINE** - I need to get a handle on this. It is something that is eluding me. It might be simple to some, but it is not simple to me. We are talking about a lift in the dutiable value from \$500 000 to \$600 000. Part 2 section 18 of the Duties Act 2001 says:

- (1) The dutiable value of dutiable property that is subject to a dutiable transaction is the greater of -
  - (a) the consideration (if any) for the dutiable transaction (being the amount of a monetary consideration or the value of a non-monetary consideration, or both); and
  - (b) the unencumbered value of the dutiable property.

**Mrs Hiscutt** - Just before you move on, where are you in the Duties Act?

**Mr VALENTINE** - Part 2 section 18. Section 46D is talking about the threshold. Does it mean a house that is going to be for sale for \$600 000 or less? There are not too many of them around. Is it the value of the land only? Or is it the value of the house and land?

**Mrs HISCUTT** - In general terms, the consideration paid is the purchase price. The dutiable value is the purchase price.

**Mr Valentine** - Okay, it is as simple as that.

**Mrs HISCUTT** - It appears to be, yes.

**Mr Valentine** - And it is for the house and land package? It is not for the value of the land?

**Mrs HISCUTT** - It is the purchase price.

**Mr Valentine** - Thank you, that has been clarified for me.

**Clause 5 agreed to.**

**Clauses 6 and 7 agreed to.**

**Clauses 8 and 9 agreed to.**

**Clause 10 agreed to.**

**Clauses 11 and 12 agreed to.**

**Clause 13 agreed to.**

**Clause 14 -**

Section 3 amended (Interpretation)

**Ms WEBB** - I am following up on my query during the second reading stage where the Leader provided an answer to sum that up. The intent of this would appear to be twofold from the second reading speech. The payroll tax rebate is provided both to, in a broad sense, benefit business, which the second reading speech identified as having endured significant challenges during COVID-19 on the one hand, and as well as to support the employment of young Tasmanians. The question I asked in the second reading and wanted fully clarified is, if it is an effort to support employment of young Tasmanians and we are extending it to do it for longer now through this current clause by extending the date, how do we know this policy does that? How has the Government assessed that the policy to date, as it has been in place, has actually delivered higher levels of employment, more jobs for young Tasmanians and delivered that stated outcome? Of course, it has delivered the first outcome where it has given tax relief to businesses. It has ticked off that first support business outcome, but how do we know if it has delivered the second one, and if we do not know, how can the Government be claiming that continuing on it will do that?

**Mrs HISCUTT** - The Government recognises the valuable investment that businesses make in training the next generation of Tasmanians and wants to make sure the sector is confident and prepared to take on more workers. The Government will work with local industry to ensure they have access to the skilled workers they need in growth areas of our economy. This is based at the employer point and bearing in mind we have unemployment of about 3.8 per cent, it appears to be going well.

**Ms WEBB** - To clarify from that answer, we know it supports businesses because it provides them with financial relief. We do not know whether this measure grows more jobs specifically. The Government does not measure or attempt to see if that is an outcome of this, even though they claim it to be in the second reading, just to clarify that.

**Mrs Hiscutt** - It was a statement.

**Ms WEBB** - That is what I took the Leader's response to mean.

**Clause 14 agreed to.**

**Clauses 15 and 16 agreed to.**

**Title agreed to.**

**Bill reported without amendment.**

**Third reading made an order of the day for tomorrow.**

**EDUCATION LEGISLATION AMENDMENTS  
(EDUCATION REGULATION) BILL 2021 (No. 53)**

**Second Reading**

[3.30 p.m.]

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

That the bill be now read the second time.

Mr President, the purpose of this bill is to improve learner outcomes by modernising the governance arrangements for four education regulators within Tasmania.

The bill has three principle elements. First, it provides a contemporary governance framework for regulators to support the delivery of outcomes, while expanding the opportunity for stakeholder voice to be heard. Second, it establishes a performance framework for the regulators that requires them to report against outcomes achieved. Third, it enhances the provision of independent regulatory decisions by the appointment of skills-based boards. It also does this by clarifying the respective roles and responsibilities of the regulators and the Department of Education in education regulation.

The four regulators are the Teachers Registration Board Tasmania; the Office of Tasmanian Assessment, Standards and Certification; the Education Registrar; and the Non-Government Schools Registration Board. The bill does not change the regulators' functions.

Mr President, we could ask the question, why do we regulate education? Learners should be at the centre of regulation. Education regulators play a very important role in driving quality in our education system for all Tasmanian learners, across all education sectors. They contribute to the quality of teaching that learners experience; how students learn is assessed and recognised; the quality and safety of learning environments; and the extent to which students are participating and engaging in learning pathways.

The modernisation of the governance arrangements for education regulation will deliver value to the community through the benefits from improved learner outcomes, such as a skilled workforce, increased employment, economic growth and community wellbeing. Compliance with regulatory arrangements and improvements in the quality of education outcomes for students are a key means to that end.

Mr President, why have we undertaken a review? During the last 20 years, there have been changes in the governance of education regulators interstate, as well as governance reforms of regulators outside of the education sector.

There have also been significant changes in the education environment, both locally and at the Australian Government level, including the Education Act 2016, which lays the foundation for improving the educational outcomes of Tasmanians; the extension of the requirement under the Education Act 2016 to remain in educational training until the completion of year 12, a certificate III or attaining the age of 18; the National School Reform Agreement and accompanying bilateral agreement, which have changed the funding

arrangements for schooling in Australia and introduced national policy initiatives to drive national reforms and improve student outcomes; and the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

It is the right time to consider whether, collectively, the existing regulatory arrangements best support learners within the current education environment. We also need to consider whether the purpose of regulation is now out of date or missing the mark for some of our regulators. In this context, the Government established a steering committee to review education regulation within Tasmania. The committee's report was released in January this year and included 24 recommendations which were adopted by the Government. The majority of these require legislative change and are reflected in this bill.

The steering committee had an independent chair and comprised the heads of the three school sectors, being Independent Schools Tasmania, Catholic Education Tasmania and the Department of Education, as well as a senior representative from the Department of Premier and Cabinet and also the Department of Treasury and Finance.

The committee considered the objectives of the review, best practice approaches to regulation, what happens in other jurisdictions, and the current state in Tasmania. It directly engaged with the regulators and released a discussion paper and a report. It undertook extensive public consultation in framing its recommendations. These recommendations have unanimous support across the heads of the three school sectors.

I will now provide more detail about the three elements of the bill referred to earlier.

We talk about better practice regulation with a focus on learner outcomes. We need to be explicit about what we expect from our regulators. A contemporary approach based on evidence requires better practice regulation with a focus on outcomes. In order to give effect to this, the bill provides a performance framework for the regulators that has four elements, the first of which is the setting of relevant principles.

Currently the Education Registrar and the Non-Government Schools Registration Board are to observe the principles in the Education Act. The principles underpin all education in Tasmania. They were developed following two years of extensive consultation on the Education Bill, including more than 1000 responses over three rounds of consultation from submissions to participation in workshops and information sessions.

The principles were debated and agreed to by this parliament in 2016, when the Education Act was passed. They include:

- (1) The right of every child to receive an education until the child completes year 12, the year of home education equivalent to year 12 or an approved learning program.
- (2) That the state recognises the role and importance of a child's parents in the education of their child.
- (3) The importance of a collaborative nature to achieve the best educational outcomes for children.

It is appropriate that this bill provides for all four regulators to have regard to these principles in performing their functions and exercising their powers.

The steering committee also recommended that each regulator be subject to regulator-specific principles, largely relating to the quality with which they undertake regulation. These include requirements that regulators are to ensure that the wellbeing and best interests of students is foremost when they design and administer regulatory approaches and that they undertake clear, targeted and effective communication with regulated entities such as teachers, students and schools.

After extensive consultation with regulators about the application of these principles, it was decided that they would be better tailored for each regulator by their inclusion in ministerial instructions, rather than in this bill.

The second component of the performance framework relates to the minister setting annual policy expectations for each regulator. The bill provides for a ministerial statement of expectations to be provided to each regulator. It will include expectations in relation to organisational values and culture, having regard to government education policies, and the implementation of the funding recommendations in the steering committee report.

The Education Regulation Advisory Council will be established under the existing Education Act. It comprises the heads of the three school sectors. It will have an advisory role to the minister in relation to the ministerial statement of expectations, the corporate planning process and board appointments.

The Tasmanian Home Education Advisory Council will continue as established in the existing Education Act and its advisory role to the minister on matters relating to home education.

The third component requires each regulator to prepare a corporate plan, including details of the strategic direction of the regulator, risk identification and management, as well as outcomes-based performance targets for annual approval by the minister.

The final component of the performance framework in this bill is the requirement for each regulator to report against these performance targets in its annual report.

We will now talk about a contemporary governance framework for regulators. The second element of the bill is to provide a contemporary governance framework for regulators to support the delivery on outcomes as well as enabling the provisional stakeholder voice in regulation.

A fundamental question examined by the steering committee was whether there should be one or four regulators. There is a considerable commonality of functions across Tasmanian education regulators. New South Wales has amalgamated its regulators under the New South Wales Education Standards Authority, although other states have maintained separate regulators. The committee concluded amalgamation would be a very significant undertaking at this stage, with more certain benefits and impact able to be delivered earlier through the other reforms if proposed through its integrated set of 24 recommendations. The Government endorses this view.

The bill provides for the continuation of the existing governance model of a board, supported by a registrar for the Teachers Registration Board, the Non-Government School Registration Board and a single regulator for the registrar education. It establishes a skills-based board for Tasmanian Assessment, Standards and Certification, removes the framework advisory council, and creates a registrar function to support the board.

This change from a single regulator to a board is proposed because in the last five years the education and training environment has continued to evolve. The specific context in which TASC is operated has become more complex and dynamic. For example, there is increased demand for TASC services as a result of the extension of the requirement under the Education Act of 2016 to remain in education or training until the completion of year 12, a certificate III, or attaining the age of 18.

The Years 9 to 12 Project and associated senior secondary curriculum reforms intersect substantially with TASC's functions and National Cabinet's focus on managing the pandemic. On the economy and jobs, the Premier's Economic and Social Recovery Advisory Council has recommended improving pathways from education to jobs. TASC has a critical role in this process. Best practice principles for the governance of regulators include the adoption of a board where the subject matter is complex, significant risk is present, and the environment in which it operates is dynamic. All of these factors exist for TASC.

The consequences of regulatory decisions made by TASC are great. Failure to deliver on its core functions could have a significant and adverse impact on both learners and teachers and reduce community confidence in regulatory decisions. The Government firmly believes that there is a need for a diversity of wisdom and experience required for informed decision-making because of the level of judgement required, and that it is not feasible to continue asking a single person to assume such responsibility, even while supported by an advisory council. The bill therefore provides for TASC to be established as a skills-based board supported by a registrar.

The Non-Government School Registration and the Teachers Registration boards can be classified as representative. They include members from organisations they regulate, which creates a potential conflict of interest for board members. The bill establishes all three boards as skills-based and that is more likely to avoid potential conflict of interest and will provide more independent regulatory advice. Board members are required to have general board governance skills, as well as skills relevant to the board's functions. Each board will be expected to identify the skills, knowledge, experience, and capabilities it requires of members in aggregate. This will be used in the board selection process.

The bill also provides that the boards be made up of five to seven members appointed by the minister for three-year terms. The minister can decide on reappointments of existing board members for an additional term.

We now turn to the Director of Education Regulation. Under the proposed regulatory model, each regulator would continue as a separate entity responsible for regulatory decision-making. Responsibility for administrative outcomes and the delivery of functions would be combined under a single Director of Education Regulation which will take on the functions and powers of the registrar education, Teachers Registration Board registrar and Tasmanian Assessment Standards and Certification registrar. The bill provides that the registrars and

therefore, the director, can delegate their functions and powers to a deputy director in each of these regulators.

The role of Director Education Regulation is established given:

- the desirability of more collaboration and coordination across each of the regulators;
- the commonality of legislated functions across the regulators, the delivery of which may be approved by shared processes, supporting registration and the management of internal appeal processes;
- the outputs of some regulators are inputs into the decisions of another regulator. For example, decisions in relation to the registration of non-government schools need information as to whether their teachers are registered and their courses are accredited; and
- to provide more internal support for each deputy director and their performance management under the State Service Act.

What will the director do, Mr President?

The responsibilities of the Director Education Regulation will include:

- facilitating the adoption of modern regulatory practices across the regulators;
- strategic leadership;
- promote collaboration and co-ordination across the regulators; and
- development across the four regulators of frameworks for managing risks, delegations and performance.

To start with delegations. How will the delegation of functions and powers work? Contemporary boards need to delegate their functions in order to effectively undertake their role in oversight of the performance and the governance of their organisation. Board selection processes and the ministerial statement of expectations will support this approach. Boards can continue to delegate to the director and deputy directors.

Delegation frameworks already operate effectively in more complex environments than education regulation. For example, the Tasmanian State Service Act provided for the Premier to delegate functions or powers to the head of the State Service and/or heads of State Service agencies. These delegations are then allocated within agencies.

The Government intends that the new structure should be reviewed in three to five years time to ensure its effectiveness.

Stakeholder voice, Mr President. The regulation of education impacts learners, parents, families, teachers, schools, education systems and other education providers. Acknowledging the needs for stakeholder voice to be represented in the model of regulation, the bill provides

mechanisms for the creation of committees to provide policy and operational advice. This is especially important in the design of processes to support the discharge of regulatory functions in a contemporary way.

One of the principals in the Education Act relates to the importance of students being actively involved in decisions affecting their participation in education, while having regard to their age and understanding. I expect regulators to establish mechanisms such as committees, or student advisory groups to ascertain student voice. Likewise, I consider it essential that the voice of practising and experienced teachers will be a feature of a fit-for-purpose governance and committee structure established by the Teachers Registration Board. The Tasmanian Home Education Advisory Council has operated effectively as a stakeholder voice to the minister for home educators under the current Education Act. This will not change. The council will continue to have a role in relevant selection processes. The Education Act provides for the additional recognition of stakeholder voice in education regulation in relation to the three school sectors, through the formation of the Education Regulation Advisory Council mentioned earlier.

Independent advice. The third element of the bill enhances the provision of independent regulatory decisions. It does this for regulators by the appointment of skills-based boards. As noted earlier, this reduces the potential for conflicts of interest with representative boards. It also does this by clarifying the representative roles and responsibilities of the regulators and the Department of Education in education regulation.

Independent regulatory advice is promoted by the clear separation and clarification of the role of the regulator, the minister and the Department of Education. The bill provides that regulators are not subject to the direction of the minister or secretary in respect of individual regulatory decisions.

The framework agreement clarifies the application of government policies to the regulators through the statement of ministerial expectations and through clarification in the bill that the Treasurer's Instructions apply to the regulators.

All Tasmanian students are entitled to an education of a quality that is capable of enabling them to reach their potential and so maximise their achievements and contributions to the community. The Government has observed significant change in the education environment both within Tasmania and the Commonwealth and there is a need to ensure that Tasmania's regulatory framework is contemporary and supportive of our learners for our state to continue to prosper.

Mr President, I commend the bill to the House.

[3.51 p.m.]

**Mr WILLIE** (Elwick) - Mr President, I agree with the Government that regulators should exist to serve learners. This bill follows a cross-sector steering committee review and it will have cross-sector impacts, whether that is assessment, teaching, learners, safety or engagement. It will have an improved direction with best practice regulation and performance measures focused on outcomes, which I think is particularly important. It will also preserve the independence of operational decisions.

I want to pass on my thanks to the deputy secretary and her team from the Strategy and Performance unit within the department. In particular, principal policy analyst Alice Blake, who I know spent two years in a mountain of work on this bill and has diligently responded to stakeholders' submissions.

It has been a solid process and I am comfortable with most of the bill. I do have some concerns that as drafted the skills-based board for the Teachers Registration Board might result in the board having no relevant teaching skills and experience. It could undermine trust in the decision-making of the board and disenfranchise the profession. I will speak to that in the Committee stage when I move an amendment.

The bill contains three principles. It introduces a performance framework for regulators, appoints skills-based boards, or in some cases like TASC replaces a single regulator, and enhances independence of regulatory advice.

When it comes to TASC, I note that there used to be a board in this space called the TQA. We are going back to a board. This board will be different but I support the move to a skills-based board rather than a single regulator, given the problems we have had with TASC over a number of years. Last year was okay, but there have been problems with student results, exams and a whole range of other areas. More oversight, more strategic direction and lifting some wires out of the day-to-day operations would be a good thing. The department has had to prop up TASC in recent times.

Some concerns were raised in the submissions, such as TASC having the resources to work in the packages and learning space and home education applications.

The member for Murchison has not been able to participate in a number of debates but has been participating in the briefings and she had an important question which I will raise. I think the Government has prepared an answer for it.

Regarding the registrar for education, how will this improve home education? Her concern was that potentially there are learning plans being approved, there is not great oversight and some kids are probably not getting the education they deserve at home. How will this bill improve their lives and those families?

In the briefing there is another piece to this, which is looking at funding. There may be solutions there.

The Commissioner for Children and Young People raises some concerns around student voice - I think they have been addressed. The TRB had a colourful submission talking about grave concerns about the principles of the Education Act, but I think they have been resolved as well. There were some issues raised around skills-based boards. I note that the department has made some changes to respond to those, and that is well done.

The only outstanding one remains the AEU submission, concerning the TRB. I will listen to the Government's arguments about the skills matrix and the committee's structure to include teacher voice to draw on relevant experience, but that might not be enough. I know the department was keen for us to pass this bill last year and there is a February 2023 implementation time line.

I conclude my brief contribution by again congratulating the department.

[3.56 p.m.]

**Ms RATTRAY** (McIntyre) - Mr President, this is certainly something that I will support and I acknowledge the work. Two years worth of work to bring a piece of legislation to this place is a mighty effort and should be acknowledged. Well done to those who have been involved in that. The member for Elwick has already named Alice in that, so well done.

I also appreciated the handout that we received this morning. That was very useful, even though you have to top and tail it a little bit when you are working through it. It was very useful, going through the recommendations in summary and then there is a tick if they are in the bill. I will mention a few of those.

Education is very important, as is the way that education is delivered and the confidence in how the education system is delivered and regulated. I acknowledge that, particularly with TASC, the confidence in that particular regulating body has not always been supported by the community, myself included.

Better practice regulation, with a focus on outcomes - I wrote down this morning in the briefing, 'outcomes-based rather than activity-based.' That is partly in this bill and it introduces a performance framework for regulators including the ministerial statement of expectations - that is the policy direction, the corporate plan, and the development of outcome-based KPIs. We love to hear about KPIs. They are not something that we always see through government departments. We often ask about them through the Estimates process, because as a House of review, we measure what is being achieved through those KPIs. It is good to see the reference to that, as well as the Education department's annual report. During my time here, when the Education department's annual report is tabled, I have often put it on the Notice Paper and we have an opportunity to have a look at it. I know that members have provided some significant input into that. It is an opportunity for us to spend some more time having a look at the annual report, other than what we do through the Estimates process because education now is rolled up in a day with a number of other areas of responsibility for the minister.

I noticed that when this was first tabled the bill was from the former minister for education and so, I am sure -

**Mr Willie** - I think the member for Braddon, Mr Jeremy Rockliff, started it.

**Ms RATTRAY** - Okay. Even before Sarah Courtney, former minister for education - so it has had quite a few iterations of ministers. I am sure the new minister for Education, Mr Roger Jaensch, will be pleased to see this moved through to its next process. It is a large bill, and I expect it will take some time going through the Committee stage.

The bill also promotes coordination, collaboration between the regulators and other organisations to achieve shared objectives, for example government policy initiatives. You would expect that to be the case, that the Government sets their policy expectations and then there is the delivery. Strengthening the visibility of appeals process -

**Sitting suspended from 4 p.m. to 4.30 p.m.**

## **RECOGNITION OF VISITORS**

**Mr PRESIDENT** - Honourable members, before calling orders of the day, I welcome another grade 9 group from Scotch Oakburn College. As with the other groups, your elected representative from your side of the street is the member for Windermere.

**Ms Armitage** - They are mine also as they could live in my electorate.

**Mr PRESIDENT** - We will leave it to the Launceston members to fight it out. At the moment, we are going through the Education Legislation Amendments bill. We are in a stage called the second reading where members have the opportunity to contribute to the bill. At a later stage we will go into a Committee and work through the bill. I am sure all members will join me in welcoming your group to the Legislative Council today.

**Members** - Hear, hear.

## **EDUCATION LEGISLATION AMENDMENTS (EDUCATION REGULATION) BILL 2021 (No. 53)**

### **Second Reading**

**Resumed from above.**

**Ms RATTRAY** (McIntyre) - Mr President, some of these students might even live in my electorate if we want to get really serious about where they are from. We all represent various parts of the state, so I add my warm welcome to you and hope you enjoy your time not only at parliament but in the south of the state.

Back to education, I expect that these young students will be very interested in the reforms that have been proposed by the Government to -

**Mrs Hiscutt** - In the regulatory system.

**Ms RATTRAY** - It might be better to say reforms.

Mr President, I was working my way through the very useful piece of information provided at the briefing this morning about the recommendations in summary and what was included in this legislation. I was going to highlight what was not in this bill and what I expect will be in the future. I also want to ask a couple of questions about the sustainable funding. At the end of the day, every so often changes come with a need to fund those changes. We know how important it is that changes are appropriately funded because we might end up with things we did not anticipate otherwise.

One of the main aspects has been touched on by the member for Elwick, Josh Willie, who we know has a strong background in education as a former school teacher before coming to parliament. We look to Mr Willie not for advice, because we take our own advice, but his lead in some areas he has expertise in.

**Mr Willie** - There are two teachers in this Chamber.

**Ms RATTRAY** - Of course. Two teachers. The other has not spoken yet. Indeed, a principal too.

**Mr Gaffney** - No, acting.

**Ms RATTRAY** - Acting principal. That is pretty close.

We want to strengthen the visibility of the appeals processes for each regulator while awaiting the outcome of TASCAT.

We move onto the modern governance for the delivery of outcomes. It talks about maintaining independent regulatory bodies supported by the Department of Education, but clarifies responsibilities to the minister and secretary. There is a key role for the minister and certainly for the secretary of the department.

Then there is an update to the Teachers Registration Board and the non-government sector as well around skills-based boards, supported by a registrar. That is important if you are going to go down this path of having skills-based boards.

Updating the TASC single person regulator, the executive officer, to a skills-based board supported by the registrar and the removal of the framework advisory committee. We know there are still advisory committees in place. That was shown to us this morning. We have a diagram which outlined that. We still have those boards in place. There will be three of those and they will feed back to the minister for Education.

The stakeholder voice is really important in the creation of the committees. The opportunity to have input into education in our state through the committees will remain. Independent advice to be provided, with the school education sector voices to be provided through the ERAC and THEAC retained for home education advice. It tells us that this is not in the bill. How is that going to be? Or is it already in the Education Act? I can see the support team for the Leader nodding in the background.

Again, not in the bill is the continuation of corporate support to staff. The clarification around the responsibility to the minister and the secretary to protect individual regulatory decisions from interference is something we need clarified in any legislation. It then mentions the framework agreements between the secretary of the Department of Education and the regulators for provision of budget or corporate support and staff. We will need confirmation around the funding for that, because that is part of the bill.

Sustainable funding is not part of this bill. Is that something that will come later, or is that covered in the existing funding to the Department of Education? That is something we look at through the Estimates process.

It is a large piece of work. Can we have an indication of the cost to implement the new model? As I said, to make significant changes to a very important aspect of our students' learning, our Education Act, then I expect there will be an additional cost and that will impact on the budget.

I will be supporting the legislation. I look forward to other contributions on this bill.

[4.40 p.m.]

**Mr VALENTINE** (Hobart) - Mr President, there has been a lot of hard work. You only have to look at the thickness of the bill. It is not light bedtime reading. I appreciated the briefings. As the honourable member for McIntyre said, this document really did provide a good overview. I thank those who came to brief us. It gives a good synopsis of what the bill is dealing with - the whole overview and particular aspects of the bill.

It is interesting that there is not going to be an amalgamation of the regulatory bodies, which has happened in New South Wales. I do not know why that is. They say it is a lot of work, but if you are going to merge them in the future, why not do it now? The honourable Leader might touch on what the show stoppers were in regard of the amalgamation of some of those.

**Mr Willie** - Mr President, I think there is a plan to co-locate them, where possible. That might be the first step. More collaboration.

**Mr VALENTINE** - Yes. The physical is one thing, but bringing them together is another. I hope it is not just protecting fiefdoms.

I largely support this. What I find interesting with this bill is that the minister is at arm's length more in this bill. I wish that was the case with a lot of the bills we see coming through this House. Quite often we see ministerial power increasing with the various bills. It seems the ministers are being inserted into the process rather than playing an overarching policy role. If we can do it with an education bill like this, then we should be able to do it with some of the others that we receive.

The member for Elwick touched on the member for Murchison's concern regarding home schooling. During the briefing, the member for Murchison pointed out that not all home learning situations were deficient, but some were a concern, or the regulation of them. That needs to be made clear. There are home learning situations that are excellent, the way they approach it, the way they are regulated. There is concern from the member for Murchison and it is fair and reasonable that that would be considered.

It is good to see that learners should be at the centre of the regulation. It is about kids, it is about learning, it is about making sure that their options for living life and work into the future are maximised. I believe we have to be careful how we regulate their education environment.

I raised a concern during the briefings about how students are assessed, and making sure that when they talk about outcomes they are not just talking about the metrics and the data associated with where a student is at. It is also important to know how far a student has moved in a year. Teachers are not measured on the level of the students' capacity, and in some areas there are students who have special needs and the IQ levels may not be high, but the way they progress through the year might show great improvement, although it may not be anywhere near what some other students are achieving. I was told that this bill is not about that level of assessment in particular. It is about the regulation side of it. I was pleased to hear that, because I believe we do not want to get to the circumstance where we are measuring the performance of schools, where it gets to the point where a certain school that might have lower performing students is rated and gets a bad name. I do not believe any of us want to see that - where parents are looking up league tables and the like. I do not believe we want to get into that area, because

it provides an opportunity for stigma. I am keen to see us avoid those circumstances and from what I have been told, this bill will certainly not be providing that opportunity. I ask the Leader to confirm what I am saying, and that we are not going down that track.

I believe the unions have been engaged with. I will not go too far down that track because my wife is a teacher. There is a question about expertise on boards, and I believe it is important. I will probably talk to this with the member for Elwick's amendment. It is important that boards have a broad understanding of the education environment. If they do not have that broad understanding, there could well be significant issues and concerns if everything is just looked at from an administrative perspective. I will hear what the member has to say about that and vote accordingly, once I have heard all the views as to why certain expertise cannot be stipulated when it comes to teaching expertise on boards.

I touched on the amalgamation aspects of the bill. The second reading speech says:

... National Cabinet's focus on managing the pandemic, on the economy and jobs, the Premier's Economic and Social Recovery Advisory Council has recommended improving pathways from education to jobs.

Pathway planners have gone west. The more things change the more they stay the same, it is the way it goes. They were very good, those pathway planners. We got it back from every quarter as to how good they were. Pathway planners go out the door and now we see there is this recommendation to improve pathways from education to jobs. Certainly, pathway planners helped students in understanding that, but they helped them before they left school so they could focus their learning on what professions they envisaged for themselves. It is good to see a focus coming back there.

It is interesting to see a single person being replaced by a board. Yet there has always been the move to try to reduce the number of boards and the red tape.

**Mr Willie** - We have approved three new boards in two weeks, in the last couple of sittings.

**Mr VALENTINE** - Yes. Sometimes we can move too quickly when abolishing boards, they were put there for a reason. Usually experience of departments and the like sees these things change and puts measures in place to make sure things function correctly. To just have a vision to reduce boards for the sake of looking like we are addressing red tape - nothing should be removed from the review process. I am not saying they should not be reviewed but we have to be careful when we make the decision to remove a board.

In years to come, getting rid of this one may be a focus because it could be delivered by an individual. Going back the other way. It is interesting to see how we wax and wane on boards. I have said most of what I wanted on this. There is a lot of hard work on it. The people who have worked and put together a significant amount of work deserve congratulations. I only hope it works more effectively. I wait to listen to the member for Elwick's arguments as to why this amendment should go forward and listen to other members' presentations on that. I largely support the bill.

[4.53 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have numerous answers here and will make a start. I think there is some more advice following. I am going to answer the first question asked on behalf of the member for Murchison. It is in relation to the increase in home education applications.

**Mr Willie** - And the quality of education.

**Mrs HISCUTT** - And in relation to the model. Home education in Tasmania is regulated through the Office of the Education Registrar with decisions being made by the Education Registrar with advice from the Tasmanian Home Education Advisory Council. Home education is a legally recognised alternative to school education. Applicants for home education are required to provide a home education summary and program called a HESP detailing how the parent intends to educate their child or children in accordance with 10 standards which are contained in the education regulations.

The Education Registrar has indicated she is very happy to provide a briefing to members or speak with members who wish for further information. If anybody asks, we can arrange that maybe for the next sitting. The registrar is concerned that questions are not misconstrued by the home education community as calling into question their integrity or care for their children, and that conversations on this be treated respectfully, taking into account that it is a legal option for Tasmanian learners and families.

At 31 March 2021, there were 1143 students registered for home education. At 1 March 2022, that number was 1430.

**Mr Willie** - I do not think any member is suggesting that and the member for Murchison was very clear at the briefing to say that there are lots of very good environments in home education.

**Mrs HISCUTT** - Yes. No-one was suggesting that was not the case.

**Ms Rattray** - That was backed up by the member for Hobart.

**Mrs HISCUTT** - All due respect. Yes.

Since November 2021, the OER has seen 364 new applications for home education received. It was an increase of 25 percent. Seventy-eight of those applications are for five-year-olds entering the first year of education. Many are from existing home education families. The remainder have come from schools.

The Office of the Education Registrar is working closely with the Department of Education to share information about students applying from schools so no student falls through the cracks. The registrar personally wrote to every family with a child who had come from a state school and explained that the department is offering a virtual learning centre, and offered them the opportunity to withdraw from home education and utilise the VLC. Fewer than 10 of the families indicated that they will take up that option.

Every home education summary and program provided by the parent is scrutinised by the registration office and two members of the Tasmanian Home Education Advisory Council.

Advice is provided to the registrar of education on the efficacy of the program and its compliance with the 10 standards in the regulations prior to a decision being made to grant provisional registration.

Once provisional registration is granted, the parent begins the program and is visited around six to eight weeks later to check on progress and ongoing compliance. Some of those visits have now begun and overwhelmingly, the feedback from registration officers is that the programs are excellent. One registration officer report is being referred to THEAC for advice about whether the program should be approved.

Parents are required to keep their child enrolled at school until provisional registration is granted. The registrar has agreed with the department that enrolment in school should not be cancelled until the full registration is granted, rather than at the provisional stage, as a risk mitigation against children being lost in the system if registration is refused. Should that happen and the child not return to school, then the school can request a compulsory conciliation conference to ensure re-attendance.

**Mr Willie** - That stuff can happen now. The question is how this bill improves home education.

**Mrs HISCUTT** - Regarding this model, particularly on home education, is the next answer, so I will go through that and see if that answers your question.

Any impact should be positive. Each of the regulators will be subject to a performance framework that provides clarity on what the regulator is expected to achieve and accountability for the associated outcomes. The current objects and principles in the Education Act 2016 will continue to help guide the actions of the registrar. This is not expected to have a significant impact on home education.

Changes for the registrar education are: clearer accountability to the minister for functions under the Education Act 2016, including student absenteeism and home education; a requirement to develop a corporate plan in line with the ministerial statement of expectations; being subject to independent review at the direction of the minister, including new instructions relating to education regulation; and a requirement to enter into a framework agreement with the secretary, Department of Education to formalise matters including budget, corporate support and staff provided.

Does that help? Yes.

The member for McIntyre asked about recommendations not in the bill and you referred to your table. Yes, either they already exist in current legislation or they did not need to be legislated to give effect to the recommendations.

**Ms Rattray** - The funding?

**Mrs HISCUTT** - I have a bit more to come yet. The member for Hobart asked why one regulator was not created. This was discussed extensively within the steering committee report. Where this has been done, in New South Wales, the jury is still out on whether it is delivering improved outcomes.

The steering committee recommendations and bill deliver a more contemporary governance model with a greater focus on outcomes. As a first step, the recommendations and parts of the bill provide a platform for the administrative support for the regulators to be combined together under a single senior officer, the Director of Education Regulation, while maintaining the independence of the regulator boards. This will establish a more efficient operating model while maintaining the independence of the regulator and avoiding significant legislative change and an extensive change-management exercise. An evaluation of how the new structure is working will occur in three to five years time from the commencement of the bill.

The member for McIntyre also asked about funding agreements. Current funding levels for entities will be retained. In the future a review of funding will be undertaken. This is to ensure that regulations have adequate funding into the future to deliver efficient operations and deliver on government objectives. The Department of Education will commission the independent development of a funding methodology with input from the regulator boards to determine sustainable funding for each of the regulators. This relates to recommendation 24 of the steering committee report.

With funding through a new output group, except where costs are recovered through fees and the provision of corporate services, the bill then provides for the development of a framework agreement between the regulators and the secretary. The bill specifies it should include matters such as budget provision of corporate support and staffing.

More on the funding. Additional funding for regulators prior to the funding methodology review. In 2021-22 there is \$1 million. In 2022-23 there is \$850 000. In addition the Government will provide an additional three staff to the TRB for increased capacity for investigations of complaints and the conduct of disciplinary inquiries.

The member for Hobart also asked about amalgamations. This was discussed extensively within the steering committee report at 4.1. Where this has been done in another state, New South Wales, the jury is still out on whether it is delivering improved outcomes. The steering committee recommendations and bill deliver a more contemporary governance model with a greater focus on outcomes. As a first step, the recommendations and parts of the bill provide a platform for the administrative support for the regulators to be combined together under a single senior officer, the Director of Education Regulation, while maintaining the independence of the regulator boards. This will establish a more efficient operating model while maintaining the independence of the regulators and avoiding significant legislative change and an extensive change-management exercise. An evaluation of how this new structure is working will occur in three to five years time from the commencement of the bill.

Also for the member for Hobart. In lieu of combining the entities, the committee recommended a single officer. The need for a Director of Education Regulation, which can be considered a step towards amalgamation, arose from the desirability of more collaboration and coordination across each of the regulators. A commonality of legislative functions across the regulators - I think this comes from 4.2 of the report.

The outputs of some regulators are inputs into the decisions of another regulator. For example, decisions in relation to the registration of non-government schools need information as to whether their teachers are registered and their courses are accredited. More internal

support for each executive officer as well as performance management of executive officers under the State Service Act will be undertaken by the director.

There is need to ensure functional alignment and the Director of Education Regulation will be appointed to assume the statutory powers of the registrars in Tasmania in the TRB and the registrar education. The director will have the capacity to relocate some or all of these powers to a deputy director in each entity as required. This represents a more efficient operating model, while maintaining the independence of the regulators. The responsibility of the Director of Education Regulation will include:

- facilitating the adoption of modern regulatory practices across the regulators;
- leadership development across the three entities of framework for managing risk, delegations and performance across the four regulators.

The new governance arrangements will be reviewed, as I said before in three to five years time.

The member for Hobart also asked about the impact of KPIs on the vulnerable in a classroom context. The objective of this review was to effect long-lasting change in the community through adopting a modern approach through regulation based on leading practice. Broadly, this includes: application of the Education Act 2016 principles to all regulators; new principles are regulated best practice specified through ministerial instructions, which will shift the focus to how regulation is undertaken; a performance framework for regulators that provides clarity on what a regulator is expected to achieve; accountability for the associated outcomes, including the development of outcome-based key performance indicators linked to their functions.

So greater coordination and collaboration between regulators and other organisations to achieve shared objectives and deliver outcomes. Greater visibility of appeals processes for regulated entities such as students, teachers and parents, et cetera. It is important to note the point regarding KPIs being linked to the functions of the regulators. Long term they should have an impact in the classroom. They will focus on things the regulators do and how they do them.

Mr President, I thank all members for their contributions.

**Bill read the second time.**

## **EDUCATION LEGISLATION AMENDMENTS (EDUCATION REGULATION) BILL 2021 (No. 53)**

### **In Committee**

**Clauses 1 and 2 agreed to.**

**Clauses 3, 4, and 5 agreed to.**

**Clauses 6 and 7 agreed to.**

**Clauses 8 and 9 agreed to.**

**Clause 10 -**

Sections 219A and 219B inserted

**Mr WILLIE** - A brief question concerning the ministerial statement of expectations and will that be published for scrutiny or whether that will be a private document for regulators?

**Mrs HISCUTT** - The following performance framework documents will be published to promote transparency and accountability. They are: the statement of expectations; the corporate plan; the annual report, and the ministerial instructions.

**Clause 10 agreed to.**

**Clauses 11 and 12 agreed to.**

**Clauses 13 and 14 agreed to.**

**Clauses 15 and 16 agreed to.**

**Clauses 17, 18 and 19 agreed to.**

**Clauses 20, 21 and 22 agreed to.**

**Clauses 23, 24 and 25 agreed to.**

**Clauses 26 and 27 agreed to.**

**Clauses 28, 29 and 30 agreed to.**

**Clauses 31 agreed to.**

**Clauses 32 agreed to.**

**Clauses 33 agreed to.**

**Clauses 34, 35 and 36 agreed to.**

**Clauses 37, 38 and 39 agreed to.**

**Clauses 40, 41 and 42 agreed to.**

**Clauses 43, 44, 45 and 46 agreed to.**

**Clauses 47, 48, 49, 50 and 51 agreed to.**

**Clauses 52, 53, 54 and 55 agreed to.**

**Clauses 56, 57, 58 and 59 agreed to.**

**Clauses 60, 61, 62 and 63 agreed to.**

**Clauses 64, 65, 66, 67 and 68 agreed to.**

**Clauses 69, 70, 71, 72 and 73 agreed to.**

**Clauses 74, 75, 76 and 77 agreed to.**

**Clauses 78, 79, 80, 81 and 82 agreed to.**

**Clauses 83, 84, 85, 86, 87, 88, 89, 90, 91 and 92 agreed to.**

**Clauses 93, 94, 95, 96, 97, 98, 99 and 100 agreed to.**

**Clauses 101, 102, 103, 104, 105, 106, 107, 108, 109 and 110 agreed to.**

**Clauses 111, 112, 113, 114, 115, 116, 117, 118, 119 and 120 agreed to.**

**Clauses 121, 122, 123, 124, 125, 126, 127, 128, 129, 130 and 131 agreed to.**

**Clauses 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, and 142 agreed to.**

**Clauses 143, 144, and 145 agreed to.**

**Clause 146 -**

Section 6 substituted

**Mr WILLIE** - Madam Deputy Chair, I move the following amendment to this clause -

After proposed new section 6(4)(a)(i)(B) insert the following sub-subparagraph -

- (C) relevant teaching skills and experience as a practising teacher;
- and

The 'and' is superfluous. It will come out in the velum stage, I am advised, if it does pass this House. That is not a problem, in case any other member picks that up.

I support a skills-based board. The department is worried about a conflict of interest, which was part of the reason to move away from a representative board, particularly around the board's functions with conduct and disciplinary matters. The board has many other functions. As I flagged in my second reading speech contribution, the teachers' representative organisation, the AEU, made a submission. I have had some conversations since. My amendment is not exactly worded the way they wanted it but they are comfortable with the wording of my amendment. I will explain that in a minute. I will read their submission first into *Hansard* and some of the concerns they have.

Their overview states that:

The net result of the key changes to be enacted by this draft bill will be the disenfranchisement of teacher voices in critically important areas, most notably on the Teachers Registration Board.

We are concerned at the disbandment of the representative appointment structure of the Teachers Registration Board and other changes to be enacted through the legislation will create barriers to practising teachers serving on the board.

I have spoken to them and I think they are comfortable with a skills-based board if there are teachers' voices involved in the decision-making.

Further, the establishment of an Education Regulation Advisory Council constituted of only three sector authorities excludes provision for a teacher voice by exclusion of their representative bodies, such as education unions.

Teacher representation on the Teachers Registration Board. The teaching environment is unique and complex and the associated knowledge and skills cannot be gained anywhere else other than being on the ground in schools. It is unconscionable that such a key and powerful entity as the TRB that regulates the day-to-day activities of teachers would not consider it anything other than imperative to have skilled teaching practitioners serving on its board.

In addition, there are a range of very practical reasons to ensure teacher representation on the TRB. Workload stress is an increasing problem and one that must be fully understood when formulating policies and processes to ensure they will be workable in an education setting. Teachers can put this lens over the TRB procedures, such as the pathway to full registration and HALT, which is the highly accomplished lead teacher process. Effective communication with teachers is also, obviously, a key requirement and a serving teacher can give advice about the best timing and form of board communications - so communication is important. Teachers have an understanding of what professional learning looks like in schools on a practical level and how much time can be devoted to it. This is important. Knowledge and must be considered when creating registration policies and application processes.

Finally, teachers understand the complexities of working with students, families and the community and are able to apply this perspective when dealing with professional conduct issues. It is most important for confidence in the system that teachers who are being investigated see their peers are involved in the process.

Their key recommendation was:

... given this narrow scope of this phase of the consultation we strongly urge, as a minimum, that the following change be made to legislation to safeguard representation on the TRB from serving teachers. Recommendation - that the following addition be made ...

Their wording was 'current and ongoing teaching skills and experience.'

I have changed that to 'relevant,' which means that, for example, it would not exclude a principal with 40 years' experience who has recently retired. A principal with that sort of experience would have governance skills too, and strategic development skills.

Turning to the functions of the board - and this is in the Teachers Registration Act 2000. There are many other functions apart from conduct and disciplinary matters.

The Board has the following functions:

- (a) to register persons under this Act;
- (b) to grant limited authorities to persons under this Act;
- (c) to promote the teaching profession;
- (d) to investigate complaints made under this Act;
- (e) to conduct investigations, inquiries and hearings for the purpose of this Act including, without limitation -
  - (i) investigations into complaints; and
  - (ii) investigations to determine whether persons have contravened this Act;
- (f) if appropriate, to take disciplinary action under this Act in relation to persons who are or were registered teachers or holders of limited authorities;
- (g) to approve teacher education courses the successful completion of which satisfies a criterion for registration;
- (h) to develop and improve teaching standards;
- (i) to maintain a code of professional ethics for the teaching profession;
- (j) to undertake relevant reviews and research projects, and to make recommendations to the Minister in relation to the funding of those reviews and projects and the appointment of persons necessary to enable the successful undertaking of those reviews and projects, as appropriate;
- (k) to confer and collaborate with corresponding registration authorities for the purposes of -
  - (i) ensuring effective exchange of information within Australia and New Zealand; and

- (ii) promoting consistency in the regulation of the teaching professions within Australia and New Zealand;
- (l) to investigate and recommend the prosecution of offences against this Act;
- (m) any other functions imposed by this or any other Act.

As you can see, there is a quite a number of functions for the TRB. My concern here is that without stipulating in legislation 'relevant teaching skills and experience as a practising teacher', it will undermine trust in the decision-making process and disenfranchise the profession.

We heard in the briefing that there will be a skills matrix and that is clause 146(6)(4)(a)(i)(B), 'skills relevant to the Board's functions'. That means it is likely that a person with these relevant skills would be on the board but, as drafted, we also heard it is possible for them not to be on the board. The only input they will have would be through a committee structure which will give teachers a voice, in terms of providing advice, but they will not be involved in the decision-making process. We also heard in the briefing that the department could not see a position where a person with these sorts of skills would not be included on the board. Why not just include it in the legislation? Clearly, it is going to maintain trust; it is not going to disenfranchise the profession. I am interested in the Government's thoughts.

I have three calls now. Two left.

**Mrs HISCUTT** - Madam Deputy Chair, I have quite a lengthy contribution here as to why we do not consider the member for Elwick's amendment is necessary.

The Government does not support the amendment. The bill at proposed section 6(4)(a)(i)(B), already requires members collectively to have skills relevant to the TRB's functions. Government is of the view that this adequately provides for teaching experience to be specified by the board through its skills matrix and selection process. Essentially, there is already a provision in the bill which enables members with relevant teaching skills and experience to be appointed.

Government is firmly of the belief that the amendment will limit and place undue restrictions on the Teachers Registration Board in the filling of its positions under the skills-based model, and that, in fact, it flies directly in the face of evidence-based recommendations of the cross-sectorial steering committee on which this bill is based. Government understands that it might seem counterintuitive to not specify a teacher as a member of the Teachers Registration Board in the act. I will provide a detailed explanation as to why that is the case, for members to consider in relation to this amendment.

In its submission, the board was supportive of how the skills-based board section of the bill was drafted to give effect to the recommendations of the review. In its submission, it included a draft skills matrix and an extensive statement regarding the importance of this process and how the board might administer it. The board itself stated that a skills-based board comprises members who collectively have the skills, knowledge and experience to effectively govern and direct the organisation. The Teachers Registration Board's primary roles are to

regulate teachers to ensure that the quality of teaching for students and student safety are paramount.

That is the important thing to note. The board is in place to govern and direct the organisation in the discharge of these functions. The board stated that the skills matrix, which is not prescribed, should be tailored to the unique circumstances and requirements of the organisation. The board put forward that each board, under this new regulatory model, will need to decide for itself which lenses are more suitable to apply to the assessment of skills for that organisation.

In its submission, the board stated that in establishing a matrix, and then recruiting members of the board, it is crucial that the current context and identified future challenges for the organisations are considered and documented. This will enable the selection of applicants that match the knowledge, skills and experience requirements, and will also ensure that the corporate experience of the full board is more than sufficient to meet the current and possible future challenges to which the board will need to respond and to manage.

It is right for this place to mandate what it thinks the board needs to discharge these complex and serious functions when there is evidence to suggest that the board's needs will change over time, depending on the focus of the board and its strategic direction and management of emergent risks. The board has not asked us to.

In the draft skills matrix proposed by the board there was a section titled Experience in Education, which is then detailed further to include:

- teaching experience;
- leadership of education, meaning significant leadership in schools and/or college;
- leadership of teachers, meaning significant experience in the leadership of teachers in an education setting;
- experience in teacher performance management, meaning experience in the performance management of teachers in a school or a college.

You will note this list strongly favours leadership in an education or school context rather than current or practising teachers.

This is because the functions the board undertakes, and the high-stakes decisions the board makes, require a level of experience that classroom teachers are just not likely to have. A classroom teacher, likely, has limited or no experience in drafting or enacting policy at school level, let alone for a statutory office like a board. They are not likely to have experience in the management of HR matters such as performance management of a teacher.

Within a school context, complaints from parents or the community are typically dealt with by senior leaders. It is highly unlikely a practising classroom teacher has been involved in, or has experience in, the design of governance frameworks, ICT system developments, strategic planning or budget management in an education context. It is not likely they will have been to court or had to participate in a formal process to defend a judgment or course of action.

The board will be looking for all of the factors and considerations I have just named across the five or seven members of the board, trying to get the balance it needs to govern and direct the organisation.

It is clearly more complicated than placing a mandate over the top of relevant teaching skills and experience as a practising teacher, which may be limiting to the board for the future and may possibly even hinder them. This amendment would likely be unhelpful for the board as it does not reflect experience or leadership in education as just outlined.

The membership of the board is simply not a place for advocacy of any stakeholder group, which is why none have been specified in this bill for any board. This is also consistent with the approach for all Tasmanian government businesses.

That is not to say the Government or the board do not value or need the contributions of classroom teachers on the ground or teaching experience. We know that after parents, teachers and school leaders have the biggest influence in lifting educational outcomes. This Government acknowledges and thanks our teachers for their unwavering commitment to improve educational outcomes for all Tasmanians.

Because of this, the voice of teachers is incredibly important to the board and as articulated in the second reading speech, there is absolutely an expectation from Government they are a feature for a fit-for-purpose governance structure of the board.

Further, teachers remain, through prescription in the principal act, a critical part of the committee of inquiry processes with two to four teachers legislated as part of that process.

In its submission to the steering committee, the board proposed of the establishment of one or more reference committees or groups would also be valuable to provide a needed teacher, parent, student, initial teacher education and school leadership input. It suggested these might stand up on a limited period basis for specific strategic objectives.

It gave a number of examples which highlighted the different skills sets you might need to engage, which include, but are not limited to:

- initial teacher education and school student experience across the primary, secondary and senior secondary context;
- remote or regional experience.

This model and the board submission clearly reflect a future state where governance for the board is designed and changed depending on the strategic direction of the board.

Government is of the view the current drafting of sub-paragraph (B), skills relevant to the Board's functions, is adequate and enables the board to lead the process as an expertise in this area.

As you can see, members, this clearly states we are looking for governance and leadership as opposed to the valuable assets of the school class teacher, which may not be reflected in what is needed in a board. I urge members not to vote for this amendment.

**Madam DEPUTY CHAIR** - Before I invite the next speaker, I want to clarify that the member for Elwick, who has proposed the amendment, has two more speaks on the amendment and also has two more speaks on clause 146. I did not indicate that previously. I see that other members are already taking the opportunity to speak on the amendment and that will allow the member proposing the amendment to clarify anything and not run out of speaks.

**Mr VALENTINE** - I am rising to inform the Chamber I will not actually participate in this vote and the reason I will not is not because my wife is a teacher. There are a lot of teachers. It is not because my wife is a member of the union. There are a lot of union members. It is because my wife is actually on the union council. There are far fewer of those. Just to help the process I will not participate in this only because the member for Elwick said specifically a request from the union in relation to that. If you had not mentioned that side of it, I might not have felt so conflicted. I do think because it is coming from that area, I will absent myself.

**Mr GAFFNEY** - I will put this here now, which will give time for the member for Elwick to take into account some of the words I am going to say. I appreciate the sentiment of the amendment. On the surface it appears to make sense. I would be surprised if one member on the five- to seven-person board will not have teaching skills or experience. If you look at the principal act, the 12-member board says a chairperson; a practising teacher appointed from nominations by practising teachers in state schools; a person nominated by the department; a person nominated by an organisation representing non-Catholic-registered schools; a person nominated by an organisation representing Catholic-registered schools; a practising teacher in state school or TasTAFE nominated by the Australian Education Union; a practising teacher in a non-Catholic-registered school nominated by the Tasmanian Independent School Teachers Association; a practising teacher in a Catholic-registered school nominated by the Independent Education Union Victoria Tasmania; a person nominated by the faculty administering teacher education at the University of Tasmania who is teaching in that faculty; a person nominated by parent groups involved in education at the time of appointment who is a parent or guardian of a student attending a Tasmanian school; a person nominated by TasTAFE; and the final one is a practising teacher appointed from nominations by the practising teachers at TasTAFE.

You are taking a 12-member board, where every one of those people on that board has some sort of teaching or education background, down to five to seven people on the board. I am pleased the member went through the functions of the board, because there are a lot of teaching words in those functions we heard that reference teachers and what they should be there for. If you go back to four, as was pointed out by the Government:

- (4) In appointing members under subsection (1), the Minister -
  - (a) is to ensure that members -
    - (i) collectively have the following skills:
      - (A) general board governance skills,
      - (B) skills relevant to the Board's functions; and

The board's functions are all about teaching. The minister would be derelict in his or her duty if they did not have somebody on that board who had teaching skills and education and

reference. I think that would not occur. I go back to the point that whilst teachers are very well meaning, sometimes we hear that were not always able to attract members to those positions. You do not want a teacher on there who does not have any skills other than that they have taught or have been in a classroom. They may not be able to provide any higher level governance capacity or attributes to this fairly important board. So I am comforted in saying that I think it is covered. The minister must have skills relevant to the board's functions. If half a dozen of the board's functions are about teachers and their skills and what they are doing, I think it is highly unlikely that there would ever be a chance that not one member of that board has not had some teaching experience.

I would prefer that than to have a person taking up a position on the board whose only job has been that they have taught in the classroom because they will not be able to provide the appropriate level of governance on that board that is necessary. While I hear the amendment, I thought I would throw that in now to allow members to contemplate my point of view, coming from that profession.

I will not be supporting the amendment because I think it is covered. As the Government has outlined, we possibly should not go down that pathway to restrict the board because I do not think that is necessary. I will not be supporting the amendment.

**Ms WEBB** - Madam Deputy Chair, this is a really interesting one. I am still not quite of a mind which way to go with this. I do not see that this restricts because it does not say there must be one person who only has these things and nothing else. This amendment proposes to put new sub-subparagraph (C) under what collectively the board must have. It does not say there should be one member who only has that. It says among the collective skills, this must be there. I take the member for Elwick's point, that putting it here, given that we have heard from the Government and the department, who cannot imagine that there will not be those skills among the mix, does not seem to put too much of a constraint or any particular sort of direction about a particular member.

Then I take the point from the Government that in identifying a skills matrix among the collective skills, what can be articulated are those elements of experience in teaching and leadership in schools, with a focus towards leadership. Regarding the documentation of that skills matrix, is there an imperative that everything mentioned must be covered when putting this board together and collectively assuring that will be among the skill mix?

Even if that is the case, I do not know that this amendment takes away from that and interrupts anything that is intended by the Government to ensure that collective skill mix. All it does is give a fairly distinct nod to the relevance and the expectation that these particular skills will be there in the legislation, rather than just in a skills matrix that is documented somewhere else, that is not a statutory recognition.

I am interested to hear more about how this constrains the selection of people for this board. I do not see that it does. If, as the member for Mersey suggested, it has been difficult to get people with the relevant experience in schools, teaching or school leadership to sit on this board, I do not think that is a reason we would allow for the idea that that experience would not be on the board. That would be a prompt to be more activated in seeking those skills and seeking an appropriate candidate through the expression of interest process and through the recruitment process for the board. I do not think we should not articulate a specific requirement

for this teaching background because we might not find someone who fits it. If we put it in here, that is an additional prompt to make sure we find someone who brings that to the mix.

**Mr WILLIE** - I appreciate other members' views. The member for Mersey talked about the 12-member board, which is a representative board, now we are moving to a skills-based board of five to seven. It is very different. It is not representative of different sectors. We are moving to these specific skills.

The Government's response was probably more appropriate for my first amendment where it listed 'current' teaching skills. I think the word 'relevant' opens it up to a whole range of people. Retired principals were one sector of people that I mentioned. Let us not get bogged down in classroom teachers not having the relevant governance skills. I think some of them would. Some of them would work part-time and maybe have jobs in other sectors and do all sorts of things. I do not think we can get bogged down in that particular argument. What we are talking about is a recruitment issue. It does not constrain the board by adding this in here. It is about finding the right people. I think the word 'relevant' opens it up to more people.

The Government is bogged down in this argument about classroom teachers, current practising classroom teachers. I know that they are worried about conflict of interest when it comes to conduct and disciplinary matters, but what we are talking about is a recruitment issue. The Government could recruit people with the relevant teaching experience, school leadership, with experience in education, leadership of teachers, performance management. All of that stuff is a recruitment issue. It does not constrain the board. We are talking about collective skills. Only one of the five to seven people might come from that background. The others might have financial backgrounds, or backgrounds in governance.

I do not see adding this in is a particular problem and I do not understand why the Government is fighting it, because they are saying that it is likely that this will occur. Let us give the profession some assurance that there will be someone who understands what they do in a school setting making decisions for the profession. Not just having a voice in a committee structure, but actually being part of the decision-making.

**Mrs HISCUTT** - This is a board for which we are looking for governance skills, within a particular area.

In relation to the question from the member for Nelson, the collective term also provides for a selection process. However, the teaching skills requirement does narrow down or send a signal regarding the role and functions of the board. What we need is educational leadership, experience and teaching skills.

However, the member for Mersey is correct in that paragraph (4) and sub-subparagraphs (A) and (B), adequately provide for this. I urge members not to vote for the proposed amendment because it is unnecessary.

**Ms WEBB** - It was not a very fulsome response to the question I asked, was it? Because my question was in relation to - if there is a skills matrix that has been documented that covers what would like to be arrived at in the mix of skills on the board. And in that, already documented, is, as you spoke to earlier, a range of schools-based leadership experience. Somebody who fills that will have these things that are proposed in this amendment. They will

have relevant teacher skills and experience as a practising teacher. They will also have the leadership and things that are documented there.

My question was if that is in the matrix documented somewhere, is it imperative that is covered in the skills that are recruited for amongst the board members? Is it guaranteed that that is going to be there? Or is it just we would like to have most of this and that might not be there? I am trying to establish whether there is a mechanism already in place which will absolutely guarantee there will be somebody there with those skills, which would then cover this potentially.

I still have not heard an adequate response to the question I raised on a better explanation of the constraint the Government perceives this puts on by adding it in. Because if the expectation which you have quite readily expressed, is that this will be there, it is very hard to imagine that it will not be apparently, according to the Government.

What constraint is put on by adding this in so it is statutory required? Not just in a separately documented non-statutory skills matrix somewhere. What is the constraint? It does not mean you cannot get that leadership level of experience. It does not say you must take a classroom teacher. It says within the collective mix this would be required to be there in that collective mix.

What is the constraint? I have not heard the answer to that. This is my second call. I have reiterated the same questions and asked for a more fulsome answer to them. I hope you are able to give me a more fulsome answer.

**Mrs HISCUTT** - There is no constraint because it is collective.

**Ms Webb** - Thanks for clarifying that.

**Madam DEPUTY CHAIR** - The question is that the amendment be agreed to.

**The Council divided -**

**AYES 6**

Ms Armitage (Teller)  
Ms Lovell  
Ms Rattray  
Ms Siejka  
Ms Webb  
Mr Willie

**NOES 4**

Mr Gaffney  
Mrs Hiscutt  
Ms Howlett  
Ms Palmer (Teller)

**PAIR:** Ms Forrest, Mr Duigan

**Amendment agreed to.**

**Madam DEPUTY CHAIR** - Honourable Leader, this is speaking to the clause as amended.

**Mrs HISCUTT** - Thank you Madam Deputy Chair. I propose an amendment to the clause. I propose that - so clause 146 -

**Madam DEPUTY CHAIR** - Would you like to wait until members have received the amendment?

**Mrs HISCUTT** - After taking advice, the Government has come up with wording that we find more acceptable, and hopefully the member for Elwick might be agreeable. What we would have to do here is go back on the clause and vote against the member for Elwick's amendment -

**Madam DEPUTY CHAIR** - Move to disallow.

**Mrs HISCUTT** - Move to disallow the amendment. Members, I am sorry about the mix-up here. I would have to put a motion forward that the amendment that was there before is disagreed and this one might be to replace it. So that members can have an informed decision as to which way they will go, I will speak to the amendment.

Instead of 'relevant' teaching skills as proposed by the member for Elwick, we are proposing putting in 'leadership skills in an education context and experience as a practising teacher,' and speaking to that motion -

**Madam DEPUTY CHAIR** - Before the Leader proceeds, I can indicate to the Committee that I will allow some leeway because members speaking to this would lose a call, if they agreed to what the Leader is asking. You would lose a call if you get up and speak to this. I will allow some leeway around that.

**Mr Willie** - Some clarification, Madam Deputy Chair. The Leader is speaking about an amendment but that is not the question before the Chair, is it? It is about disallowing the previous amendment?

**Madam DEPUTY CHAIR** - Disagreeing to the previous -

**Mr Willie** - Disagreeing to the previous amendment is the question before the Chair, not this amendment.

**Mrs HISCUTT** - I would feel uncomfortable asking members to disagree to something that they have just agreed to without hearing -

**Mr Willie** - I was just clarifying, that is all.

**Mrs HISCUTT** - Okay, without hearing what the proposal is.

**Madam DEPUTY CHAIR** - The Leader is trying to get a feel of the Committee as to whether they would be agreeable to disagree.

**Mr Willie** - There were other options. They could have amended -

**Mrs HISCUTT** - There was and I do apologise. What we are trying to -

**Mr GAFFNEY** - Point of clarification. We have not agreed to disagree with this, so I do not consider it appropriate for the Leader to stand up and give an explanation of her amendment when we have not agreed for that to happen, because she had the opportunity to do that before. I think the process should be, do we agree for this to occur? Not to listen to why we think that amendment is appropriate.

**Madam DEPUTY CHAIR** - This is unusual, and the reason why we had suggested that the Leader seek the feel of the Committee as to whether they would be amenable to the disagreement. That is why we were doing that. The Leader does not have the opportunity to put the amendment. The question is that the clause as amended be agreed to, so we have not left the clause yet; but the amendment to the amendment should have been put before the vote was previously taken, which obviously everyone is aware of and so that is why we are indicating that the Leader is trying to get a feel -

**Mrs Hiscutt** - It is a shame we were not aware of it before.

**Madam DEPUTY CHAIR** - Yes, you are absolutely right and I apologise. The member for Elwick, using the call that I have said I will give some discretion to.

**Mr WILLIE** - I will not speak to the amendment because I consider the Leader had an opportunity to amend the amendment and speak to that and make the case for it, and she did not take that opportunity. I am comfortable with my amendment as drafted and I will not support the disagreement to the clause as amended.

**Madam DEPUTY CHAIR** - We have received some advice from OPC that this is a standalone amendment. So, it is not -

**Mrs HISCUTT** - When do I move it?

**Ms LOVELL** - Point of clarification, is it possible for the Leader to have a new amendment drafted that would be an amendment to the clause as amended?

**Madam DEPUTY CHAIR** - That is not possible.

**Clause 146 as amended agreed to.**

**Clauses 147, 148, 149, 150, 151, 152, 153, 154, 155 and 156 agreed to.**

**Clauses 157, 158, 159, 160, 161, 162, 163, 164 and 165 agreed to.**

**Clauses 166, 167, 168, 169, 170, 171, 172 and 173 agreed to.**

**Clauses 174, 175, 176, 177, 178, 179 and 180 agreed to.**

**Clauses 181, 182, 183, 184 and 185 agreed to.**

**Title agreed to.**

**Bill reported with amendment.**

**Third reading made an order of the day for tomorrow.**

### **ADJOURNMENT**

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

That at its rising the Council adjourn until 11 a.m. on Thursday 24 March 2022.

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

That the Council do now adjourn.

### **Answers to Questions - Delays in Responses**

**Ms RATTRAY** (McIntyre) - Mr President, I will not take up a lot of time but I will place on the record some concerns I have.

We all know in this place how important it is to get questions answered, particularly through the departments. I am pretty sure that most of us do the right thing and go through the ministers' offices. That is how the system works. Very rarely do I try to circumvent that process, because I know that it is not welcome and I do not want to lose the opportunity to get a reasonably quick reply.

At the moment, I seem to have a number of matters that are outstanding. Five weeks to get a response. In one case, six weeks and we still have not had a response for various things.

These are not on the Notice Paper. These are ones that come from my office into ministers' offices. We do not always have an opportunity to put them on the Notice Paper -

**Mrs Hiscutt** - For clarity, are you talking about personal requests from your office to a minister, not through the Leader's office?

**Ms RATTRAY** - Not through the Leader's office. Sometimes we have an opportunity as members to follow-up through this process with your office to put it into the system. You should not have to do that. If you have had something in the system for four, five, six weeks, I do not think it is good enough that we continue to wait. Others might not have this time frame but I am seeing it. It is unusual. I have been happy to try to continue to ask my EA to follow up with the minister, follow up with the minister's office. I am getting tired of asking her to follow up all the time.

The people who have put the request in to me are waiting. They do not know that I am often still waiting. We are ringing back saying we still have not heard anything from the minister's office.

I am not going to name them, but I want the ministers to be aware that something is not right in their offices if it is taking this long. I am happy to have a private conversation with the

Leader around which ministers they are. I asked my assistant to put together a matrix of who were the worst offenders. Unfortunately, she is not in the office at the moment due to a close contact of good old COVID-19.

I have some bare bones of information but I wanted to make the point that we use the ministers' offices because that is how we are told to make our contacts. At this point in time, there are a couple of ministers who are not very efficient.

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, in response, I humbly apologise on behalf of those ministers. I am happy to have that private conversation with you after. Please be aware that I have just noted that I will take your adjournment speech to the chiefs of staff meeting.

Normally I would give you the minister and the chief of staff contact details. As you know there have been a few arrangements with ministers and I have not got a finalised list. That will be out to you as soon as I get that. I do apologise and I will follow that up for you.

**The Council adjourned at 6.23 p.m.**

## APPENDIX 1



QUESTION WITHOUT NOTICE  
Legislative Council

tabled and  
incorporated  
into Hansard  
J. Palmer  
23 March 2022

ASKED BY: Hon Sarah Lovell MLC, Member for Rumney

ANSWERED BY: Hon Leonie Hiscutt MLC, Leader of Government Business in the Legislative Council

QUESTION:

- 1 The Government has said repeatedly that there is a \$300 million contingency for COVID expenditure in the budget. Can the Government please outline any and all expenditure of the \$300 million COVID contingency, detailed both as month by month and year to date figures.

ANSWER:

The 2021-22 Budget was developed in the context of the ongoing uncertainty associated with the COVID-19 pandemic. In recognition of this environment, the Appropriation to the Treasurer's Reserve was increased to \$150 million in 2021-22 to provide for unforeseen expenditure during the year, which cannot be managed within existing Budget allocations.

In total, \$300 million was allocated to the Treasurer's Reserve over the Budget and Forward Estimates period.

Agencies manage costs within their existing Budget allocations during the year, with requests for additional funds from the Treasurer's Reserve occurring as part of end of year processes.

QUESTION:

- 2 Can the Government please outline how many of the following payments have been granted, and include full details of the expenditure, month by month and year to date:
  - a. \$250 PCR Test Payments
  - b. \$250 Vaccination Payments, and
  - c. \$750 Pandemic Isolation Assistance Grant

ANSWER:

The Government's Pandemic Isolation Assistance Grant (PIAG), which previously included Pandemic Emergency Assistance (EA) Grants has been in place since March 2020. Since this time, eligibility criteria have evolved to ensure that the assistance provided supports individuals who have been financially impacted as a result of public health and social measures implemented to deal with the changing circumstances of the COVID-19 pandemic.

The total number of grant payments and value for the three categories identified, for the calendar years 2020, 2021 and 2022 (YTD) is provided in Table 1. It should be noted that there are / have been additional EA/PIAG categories, which together with the categories requested, have paid a combined total of \$526,170 over this period.



In addition to the PIAG, a number of Tasmanians have previously opted to not seek the State payments but instead seek the Commonwealth Government's Pandemic Leave Disaster Payment or the COVID Disaster Payment. Under the Commonwealth mechanism, a person is unable to get both the Commonwealth and the State payments.

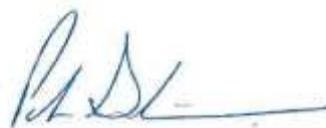
Table 1: PIAG payments

	2020		2021		2022		Total	
	No	Amount	No	Amount	No	Amount	No	Amount
PCR Test Payments	81	\$20,500	282	\$77,750	33	\$8,250	396	\$106,500
Vaccination Payments			3	750	8	\$2,000	11	\$2,750
\$750 Pandemic Isolation Assistance	83	\$37,875	24	\$11,625	30	\$22,500	137	\$72,000
							544	\$181,250

Notes:

- There is not a direct correlation between number of grants approved each month/year and total value of grants paid in each month/year. For example, a grant may have been approved in a month and paid the following month.
- There is not a direct correlation between number of grants approved (in total) and the total value of grants paid. For example, pro-rata payments were made in certain circumstances.
- Vaccination payments were made available following the Premier's announcement on 3 December 2021.

APPROVED/NOT APPROVED



Hon Peter Gutwein MP  
Premier  
Treasurer

Date: 23 March 2022