PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF DEBATES

Tuesday 25 October 2022

REVISED EDITION

Contents

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

ABSENCE OF MEMBER

Member for Franklin - Hon Nic Street

Mr ROCKLIFF (Braddon - Premier) - Mr Speaker, I inform the House that Mr Street remains absent from question time this week as he is unwell. For today, tomorrow and Thursday, I will be taking questions in his absence with the ministerial portfolios of Community Services and Development, Hospitality and Events, Local Government, and Sport and Recreation. During this period, the Deputy Premier will continue to act as Leader of the House.

RECOGNITION OF VISITORS

Mr SPEAKER - Honourable members, I draw your attention to the presence in the gallery of the Hon Robert Borbidge AO, former premier of Queensland.

Members - Hear, hear.

QUESTIONS

Proposed Stadium and Tasmanian AFL Team Deal

Ms WHITE question to PREMIER, Mr ROCKLIFF

[10.02 a.m.]

Labor supports Tasmania's bid for an AFL team and we always have, but last month you told this House that:

> The bid we put forward for the AFL team, as we have publicly stated, is $10 million over 10 years as well as a $50 million contribution. The stadium was not part of the bid.

Can you still guarantee Tasmanians that a stadium will not be part of any deal for an AFL team?

ANSWER

Mr Speaker, I thank the member for her question. I acknowledge Mr Borbidge, former premier of Queensland, in the Chamber as well.

It will be exciting for Tasmania to have its own team in the AFL, the 19th licence. For three decades Tasmanians have been wishing for this moment, advocating for our own AFL team on the national stage. I have said many times that the AFL and AFLW will not be a truly national competition without Tasmania as part of that competition. That is why we have been working for many months alongside the AFL, supporting and investing in our own team - the yearly contribution, but also the high-performance centre as an example of that.

I point to what is also clear in the business case -

Ms White - What business case?

Mr SPEAKER - Order.

Mr ROCKLIFF - and the work that has been done, that for the team to be sustainable, there will need to be a stadium in the future. I have seen the economic analysis - that is public - with regard to investing in a stadium.

Ms White - You call that analysis?

Mr ROCKLIFF - I will come to your position in a moment, which frankly is embarrassing. For heaven's sake, a referendum? Honestly, Mr Speaker.

Ms White - Why do you not answer the question?

Mr SPEAKER - Order, Opposition Leader.

Mr ROCKLIFF - It is bad enough that you came in here every three weeks prior to the Greens' motion last Wednesday, where you backflipped on all the stuff you have been talking about. I am presuming you will now lobby for federal funds for what will be an iconic sporting infrastructure.

Ms White - Is the stadium a part of the bid or not?

Mr SPEAKER - Order.

Mr ROCKLIFF - An arts, entertainment, and cultural precinct, Mr Speaker. I hope you do come good on your word by voting against the Greens' motion, by advocating for federal funds.

Ms WHITE - Point of order, Mr Speaker, standing order 45, relevance. I ask you to draw the Premier's attention to the question, which is whether the stadium is part of the bid. He has not gone anywhere near to answering that. It is completely irrelevant.

Mr SPEAKER - I will take the point of order of relevance. I am sure the Premier will tie it all together.

Mr ROCKLIFF - Mr Speaker, as I have seen around the country - Adelaide would be an example, Townsville, indeed Perth - these investments are embraced by the community, if not at first. If you look at all the investment - say, Adelaide, if my memory serves me correctly -

Ms White - You have changed the bid, and you have not told anyone.

Mr SPEAKER - Opposition Leader, order.

Mr ROCKLIFF - Townsville, Mr Speaker, they were not first embraced by the community. Many people played politics around that investment but they have been embraced now. We are here for the long term, this Government - not short-term politicking.

Ms White - Is the stadium part of the deal or not?

Mr SPEAKER - Order.

Mr ROCKLIFF - You cannot make a decision. Either you do not want it - and make that clear.

Opposition members interjecting.

Mr ROCKLIFF - Well, now you are going to put it to the Tasmanian people. You are all over the place. That was very evident last week in the parliament when you backtracked on your previous utterances.

Ms White - Is the stadium part of the deal or not? It is not the right time for a stadium.

Mr SPEAKER - Order.

Mr ROCKLIFF - We are still working through with the AFL, Mr Speaker. There is still discussion going on, as I understand it, with other presidents. I know it has taken some time but when we secure a licence, for the time that it has taken to get it right, in 10 years' time when we are absolutely absorbed in the national competition, I can safely say that the wait right now will be well and truly worth it.

Ms White - Is the stadium part of the deal or not? We are waiting for an answer.

Mr ROCKLIFF - We have made our own decision, when it comes to investing in that infrastructure, Mr Speaker.

Ms O'Connor - Yes, but you did not ask the people of Hobart. You want to impose a stadium on us, all you northern ministers.

Mr ROCKLIFF - We have made our own decision when it comes to investing $375 million into what will be an iconic, boutique, 23 000-person stadium.

Members interjecting.

Mr SPEAKER - Order.

Mr ROCKLIFF - I understand the economic value of that investment, investing in infrastructure and the flow-on effects. Some 14 000 jobs at construction, $300 million worth to the economy during construction, $85 million following construction. This is an investment worth fighting for and at least we have a position.

Members interjecting.

Mr SPEAKER - Order.

Proposed Stadium and Tasmanian AFL Team Deal - Public Input

Ms WHITE question to PREMIER, Mr ROCKLIFF

[10.09 a.m.]

Premier, unlike you, Labor is listening to the Tasmanian community, and they are telling us loud and clear that they think you have your priorities all wrong.

Ms O'Connor - Why do you want a referendum?

Government members interjecting.

Mr SPEAKER - Order.

Ms WHITE - Why do you not think the community deserves a say? This Government is just going to push ahead and has not asked a single person what they think.

Members interjecting.

Mr SPEAKER - Order. The Opposition Leader has the call. No one else in the chamber should be speaking.

Ms WHITE - Thank you, Mr Speaker. The Tasmanian community wants action on health, housing and the cost of living - not a $750 million stadium in Hobart. If you are so convinced that this reckless project should be a priority for our state, why will you not give the public a say?

ANSWER

Mr Speaker, we are elected to make decisions and we will do it.

Members interjecting.

Mr ROCKLIFF - Mr Speaker, of course I canvass people's views on a range of matters. I have listened to people who are not in favour of the stadium. I have listened to people who are in favour of it because they can see the long-term benefit. I will stick to that position because it means jobs, business, tourism: a stronger economy to invest in essential services and, of course, Tasmania's own AFL team.

We will never be diverted from the priorities Tasmanians care about: health, education, housing and community safety. Many on this side of the House well remember a time between 2010 and 2014 when you cut those services I just mentioned. You sacked a nurse a day for nine months and put hospital beds in storage. You sacked 108 police officers and tried to close 20 schools. Then the community and we, the then Liberal opposition, rallied against that and you reversed that decision.

Health, education; public housing and community safety will also be our priorities but good governments can do both. We can invest in iconic infrastructure and also fund and invest in the essential services that Tasmanians care about.

Ashley Youth Detention Centre - Lockdowns

Ms O'CONNOR question to MINISTER for EDUCATION, CHILDREN and YOUTH, Mr JAENSCH

[10.11 a.m.]

Children are again being locked up at Ashley for 23 hours in a day because you cannot properly staff the place and because you refuse to explore alternatives for remand. This comes after rolling lockdowns from June to August were described by child psychologists as having 'the potential to cause significant and devastating effects'.

At the time, the state's Commissioner for Children and Young People described this forced, prolonged isolation of children as a gross failure to uphold the rights of children as articulated by the UN Convention on the Rights of the Child. We are betting that the child detainees were let out of their cells when the UN delegation on the prevention of torture recently visited the facility. Can you confirm that?

Can you guarantee that the current cruel practices at Ashley are compliant with all aspects of the Youth Justice Act? How long will this lockdown last? Do you expect this to be a repeated pattern until that house of horrors is closed?

ANSWER

Mr Speaker, I thank Ms O'Connor, Leader of the Greens, for her question, her interest in this important matter, and her concern for the young people who are residents in the Ashley Youth Detention Centre.

I am advised, as late as this morning, that the young people residing in Ashley are out of their rooms all day today, engaging in normal programming. I thank the management and staff of the Ashley Youth Detention Centre for doing everything they can every day to ensure that we are keeping those young people safe and giving them access to the services, resources and programs they are entitled to while they are spending time in Ashley -

Ms O'Connor - While they are isolated alone in their rooms.

Mr SPEAKER - Order.

Mr JAENSCH - As I said, Ms O'Connor, the advice from my department is that the young people are out of their rooms today, engaging in normal programming thanks to the continued efforts of our staff on the ground and all those they are working with to assist them. I will name the union and Lucas Digney, who has been a spokesperson, who has been out publicly talking about what is going on there. He is on site working with our staff and our management. They are pulling every lever they have to ensure that we can maintain the staffing levels. While the union continues to be very vocal in support of the welfare and wellbeing conditions for their members, our staff working in that setting, are also working with the

management on ideas. If there were more and better things that we could be doing to recruit people we would be doing them.

Ms O'Connor - Do you want to answer the questions?

Mr JAENSCH - I need to just highlight a few things -

Ms O'Connor - But will you answer the questions?

Mr JAENSCH - Mr Speaker, may I answer the question?

Ms O'Connor - Would you?

Mr JAENSCH - Thank you. The Government is doing everything in its power to ensure that the centre restrictions are eased wherever possible and removed completely at the earliest opportunity, today being a case in point. There has been a group of senior officials convened across government agencies to deliver urgent reponses to the current situation at Ashley, particularly in regard to staffing. They are delivering immediate actions to alleviate staffing challenges and ease restrictions on centre operations.

Additional leadership positions have been deployed into the structure at Ashley Youth Detention Centre as an interim measure. On 5 October, seven experienced and therapeutically trained staff from the Northern Territory arrived and commenced working on the Ashley Youth Detention Centre roster. A further five new youth workers will graduate from the Youth Worker Induction Training at the end of this month. A recent recruitment round has been advertised. Following this recruitment round, a youth worker induction training course is scheduled to commence in December 2022. A further recruitment round is also planned.

A hybrid roster has been implemented to over-resource the day shifts to maximise the opportunity for young people to participate in programs and education.

Ongoing psychological support through telehealth services is available to young people on a weekly basis. Telehealth is recognised across Australia and internationally as a contemporary mode of mental healthcare delivery. The Australian Childhood Foundation has a staff member on site every day, providing individual assessments and therapeutic services.

The department has also recently engaged a consultancy firm to undertake CCTV and security assessment on the facility.

I thank the Ashley Youth Detention Centre staff who are doing an amazing job under very difficult circumstances.

Ms O'CONNOR - Point of order, Mr Speaker, on relevance. This is important and interesting information but the question related to whether the Youth Justice Act was being complied with. Perhaps the minister could address that question?

Mr SPEAKER - As the member knows, I cannot inform, ask or tell the minister how he should be answering the question. The minister has that right and I will allow him the opportunity to do so.

Mr JAENSCH - Thank you very much, Mr Speaker. I note that when young people in Ashley are unable to be supervised due to staffing ratio requirements, which are there for their safety and for the safety of staff, that we have needed to apply restrictions from time to time on the amount of time they are able to spend outside their rooms. This is not punishment. This is about us upholding our obligations to the safety of those young people.

In terms of our obligations under relevant legislation and conventions, we have at all times made sure that there has been access and opportunity for scrutiny and monitoring of the operations of Ashley through the Commissioner for Children and Young People, through their extra position who has an office and a presence on the site there, through the Australian Childhood Foundation, through the custodial inspector and also through the OPCAT delegation. This delegation was supported to be able to conduct their work visiting that site and others in Tasmania very recently, when they were not permitted to do so in other states.

We remain open to scrutiny. We will support those who are charged with the responsibility of monitoring and measuring our compliance under relevant regulations and conventions at all times. Our staff on the ground will continue to do everything they can to provide for the safety and wellbeing of the young people resident in Ashley, and their colleagues and fellow workers, as we work through this difficult period.

We have had an uptick in the number of young people in Ashley, a mixture of girls and boys, which means we have to maintain additional separations, which puts additional stress on that workforce. Again, I commend them for their excellent work and we will continue to support them in every way we can.

Wilkinsons Point Multisports Facility

Mr O'BYRNE question to PREMIER, Mr ROCKLIFF

[10.19 a.m.]

Your Government has talked much about your commitment to sporting infrastructure and trumpeted the economic, social and sporting benefits of such investment. You point to the redevelopment of the MyState Bank Arena as a case in point. The MyState redevelopment, managed by the JackJumpers and the LK Group, is an overwhelming success. However, the rest of the project, the section you are responsible for, is hopelessly delayed.

The community multisports facility was first announced by then premier Will Hodgman in 2018. In 2020, the then premier, Peter Gutwein, reannounced the project to assure Tasmanians that construction would start by mid-2021. One year after that, your Government announced that construction was set to begin in late 2021 with the facility to be open in late 2022. Here we are today, Premier, and we are now hearing that not only has the cost tripled but there is no sign of construction even starting.

Due to the success of the JackJumpers, basketball in Tasmania has exploded with participation and it is going through the roof, but sadly there is nowhere to play. The JackJumpers and Basketball Tasmania have done their job but why have you and your Government failed your job and failed to build this promised community multisports facility?

ANSWER

Mr Speaker, I thank the member for his question. We can agree on part of that question: the JackJumpers have been a roaring success and have done Tasmania enormously proud. It is four games on the trot, if my memory serves me correctly. We are very proud of the coach, Scott Roth, and all the players. It is a demonstration that we can match it on the national stage and believe in our own teams.

The Tasmanian Government has committed to develop a contemporary community indoor multisports facility at Wilkinsons Point for use by the Greater Hobart community. Tasmanian firm, ARTAS Architects, is working with global architecture firm, Populous, and Tasmanian businesses designing the community facility. The Tasmanian Government allocated $34.7 million to deliver the community facility, which is a project that formed part of the 2018 election commitment. Further consideration has also been given to including training facilities for the Tasmanian JackJumpers NBL team, together with creating connection with Elwick Racecourse, principally to provide vehicle parking within the racecourse that will benefit both sites and maximise the development of prime waterfront land at Wilkinsons Point.

Following commitments made by the new Australian Government for ferry infrastructure at Wilkinsons Point, further consideration is being given to how this integrates with the site and proposed private development of the site, to be undertaken by the LK Group.

As to the information the member is seeking, my advice is that we are not far away from making a decision and will provide more information for the Tasmanian community. I understand the background and sentiment of the question and look forward to providing more clarity in the near future.

Draft Guardianship and Administration Amendment Bill - Consultation

Ms JOHNSTON question to MINISTER for JUSTICE, Ms ARCHER

[10.23 a.m.]

Advocacy Tasmania works with some of the most vulnerable people in Tasmania. They have publicly expressed concern that the draft Guardianship and Administration Amendment Bill has not had enough time available for consultation. Some of their concerns about the bill include that there are no supportive decision-making provisions embedded in it; no criminal provisions for abuse of guardianship administration orders, including by public bodies; no compensation provisions; no independent oversight; gag provisions remain; emergency orders are still in place; and there is a new provision which allows guardians the right to authorise medical research on a person without their consent.

These are no trifling matters. You have allowed only three weeks to provide feedback on this bill and there has been no direct input from the Tasmanians affected or likely to be affected. Will you commit to extending the consultation period so that vulnerable Tasmanians and their advocates can be properly consulted and have input on a bill which will have a life-changing impact on them?

ANSWER

Mr Speaker, I thank the member for her question. These reforms have been worked on for quite some time. I can confirm that Advocacy Tasmania knows that. I have been talking about the second tranche of the guardianship and administration reforms in terms of quite an extensive change to what I will call our GAB framework. In my department's work on that, there has been extensive consultation with a broad range of stakeholders affected or those wishing to have input into the second tranche. Before the member plasters something on Facebook that I have not answered the question - which is her usual style - I will address her question in the hope that she does not misrepresent me.

As I said, this is something that has been worked on for quite some time. My department has offered detailed briefings to any party wishing one and any party that is interested in the reforms. I realise three weeks can be a short time. However, in the context of the broad range of stakeholder input that has already been provided, I believe my department can get those briefings done in that time frame. The reason for that - and I find it quite a contrast from the Advocacy Tasmania position of calling for the urgency of introducing this reform - is that I want to get this reform tabled this year in parliament. Advocacy Tasmania has been leading the call for me to do that but now want me to delay that.

I urge Advocacy Tasmania - and I am pretty sure they have agreed to a briefing now - to have that briefing and provide their very valuable input. Advocacy Tasmania is funded by the Government to represent vulnerable Tasmanians - that is what I hope they will always do - and we can take into account stakeholder views in then coming back with a bill that we can table in this House.

I reiterate that there has been a lot of work done on this second tranche of reforms. My department has put into the draft bill that currently exists for consultation a lot of information that was ascertained through the independent review by Damian Bugg AM QC to carry out the important work looking into the Public Trustee and the broader guardianship and administration reforms. There has been extensive work in the last 12 months, so three weeks in the context of the consultation that has occurred over at least the last 12 months I hope is sufficient time. In the unlikely event all of those briefings were not done, I would reconsider the tabling of that. However, I want to stick to the timetable I have set and have promised this House and stakeholders.

TT-Line - Government Support

Mr YOUNG question to PREMIER, Mr ROCKLIFF

[10.28 a.m.]

Can you detail how the Government's support for the TT-Line is strengthening our economy by providing greater and improved access for Tasmanians, visitors and our transport sector?

Ms White - Ships are delayed until 2024 now.

ANSWER

Your negativity is there for everyone to see, once again.

Mr Speaker, I thank the member for Franklin for his question and his positivity and endorsement when it comes to TT-Line. I was delighted to be at GeelongPort over the weekend with the Deputy Premier to mark the first arrival of the *Spirit of Tasmania* at its new home in Corio Quay, or *Spirit of Tasmania* Quay, as it is now known. This marks the start of a new era in Bass Strait passenger transport. It was fantastic to see so many passengers who had made the inaugural voyage disembark through the new $135 million purpose-built passenger and freight terminal.

More than 1000 locals attended the festivities and had the chance to have a look through the new terminal. The building design was inspired by Tasmanian landscapes, including the landscape of Cradle Mountain and Lake St Clair National Park. The move from Station Pier to GeelongPort, together with the investment being made in a two new *Sprit of Tasmania* vessels, secures the future of the company and will significantly assist the further development of Tasmania's visitor economy, which is already doing well.

The latest Tasmanian Visitor Survey confirmed total visitor spend for the year ending July 2022 hit $2.5 billion. For the month of July alone, the spend was more than $272 million, which is double the figure we had in July 2019, just before the pandemic. Tasmania's tourism industry supports thousands of jobs and businesses right across Tasmania and adds millions of dollars to the economy.

The development at GeelongPort will allow the *Spirit of Tasmania* to expand its freight business, thanks to a 24/7 secure freight yard with 150 truck-parking bays. The new 12-hectare site includes a passenger vehicle marshalling area for 600 cars and caravans, more efficient passenger vehicle check-in, security facilities, public amenities, food and beverage outlets and a children's play area.

Critically, the facility has been constructed to cater for both the exiting *Spirit of Tasmania* vessels and the new vessels expected in 2024. Positive -

Ms White - Only three years late. Complete failure to deliver.

Mr ROCKLIFF - You should be excited about it, but you are negative about it. I cannot understand why. It is one of the great, fantastic moments in history for the iconic TT-Line, and all you can be bothered to do is put out a negative release.

Ms White - There was a cost to the economy of $350 million a year because of your failure to deliver those ships.

Mr SPEAKER - Order, Leader of the Opposition.

Mr ROCKLIFF - I could not actually believe it. I was there with thousands of people - including the Labor Deputy Prime Minister, who was also celebrating and speaking positively. We only got negativity from those opposite, which is really outstanding, I have to say.

Having visited the site in June 2019, and getting an appreciation of Station Pier and the complexity for the future, the crowded nature of the pier and challenges around public amenity - and then to visit the Geelong site back in 2019, which was effectively only a warehouse shed, an empty shell of a shed, and to see how much that $135 million investment has transformed that port is absolutely fantastic. I encourage you to put aside your negativity, buy a ticket on the *Spirit*s and see for yourself, Mr Winter, and also your colleagues.

The state-of-the-art ships will boost capacity by around 40 per cent, with current demand suggesting this will be taken up quickly to the benefit of all Tasmanians. They will operate far more cost effectively, and significantly reduce carbon emissions performance. Our commitment to develop new facilities at the Port of Devonport will mean Tasmania will have two fit-for-purpose ships at two fit-for-purpose ports on either side of Bass Strait.

I have mentioned the Deputy Prime Minister, and it was great to see Richard there. I mentioned the sadly predicted negativity of those opposite on one of the most positive days in Tasmania's history for the TT-Line and how we saw a negative release from those opposite.

There is record private sector investment in freight capacity across Bass Strait, reflecting the strength of the economy under a Liberal Government, with both Toll and SeaRoad investing in new ships - significantly growing freight capacity for our fantastic exporters.

I congratulate the board and the whole team at TT-Line. Bernard Dwyer, the CEO, has been passionate about not only the two new ships but also this move to Geelong as well, in realising this incredible new step in the company's evolution, as well as recognising their contagious enthusiasm.

Finally, this morning, I also joined in welcoming the first of our major cruise line vessels, the *Pacific Explorer*, back to Tasmania after the COVID-19-induced hiatus. This arrival marks the start of our traditional cruise season. The benefit from this sector, which supports so many local jobs, is welcomed by a good number of Tasmanian businesses - I am not sure about those opposite.

The pause in cruise ships has provided us with the opportunity to review this sector, and its impact and benefit to the Tasmanian economy and broader community. We are now working with the industry, through T21, to map out a pathway forward so we can work with cruise operators to ensure our brand and destination values are strongly aligned for the best possible outcomes for our state.

Mr Speaker, we have a plan as a state Government. We are strengthening our tourism sector and meeting increasing demand for freight. We are investing and we are planning for the future.

Proposed Stadium Development - Total Cost and Interest Bill

Dr BROAD question to PREMIER, Mr ROCKLIFF

[10.35 a.m.]

Tasmania's contribution to the $750 million stadium comes at a time when you are already driving the state into over $5 billion in debt, and when there are so many other more

pressing priorities. How do you plan to pay for the stadium? With interest rates rising, do you have any idea how much the total interest bill will be for taxpayers? Will it be $50 million, $100 million, $200 million? Do you have any idea, or are you just recklessly writing blank cheques for a stadium when you do not even have a business case?

ANSWER

Mr Speaker, I thank the member for his question. I presume that now you have offered the Tasmanian people a referendum, should they support it you would actually then agree with it?

Members interjecting.

Mr ROCKLIFF - We will ask their opinion and they might say yes, but you still will not agree with it. Is that right?

Members interjecting.

Mr SPEAKER - Order.

Mr ROCKLIFF - I see shaking heads. I see noes, lots of nods, lots of shaking heads over there. Frankly, you are a rabble and have no idea when it comes to making a decision for the benefit of Tasmania.

Dr Broad - Look as far as your Facebook page.

Mr ROCKLIFF - I am aware of Facebook and Twitter and these sorts of things but I do not make business decisions based on Facebook. They are based on strong business decisions.

I have mentioned the AFL Taskforce business case before, and supported the need for fit-for-purpose modern infrastructure to support the success of the team and to ensure the state fully benefits from having its own AFL and AFLW teams. This is a positive opportunity for Tasmania, as I see it, as challenging as it is at this time. I know that the long-term benefits of this investment will be well known and well appreciated when it comes to that point - just as other priorities of ours.

I will name health, for example: my priority, as Premier, in keeping the Health portfolio, and the Mental Health and Wellbeing portfolio. The investment we are making in elective surgery - some $196 million into a four-year elective surgery plan - is paying dividends. In fact, we have reduced the elective surgery waiting list from 12 200 in January to -

Dr BROAD - Point of order, Mr Speaker, standing order 45, relevance. I did not ask about health. There is no reference to health in this question. Does the Premier know what this is going to cost, or does he not?

Mr SPEAKER - It is standing order 45, relevance. As I have said before, I cannot put words into any minister's mouth, and I expect that the Premier will tie his argument together with the relevance, so if you could. If members are not happy with that question, then there are opportunities to ask another question. Premier.

Mr ROCKLIFF - Thank you, Mr Speaker. I am more than happy to take questions on health, in fact, because I was demonstrating the reduction in our elective surgery waiting list through key investments.

Ms White - But you do not want to talk about the stadium.

Mr ROCKLIFF - You have asked questions about the stadium for the last three weeks -

Ms White - Because we cannot get answers.

Mr ROCKLIFF - then you voted against the Greens' motion, and now you want a referendum but depending on how Tasmanians might vote on that referendum, you are unsure what you would do even then, which is very confusing for everyone.

Members interjecting.

Mr SPEAKER - Order. When you ask a question, the answer should be heard in silence. If there are any more interjections on the Premier, I will be asking people to leave.

Mr ROCKLIFF - Thank you, Mr Speaker. We have committed to investing $375 million into the stadium. The 2022-23 state Budget included provision for $1.25 million for the AFL Taskforce and for the stadium feasibility work to be undertaken. The more detailed feasibility work is now under way, including the business case for an arts, entertainment and sports precinct at Macquarie Point. We have already spoken about the 1400 jobs during construction, and $300 million worth of economic activity during that phase as well, $85 million thereon, and of course, the many jobs associated with that precinct, and the AFL team itself generating much revenue and economic activity for the state. The AFL team will bring in some $120 million-plus, generated throughout the Tasmanian economy, and investing in AFL and AFLW throughout Tasmania, regional areas around Tasmania, securing the AFL code for many decades into the future.

Alleged Assault of Aboriginal Man in Police Custody

Ms O'CONNOR question to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mr ELLIS

[10.40 a.m.]

While the Government you are part of dithers on treaty and truth-telling with the Tasmanian Aboriginal people, the Tasmanian Aboriginal Centre has issued a statement about the shocking treatment of a 20-year-old Aboriginal man who was taken into police custody over a bail breach. The TAC alleges this young man was thrown into a cell, held face down while his clothes were cut from his body, then an unknown number of police and custodial officers assaulted him. The TAC alleges he was left lying in a pool of his own blood for 12 hours, his calls for help ignored, until his mother arrived the next morning. He was then taken to hospital.

Have you been briefed on this alleged treatment of a young Aboriginal man in police custody? What action will you take to get to the bottom of this shocking allegation of police brutality?

ANSWER

Mr Speaker, I thank my friend for this important question on a very serious matter. I am happy to follow up for the member on the operational details provided and more than happy to do so in writing. Obviously, we want all people to be safe when they are in police custody -

Ms O'Connor - Do you think it is possible to update the House today?

Mr ELLIS - Yes, I would be more than happy to if I can get information in that sort of time frame. Obviously, there are significant sensitivities around a matter of such importance and we want to make sure that there is a level of accuracy there, but I am very happy to commit to that. As I say, we want to make sure that all people are safe when they are in police custody. Obviously, our police do a very difficult job but there is a level of expectation in our community that people are cared for when they are in their charge. I can commit to the member to get further details.

Cam River - Second Bridge

Ms DOW question to PREMIER, Mr ROCKLIFF

[10.42 a.m.]

The failure of the Cam River Bridge has caused complete chaos in the north-west. There has been significant delay and disruption for the 18 000 commuters who use this bridge each day. Businesses along the Bass Highway are suffering, people are concerned about not getting access to medical treatment and appointments, and our children are missing school. Will you commit to building a second crossing over the Cam River, as Labor did at the last state election? Will you prioritise it before a $750 million stadium in Hobart?

ANSWER

Mr Speaker, I thank the Deputy Leader of the Opposition for her question and for her concern regarding the Cam River Bridge. As a government, we will and are doing everything possible, and will spare no expense to ensure that the Cam River Bridge is reopened as soon and as safely as we can. I acknowledge the frustration the disruption has had on commuters. I was able to get an appreciation of that when I visited the site of the bridge on Saturday afternoon. The process will not take a day longer than necessary.

We have acknowledged the significant travel delays that many north-west coast commuters have experienced since the damage was identified last week. However, it should be acknowledged that the reduction of traffic to a single lane over the bridge has been necessary, on expert advice, in order to protect the motoring public safety as a direct result of flood damage to the structure. We understand the importance of community updates. As soon as we have information that may assist people in the north west in making their daily plans, we will continue to share updates as appropriate.

Despite the disruption, most people have been understanding. This damage highlights why we need the new Cam River Bridge, which is designed to be higher, stronger and wider to ensure the situation does not occur again. You have seen the construction alongside the existing

bridge right now, of which I am sure everyone is aware. I thank community members for their patience as our team works to keep everyone safe.

The Government has put in place additional bus services this week, with four extra Metro buses -

Ms DOW - Point of order, Mr Speaker, standing order 45, relevance. While I acknowledge the information the Premier is sharing with the House is very important, and we understand that safety is paramount, the heart of the question was about improving the existing infrastructure and a second crossing across the Cam River, which is what people want to know.

Mr SPEAKER - Thank you, you can resume your seat. I accept the point of standing order 45, relevance. In my view, the Premier was talking about the new bridge, the old bridge, and building bridges so I cannot see that the point of relevance is actually a point of order. Premier, I ask you to continue, please.

Mr ROCKLIFF - Thank you, Mr Speaker. The member might not have had to ask the question if she had picked up *The Advocate* today and read the front page, because I have said that we are very open to a second crossing. I said that on Saturday, at a media conference at Latrobe, when asked a question about the Cam River Bridge, acknowledging the frustration of commuters. I highlighted the fact that the last 36 hours demonstrates that we need to be looking at a second crossing so this interruption and anxiety within the community about access to health services, which has been a key concern for a number of people, does not happen again. We will be seeking advice on a second crossing. We are very open to it proactively. I thank the member for her question.

There are a lot of people working very hard around the clock to try to rectify the situation and ensure that the bridge is suitable for that crossing with two lanes as soon as possible. Mr Jaensch, the Minister for Infrastructure and I were able to thank the people we met at the bridge on Saturday afternoon for the work they have been doing around the clock. I continue to thank them for the work they are doing.

Tasmania's Economic Performance

Mrs ALEXANDER question to TREASURER, Mr FERGUSON

[10.48 a.m.]

In recent days we have heard some reports on the economic performance in Tasmania. Can you please update the House on Tasmania's economic performance? Are there any alternative plans that could be put in place to grow Tasmania's economy?

ANSWER

Mr Speaker, I thank my friend, Mrs Alexander, the member for Bass, for her great question. I am pleased that the Tasmanian economy is doing so well in comparison with other states around Australia.

I was very pleased to see the Commsec *State of the States* report. I was a fair bit happier about it than Dr Broad when it came out because Tasmania's economy going from strength to

strength was recognised yesterday by Commsec, in their September quarter *State of the States* report, which showed that once again, the Tasmanian economy leads the nation. I was very pleased to see that because it is not most important that we come first or even second, or third. What matters most is that we have a strong and vibrant economy where Tasmanian families and businesses can confidently make decisions about their future, to invest more in their workplaces, to employ that next apprentice, to make that purchase decision, sign that next lease. That is what we are seeing in Tasmania and I am grateful to CommSec for their positivity, in contrast to the Labor Party's continued doom and gloom.

CommSec has identified that our economy is performing consistently well across a broad range of measures and in particular in relation to equipment spending and housing finance. These are two clear indicators of the confidence I talked about, both for businesses and the residential sectors.

CommSec also highlighted that Tasmania has experienced the equal strongest wages growth in the nation together with Queensland. I also welcome former premier Borbidge to our House as a proud Queenslander, but I could not be more grateful and proud to be Tasmanian at the moment. Last night another Queenslander, the Treasurer of Queensland, Mr Cameron Dick, was proud to boast in his feedback on the CommSec State of the States report, breaking on his social media that 'CommSec State of the State confirms Queensland as the best performing economy -

Ms Butler - Yes, on the mainland.

Mr FERGUSON - Of all the mainland states'. Ms Butler, you have to be more careful with your interjections. Good on Queensland and good on Mr Dick.

We are pleased for what we have been able to do for our community. This great news comes on the back of more good news in recent statistical releases. Recent building approval activity data published by the ABS shows that our housing industry continues to deliver for Tasmanians at near record levels. In the four quarters to June, there was an average of 3000 dwellings under construction, which is 16 per cent higher than the previous year. I expected it to moderate because HomeBuilder was all about bring forward those investment decisions. Over the same period, there were nearly 3600 completions, which is a whopping 16.9 per cent higher than the 2021 year and the strongest four quarters of completions since March 1995.

I was also pleased about the ABS statistics on employment. The latest data shows that, in September, our labour market continued to set new records. Our total labour force is now 278 200 people, 24 300 more than when we were first elected in 2014.

The Labor Party said we are in a population recession. I am very pleased to indicate that our total population has grown to 570 000 Tasmanians. That is strong growth. The ABS was undercounting us by 30 000; they had to do a big catch-up. Those opposite would do well to be more positive about our state and the men and women of our state who are building this new future for us and future generations.

Mr SPEAKER - If you could wind up please, Treasurer.

Mr FERGUSON - As I wind up, there are now a staggering 33 100 more Tasmanians in jobs than when the Labor-Greens government left office, of which nearly two-thirds are

full-time. These outcomes are no accident. They are the result of the strong economy we have been working hard to build under this Liberal Government and the plan that we set out is working for the people of our state. There is a lot to be grateful for.

I was asked if there are any alternative plans and there are, but in brief, while Tasmanians are positive about their future, the Labor Party and those members opposite have nothing to offer. I note that the shadow minister for start-ups would prefer construction shut down. When we get good economic data from the ABS on employment and good results from CommSec we get the shadow treasurer talking Tasmania down and claiming that what is good is actually negative. That is not an alternative plan and Labor wants to get on board with the good things happening in this beautiful state of ours.

Proposed Stadium Development - Numbers of Attendees at Games

Ms WHITE question to PREMIER, Mr ROCKLIFF

[10.54 a.m.]

The consultant's report you have released for your $750 million stadium in Hobart claims the venue will host 44 major events a year, roughly one every eight days. You told the consulting company this would include six A-League matches with an average attendance of 11 500 and seven NRL matches with average crowds of 15 000. These attendance figures underpin your economic arguments. Do you know what the average attendances for A-league matches in Tasmania were last year?

ANSWER

There you go again, talking Tasmania down.

Ms White - It is reality.

Mr ROCKLIFF - It is not reality. Tasmanians are very positive about the future of their state. You keep talking it down but when I go out to rural and regional Tasmania, Tasmanians are talking the place up, not down. They are welcoming the thousands of passengers from the cruise ship this morning, where I was able to again talk up Tasmania - and a lot of nods of heads there. I was talking about our wonderful scenery, the beauty of Tasmania, our environment, and our fine foods and beverages. A lot of nods of heads because people get it. The people get it and they are not into the negativity of talking Tasmania down.

Mr Speaker, considerable work has been undertaken by our Government to understand and quantify the economic and community benefit that the investment in world-class multipurpose-built infrastructure can deliver to Tasmanians. Much of this work has been undertaken by world-recognised experts in this field, including PricewaterhouseCoopers and MI Global. These studies reflect those that have been undertaken around the world to assess the feasibility and viability of stadium and associated infrastructure.

The stadium is but one element of an integrated and contemporary arts, entertainment and sports precinct. Research and resultant reports show that the appeal of a new stadium venue will attract an estimated 20 new events each year to the state based on multiple sporting codes, concerts and festival take-up. It will enable existing major festivals such as Dark Mofo

to expand its offerings and content and thereby attract more visitation and spending to Tasmania.

Ms WHITE - Point of order, Mr Speaker, under standing order 45, relevance. The question to the Premier was straightforward. How many people went to the soccer last year on average? He is talking about a whole bunch of other stuff and not the question.

Mr SPEAKER - I am sure the Premier understood the question. I cannot put words into the Premier's mouth. He will answer it the way he sees fit.

Mr ROCKLIFF - The Department of State Growth worked in partnership with the Australian Football League to commission a demand and optimisation analysis to inform capacity and content needs for a new Hobart-based stadium. This analysis estimated that from 2030, assuming this was the stadium's first operational year, the new Hobart stadium would host up to 44 events. The 44-event number was developed using a weighted average number of events over a four-year period from 2030; for example, over a four-year period of all events that will occur every year, such as the World Cup content, that may occur once every four years.

The PricewaterhouseCoopers consulting analysis uses information to inform the socioeconomic benefit figures and estimated 28 new net events to the state as the uplift a new stadium would provide. The benefits to the Tasmanian economy generated by the new stadium are in part driven by the 28 net new events the stadium would generate and needs to exclude events that are already in Tasmania and would likely move to the new Hobart stadium, such as Dark Mofo, Festival of Voices, Australian Wooden Boats Festival and selected mass participation events.

This analysis considers past schedules to infer those 44 total events could correspond to 28 net new events across the follow event types: AFL; BBL; A-League; international cricket; international rugby; NRL; and concerts. This is an exciting opportunity for Tasmania.

Ms White - Fewer than 1500 people went to each of those A-League matches last year and you reckon you are going to get tens of thousands. The figures are fudged.

Mr SPEAKER - Order.

Members interjecting.

Mr SPEAKER - Order. The Premier should be heard in silence.

Mr ROCKLIFF - I lead a Government that is focused on the key priority areas of health, schools, public housing, community safety and, indeed, iconic infrastructure, enabling infrastructure. As I have said, good governments can do both.

Proposed Stadium Developmeent - Cost of Hosting A-League and NRL Matches

Ms WHITE question to PREMIER, Mr ROCKLIFF

Attracting non-AFL sporting events such as the A-League and NRL is a central part of your plan for the $750 million stadium at Hobart. It underpins your economic arguments. Have you reached any agreement with the A-League and NRL about hosting matches here? If so, what would be the ongoing annual cost to the taxpayer? If not, what do you estimate the cost will be? Do you have any idea how much it will cost to host these games away from their home grounds, given that these are the arguments you are making to support investing $750 million of taxpayer money in a stadium at Hobart?

ANSWER

Mr Speaker, I thank the member for her question. Do you have any idea how much your referendum is going to cost?

Ms White - Yes, about half of one per cent of the total cost of your stadium.

Mr ROCKLIFF - What are you going to take from health, education, schools, police? You are going to take that money from there and invest in your referendum? We have just learnt today that whatever the Tasmanian people say in your referendum, you might not agree with, at the end of the day - which makes it a whole waste of time and a waste of money.

Dr Broad - Would you agree with it if the referendum came back and said no way? Would you agree with it? Would you care? Would you change your mind? Works both ways.

Mr SPEAKER - Order, Dr Broad.

Member Suspended

Member for Braddon - Dr Broad

Mr SPEAKER - Order, Dr Broad, you can leave the Chamber until after the MPI.

Dr Broad withdrew.

Mr ROCKLIFF - Mr Speaker, the member might, when talking about costs, want to detail the costs of a referendum, which you may or not agree with at the end of the day.

We will work with sporting codes - the AFL, NRL, A-League. This is an exciting opportunity for Tasmania and Tasmanians, so we will not go down through the burrows of negativity by those opposite.

Project Marinus Partnership - Update

Mr TUCKER question to MINISTER for ENERGY and RENEWABLES, Mr BARNETT

[11.03 a.m.]

Can you update the House on the Project Marinus partnership between the state and the Commonwealth, and how the partnership has been received across business, industry and the community?

ANSWER

Mr Speaker, I thank the member for his question and his special interest in this matter. I recognise Rob Borbidge AO to this House, representing a stellar career of more than 20 years, and former premier from 1996 to 1998. Queensland is one of the states that is investing heavily in renewable energy, trying to catch up to Tasmania - being the renewable energy powerhouse that we are with our affordable, reliable and clean electricity, now 100 per cent fully self-sufficient in renewable energy.

The partnership signed with the Australian Government, under its Rewiring the Nation initiative, is the next step for Marinus Link, for the north-west transmission, and our Battery of the Nation plans. I can confirm that it will grow our economy, create more jobs, and put downward pressure on electricity prices.

Ms O'Connor - No it will not.

Mr SPEAKER - Leader of the Greens, order.

Mr BARNETT - It will improve energy security and create a cleaner world. I can confirm today that the headquarters of Marinus Link will be based in Tasmania.

Opposition members interjecting.

Mr SPEAKER - Order. The minister should be heard in silence.

Mr BARNETT - What this means, Mr Speaker, is that it will attract and retain highly skilled jobs in our state, and have Tasmanians delivering on this nationally and globally significant project. Marinus Link will put that downward pressure on electricity prices. Bess Clark, CEO of Marinus Link, says the project will save -

Opposition members interjecting.

Mr SPEAKER - Interjections should cease.

Mr BARNETT - The CEO of Marinus Link has advised that the typical Tasmanian household will save $60 to $70 per year on their power bills. The partnership supercharges Hydro Tasmania with its Battery of the Nation plans, through large-scale renewable energy development, including the Tarraleah upgrade going from 110 megawatts to 220 megawatts. The Lake Cethana 750 megawatt pumped hydro power station, $1.5 billion. We thank the federal government for their $1 billion in concessional finance to support those major projects.

In addition, I can advise that the west coast will see some significant power station upgrades - for example, $300 million in upgrades by Hydro Tasmania at MacIntosh, Bastian, Reece 1, Reece 2, John Butters and Tribute power stations, providing an additional 40 megawatts in peak power output. This procurement will commence this year, and site works are expected to commence as soon as possible. From 2025 through to 2032, it will support up to 80 jobs, with Hydro Tasmania committed to using local labour and contractors wherever possible.

I have been heartened by the positive and welcoming support for this federal Labor and state majority Liberal Government agreement with Victoria. Michael Bailey from the Tasmanian Chamber of Commerce and Industry said it was the deal of the century. He said:

> … announcement will unlock the second wave of hydro industrialisation for Tasmania, and just like the first postwar wave of hydro industrialisation it will power jobs and investment and support communities right around the state.

The Tasmanian and Australian government should be congratulated for recognising the game changing nature of this project.

> So many businesses around the state will benefit from the realisation of this vision for Tasmania to be the battery of the nation, unlocking billions of dollars of investment and opportunity.

The announcement has also been welcomed by Arc Energy, Netsphere and ACEN Energy. ACEN Energy, the proponents of the Robbins Island windfarm, Jim's Plains and the $2.7 billion North East Wind project, has said this:

> The funding arrangements ensure that Tasmanians pay no more than their fair share, while ensuring Tasmanians can capture additional value through the economic stimulus Marinus Link will provide through more large-scale renewable energy development, attraction of loads like Hydrogen and Efuels, and development of the pumped hydro opportunities in Tasmania.

Susie Bower from the Bell Bay Advanced Manufacturing Zone said, quote -

Ms O'CONNOR - Mr Speaker, point of order, standing order 48. The minister has had more than sufficient time to congratulate himself and quote others. I ask you to wind up.

Mr SPEAKER - Order. I control the time the minister has to speak, not a member. You can move and introduce that standing order, but I will give the minister the appropriate amount of time to conclude his answer and then I will ask for the next question.

Mr BARNETT - Thank you, Mr Speaker. This is good news that has been continually criticised by the Greens and state Labor, which is very disappointing. Nevertheless, Susie Bower says this:

> Marinus Link will mean that there is now a very strong business case for more renewable energy generation in Tasmania, which will in turn support

> energy-reliant industries such as the manufacture of green hydrogen through the Bell Bay Green Hydrogen Hub.

The Clean Energy Council's headline, quote:

> Australia's clean energy transition just got super charged.

Energy Networks Australia advised that every dollar spent on transmission will return more than twice this in benefits to customers. It will enable cheap renewable electricity to flow where it is needed, making firming easier and lowering wholesale prices.

The George Town mayor, Greg Kieser, said funding certainty for Marinus Link will ensure the right investment environment for Tasmania, and in particularly the George Town municipality, in relation to the development of renewable energy. George Town has queued investment opportunities that are reliant on additional energy capacity and reliability that can now be fulfilled thanks to this announcement.

Steve Adermann, the CEO of TasICT, highlighted this:

> As part of the single largest infrastructure project in Tasmania's history, Marinus Link will boost the future of Tasmania's ICT industries -

Opposition members interjecting.

Mr BARNETT - Mr Speaker, but for the criticism and interjections of the other side, I will conclude.

> Marinus Link will boost the future of Tasmania's ICT industries due to the significant fibre optic infrastructure which will be built into both cables. This is a watershed moment for ICT in Tasmania.

The quotes go on, Mr Speaker. The relentless negativity from the other side goes on and on - knock, knock, knock. We are positive. We have a growing economy. This will supercharge our economy, create more jobs, put downward pressure on prices, energy security and a cleaner world.

AFL Games to be held in Launceston

Ms FINLAY question to PREMIER, Mr ROCKLIFF

[11.10 a.m.]

Your plan to host three-quarters of Tasmanian AFL games in Hobart, including all the blockbuster games, undermines both the taskforce report and your promises to the people of northern Tasmania. The taskforce report says:

> Launceston would host and benefit from blockbuster matches being planned at an enhanced UTAS Stadium.

Why have you ignored the taskforce report and your promises to the people of northern Tasmania? How many AFL blockbuster games will be held in Launceston?

ANSWER

Mr Speaker, I thank the member for her question. We have been very clear that AFL games will be shared around the state, with home games played in Launceston and Hobart pre-season and AFLW games played right across the state, including on the north-west coast of Tasmania. This means the north and north-west will not lose any content but will actually gain matches, including premiership season and pre-season AFLW, VFL and VFLW games.

That commitment will not change. We are backing that up with a $25 million investment to upgrade Dial Park in Penguin and $65 million to upgrade the UTAS Stadium. As I have previously said, this is not the time for north-south parochialism; that is what has held us back for many decades. The north will not lose any content -

Opposition members interjecting.

Mr SPEAKER - Member for Bass, please do not badger the Premier.

Ms O'Connor - The south will lose if you put that stadium on our waterfront.

Mr ROCKLIFF - We will actually gain. I am pleased the member mentioned stadiums, Mr Speaker, because I was interested in the Labor Party's press release of 23 April 2021, which said:

> A majority Labor government will commit to build a boutique size rectangular stadium to hold 10 000-15 000 people ... Labor is working for Tasmanians to deliver better sporting outcomes.

They are in favour then of rectangular stadiums; they like rectangular stadiums. What have they got against ovals?

Ms FINLAY - Point of order, Mr Speaker, under standing order 45, relevance. The question was very clear about blockbuster games. The Premier has not gone anywhere near the question. Will there be blockbuster games in the north?

Mr SPEAKER - You can resume your seat. As I have said, when you take a point of order it is not an opportunity to repeat the question. The Premier heard the question and he is answering it.

Mr ROCKLIFF - Thank you, Mr Speaker. They are all about rectangles. I am not sure what they have got against ovals and indeed the AFL, but they committed -

Ms Finlay - Will there be blockbuster games?

Mr SPEAKER - Order.

Mr ROCKLIFF - to a brand-new stadium.

> Labor Leader Rebecca White said the stadium would be suitable to host professional football and rugby, along with helping attract other sport and live music events to the state.

I could have written this myself if it was not for the great penmanship of the Leader of the Opposition. At the time David O'Byrne -

Ms Finlay - How about you answer my question about blockbuster games? Broken promises to the north - undermining the northern economy.

Mr SPEAKER - Order, member for Bass. Opposition members, if you do not wish to join your colleague until after the MPI I would ask you to cease interjecting on the Premier. Even though the Premier might just be badgering you a little bit, please do not interject and allow him to continue and conclude the answer.

Mr ROCKLIFF - Thank you, Mr Speaker. At the time Mr O'Byrne said:

> … Labor will establish a high-powered task force to ascertain an appropriate site, partners and funding to achieve this outcome, with the task force reporting back to the state government by the end of 2021.

Ms WHITE - Point of order, Mr Speaker, under standing order 45, relevance. This is a completely irrelevant answer. The question was about whether the north would get blockbuster AFL content. Can the Premier actually answer that question?

Mr SPEAKER - Again, you can resume your seat. The Premier understands the question. When you go to a question there is a certain amount of preamble that happens and I will allow that leniency for the Premier to answer the question. We are talking about stadiums, Premier, and please conclude your answer.

Mr ROCKLIFF - Thank you. I have answered the question, Mr Speaker, and I know the member might not like to be reminded about the 2021 election but he clearly said:

> A rectangular stadium will bring Tasmania in line with all other states and help drive a greater involvement in the national sporting landscape.

Now they have been exposed as not only having a single clue by advocating for a referendum but as hypocrites as well. I have taken great notice of this because there are no costings. No costings were submitted for their stadium. I think we had $7 million dollars' worth of costings at the last election. I am not sure what this would have cost the Tasmanian people or indeed if they are still committed to it.

Ms Finlay - What are you going to tell the people of the north? You're undermining the northern economy and you're a northerner.

Member Suspended
Member for Bass - Ms Finlay

Mr SPEAKER - Order. Member for Bass, you can join your colleague outside the Chamber until after the MPI.

Ms Finlay withdrew.

Mr ROCKLIFF - I will conclude my answer, Mr Speaker. Irrespective of where we live in this state, we make decisions for the benefit of all Tasmanians, and that is clear when it comes to our investment in infrastructure across our essential services of health, education, housing and iconic sporting infrastructure. In fact, I have mentioned in this answer the $25 million upgrade to Dial Park in Penguin which we have already committed to in partnership with the Central Coast Council and the federal government. There is $65 million going into York Park, so right across the state we are investing in key infrastructure, whether it be sporting or indeed those essential services of health, education and public housing.

Jobs Hubs

Mr WOOD question to MINISTER for SKILLS, TRAINING and WORKFORCE GROWTH, Mr ELLIS

[11.18 a.m.]

Can you outline how the Tasmanian Liberal Government's Jobs Hubs are delivering on our plan to strengthen our economy and create jobs?

ANSWER

Mr Speaker, I thank my friend and colleague, Mr Wood, for his interest in jobs. He is a member who does not need a referendum to tell him whether he supports jobs in this state. He is an outstanding member of our team.

You will not find a bigger supporter of jobs in Tasmania than this Government. We want more jobs and more opportunities throughout our state, not just if you are from the north, the north-west or the south, but in all parts of Tasmania. In our regions, in our rural communities, on the land, in our mines and out at sea, we want jobs everywhere in Tasmania because we know that if there are more opportunities for Tasmanians, our state will continue to thrive and our communities will continue to grow.

We are getting on with the job of delivering our commitments to creating more jobs and strengthening our community for our important regional Jobs Hubs network. This network is nation-leading, covering the entire state, so that no matter where you are or where you are conducting your business you can get in touch with your local Jobs Hub and find that right person for you. Our Jobs Hubs are there to support businesses as well as prospective employees and the incredible unique thing about these services is how connected and hooked in with the communities they are. They are made up of locals helping locals, people with connections, people who know that the hardware store is hiring, that the coffee shop needs a new employee or the distillery down the road needs someone working in admin.

The proof is in the pudding. The Jobs Hubs network has supported more than 2300 Tasmanians into local jobs so far. That is an outstanding result and it speaks to the strength of our economy. We have spoken a lot about Queensland today and at least Queensland Labor can celebrate coming second. Tasmanian Labor cannot even celebrate coming first.

I have spoken previously in this place about an outstanding young man, Sean Wendes, a 27-year-old fellow from northern Tasmania who got a job after 10 years' unemployment through the Northern Employment and Business Hub, working for Temtrol. That is an

outstanding result for that young man and his family. These are the types of stories we are hearing coming out of our Jobs Hubs - people who needed to be given a go, a bit of help finding the right opportunity for them. We will keep supporting these people and the local businesses employing them through our Jobs Hubs network. They are a key plank of our strong plan to grow the economy.

In data released last week from the ABS for September, we saw total employment estimated to have reached more than 266 000 people in Tasmania in trend terms. When Labor and the Greens were in charge, 10 000 Tasmanians lost their jobs, including 108 police officers sacked under their regime. We are now seeing an increase: 5400 more Tasmanians in jobs than last year; 33 000 more Tasmanians in jobs now than when we came to government in 2014. This is what happens when you have a strong plan for the economy and a focus on creating jobs.

ABS data has confirmed that full-time employment, importantly, has hit a new record of more than 171 000 Tasmanians, an increase of 8200 since September last year. Tasmanian unemployment rates continue to be at low levels.

We thank every single business in Tasmania for doing what they do, employing locals, putting food on the tables of local families and providing opportunities. That is why we are getting on with the job.

On indulgence, Mr Speaker, I can add to an answer previously to Ms O'Connor. I have been advised that a man has alleged he was assaulted while he was detained in the Hobart Remand Centre overnight on 21 October. It is a very serious allegation and Professional Standards is now investigating the matter. We need to let this investigation take its course but any allegation of this nature is taken extremely seriously and investigated thoroughly.

Time expired.

CONDOLENCE MOTION

Andrew Paul Harriss - Former Member of the Legislative Council and Former Member of the House of Assembly

[11.25 a.m.]

Mr ROCKLIFF (Braddon - Premier) (by leave) - Mr Speaker, I move -

> That this House expresses its deep regret at the death on 1 October 2022 of Andrew Paul Harriss, a Minister of the Crown from 2014 to 2016, Member of the Legislative Council for the Division of Huon from 1996 to 2014, and Member of this House for the Division of Franklin from 2014 to 2016, and places on record its appreciation for his service to this State.
>
> And further, that this House respectfully tenders to his family its sincere sympathy in their bereavement.

I rise today to pay tribute to the life of the former member in this place, Andrew Paul Harriss, or Paul, as he is known to us. Paul Harriss was born in Franklin in 1954 and later grew up on an apple farm at Lucaston. I recall Paul, in his inaugural speech to this place in 2014, describing what it was like for him growing up on a farm. He said:

> That setting of being raised in and having an opportunity to interact with the rural environment, I hope, has taught me respect for the place we inhabit and to leave it a better place than we started.

He proudly described himself as a member of a family of six generations of Huonites. Paul was educated at Huonville Primary School, Huonville High School and later at the Hobart Technical College. Before entering state politics in 1996, Paul had a diverse working career, which included being state manager of the Housing Industry Association, director of Huon Building Design and Engineering, building advisory officer within local government and as a draughtsman.

He gained an enormous rapport with and knowledge of his local community and its needs while servicing as a councillor at the Huon Valley Council from 1983 to 1996.

He was also the first member of the Tasmanian Parliament of Tasmanian Aboriginal descent, with his great-grandmother, Berry, a Tasmanian Aboriginal, a source of great pride for Paul.

On his election to the seat of Huon in the Legislative Council in 1996, Paul told the *Mercury* newspaper, 'I think I will work best as a lobbyist for Huon'. True to his word, Paul did that every single day of his parliamentary career. Having taken a considerable gamble by resigning his upper House seat in 2013, Paul joined the Liberal team in the 2014 election and was part of the historic majority Liberal win under premier Will Hodgman. Paul was an inaugural member of the Hodgman majority Liberal government's first cabinet, serving as the minister for resources until his retirement in 2016. At the time he resigned from his upper House seat in November 2013, after serving as a local member for Huon for 18 years, Paul said he was not worried about giving up what was considered a safe seat. He said:

> This is not about me. Politics should never be about any individuals. It is not about my safety or security.

They are words that really do epitomise Paul - selfless and always thinking of others.

In his role as minister for resources, Paul achieved a great deal for our forestry and mining sectors, including: ending the Tasmanian Forestry Agreement; reviewing the Permanent Native Forest Estate Policy; providing financial assistance to forestry contractors; forming a ministerial advisory council which led to the development of a growth strategy for the industry; relocating Mineral Resources Tasmania to Burnie to enable the state's mining agency to better support the industry in the north-west and west coast area, and introducing the Workplaces (Protection Against Protesters) Bill 2014, legislation which has finally only recently passed both Houses.

Outside his portfolios and community work, Paul took great pride in contributing to the decriminalisation of homosexuality and the handback of land to Tasmania's Aboriginal community. I quote the sentiments in the *Mercury* recently from Rodney Croome:

> One of the most important contributions the late Paul Harriss made to Tasmania was being the deciding vote that allowed homosexuality to be decriminalised in 1997. Mr Harriss had not been an ardent friend of the reform but then he changed his mind after hearing a heartfelt personal story about the importance of the reform from a gay constituent and lifelong member of the Huon Valley community.
>
> Freeing LGBTIQ+ people of an onerous criminal stigma was one of Mr Harriss' great legacies, as was his willingness to listen and act on the lived experience of the traditionally marginalised people he represented.

Paul was a staunch advocate for his communities, always pushing for the best for his beloved community. His interests were widespread, including coaching cricket, playing cricket and football, and involvement with police and community youth clubs. One of the most recent examples of Paul's personal commitment was through his work with the Cancer Council of Tasmania raising awareness for the importance of personal health checks and tests, and later during his own illness contributing even then with a critical public message: 'Don't be complacent, don't be ignorant, just do it'.

Many of the public sentiments expressed about Paul are about him being an outstanding local member for over 20 years for both the Huon and Franklin electorates, his passion for grassroots issues and serving his community, especially those working in our vitally important resource-based productive industries. They are right, Mr Speaker; they had a friend in Paul Harriss and he will be sadly missed by a great many.

Having worked alongside Paul for many years, both during his time as an independent and as a member of the Liberal Government, I can also say he was a highly valued colleague, a friend and mentor, great fun and simply a wonderful person to be around, who will be greatly missed. I have mentioned Paul's quick wit and dry humour, which was often on display.

Paul was elected in 1996 to the Legislative Council seat of Huon, and as a member of parliament coming to this place in 2002, I sensed in many respects his willingness to take me under his wing as a new MP and provide support and what is most needed for all new members who come into this place, a great deal of encouragement and building a sense of belief in the fact that you were elected and you have a job to do. That friendship commenced in 2002 and lasted right through to his passing more recently.

I extend my heartfelt condolences to the family and friends of Paul, particularly to his children and their partners: Mel, Jaclyn, Dean, Ange, Adam, Matt, Belinda and Daniel, and grandchildren Austin, Ben, Will, Meea, Brady, Ruby, Lyla, Harvey, Sage, Ayla and Henry, on his passing on 1 October. On behalf of the Tasmanian Government today, we recognise Paul's longstanding service and commitment to both Houses of the Tasmanian Parliament and to the Liberal Party as a former minister and member in this place.

Vale Paul Harriss.

[11.34 a.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Speaker, I rise on behalf of the parliamentary Labor Party to offer condolences on the passing on 1 October 2022 of Andrew Paul Harriss. Tasmanian Labor joins in offering appreciation for Paul's many years of

service to the state. From his 13 years as a councillor on the Huon Valley Council to his 20 years in state parliament, Paul Harriss was a passionate, public advocate for issues close to his heart and his longstanding commitment to the Huon and Channel region was without question. There would have been very few people in the region who did not know Paul.

As a child he was educated in the Huon and his love for the region was always evident throughout his life, as many of his other interests clearly show. He was a board member of the Huonville Lions Football Club, board member of the Huon Cricket Association, life member of the Ranelagh-Grove Cricket Club, life member of the Glen Huon Cricket Club and foundation life member of the North Huon Cricket Club.

After his election to the Legislative Council in 1996, Paul was quoted by the *Mercury* as saying 'I think I will work best as lobbyist for Huon', and we know from his actions over the next 20 years that he did just that, advocating tirelessly for the Huon electorate, first as an independent member for Huon in the Legislative Council, then as the member for Franklin and minister for Resources in a Liberal government for the last two years of his parliamentary career.

Both as an independent and a member of the Liberal Government, Paul was often on the opposite side of political debate with the Labor Party, but we always knew where he stood on the big issues and he argued his points with passion and resolve.

As the first member of the Tasmanian parliament of indigenous descent, Paul was rightly proud of his heritage. In 2006, Paul's support was critical in the Lennon Labor government delivering the first compensation package for the Aboriginal Stolen Generations through the Stolen Generations of Aboriginal Children Bill 2006. This was held up as a model for other jurisdictions to follow.

Paul was not only a public advocate but also a tireless volunteer and community-first operator behind the scenes. In his official resignation, Paul stated that it had been a tremendous privilege to represent his community over such a long haul and, I suggest, that it was also an enormous sacrifice. Even after retiring from parliament, Paul never stopped working on behalf of Tasmanians.

Drawing on his own experience fighting cancer, Paul used his enduring strength and commitment to the Tasmanian people to work alongside the Cancer Council raising awareness of the importance of personal health checks and tests. It is a fitting tribute to Paul to reiterate his message reminding people to have regular health checks. As he said, 'Don't be complacent, don't be ignorant, just do it'.

On behalf of the Labor Party of Tasmania I send my deepest condolences to Paul's children and their partners, Mel, Jaclyn, Dean, Ange, Adam, Matt, Belinda and Daniel, and all his grandchildren. May he rest in peace.

[11.38 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Speaker, on behalf of the Tasmanian Greens, I express sincere condolences to all who knew and loved Paul Harriss. I note he will be grieved by his children and their partners, Mel, Jaclyn, Dean, Ange, Adam, Matt, Belinda and Daniel. He left behind a swag of loving grandchildren: Austin, Ben, Will, Meea, Brady, Ruby, Lyla, Harvey, Sage, Ayla and Henry.

I also note that Paul Harriss was well loved by a wide circle of friends in politics and also within his local community. He was well loved by his family and friends.

I recognise a long life of service, from local government to the Legislative Council to the House of Assembly and also, when you have a look at his CV, in so many community organisations Paul Harriss was there showing leadership but also in a humble way representing voices in his community.

I am thankful, as someone who is a proud advocate for the rights of LGBTIQ+ people, that it was Paul Harriss' vote, along with the then member for Pembroke, Peter McKay, that helped to bring this state's laws into the twentieth century and become the last Australian state, at last, to decriminalise homosexuality.

Mr Speaker, I would be disingenuous if I did not acknowledge the fact that Paul Harriss did not like the Greens as a party and he did not like what we stood for. On a personal level, one on one, Paul Harriss was a very personable person but when he was elected to the House of Assembly he introduced the legislation that tore up the Tasmanian Forest Agreement. Thankfully, there are still 170 000 hectares that have been added to the World Heritage Area and 356 000 hectares which the loggers are still out of. Mr Harriss introduced the first anti-protest bill to come into the parliament shortly after his election as the member for Pembroke. We clearly had very different views on how to best serve this island and its people but in a democracy, you need diversity. You need a contest of ideas and that is a good thing.

For his toughest battle, Paul Harriss stood up and gave a very strong message to men to get tested for prostate cancer. His statement on the Cancer Council website in November last year was a message for all men in Tasmania: don't be ignorant, take the test. Paul made a promise to himself to regularly get the prostate-specific antigen (PSA) blood test every year. When a blip appeared on the test in April 2019, the doctor ordered him to get another test three months later. Instead, Paul waited seven months to follow up. Life does often get in the way, and important appointments, particularly if you have a busy community life, are the sort of thing that can get put aside. Unfortunately for Paul, the cancer had progressed and metastasised. His message, which was a gutsy message, is that if he had gone for the test in July 2019, who knows what might have happened. Whatever the suggested age to have the PSA test, talk to your GP and have the blood test. It is once a year, a little needle, do not be complacent, do not be ignorant, just do it.

Paul Harriss was only young when he died. He was 68, which is an age at which he should have been able to spend a lot more time with his children and grandchildren. I am sure the depth of their loss is enormous. Again, on behalf of the Greens, I acknowledge the life of public service of our former colleague Paul Harriss and pass on my warmest condolences to his large extended family and to all his friends who are feeling that loss right now.

Vale Paul Harriss.

[11.43 a.m.]

Mr O'BYRNE (Franklin) - Mr Speaker, I rise to pay my respects to the late Paul Harriss, or Harry, as most people knew him in the Huon Valley. It was unfortunate I was not able to attend his funeral service at Glen Huon recently as I was interstate on a short holiday with family. From all reports, from every corner of the Huon Valley, it was talked about as a wonderful celebration of a life well lived.

Paul played his politics like he played his sport. He was hard on it, he executed his skills as best he could, and he took every advantage he thought he could take. Once the game was done, once the argument was had, he was the first to shake your hand. He was, in some respects, an old-school politician in terms of his ability to understand that there is a political argument to be had, and a policy debate to be had. However, at the end of the day, we are all human, we are all on this place together and, while we may not always agree, we believe that we must do our best for the people we represent. I believe Paul did that, at local council, in the upper House of this place and in his ministerial representations.

I first came across Paul when I was a young union official and he was on one of his first select committees on industrial relations reform in Tasmania. He was up and about and very keen to cross-examine my evidence and call me out. Potentially, he believed I misled the upper House at one stage in my evidence. He had a difference of opinion and wanted to call me back to see what he could do to correct that piece of evidence I had provided to the upper House.

There are references in many eulogies of Paul about his ability to understand the Standing Orders and the powers of the House to achieve a political argument and a political end in a policy sense. He played it hard on the field and respectful off the field.

In his time representing the community there was rarely an event or a place in the Huon Valley where, if you did not run into Paul, you ran into a cousin and they told you, so his presence was in the room even if he was not there: a big, broad family, an iconic family in terms of its contribution to the Huon Valley economically and in representative and sport as well.

When you get a life membership of a sporting club, you should cherish that. That is a recognition of a contribution. When you are a life member of a number of sporting clubs, it says much about the person and their ability to contribute to the broader community. Every time I went to a footy match, particularly the big games between Huonville and Cygnet, Paul was there proudly supporting the old Bulldogs, now the Lions. We have talked about his political outcomes in terms of indigenous rights and respect for First Nations people. He was also a driving force behind an indigenous round in the SFL, particularly recognising the Aboriginal and First Nations players at the Cygnet versus Huonville games. He personally MC'd and conducted those services.

I remember only last year him coming off the field in tears, overcome with the emotion and the importance of that significant moment and what that meant to him and his family, and the broader community. It was clear that there is a hard rivalry between Huonville and Cygnet but the respect from both teams, both clubs and all community for the role that Paul played in bringing that issue forward, celebrating in a respectful way and acknowledging, should not go unacknowledged.

It is very sad when someone leaves before their time. We were all shocked about the speed with which we lost Paul. I know the family and the community across Huonville and the Channel are deeply affected by his passing. He was a 'hail fellow, well met' kind of guy and he was highly regarded. I remember sitting next to him last year at the Huonville Footy Club Ball. He MC'd the ball. He was MC'ing at most things. People asked him; he was the go-to guy for a lot of sporting clubs and he was highly regarded. He will be sadly missed.

I know all of us give our thoughts and best wishes to his immediate family, his cousins and all who loved Paul Harriss.

Vale Paul Harriss.

[11.47 a.m.]

Mr FERGUSON (Bass - Treasurer) - Mr Speaker, I thank the Premier for moving this motion of condolence and for the words that have been spoken by members of the Opposition. Andrew Paul Harriss, or Paul as we knew him, was one of those rare people who was admired and respected across all political boundaries. A tireless worker for his community over an extended period of time, Paul won the hearts of his electorate and he did not ever waver in his commitment to the people, particularly of the Huon, and later of the House of Assembly electorate of Franklin.

Born in the town of Franklin in August 1954, Paul served his community as an independent in the Legislative Council from 1996 until 2014, when he contested and won the House of Assembly seat of Franklin. He supported and assisted the Liberal Party to win the majority of seats in that electorate and assisted with the party winning the majority allowing it to form office in 2014. Remember and respect that. He served in this House as a valued member of our Liberal Party for a further two years until his retirement and was minister for resources during that period.

When Paul phoned me one evening to inform me of his decision not just to leave the ministry but to leave the parliament, I was disappointed at the time because I thought he had made such a great contribution in such a short space of time in those two years as part of our Government. Today, I am glad that he did that because it allowed us to give Paul back to his family for the remaining years of his life, a small number of years as it would turn out. I am glad that his family and his community were able to welcome him back, away from the busyness, the unrelenting pace of politics and the ministry. Sometimes it is hard to understand things at the time but later, with some perspective, we are able to understand them better.

Paul, as has been said, led the revival of the forestry industry in Tasmania at a crucial time for that sector. Few will forget he really undertook that role with passion and resolve. Regardless of our various positions, which are well documented, there were some very late nights on that particular legislation for the abolition of the Tasmanian forest agreement. I will never forget that passion and resolve that carried the day.

Paul really valued the trust and faith that had been placed in him by his electorates of Huon and Franklin, and he never lost sight of that as he went about his work. Certainly, his years on the Huon Valley Council stood him in good stead and helped to prepare him in understanding the needs and aspirations of his community, and for what became a life of service, through public office, through both levels of government - and indeed, two Houses of parliament. That understanding was deepened through his involvement in local cricket and football, and the development of the Police and Community Youth Club - and also through his church community, which was discussed and celebrated at great length at his recent funeral service.

His political legacy lives on in the form of his son, Dean, who is the second-most recent member of the Legislative Council, from his election earlier this year. His personal legacy is the sharing of his cancer story, which I am grateful my colleagues here have focused on as

well. It was a very honest and also confronting personal telling of his own cancer journey. I am very grateful that he has done that. It was said at his funeral service that his generosity in sharing his story before he passed may well be a deciding factor in saving other men's lives in Tasmania. Also, in mentioning Dean, I acknowledge all of Paul's children and his grandchildren, without whom his life would not have been as rich as it really was.

In his inaugural speech in this place, as part of the new government, Paul reflected on his own good fortune of living in Tasmania. I will share a small part of that in my tribute. He said:

> I have been reminded of my good fortune of living in this state for all that it offers us, if we approach each day with optimism and an intent to leave the canvas more brightly painted every day by our contribution.

Mr Speaker, I was grateful to be able to attend the funeral service for Paul on 10 October. The church was full to overflowing, with a number of people standing at the rear of the hall, even having arrived early. It was a beautiful service, with beautifully spoken eulogies and heartfelt words from his family, friends and colleagues, including Greg Hall. Those people giving eulogies spoke of Paul's full and rich life. His love of family was a continual theme; his devotion to community and to his church.

I noticed a focus on sport, as a player and an official over many years, codes and clubs - in particular, cricket and football, in that order. Family, church and sport and community groups really are the glues that help keep our community together and to ensure that people are supported and not forgotten along the way, through good and difficult times.

I love listening at funerals to references to the deceased's own upbringing and their own parents. They often do not get a very special mention, but they did at Paul's funeral service, where there was a reflection about Paul's upbringing and the kind of home he was raised in, the kind of beliefs they had. All I heard was humility, modesty and a belief in God, family, community and the goodness of a work ethic. If I can put it this way, that sense of a more simple life, and believing in the best in other people.

I thank Paul Harriss for his wonderful contribution, not just to this House but to our beautiful state. I extend my deep condolences to his family and his friends. May he rest in peace.

[11.54 a.m.]

Mr WINTER (Franklin) - Mr Speaker, I too add my comments in great affection for Paul Harriss. I did not meet Paul properly until after his time expired in parliament. As the mayor of Kingborough, I got to know him as a local resident and as a councillor before that - as someone who, despite the fact he had retired from politics, was still a very active political force within the Huon Valley and Channel region, someone who was still actively involved in many community organisations, and somebody I really enjoyed getting to know.

I got to know Mr Harriss after his retirement from politics. He decided to open a business, such is his way, down at Coningham Beach - which, for those who do not know, is quite a quiet and secluded little beach. Paul decided to open a jet ski business at the beach. As a councillor, there was a bit of political angst from local people, who may have been described as Greens-

leaning, who were not very happy with none other than Paul Harriss coming down to their local beach to start a jet ski business.

I decided to take the kids down to the beautiful Coningham Beach for a day to watch how it operated. I did not know Paul at the time. I rocked up to the other end of the beach unannounced and had the kids in the water. We were watching how it operated. I saw Paul take a group out very slowly, within the laws; you could barely hear it. Once they got out a long way offshore they revved up and took off. I could not see any issue from a local perspective, so I went to a council meeting and said that I thought it was a bit of a storm in a teacup, and that the operation appeared to be pretty fine, from my perspective. I heard from Paul for the first time after that to say thanks for the advocacy. That started a conversation that we had for the next few years.

I was going back through our correspondence over the years; the interactions were always interesting. He never really left politics and he was still causing some problems for himself and some arguments with people who did not agree with his political views later on. I looked through the correspondence that we had had, and the conversations were around the fact that he had been unfortunately caught removing some wood from a public reserve. He was very adamant that he had not done the wrong thing - and of course, he had not done the wrong thing - but again, he was keen for it to be known that he had always complied with rules.

The most passionate he became about anything in my time with him was the election of his son, Dean, to the electorate of Huon. Dean Harriss ran for the electorate of Huon twice; the first time unsuccessfully. I saw the political force that Paul was during that time- his passion for Dean, for his family, and for his local community. I was astonished at the connection he had not just through the Huon community, but also further up in the Channel, the Kingston Beach RSL, where I had no idea he had been such an integral part of that community over many years. The number of people he knew was extraordinary. As I became member for Franklin and then getting into the Huon, understanding and seeing the influence of Paul Harriss on that community was extraordinary. He was always Huon first. He was never about politics first or political parties first: he was always about Huon first. He represented that electorate of Huon, and then later Franklin, with absolute passion.

As has been said by other members, we did not always agree, and I would not have agreed with him on many of the things that he said in this place or in the other place, but you could not question his commitment to where he lives, to his family, as the Deputy Premier said, and to his church, as we heard at his funeral.

The funeral was an extraordinary tribute to him. I have to say that the member for Huon Dean Harriss' eulogy speech was incredible. I do not think there were many dry eyes in the house as he spoke so passionately about his father and some very funny stories about his life - particularly at the North Huon Cricket Club, and the influence he had both on his local church and on those cricket clubs. His reluctance to accept a life membership because he did not think he had done enough, despite having been involved in that cricket club for decades, showed his selfless approach to his family and to that sporting club that was present and evident over decades.

I am very happy I got to know Paul Harriss over the last few years. I appreciated all our interactions. I will remember him very fondly. I offer my condolences to his family and

friends, the people of Huon, who have lost a political giant from the Huon, but a great family man as well.

[12.00 p.m.]

Mr BARNETT (Lyons - Minister for Energy and Renewables) - Mr Speaker, I am very pleased to support the motion by the Premier and pay tribute to the late Paul Harriss and say a few words about Paul who died on 1 October, aged 68 years.

I first met Paul some 30 years ago when he was state manager of the Housing Industry Association, prior to his time in the Legislative Council and this state parliament. We had a very good professional relationship when I had Guy Barnett & Associates, subsequently named GBA Communications, supporting the housing industry with submissions to the state parliament. He was very likeable, friendly and professional in every respect. That is where I first got to know him and I have had a very high regard for Paul ever since.

He was born and raised on a farm in the Huon. He had those characteristics of being resilient and a straight up-and-down shooter, as it were, who cared for his community. He was a strong advocate to the Huon all his life, being elected from 1996 to 2013 in the Legislative Council and before that in local government in the Huon. He was a strong advocate for the Huon, then subsequently as a member for Franklin and was a fighter for his electorate and his community.

I pay my condolences and sympathies to all his family but specifically to Dean. I know, having talked to him, how pleased and excited Paul was for Dean when he was first elected in May this year to the Legislative Council. He was very proud. I know Dean is proud of his Dad, so my sympathies to his kids, his grandkids and the broader community who knew Paul Harriss.

He was such a supporter of his community's grassroots issues in the Huon and Franklin electorate, and that is why he was elected again and again. It is interesting that he was a member of the Liberal Party but he stood as an independent and acted as an independent when he was in the Legislative Council. He then stood for the electorate of Franklin in 2014 - successfully, with a very good vote - with Will Hodgman, and was appointed Minister for Resources. It was such a proud time to be working with Paul. He was such a strong advocate for the resources sector in forestry and mining. He did so much to help rebuild the forest industry when it was taken to its knees. I remember the strategic growth plan he had with the forest industry. As a subsequent resources minister, I was very involved with that as well and continued much of Paul's legacy on behalf of the government at the time.

The MRT move to Burnie was Paul's signature policy to support the mining industry, which he did with aplomb. He was a strong supporter of our productive industries - forestry, mining, agriculture, salmon - sustainable industries. He was right behind them every step of the way and was renowned for that. In particular, I remember his resoluteness with the first version of the workplace protection legislation back in 2014. He came to the despatch box and answered questions from the Greens and others as well. He was resolute, he stood firm, he knew what he believed and he delivered. I know he would be pleased to know that after all this time we have passed the workplace protection legislation.

He was very involved with many local sporting groups, cricket and football, in particular the Ranelagh Cricket Club and he went on to play at the Ranelagh-Grove Cricket Club and the

Glen Huon Cricket Club. He was founding president of the North Huon Cricket Club, which has just been referred to, and he is remembered for his time with the Huonville Lions Football Club and was instrumental in helping to establish the Huon Valley PCYC. I remember visiting the Huon football ground one time and he was well regarded by the local community, the local football players, the officials and the refs. He was a strong community advocate and was well regarded and well respected.

He was also very passionate about his family. I recall in 2015, after his niece's diagnosis with leukemia, he encouraged Liberal colleagues and others to join him in shaving their head to raise awareness of that cancer. I must admit I do not recall too many shaved heads, but once again, it was a measure of the person. He got behind his family and cared for and supported them in every way he could. It has been referred to already that it was a packed house at the funeral and I was sorry I could not be there.

He was a regular attendee at his local church and those values - caring for others, being kind, forgiveness, love for his community and his family - came through again and again. With prostate cancer, he supported the Cancer Council and encouraged men to get their prostates checked at their GP. He was encouraging at a time of vulnerability and need. He got out there to send the message.

I pay tribute to Paul. He was highly regarded, highly respected, much admired and always amiable, personable, kind, friendly and cheerful. We will certainly miss Paul. I pass on my sincere condolences to his family and friends.

[12.06 p.m.]

Ms OGILVIE (Clark - Minister for Racing) - Mr Speaker, I am pleased today to pay my respects to the late Paul Harriss, my friend Paul. I do not know why, but Paul decided to adopt me when I arrived in this place and was always gracious and kind in providing advice and assistance in what is a difficult thing to come into a new role in this environment.

Our friendship was forged over many layers of interaction, not only in parliament but also through football and the SFL. He was absolutely legendary in the Huon, coming as he did from a family of six generations. The breadth, reach and resonance that particular family has in the Huon is something quite remarkable. He was perhaps the most Tasmanian person I have ever met. I add that I am also delighted this his son achieved the success he did whilst Paul was here to help and see that happen.

The Huon is the most beautiful place on the planet. Paul was an outstanding local member for over 20 years, which is a long-range career in Tasmania. He was a member for both the Huon and Franklin electorates, upstairs and downstairs, and his passion for grassroots issues including football but others as well, and serving his community, was obvious. As a member for Huon, he was in a long line of wonderful members for Huon and a couple will be known to the House. We recall the days of Michael Hodgman and Peter Hodgman and now to have his son Dean Harriss in that seat is very good.

Paul joined the Liberal team at the 2014 election and was an inaugural member of Cabinet where he served as minister for resources. One could say Paul paved the way somewhat, and members would probably understand that Paul and I had many conversations around those issues in relation to my own career.

Before entering state politics in 1996, Paul had a diverse working career in the housing, building and local government areas. I understand Paul was a draughtsman by trade. He had an appetite for community service as he was part of the Huon Valley council during the 1980s. It is fair to say that Paul has been a public figure for most of his life and dedicated much of himself to the service of his community. I tend to think of politics as a community service role and Paul was an exemplar of that. He was the voice of the Huon in what he brought forward to this place but also within his local community.

I remember events I was at in the Huon, particularly around the bushfires time, where Paul was one of those people with his charisma, his capacity and his reach across that community that could bring people together. He was certainly incredibly well regarded in relation to his work there.

Having resigned his upper House seat in 2013, Paul joined the Liberal team at the 2014 election and was part of the Liberal win. As everyone in the Chamber will appreciate, I do understand first-hand the nature of the decision to make that move. However, it did obviously work out for Paul, which I am sure was probably a great relief to him. He went on to be an excellent minister and everybody was very proud that he was able to achieve that result.

In his role as minister for resources, Paul achieved a great deal for our forestry and mining sectors. I was really taken by the commentary about his love of family and his own upbringing on an apple farm. It could not be more wonderful than that, surely, as a young kid growing up in the Huon.

During his time in parliament, I am certain that he gained the support and respect of those sectors. Besides his interest in politics and supporting his community, Paul had many other interests, particularly in sport, which we have heard about today, such as coaching cricket and his engagement with the SFL teams - all of those clubs through the Huon, but particularly the Huonville Lions. I was there one day when the Lions' club rooms were turned into a refuge centre after the bushfires. There was a shed to mind and help for the animals, and there was assistance for people who had had to leave their houses during that time - and there was Paul handing out cups of tea, because he was that kind of guy. He was sitting down with people and just chatting and being there and being present. He did not make a big deal about it. It was not about the media, about any of that. He was just there and he was just helping.

Paul's communication style and skill, together with his calm temperament, are what made him a great coach, a great local member, a great politician. He probably listened more than he spoke. He took things on board; he thought them through.

He was also involved with the groups we have heard about today, including the Cancer Council of Tasmania. I too have listened very closely to the public sentiments expressed about Paul since his passing. What I have really heard more than anything else is his passion for serving his community, for grassroots issues, especially for those working in our vitally important resource-based productive industries. None of that is simple, or was simple. He navigated that territory and was always a voice for the Huon.

Paul was fun, he was my friend, we just got on. Coming from that beautiful, verdant, productive Huon, he had an eye to what Tasmania could and should be. He had the ability to

think strategically and bring people along the journey of what he was wanting to achieve in political life.

I really want to recognise Paul's longstanding service and commitment to both Houses of the Tasmanian parliament, and to the Liberal Party, as a former member and minister in this place. I have made these sorts of contributions before, but I do think poetry does manage to convey things that other forms of expression cannot. I offer some condolences, particularly to Paul's family, his children, their partners and all of their relatives. I will leave with these words by Clare Harner:

> Do not stand
> By my grave, and weep.
> I am not there,
> I do not sleep -
> I am the thousand winds that blow
> I am the diamond glints in snow
> I am the sunlight on ripened grain,
> I am the gentle, autumn rain.

From me to my friend Paul, safe journey.

[12.14 p.m.]

Mr YOUNG (Franklin) - Mr Speaker, I offer my condolences to all of Paul's immediate family, and his extended family and friends. Paul was one of those rare people who was willing to help pretty much anybody, and I can say he helped me immensely along the way. I had many conversations with him, ranging from campaigns, to sport, to politics, to pretty much everything and it was always great. He was very firm on his views and was always willing to tell you when you were wrong. He helped me immensely through his friendship and guidance.

Today we have heard of his contribution to Franklin and Huonville, and it became very apparent to me one of the first times I met him. What should have been a five-minute walk through the Main Street of Huonville took well over 45 minutes as we stopped and said hello to everyone. Paul would enthusiastically introduce me to everyone, and then after they left tell me how great they were and essentially their whole back history.

His contribution has been immense. Paul Harriss was my friend and I will miss him. Rest in peace, Paul.

Mr SPEAKER - I ask honourable members to signify their support for the motion by standing.

Motion agreed to *nemine contradicente*.

Mr ROCKLIFF (Braddon - Premier) - Mr Speaker, I further move -

> That a copy of the foregoing resolution be forwarded to the family of the late Paul Harriss.

Motion agreed to.

MATTER OF PUBLIC IMPORTANCE

Cam River Bridge Access

[12.16 p.m.]

Ms DOW (Braddon - Deputy Leader of the Opposition) - Mr Speaker, I move -

That the House takes note of the following matter: Cam River bridge access.

I bring forward this matter of public importance this morning because it is just that. Over the last week we have seen what happens when a vital piece of community infrastructure fails to work, or there are issues with a vital piece of community infrastructure, and the need to futureproof access across the Cam River bridge.

The last few days has seen chaos on the road network between Wynyard and Burnie, and Circular Head and Burnie. This has caused significant disruption for commuters. Over 18 000 north-west Tasmanians use this road corridor every day. They have endured significant delays as a consequence of the closure of one lane of the Cam River bridge.

I have been involved in local government for a long time, and in this place for a reasonably short time. During my time in local government, there was strong advocacy provided by local government, the local chamber of commerce and the local community about the need to have additional access across the Cam River in the event that something happened to the bridge and people were not able to access the bridge.

What has happened over the last week has illustrated and highlighted that far beyond doubt, and affirmed all of those concerns of the community. Concerns have been raised with me by local businesses that have been severely impacted by the delays and the traffic congestion in and along that corridor. They have had to put off people. They have had decreases in their sales and their business. It is impacting them significantly. I ask the minister, today, to outline what support is available for those businesses in our local community. At the moment they are doing it pretty tough.

I have had numerous messages from the community about the road management and traffic control that is in place right now. My understanding, from the briefing that I received from the minister last night, was that there were going to be some improvements made onsite today. I have had feedback from my constituents today to suggest there still needs to be further improvements.

I thank all those who are working onsite, day and night, to do the repairs that are required to the bridge, to get the lane up and running again so people can have that access again. They are doing a tremendous job and we thank them for that. The reality remains that people have had concerns about accessing emergency services. Kids have missed school and school buses have been delayed. As I said, commuters have endured significant disruption to their daily travels. It has caused anxiety in our community and concern.

At the last state election Labor, in response to the fact that we recognise that this is such an important arterial road - it connects the community, it connects our economy and is also such an important freight corridor in and out of the Circular Head region. We recognise that any disruption to this road network would have consequences for the local community, and

that there is a need for investment in additional infrastructure across the Cam River bridge. The queuing crawling continues to be an issue with congestion along this road corridor.

Any future solution needs to consider this. Numerous studies and reports have been done on this road over many years now about what needs to be improved. Any investment in new infrastructure needs to look fully at that road corridor as well. Today, we have called for the Premier to commit to funding and building a second access across the Cam River. He has not been able to confirm that in the House today. I hope that the Deputy Premier, who I suspect will be speaking on this matter today, is able to confirm that for the House because this is critical infrastructure - infrastructure that is a priority for Labor and should be a priority for this Government.

I also put on the record my thanks to those working on traffic management there. They are doing a great job under incredible pressure, trying to support people the best they can. I will share a couple of the experiences and concerns that have been relayed to me. For example, staff at the hospital who have worked a double shift, picked their children up from day care and are still sitting in the car three hours later, waiting to get across the bridge. It puts incredible pressure on people. It is important for the House to hear of this pressure. What these experiences tell us is that there needs to be investment in another bridge across the Cam River. It was not feasible for people on Friday, nor is it now, to head up through the Hellyer Gorge, through to Waratah down the back of Burnie. It is an hour and forty minutes. It is a long way out of people's way and, with the cost of living, a lot of people simply cannot afford that additional mileage and the cost of fuel to do that.

I acknowledge and thank the Department of State Roads for their continued updates and for the work that has been done to fix the bridge. However, with 18 000 Tasmanians using this road corridor and this bridge every day to go about their daily business, to get to their medical appointments, to ensure they have access to emergency services, to make sure that kids get to school on time, there needs to be some future-proofing done by this Government. That means investing in this critical infrastructure, a second crossing across the Cam River, and this needs to be prioritised before this Government prioritises a $750 million stadium in Hobart.

Many locals have raised their concerns with me about what has happened over the last few days. I expect to hear more as people continue to experience delays. People have been patient and I thank them for that. There is recognition that it will take time and that safety is paramount, as I said during question time this morning. We need to make sure it is safe for people to cross the bridge. No one is disputing that. What this debate is about today is investment in critical infrastructure that connects communities and connects economies. If there is a severe disruption to this connectivity, we need to have a back-up plan, a contingency. We need to see a plan from this Government to invest in additional infrastructure across the Cam River.

Time expired.

[12.23 p.m.]

Mr FERGUSON (Bass - Minister for Infrastructure and Transport) - Mr Speaker, we are in crisis response mode at the moment, looking after the needs of the north-west community, particularly those many hard-working Tasmanians who live west of Burnie and who rely on that bridge and those who do not live west of Burnie but need to gain access,

whether light or heavy vehicles, to Somerset, Wynyard, the Circular Head area or the West Coast. All of them are important to us.

While this debate and the question in question time today talked about stadiums and brought a political dimension to this, I will keep my remarks focused on our response right now and future possibilities.

We have moved like lightning to support the community and to keep the bridge open as safely as can be. I was concerned that the whole bridge might have to be closed. Thankfully, that has not been necessary or we would have had an even greater crisis on our hands. Let us remember why we are having this discussion and not lose sight of that. The reason is that we have seen infrastructure smashed in our state, particularly in the north and north-west, because of very significant rainfall. We are not alone. Let us not lose perspective on what our friends and cousins in Victoria and New South Wales are living through, including the loss of life. We have been able to avoid that through the exceptional work of our emergency services. Our grief at the moment is limited to the dislocation of communities and the frustration of motorists. As we continue to work through that, I ask people to continue to be as understanding as they have been, and as patient as possible. The response has been on expert advice and for public safety. I am pleased to advise the House that repair works are being done as quickly as possible and, thank goodness, that we are building a new bridge over the Cam River. We have that project under way right now through VEC Civil. It is the very presence of those contractors and the equipment needed for the construction works under way now - they are the people fixing the old bridge - that they were able to immediately swing their focus, and I am so pleased about that.

They are doing a great job. I visited with the Premier and Mr Jaensch on Saturday. I asked them about various elements of the intelligence around the imaging, particularly at the foot of the bridge, which was very interesting. I will not reveal all right now but later it will be made clear about the way in which the bridge was built back in 1962, which is one of the reasons we have seen that undermining occur.

I also asked the key question when we were looking at the formwork, which, unfortunately, does not marry in easily with the substrate so it had to be more or less bespoke-fitted. That formwork was built offsite and transferred yesterday. I had been expecting the concrete pour to occur tomorrow but it happened last night. The team have worked diligently, with my complete support, to try to save to save time, to bring forward steps if it can be safely done. Mr Jaensch was witness to this. They brought forward the concrete pour fully two days. It occurred last night. That is great news. The House will be interested to know that our contractors poured 25 cubic metres of strong concrete into the formwork under the pier that has been undermined. As further updates are available, I will provide them, either to the House as requested or publicly.

We also understand the importance of community updates. One of the things when you are going through a crisis - and this is one, this is an emergency response, though no loss of life - information is key. We have been determined, particularly from Thursday night and Friday morning onwards, to try to give people as much as we are able to. I ask people to appreciate that even we have had limited insight into that because people are moving very quickly, circumstances and speculation being what they are. We have done our best to share those updates as appropriate. One of the key ones people need to know is not just 'how is the

bridge repair going?' but 'what are my expected travel time delays?'. We have been very open and sensitive to that.

I have been concerned to hear, particularly in the last 24 hours, about some of our contractors and traffic managers getting abused on site. We ask for that to cease. It is a very small minority but it is affecting our workers. They are doing their best to work through this crisis. We owe them many thanks. These contractors have been working through the night. Low tide on Saturday was at 3 a.m. and there they were in their diving suits at 3 a.m., when the rest of us were sleeping. Wonderful Tasmanians. While some frustration is perfectly understandable, the abuse is totally unacceptable.

The damage to the bridge highlights why we need the new bridge. It is currently under construction, it will be higher by nearly 2 metres and it will be much stronger. The piers on the existing bridge go down just a few metres and sit on shale. The new bridge will go 10 metres deep into the base rock, and more. It will also be 12 metres wide, so it future-proofs that concern about partial closure and being able to continue to get vehicles through.

Importantly, it will be stronger. It is being deliberately designed for flood events like this one in order not to be as vulnerable. We all wish that the floods we have experienced this year could have waited a year longer so this bridge could be built, so that the Latrobe levees could be built, for example, but life is not like that.

I will also mention that we have put in place a particular focus on emergency vehicles getting through. They get priority access. On Monday morning, as I highlighted to Ms Dow earlier, we wanted to put a priority on public transport to try to encourage a shift of mode for those who are able to do so, for the greater overall benefit. The feedback this morning was that one mother said their student got from Somerset to Marist in 35 minutes on the bus, which is pleasing. We will continue to communicate as much as we are able to publicly.

There has been a focus on the future. The timing of this being brought up right now, while relevant, is not where our focus needs to be. Our focus needs to be on getting the bridge reopened safely. However, since it has been brought up, I will say that after the completion of these urgent repairs we will move to ensure that we investigate the best secondary access option that is available so that in the event of the Bass Highway west of Cooee experiencing an unexpected restriction or closure, people and goods can still get through.

Una Road was mentioned. It is unfortunate that Una Road -

Mr SPEAKER - The member's time has expired.

Mr FERGUSON - On indulgence to finish the sentence if I may, it is unfortunate that Una Road was also badly damaged and was not accessible in any respect; however, I have reached out to Burnie City Council to offer our support.

Time expired.

[12.30 p.m.]

Dr WOODRUFF (Franklin) - Mr Speaker, the Cam River bridge delays are obviously difficult for the local residents and everyone involved, as well as for people travelling east and west along the highway.

The stories in the newspaper are really hard, as are all the stories I am reading of everyone who has had their lives turned upside down or their houses destroyed or their local communities substantially damaged and the enormous clean-up ahead of many people. I have to say as somebody living in the south of Tasmania, it feels very odd to be living in a place where we are hearing these serious stories of enormous community and personal disruption but we are not having the same experiences here. It shows how as a state we are all affected by what is happening. Regardless of whether it is actually occurring to us, we are all affected.

The question for me is what to do. The whole situation about the floods and the response to them shows that Tasmania has a serious problem with the Liberals who, since they have been in office, have failed to grapple with the reality of climate heating and come up with future planning for infrastructure and emergency services support for communities, for rebuilding and essentially all of the adaptation we need to do now that we are living in a time of accelerating climate heating.

We will continue to see. Unfortunately, this is not an aberration. It is an aberration in the long-term climate record but it will not be an aberration in the future. It is just a small taste of the sorts of climate patterns we can expect. They will change, but we can expect to have many more of these extreme events. I note that this year nearly 2.4 metres of rain has fallen in metropolitan Sydney. That, by any measure, is extraordinary.

We will have more property loss, threat to human life and dramatic social upheaval. We have already seen the impacts for economies and businesses, the breaks in supply chains of many goods, even essential goods, and the mental health impacts on people at the time of what we have come to understand now, two years post an extreme event, is a natural disaster when communities and individuals need the most support.

The Cam Bridge is one of many bridges in Tasmania, one of many roads, one of many coastlines that are being affected by sea level rise and coastal inundation by the outflowing of rivers damaging the banks. That is having an impact on roads and will increasingly do so, as well as properties and buildings of all sorts.

What we have here is a decision about what to do with one bridge. I have concerns about the Labor Party's response, which is to build another bridge. Let us first have a conversation statewide about what we should do about roads and bridges, what we should do about climate change and how we should prepare. The fact is that a vast amount of the Huon Valley in the Franklin electorate and on the eastern shore has serious coastal erosion issues that are happening, eating away into roads, undermining bridges and potentially impacting on the capacity of communities to be connected by roads after an extreme event in the future.

How should we respond? We must have planning for the future. The Liberals, since they have been in government, have not done this. They have not done the comprehensive work with local government that is needed to prepare a plan for local government to have a coordinated response so there is an overarching statewide view about how we spend precious money on rebuilding and supporting communities, where we continue to rebuild, whether we should have resettlement programs, whether there should be a second bridge over the Cam River, or whether there are roads that should be permanently redirected. We should start that now. We can see from the climate modelling what is going to come and that is why we need a response from the Government to this.

I want to briefly mention an email Cassy O'Connor received from a beautiful person who lives in Nunamara on Mount Barrow Road. He wrote yesterday about his great concern about the TasALERT website and how woefully out of date it is, and I have personally experienced this. I was trying to find for a friend who was travelling back to the ferry over the weekend what the road situation was, which roads were safe and which roads were open. What I found was inadequate or out-of-date information. The resident wrote:

> Nowhere can I find how to let them, TasALERT, know that roads are closed or open or that flooding is happening or subsided.

This week the Mount Barrow Road where he lives was blocked by a very large landslip. The council eventually came and cleared it out but it was because of a local landowner that it got cleared. The problem is residents did not know what was happening; the information was not on the TasALERT website. It showed the bridge at Nunamara was flooded and not useable but that was not the case. It still shows the bridge is closed, which it is not. It showed the road from the Bass Highway along the Meander Valley Road to Hadspen was closed, but it was not. We have some real problems with TasALERT and the resourcing that the Government is not providing to them. There was no information on the Parks website about whether Cradle Mountain was open or the roads were open. We have to get these basics right.

Time expired.

[12.38 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Speaker, I support the matter of public importance raised today by my colleague, Deputy Leader Anita Dow, in drawing to the attention of the House the disruption the closure of one lane of the Cam Bridge has caused to residents on the north-west coast.

With 18 000 people using that bridge daily, it is no wonder there have been some stories we have heard, both through our offices and through the media now, of the impacts that has had on businesses, families, children attending school and people who are trying to make a medical appointment on time.

I was concerned to hear the minister, when he was wrapping up, essentially complaining that the Labor Party is raising this issue now. This is not something we have just raised now. As the Deputy Leader outlined, it has been raised by that community for years and years. It has been something local governments have advocated for to make sure there is redundancy, so that should something occur like we have seen occur across the Cam River, residents in the north-west can continue to travel where they need to go. It is the Government that has been ignorant to that. It is the Government that has not been awake to those challenges until now, until there is a disaster. I was appalled that the minister complained about us raising it when it is his job to have done the listening, which he has failed to do.

The Labor Party took a policy to the last state election to build a new crossing across the Cam River. I was disappointed today, when the Premier had an opportunity following from the question he was asked over the weekend when it was put to him, to make it really clear what the Government's position is on a second crossing across the Cam River. Will they commit to doing that? The minister got up today and did not say anything that gave any commitment. The Premier, most disappointingly of all given it is his electorate of Braddon, failed to give a commitment to those community members that his Government would provide

a solution to the challenges of crossing the Cam River: challenges that have of course come to a head now with the flood events that we have seen across the north and north-west of Tasmania; challenges that could have been foreseen had the community been heard by this Government; challenges that have been raised by local government over a number of years. We, the Labor Party, certainly heard the advocacy from the local community.

It is important that we raise this issue today, because the community has a number of questions. There is no doubt there has been significant disruption to business. I reflect upon the impact that occurred on the east coast when the Tasman Highway was shut for works that were undertaken at Paradise Gorge, because of the risk of rock fall. Again, that work happened very quickly. The impact on the community was quite devastating, and the businesses that were financially impacted through that process were provided with financial support by the Government.

Given the disruption that has occurred to businesses on the north-west coast, as has been outlined by the Deputy Leader, I encourage the Government to engage with the chambers of commerce and other industry groups there, to understand what the impact has been for those businesses and those workers: people who have been unable to get to their place of employment, who might have missed out on hours, who have had a reduction in their pay this week at a time when the cost of living is rising, and who are going to struggle because of the impact they felt due to the disruption to travel in the north-west.

Mr Speaker, it is not adequate for the Government to come in here and say it is not the right time to talk about this. It is precisely the right time to talk about this. I too want to join with my colleague and others in thanking the workers who have gone out of their way to try to restore access in the north-west, by the repairs that are being undertaken currently to the Cam River bridge.

I thank the traffic management teams, who I understand are working at intersections well back from the Cam River bridge crossing, trying to manage the huge traffic jams that have been experienced across the north-west as a consequence of the Cam River bridge disruption. I also reiterate the call for patience and to treat people with respect. It is not appropriate that people have been abused going about their work trying to help that community, in managing very difficult circumstances.

However, what the Government needs to do now is not only support those construction workers as they endeavour to restore full access across the Cam River, they also need to engage very closely with the business community.

It is good to see the Minister for Small Business in the Chamber, to understand what the impacts have been because of the closure, what the disruptions are likely to look like for those operators, to understand what support the Government can provide to them. In doing that - through you, Mr Speaker, to the minister - to also consider what support can be offered to the workforce who have been disrupted, who might have lost hours or income, or potential employment, because there are always unintended consequences as a result of these matters.

I join with my colleague in supporting the work she has been doing in providing information to her local community. I also recognise the work that has been happening from the member for Murchison, Ms Forrest, who has been providing information to her community,

the Government website, and the RoadsTas Facebook page, providing information to the community.

If we continue to think about what the broader implications have been as a consequence of this, and act to rectify those problems now, that is useful - but for the long term, we need a solution that prevents this occurring again, and that means a second crossing for the Cam River.

The Government needs to commit to that, not just say they have got enough line. They need to actually set in place a time frame for delivery, because what we also unfortunately know is true of this Government is that they make commitments and they fail to deliver.

We have seen that with a number of infrastructure projects. Everyone remembers the underground bus mall, the promise of a Tamar bridge - the list goes on and on. When we talk about critical infrastructure and promises made by governments of the day, they need to deliver on those because when they do not, communities are let down.

[12.45 p.m.]

Mr JAENSCH (Braddon - Minister for Education, Children and Youth) - Mr Speaker, as a resident of Wynyard, with an office in Burnie, teenage children who attend school in Burnie, and social and community and supporting involvements east of the Cam River, my family crosses the Cam River bridge several times every day. I know first-hand the disruption, anxiety and frustration that my community feels under the current circumstances.

Regardless of how quickly this can be fixed, or the great work being done to minimise delays, it is important for us to acknowledge and respect the real impact this situation is having on the lives and livelihoods of thousands of our fellow Tasmanians right now. It is important that our response is guided by compassion for them, as well as urgency in the civil construction elements of solving this problem.

For that reason, I am grateful that decisions were made quickly and early once the engineering and safety assessments had been undertaken, to keep the northern lane of the bridge open for traffic.

It may have been quicker, easier and safer for the construction teams to deal with the repair work with no traffic on the bridge, but thankfully the engineers were able to find a way to safely keep one side of the bridge open. This first decision alone has prevented far greater disruption to our community if the bridge had been fully closed, or if it had failed because it was not addressed, discovered and responded to earlier.

I thank the minister, his department, our contractors and their suppliers for the very swift action that has been taken to assess the damage occurring to the bridge, and to be getting on with the work of securing it, while alongside it we build a new stronger, wider, higher bridge to minimise the risk of further disruptions in the future.

I was very grateful to have the minister's update on progress today, which is ahead of where some of the earlier projections had been, and in line with the earlier estimates and expectations that we have given people about how long this disruption may continue, so that they can plan their lives around it - as they have been.

In order to assist them, Government has also worked quickly to support all road users with access, but particularly those least able to change their plans and schedules to deal with this challenge - including those requiring unplanned and urgent travel, including in emergencies.

I note that early decisions were made to station additional ambulance resources in the affected area, with additional helicopter services stationed in the north of the state to be able to respond, if needed, and arrangements for emergency vehicles to have priority access across the bridge as well, escorted where needed through our traffic management program to ensure that those who need access in the greatest hurry and with greatest consequences, get it. We are advised that Ambulance Tasmania has reported there have been only minor delays, if any, to their operations crossing over that bridge and through that area. We thank them for their service at this time as well.

I am also advised that maternity patients have been contacted by their care teams to discuss care plans and contingencies should they need to change their appointments.

The same applies also, as has been widely reported, to putting on extra public transport. More buses, including those servicing our schools, have been given priority access over the bridge as well. Reports have been coming through of buses still being later than usual, but getting through to minimise disruptions to the school day. I had advice earlier today from the Burnie campus of the North West Support School, which reported that their bus from Wynyard got in at about 9.05 a.m., a little later than usual.

For a group of the most vulnerable road users least able to wait and needing the greatest certainty, that service has worked. I take this opportunity to thank all the other people who have been in their cars queuing for access across the bridge who have seen the blue and red lights, the convoys of buses coming through and have shared our wish to ensure that our youngest, our most vulnerable and most needy have been getting priority treatment in getting them through. That has helped everybody and I thank them for those efforts.

Our schools also have been communicating with their school communities and students regarding the options and the acceptance of there being children late to school, those needing to be dropped off early or picked up late as their families manage the scheduling of their travel on the highway. The department has been able to assist those schools to ensure that their staffing numbers can respond and they have been able to, in various cases, extend their out-of-normal school hours supervisory arrangements under their duty of care arrangements to accommodate people's changing needs. I encourage families with children who cannot get to school or who will be unusually delayed to speak with their schools about arrangements. I thank our Department for Education, Children and Young People for their flexibility.

I need to reiterate what the minister said in his closing remarks. After completion of the current urgent repairs we will move to investigate the most appropriate secondary access across the Cam River to ensure it is made available, so that in the event of future disruptions or closure of the Bass Highway bridge, people and goods can still get through.

Time expired.

Matter noted.

JUSTICE AND RELATED LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2022 (No. 43)

Second Reading

Continued from 19 October 2022 (page 65).

[12.52 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Mr Speaker, I was part-way through summing up on the second reading when we adjourned this bill last time. I will finish responding to some of the questions that were put. I understand members require Committee, but probably not too extensively - I believe there are similar amendments - so that we can proceed with a busy day.

I did touch on, briefly, that I would certainly review and request that details on the website for the Coroners Court be accessible and in plain English and I can reiterate that. There is already quite a lot of detailed information on there and I believe that is probably in response to the matter that was raised during this debate. In any event, I will pass on through my department to the Chief Magistrate for a review of that information to ensure that it is thorough, accessible and in plain English.

I note also that on the website it deals with applications to the Supreme Court, in other words judicial and administrative reviews. In addition to the rights of a review conferred by the act and set out in the previous section on the website, there is prerogative relief available in circumstances where a coroner has made a decision that is in excess or want of jurisdiction. It states further on that the most common prerogative writs issued by superior courts to lower courts, including coronial courts, are writs of certiorari and mandamus, which are in effect orders holding a purported exercise of power to be invalid and orders requiring the exercise of a power in accordance with the laws.

I note that with Supreme Court Rules 2000 now specify the relief granted is similar to certiorari and mandamus. Case authorities also make it clear that superior courts exercise a high degree of restraint against interfering with coronial decisions but it should be emphasised that judicial review is only available where an error of law is alleged.

Ms O'Connor asked for any sort of update from my letter to her in relation to intersex people. I cannot progress that beyond what I have stated in that letter, other than to say what is in that letter and that I will endeavour to address the issue in the next justice miscellaneous bill early next year to ensure the matter is dealt with. I will put that matter on my regular weekly meeting with my department so that it does not get lost in the system, not that I am expecting it would, but when there are matters I like to follow through on fairly quickly, that is what I do as a matter of course.

Ms O'Connor - Can I ask by interjection, have you had a chance to meet with Simone, Lisa and advocates for reform in this area?

Ms ARCHER - Not personally yet but I certainly welcome an invitation. I think I have previously but not specifically on this.

Ms O'Connor - Great, thank you.

Ms ARCHER - I am happy to, as I am with all of these issues.

There was also a bit of a statement by Ms O'Connor about the practice of providing an autopsy report to a person's GP rather than directly to them. I can confirm that the Coroners Rules 2006, and in particular rule 26, is already clear that the court may give a person access to a coronial record, which includes any document on the court's file. The rule includes appropriate safeguards, including that the coroner may provide access to the document on such conditions as they think fit.

This information is outlined in the information publicly available on the court's website. The document, *The Coroner's Court - a Guide for Family and Friends*, outlines how to make an application for access to documents on the coronial file. For example, a person can view the information at no cost or receive a copy for one fee unit per page. The court currently provides autopsy reports to the applicant's general practitioner to ensure the report can be explained to the applicant, which is a discretion I am aware the Greens' proposed amendment might in our view unwisely override, but we will deal with that in Committee. The GP can then provide the report to the interested party.

I understand the court's practice is intended to avoid inadvertent distress or confusion. As the Leader of the Greens noted in relation to Labor's appeal amendment, doing these things on the Floor of the House, particularly without consultation, is a little fraught with danger. Again, we will deal with that in Committee.

I can undertake to raise with the Chief Magistrate whether autopsy reports can be provided directly where appropriate. I intermittently meet with the chiefs of both courts. I like to do that at least quarterly so that I can raise these types of issues, particularly in relation to legislative reform. When there is legislative reform, it is my practice to always write to them as well, inviting their comments, so we do engage on these sorts of things quite regularly.

I think Ms O'Connor raised the issue of bestiality offence exception.

Ms O'Connor - Sorry, what was that?

Ms ARCHER - You raised bestiality offence exception, or is that in relation to one of your amendments?

Ms O'Connor - No, we haven't tinkered with that one.

Ms ARCHER - I think there was a question concerning proposed subsection (2) of section 122 of the Criminal Code and in particular whether the exception would cover a private dog breeder - that is right.

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

JUSTICE AND RELATED LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2022 (No. 43)

Second Reading

Resumed from above.

[2.30 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Mr Speaker, I have just done a summing-up second-reading speech and just dealing with the last matter - a question concerning proposed subsection (2) of section 122 of the Criminal Code. In particular, whether the exception would cover a private dog breeder, which was asked by Ms O'Connor. In response to that, the starting point is it is likely that sexual activity would be interpreted in a way that would exclude the activities covered in subsection (2) in any event. Case law makes clear that whether or not an activity is a sexual one is a question of fact. The purpose of the activity and the context in which the activity takes place are two significant factors relevant to determining whether an activity is a sexual one. Clearly, genuine acts such as desexing an animal or assisting an animal to give birth are not done for the purposes of sexual gratification. This would be a significant factor in determining whether the element of sexual activity can be established.

However, to ensure there is no mistake about this, and to give people confidence in going about their lawful business, an express exception has been provided for to ensure legitimate veterinary, agricultural and scientific practices can continue without concern. Activities we envisage would be captured by this exception include desexing an animal, pregnancy testing, artificial insemination right through to milking a cow. As unlikely as it is that someone would be charged with such conduct, for the avoidance of any doubt, that has been provided for in the element.

The term 'veterinary' is not defined in the act. However, the Macquarie Dictionary defines it as meaning 'of the medical and surgical treatment of animals, especially domesticated ones'. I would suggest that a dog breeder, even if they were not a licensed veterinarian, assisting a dog to give birth would amount to the medical treatment of an animal. Therefore, provided a person's acts were reasonable for that purpose, the person would likely be able to rely on subsection (2) if they were even charged at all, which I would assume not but just in case, that is our interpretation, on the *Hansard*, on record.

I think that addresses all the questions and statements that were put by members. I thank everyone for their contributions to yet another justice miscellaneous bill that deals with either the tidying up or the ensuring that our law reform operates as it should. I thank my department, as always, those in SLP, my office staff, who do an amazing job in supporting me. I think that deals with summing up, and I am aware that members want to go into committee to deal with some amendments. We will allow that. I commend the bill to the House.

Bill read a second time.

JUSTICE AND RELATED LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2022 (No. 43)

In Committee

Clauses 1 to 7 agreed to.

Clause 8 -
Principal Act

Ms HADDAD - Madam Deputy Chair, I am sure you will inform me if I was meant to start at clause 9 or clause 8. The intention of my first amendment and my second amendment is to insert two new clauses, new clause A and new clause B. I know the Leader of the Greens, Ms O'Connor, has almost identical amendments to these two.

Madam DEPUTY CHAIR - We have to deal with those clauses first and then we could insert them.

Ms O'CONNOR - Can we get some clarity here? We are amending clause 8.

Ms Haddad - No, I am inserting new clauses after clause 8. The Chair said we would do clause 8 and then insert the new clauses, which I think yours is too, Cassy.

Ms O'Connor - Yes, okay.

Madam DEPUTY CHAIR - The amendments are to follow clause 8.

Ms ARCHER - Can I get some clarity around this? We do not deal with them together? How do we deal with this?

Ms O'Connor - It is up to the House.

Madam DEPUTY CHAIR - Yes, it depends on how we move.

Ms Haddad - I am happy to move my first two together because they are linked. I know you are not supporting the third so I will move my third amendment separately.

Ms Archer - I think we need to be very careful what we are talking to because it is very confusing.

Ms O'Connor - I think we should move them separately. It just allows for a clear discussion.

Ms Archer - I have quite a few different parts of clause 8. How many parts of clause 8 are you intending -

Ms Haddad - I only have three amendments and they are all inserting new clauses to follow clause 8.

Ms O'Connor - I have four: three are inserting new clauses to clause 8 and one is clause 9.

Ms Archer - Okay.

Ms O'Connor - They are very similar amendments.

Ms Archer - How about we deal with Ms Haddad's first and then Cassy can -

Ms O'Connor - Well, yes, they are the same so I probably will not move them.

Ms Haddad - Maybe we could talk about that because I think one of yours is better. Your second amendment, new clause B to follow clause 8, does the same thing as my second amendment but I think yours is better.

Ms O'Connor - I have said on my notes 'better than Labor's'.

Ms Haddad - I will move my first amendment and withdraw my second amendment and support Cassy's amendment.

Ms Archer - What about your third?

Ms Haddad - I know you will not support my third amendment but I will move it anyway.

Ms Archer - Let's deal with the first one separately.

Madam DEPUTY CHAIR - We are dealing with clause 8, and then we will deal with the amendments.

Clause 8 agreed to.

New clause A -

Ms HADDAD - Thank you for that clarity. It is very encouraging because, as I said in my second-reading contribution, I think we are all trying to achieve the same thing here, which is to amend the Coroners Act so that what happened to Ben Jago cannot happen again. While we might have different approaches, I think the intention across the parliament is the same.

I will move my first amendment at this point, which is a new clause A to follow clause 8, and it reads as follows:

A. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

(a) by omitting the definition of "spouse" and substituting the following definition:

> **"spouse"** includes the other party to a significant relationship, within the meaning of section 4 of the *Relationships Act 2003*, whether or not the significant relationship of the other party is registered under Part 2 of that Act;

As I said in my second reading contribution, by my reading, the Coroners Act already intends this to be the case. However, in the case of Ben Jago and at least one other known case, that intention of the Coroners Act was not applied. Even though Ben Jago's relationship would have been a recognised relationship under the Relationships Act 2003, that is not what happened.

What this amendment would do is explicitly make clear, in the Coroners Act, the fact that somebody is to be regarded as another person's spouse, whether or not that relationship is registered under the Relationships Act 2003. In other words, all relationships should be treated equally under the Coroners Act, when dealing with the things the Coroner needs to deal with surrounding a death they are investigating. It is a fairly straightforward and simple amendment that, I believe, makes the parliamentary intent of the definition of 'spouse' in the Coroners Act explicitly clear.

Ms O'CONNOR - Madam Chair, we support Labor's amendment, which is very similar to ours. In a way, ours is a simpler version of Labor's amendment, but the effect is the same. It is a doubts removal clause, so that in the Coroners Act it is made very clear that a spouse is to be recognised as a spouse, whether or not that person is in a registered or unregistered relationship under the Relationships Act 2003.

While we understand the concern about some other amendments that are being proposed, we hope the Attorney-General will support this. Apart from anything else, it can do no harm to have a clause like this inserted into the Coroners Act, because we all agree that we never, ever again want someone to go through what Ben Jago went through.

I quote here from the CLC's submission:

> To ensure the discriminatory conduct is minimised in future, we also recommend that the definition of spouse in the Act is amended to emphasise that de facto relationships include both those registered under the Relationships Act 2003 and those not registered.

Then we have been given suggested wording for the amendment to the definition of 'spouse', which we have essentially followed to the letter. Again, I thank the Office of Parliamentary Counsel for helping us to ensure these amendments are in order. We think the Attorney-General should support Labor's amendment, which is the same as ours.

Ms ARCHER - Madam Chair, I gave this very serious consideration and sought very detailed advice. It relates to the question of who is the spouse of a person. The Coroners Act already provides that, and I quote:

> ***spouse*** includes the other party to a significant relationship, within the meaning of the Relationships Act 2003 ;

I realise that the intent of this is to spell it out again in the Coroners Act, but it is not best practice in terms of drafting or interpretation. That is pretty clear. I know the circumstances surrounding this caused a lot of pain, and it should not have happened. It is clear that the interpretation was just not considered for some reason, but it is there and it is very clear. The definition in the Relationships Act 2003 is very clear. Essentially, that section already defines what is a spouse.

Some stakeholders felt that spelling out in the Coroners Act that a significant relationship can include unregistered relationships would provide clarity to people. However, the Relationships Act 2003 is already explicitly clear that both registered and unregistered relationships can be significant relationships.

Section 4(3) specifically addresses the situation where a relationship is not registered, relating to the fact it is to be considered as to when such a relationship is a significant relationship. Thus, there is no need to amend the Relationships Act 2003. The Coroners Act therefore does not need to expressly refer to registered or unregistered relationships because this is clearly set out under the Relationships Act 2003 in the section I have just referred to refers. Amending the Coroners Act would not make any legal difference but could risk undermining the definition in the Relationships Act 2003 itself, as other acts also simply refer to 'significant relationships under the Relationships Act' without this extra specification. Again, what is being proposed is not best practice.

The bill achieves the objective of the stakeholders, in my view, which is to ensure persons are given very clear information about the operations of the Coroners Act, including all the matters relevant to the determination and review of senior next of kin decisions.

Although I completely understand the reason for moving this amendment, I have given this detailed consideration and under the law I do not believe it is necessary. The Government will not support the amendment.

Ms HADDAD - Madam Deputy Chair, I understand the Attorney-General's rationale and appreciate the advice that she has been given in deciding not to accept this amendment.

However, I agree it should not need to happen. There does not need to be an amendment to the Relationships Act, and there should not need to be an amendment to the Coroners Act. As I said in my second reading contribution, the intent of the Coroners Act as currently written makes that intent clear; nevertheless, it was not adhered to by the Coroner in the case of Ben Jago and his partner.

I want to reflect on something in a submission by Equality Tasmania in the community consultation. They noted that many LGBTIQ+ partners are deeply concerned about what happened to Ben Jago, and said that some are scrambling to enter a deed of relationship, or to marry, even if they are already clearly in a de facto-style relationship. The fact is, people are worried that the same thing could happen again. I know that this debate will help; the parliamentary intent will indeed be clearer because we are having this debate. I also acknowledge the work that has happened in the court since that decision.

Nevertheless, I do believe that this amendment, as put forward, would not have done harm to simply expressly make clear the intent of the parliament. I think it would not have led

to unintended consequences but it would have eased a lot of tension and worry in the LGBTIQ+ community that this could happen to them too.

People are very aware. There has been much heartache around Ben Jago's case, and people are understandably worried about their rights being recognised. I hope the things that have been put on the record through this debate will raise that awareness and will continue to raise that awareness in the court.

I support the Government's change in this bill, but my niggling worry is that while the Government's amendment will require information to be given to other parties, if the Coroner determines that the person's partner is just a housemate or a friend, they might not deem that person an interested party to receive that information.

I am worried that even with the Government's amendment, in terms of black and white interpretation, the same course of events that happened to Ben could technically still occur, and none of us wants to see that.

I want to put on the record those further thoughts on the contribution from the minister, in the hope that this parliamentary debate also assists in making clear the parliamentary intent of the act.

Ms O'CONNOR - Madam Deputy Chair, I am disappointed to hear that the Attorney-General does not accept that there is an argument for making it explicit, in the Coroners Act, that a spouse can be someone who is in a registered or unregistered de facto relationship.

First of all, it does not hurt to have that doubts removal clause reinforced in the Coroners Act. Also, this is a proposal that has been put forward by a number of stakeholders. The Community Legal Centres of Tasmania is an umbrella organisation for a whole range of community legal centres, and this has come from them. What the CLCs are looking for, on behalf of LGBTIQ+ people, is a guarantee in the law that what happened to Ben Jago will not happen to anyone else. It is only seven years ago that a coroner made a decision about who was the senior next of kin in the Ben Jago case when presumably these provisions which we are trying to strengthen today were already in place. While we note that a mistake was made and it was found to have been made, I guess we would hope that the coroner would examine more acts than the act that applied to them, but given that we now know the coroner is immune from legal proceedings, it makes it even more -

Ms Archer - All magistrates -

Ms O'CONNOR - That is right, but we are discussing the coroner here and now. We should do everything that is possible within the act that guides coroners to make sure that the law is clear and parliament's intention is clear.

An issue that the Government and the Attorney-General may have, when this bill goes upstairs, is that there is also a will upstairs to have this made clear in the Coroners Act. Why would we let the other House take our capacity to influence this legislation away from us if we know there is a mood for it to happen anyway and, potentially on the numbers, it would get up?

It does not bode particularly well, certainly for our next amendment, which is to make it really clear that a person who is going before a coroner in the assessment of the senior next of kin cannot be discriminated against. We know that, first of all, we have antidiscrimination legislation in Tasmania and the coroner should be aware of what is in the Anti-Discrimination Act 1998, but in 2015 a coroner got it badly wrong and, through that mistake, compounded a grief and a sense of being betrayed and forgotten by the state, as you are dealing with the loss of someone you love.

The two amendments Ms Haddad and I want to move that relate specifically to this issue around spouse and senior next of kin are solid amendments and are about making sure that when making that assessment about senior next of kin, the coroner is absolutely oxygen clear about what the legal framework is without necessarily having to refer to a number of other acts.

I hear the Attorney-General and note that once she makes up her mind it is very hard to budge her, but it is a mistake not to accept this. It has come through CLCs Tasmania and has been asked for by LBGTIQ+ people. I know there are members of the other place who will move these amendments as well but I would rather we dealt with it down here instead of sending it upstairs for some needed improvements.

Ms ARCHER - Madam Deputy Chair, if I felt it was necessary in law I would agree, but what members are asking this House to do is elongate what is already there. Other acts already refer to 'within the meaning of the Relationships Act', and the Relationships Act itself is quite clear. The coroner at the time got it wrong and unfortunately magistrates, judges and even High Court judges get things wrong. That is our judicial system and why we have appeal rights and why I have mentioned specifically, in answer to your questions on the second reading speech in my summing up, appeal rights and also prerogative relief on errors of law.

I am not saying that makes it any easier or right that a party has to then appeal a decision because we hope that members of our judiciary and magistracy and the coronial division do not get it wrong. It was really unfortunate in this circumstance that the coroner got it plainly and blatantly wrong. I do not know why they got it wrong because this section is very explicit.

Sometimes my job as Attorney-General is quite difficult and I make myself unpopular with Ms O'Connor and Ms Haddad, but I am not about making decisions, although I have apologised and am very empathetic to the desire for this. Sometimes I have to make decisions and on this occasion I am making a decision based in law and on advice I have received that I agree with, that this amendment is not necessary. The coroner plainly got the interpretation of what already is the law here incorrect. It is not necessary to go as far as members are urging me to go. To do so is probably - I am trying to think of a way of expressing it differently to telling magistrates they do not have a high enough IQ to interpret a section that really is not difficult to interpret.

With that, Madam Deputy Chair, I am really empathetic to the desire for members to follow spelling this out even further but I do not see the need. To do so I would be admitting that many other pieces of legislation we have in Tasmania also require change and I am not about to do that either.

New clause A negatived.

Ms HADDAD - Madam Deputy Chair, I will withdraw my second amendment, new clause B, foreshadowing that I am expecting the Leader of the Greens to move a similar amendment that I intend to support.

New clause B

Ms O'CONNOR - Thank you, Madam Deputy Chair and Ms Haddad. I move -

B. Section 3A amendment (Meaning of *senior next of kin*)

Section 3A of the Principal Act is amended as follows:

(a) by renumbering the section as subsection (1);

(b) by inserting the following subsection after subsection (1):

(2) A person making a decision under this Act as to whether a person is the senior next of kin of a deceased person must not discriminate against a person on the grounds that the person -

(a) is in a same-sex relationship; or

(b) is in a significant relationship, within the meaning of the *Relationships Act 2003* with another person but is not married to the other person; or

(c) is in a significant relationship, within the meaning of the *Relationships Act 2003*, with another person but the relationship is not registered under that Act.

Madam Deputy Chair, this amendment should be quite self-explanatory and is in a similar vein to the previous amendment. Of course a coroner under the state's Anti-Discrimination Act and the Relationships Act is not legally allowed to discriminate against a person who may be a senior next of kin, but anytime we can reinforce the principle of equality before the law and the necessity not to discriminate against a person on the basis of an attribute in law, I think we should do so.

This is a proposal put forward by the CLCs of Tasmania signed by policy officer Ben Bartl and the statement at the end of the submission is:

> As a result of the Jago v Anti-Discrimination Tribunal decision on the finding that a coroner is immune from legal proceedings, some LGBTQI+ people [couples] may have a heightened sense of anxiety about how their relationship will be judged. To allay any concerns, we also recommend that section 3A of the act expressly provides that senior next of kin will be assessed regardless of sex, sexual orientation, gender, gender identity, or innate variations of sex characteristics.

We know from Ben Jago's case that a coroner made a mistake, and it was found to have been a mistake in law. We also know that no matter what a person's station in life, some people will discriminate. Some people will be homophobic, or transphobic, and not even necessarily recognise it in themselves. I think we have all met people like that. It is not beyond the realms of legal possibility that a coroner in the future could just look at the Coroners Act as it stands now and think, even unconsciously: I am going to discriminate against this person and make my assessment about whether or not they are the senior next of kin in a same-sex relationship.

The difficulty the Attorney-General has is that, while the changes that are being made in the amendment bill are solid changes, to date we have not had any indication from the Attorney-General that she is prepared to do that extra bolstering of the Coroners Act that would make sure a Ben Jago situation never happens again, but also assuage some of the fears of LGBTIQA+ couples.

This amendment makes it really clear to a coroner that you cannot discriminate; that there is equality under the law. We, as legislators, have a responsibility to provide very clear guidance in the laws that we enact or amend. This amendment is a very sound one. Ms Haddad has rightly pointed out that it is well drafted, and it is. It is also responding to a request based on bitter experience from LGBTIQ+ Tasmanians, so I hope the Attorney-General gives it more consideration than the previous amendment moved by Ms Haddad.

Ms Archer - I think that is an unfair characterisation, but I will address that. I gave it thorough consideration.

Ms HADDAD - Madam Chair, as I indicated, I had a similar amendment, which would have inserted a similar new clause requiring coroners not to discriminate on the basis of sex, sexual orientation, gender, gender identity, or innate variations of sex characteristics, which I withdrew because I preferred the drafting of Ms O'Connor's amendment. It is clearer and more to the point. I reiterate my thanks to the Office of Parliamentary Counsel for the assistance they have given in drafting all of these amendments.

The Attorney-General, in her last contribution, made reference to not wanting to insult the intelligence of magistrates. I am by no means intending to do that.

Ms Archer - I know you are not intending to; I think that is, in effect, what is happening here.

Ms HADDAD - I can see why that might be the case. While I think we can have confidence, in the current environment, that the intent of the Coroners Act as currently written would be applied, the fact is that it was not in Ben Jago's case. It was not in at least one other case that is known to the Anti-Discrimination Commissioner.

Ms Archer - These amendments do not guarantee it either.

Ms HADDAD - You could say these amendments do not guarantee it, but they certainly would give a hell of a lot more comfort to people who are worried about that, who are worried that their relationship will not be recognised, because it is more than just words on paper. What it means is that somebody who should be recognised as senior next of kin is not recognised as senior next of kin.

In that hierarchy of people who can be recognised as a senior next of kin that is already in the act, they will be overlooked. The senior next of kin recognised will be a parent, a child, a sibling, somebody named in the will - and somebody's life relationship could just be completely ignored.

The fact is, whether we like it or not, there are homophobic people in this world. There are people in this world who consciously or unconsciously discriminate against people in same-sex relationships. There are people who are transphobic. There are people who discriminate against people who are bisexual. There are people who discriminate against people on a range of attributes relating to sexuality, sex and gender. What this amendment would do is allay some of that worry in that community, and in the broader community, to make sure that it is abundantly clear that when a decision is being made around who is awarded the status of senior next of kin, a spouse will be recognised.

Regarding the debate that we have had, I have no doubt in my mind that the three members of parliament who are debating this bill would recognise a same-sex spouse if we were in the shoes of a coroner making that decision - but we do not know who future coroners will be. We do not know the ins and outs of everybody who works in the system, because it is not always the coroner who makes that decision. I believe it can also be somebody working in the court that awards the senior next of kin status.

We cannot eradicate homophobia, we cannot eradicate transphobia but we can do what we can as legislators to make sure our legislation is clear that people should not be discriminated against.

This is, as I said, more than just words. It is critical life stuff. When somebody dies in circumstances which mean that the Coroners Court is involved, it is because there has been a traumatic death, usually, or an unexpected death - because a coroner is not involved with every death, of course. I recognise that the Attorney-General does not want to see the compounding trauma that was experienced by Ben Jago happen again - but I am not confident that the changes in the bill, as presented, go far enough to ensure that.

Our last amendment would have given more clarity and more comfort to people that those circumstances could not be repeated. This amendment does a similar job in making sure that people making the decision about who is going to be recognised as a senior next of kin are required to put their mind to issues of discrimination. They will be required to be conscious of the possibility that they may have been about to discriminate and not recognise a same-sex partner as a spouse for the purposes of the act.

As I said, there is significant and understandable anguish in the community about what happened to Ben, and that it could happen again. People are genuinely worried about that.

I will support this amendment, and hope the Government might consider supporting it as well because it does a similar job to the first amendment that I put forward. It is a doubts removal clause in some ways. It is an amendment that is intended to make parliament's intent in making these changes abundantly clear.

Ms ARCHER - Madam Deputy Chair, perhaps Ms O'Connor did not mean it in the way it came across, but it is an unfair characterisation to say that she hopes I give this more consideration than the previous clause. I have given this a lot of consideration. In fact, I have

gone back and sought further information, as I have sought advice on all of these things, as I regularly do. The decision to not support this amendment is very similar to the previous amendment.

On behalf of the Government, I have expressed sincere regret and apologised for the experience that Mr Jago had with our coronial system in 2015, seven years ago. Regardless of what went wrong - and it did go wrong - Mr Jago was not recognised as the senior next of kin until later in the proceedings that he had, and that delay was incredibly regrettable. However, there was no finding that the delay in determining Mr Jago was senior next of kin in 2015 arose from any discrimination on the part of the court or bad faith. That was the situation.

We can make all sorts of assumptions and I can certainly also agree with members saying that we all know of circumstances where people have obviously discriminated against other parties, but based on the law and on the proceedings, that finding was not there. I know some stakeholders proposed there should be an explicit provision that coroners must act without regard to various factors such as sexual orientation or gender, but that is already the law.

As Attorney-General I have to assume that when someone is appointed to the position of magistrate and then gets assigned to the coronial division that they know the law. They do get it wrong, but that is the assumption. I am not about to re-state laws that already exist at the risk of making our laws overly complex. It is not necessary or appropriate here to specify that a coroner must make the senior next of kin decision regardless of factors such as sexual orientation. The requirement to act in a non-discriminatory way is implicit for any statutory decision maker under any act. As I said, it is the law. No-one should discriminate against another member in our community, or indeed in this situation in our court system, on the basis of sexual orientation; I make that very clear. It would be unfair to the dedicated, professional coroners to suggest that legislative guidance is necessary to ensure they apply the next of kin selection criteria without regard to those factors. That is a more elegant way of saying what I was trying to say in the last clause. I am not about to dictate to the coroners in that way.

The coronial division, as we know, deals with families and relationships of every kind, every day in very difficult circumstances and the unfortunate experience of Mr Jago in 2015 was unfortunate and regrettable and we apologise. As I said, there was no finding of a bad-faith action back then. There have been, fortunately, no other cases of concern reported since then. I know that the coroners have certainly educated themselves on this since then and I know that the coroners we have now sitting in our coronial division are very good. There is now much improved information available for family members and the bill reinforces this process as the Government has amended.

I know members think we have not gone far enough but in law I believe that we have. It is important to bear in mind that an immunity applies, as Ms O'Connor referred to a coroner and people acting under an authority given by the act, but not in the case of acts done in bad faith. This does provide a level of protection in the unlikely event a decision was made in bad faith and there is a right of appeal and our prerogative relief provisions as well.

Again, I really understand what members are trying to achieve here, but as Attorney-General I will always err on the side of not overly complicating our laws in interpretation when it is in plain English already what the law is, how it should be interpreted. I cannot change the law in any way that changes the fact that there will be mistakes made in the interpretation. I do not think anything is 100 per cent foolproof. We need the best laws possible but we also do

not need to overly state things that are already clear in their interpretation. With that, the Government does not support this amendment for the very good reason that we do not need to re-state what is implicit for any statutory decision-maker under any act or legislation.

Ms O'CONNOR - Attorney-General, you seem to be suggesting through your answer, that you do not want to be in a position of dictating to or directing coroners in how to interpret the law. I was having trouble aligning that with the half a dozen bills that have come through this place that seek to impose mandatory minimum sentences and take away the discretion -

Ms Archer - It's a different issue.

Ms O'CONNOR - No, it is not a different issue.

Ms Archer - Yes, it is. What you are trying to do here is re-state the existing law.

Ms O'CONNOR - I make the observation that you have expressed a hesitation about being too directive or prescriptive to a coroner when -

Ms Archer - In an existing provision.

Ms O'CONNOR - Do not get so defensive. I am on my feet. I sat there and wanted to interject at the time and bit my tongue. I am having trouble aligning that hesitation of yours, which is entirely reasonable for an attorney-general to have, with the legislation that has come through this place since 2014. I reckon there have been half a dozen bills that seek to impose mandatory minimum sentences, taking away the independence and discretion of judges examining a matter before their court. I do not buy that the reason you would not accept our amendment is that you do not want to be too prescriptive to a coroner.

The point here is that it is the Coroners Act that principally drives the decisions, the conduct of coroners and the decisions they make. This is the legislation a coroner will go to if a question arises, for example, about determining senior next of kin and the hierarchy and how they should respond to bereaved people who come before them when they are making that determination.

Getting back to a point Ms Haddad made earlier and I tried to reinforce, it is necessary for us as a parliament to acknowledge that LGBTIQ+ people are really worried and fear being put in the same situation as Ben Jago was and we are not doing enough through the amendments in the bill we are debating to soothe those fears and be explicit about the legal responsibility of a coroner not to discriminate against a person on the basis of whether their relationship is registered or unregistered or because they are in a same-sex relationship.

It is critical that we do that because, sure, coroners, magistrates and judges make mistakes, attorneys-general make mistakes, we all make mistakes, but if the law is oxygen-clear it is much harder for a coroner in the future to make a mistake or allow their prejudices, whether internally acknowledged or not, to influence their decision-making about determining who is a senior next of kin. A coroner, like anyone else in our community, is only human and humans are creatures who daily discriminate. Whether it is done consciously or unconsciously, that is what we do. I was disappointed that the first amendment went down but this one, certainly to the LGBTIQ+ community and family members I represent, is something they very much wanted to see made clear in the Coroners Act. It is disappointing that the Government is not providing that absolute clarity within the Coroners Act about the legal responsibility on

a coroner not to discriminate on the basis of someone's relationship status under the Relationships Act. I am very disappointed that this amendment is not being accepted because it is an important improvement that would ease some fears.

Ms ARCHER - I do not want to elongate the debate but I feel it necessary to explain the distinct difference between altering a law that is already explicitly clear. It is not what I think it is - that is my position. You are trying to say introducing a new law in relation to sentencing is the same thing.

Ms O'Connor - It is about directing the judiciary or directing a coroner.

Ms ARCHER - No, they are two distinct issues. This is actually seeking an amendment on a definition and you are trying to align it with something where I introduced a new law on sentencing. I do not wear that example that Ms O'Connor has given. They are two separate issues.

Ms O'Connor - I am pretty good at making lateral connections and I made that one and you can disagree.

Ms ARCHER - I was not expecting to have an argument on this issue. I was expecting members to have a respectful debate this afternoon -

Ms O'Connor - I thought that is what we were having.

Ms ARCHER - accepting that, as Attorney-General, I am not going to dictate what is already the law, incredibly clear.

Ms O'Connor - But you will dictate to the judges what sentences they can give to a paedophile, for example.

Ms ARCHER - In the Anti-Discrimination Act 1998 in this state, it is very clear. I have already stated I am not going to detail that in another act where it is already plainly in an act. I have stated the Government's decision. I have stated a personal apology to what happened to Mr Jago; it was regrettable, it was unacceptable, and the law was wrongly interpreted.

Ms Haddad - So clarify it. We could clarify it today.

Ms ARCHER - I am not about to change laws that are already clear in their definition. I have said, in so many cases there will be definitions where a magistrate, a judge or, indeed, a High Court judge might get it wrong and decisions are appealed. I do not need to make this even clearer when the law is already there. The magistrate got it wrong.

I agree with Ms Haddad that this debate today is very useful because it serves as an educative reminder that what happened should not happen again. I think it is abundantly clear, from the debate today, what the interpretation of the clause is. Under the Acts Interpretation Act, when there is doubt, *Hansard* is looked at as a reason to understand how parliament intended a section to operate, and we have detailed that today. For the reasons I have already stated, the Government will not be supporting this amendment.

Madam DEPUTY CHAIR - The question is that the new clause be made part of the bill to follow clause 8.

The Committee divided -

AYES 11	NOES 11
Dr Broad	Ms Archer
Ms Butler	Mr Barnett
Ms Dow	Mr Ellis
Ms Finlay	Mr Ferguson
Ms Haddad (Teller)	Mr Jaensch
Ms Johnston	Ms Ogilvie
Mr O'Byrne	Mr Rockliff
Ms O'Byrne	Mr Shelton
Ms O'Connor	Mr Tucker
Ms White	Mr Wood
Dr Woodruff	Mr Young (Teller)

PAIRS

Mr Winter	Mr Street

Madam DEPUTY CHAIR - The results of the division being Ayes 11, Noes 11, therefore in accordance with the standing order 257, I cast my vote with the Noes.

Amendment negatived.

New clause C -

Ms HADDAD - Madam Deputy Chair, I will move my third amendment. I move -

C. Section 3B inserted

After section 3A of the Principal Act, the following section is inserted in Part 1:

3B. Determination of spouse of deceased person

(1) A person may appeal to the Supreme Court against a decision made by a person under this Act as to who is the senior next of kin of a deceased person for the purposes of this Act.

(2) If an appeal is made under subsection (1) in relation to a decision made by a person, the Supreme Court may -

(a) if the Supreme Court considers that the decision was made in accordance with this Act, affirm the decision; or

(b) if the Supreme Court considers that the decision was not made in accordance with this Act -

(i) quash the decision; or

(ii) refer the matter back to the person, to make the decision again in accordance with the directions of the Court.

(3) If an appeal is made under subsection (1) against a decision made by a person under this Act as to who is the senior next of kin of a deceased person for the purposes of this Act -

(a) the decision is of no effect until the appeal has been determined and, if the Court has determined the appeal under subsection (2)(b), is of no effect after the Court's decision is made; and

(b) a decision may not be made under this Act as to who is the senior next of kin of the deceased person for the purposes of this Act until the Court's decision is made.

This amendment seeks to insert into the Coroners Act the ability for somebody to appeal a decision that is made to award the status of senior next of kin when someone is aggrieved by that decision. It follows the recommendation of Community Legal Centres Tasmania. I will quote from Ben Bartl's submission where he said:

> However, we strongly recommend that the Coroners Act 1995 (Tas) ('the Act') is further amended to explicitly make clear that a party aggrieved by the senior next of kin decision may appeal to the Supreme Court. Currently the act clearly sets out that persons who have a sufficient interest in the findings of a coronial investigation can appeal to the Supreme Court:

He then sets out some examples of when that is - for example, seeking the reopening of an investigation, that an inquest be held, that an autopsy be performed, that an autopsy not be performed, that the body of a deceased person not be exhumed, that there be an inquest in relation to fire, explosion and so on.

This is still from Ben Bartl's submission:

> Whilst it is acknowledged that parties are able to appeal senior next of kin status to the Supreme Court, the act is silent and parties would only be aware of their right to appeal under the Judicial Review Act 2000 (Tas) if they had engaged a lawyer. Given the heightened emotional state of persons grieving the loss of a loved one whilst the coronial investigation takes place and the rights of appeal already set out in the act for other decisions of the coroner, it is imperative that parties are made aware through the act of their right to appeal. We therefore recommend that section 3A of the act is amended to

clarify that an aggrieved person may appeal the senior next of kin decision to the Supreme Court.

Mr Deputy Chair, I again thank Robyn Webb for her assistance in drafting this amendment. This was the most complicated of the three we drafted and I recognise it is probably the one that constitutes the biggest change in terms of the way the coronial division would operate.

The reason I progress with this amendment, albeit I know it will not gain support today and that has been made clear to me already, is part of the same reason that I moved the other amendments that we drafted, which is that there is significant worry and fear in the community that what happened to Ben Jago could happen again. I listened very carefully to what the Attorney-General said in response to the last two amendments put forward. I understand her position that the Coroners Act as it is currently written is clear. I do not disagree with that. I think the Coroners Act is clear but it was not applied as intended by the parliament. I disagree with the statement the Attorney-General made that the amendments so far put forward would simply have restated existing law because I think it is appropriate for parliaments to revisit existing legislation and to make parliament's intent clear when there has been a case of misinterpretation or misapplication of any legislation. Indeed, that is sometimes precisely what justice miscellaneous bills and other amending bills that come before this place do.

The Attorney-General said something in her last contribution that I wrote down because I feel it supports my amendment, which is that she recognised that magistrates and coroners can get things wrong and that indeed everybody makes mistakes. High Court judges can make mistakes, and Supreme Court judges, magistrates and coroners can get it wrong. The Attorney-General said people can get it wrong and decisions can be appealed. This provision I am proposing be inserted into the act would ensure that somebody can appeal a decision made by the coronial division around awarding senior next of kin status. It is not specifically aimed only at people who are a spouse. It could be somebody else in that hierarchy. For example, if a sibling is awarded senior next of kin status and a sibling is fifth down the hierarchy but there was a surviving parent or a surviving child of that deceased person, that person would have appeal rights enlivened through this suggested change as well.

There is a threshold question for me around the changes we are all putting forward here, the Government's changes and the amendments the Leader of the Greens and I am putting forward, and that is the fact that when a decision is being made about awarding senior next of kin status, a threshold first question that must be in the minds of those making that decision is if there is a spouse because a spouse is first in the hierarchy. As I said last week when we were debating this, the first three sections of section 3A deal with how to determine whether a deceased person has a spouse. If the possibility of a spouse is entirely overlooked, which happened in the case of Ben Jago and could still happen now, right now people are worried about their rights and what that means. That is the case for somebody who is a spouse of a deceased person. My amendment would allow others to appeal that decision as well and if they are higher up the hierarchy then that person who has been awarded the recognition of being senior next of kin.

This is not about criticising magistrates or coroners, or trying to be punitive in any way in suggesting that there was bad-faith action in the case of Ben Jago. The minister made it clear that there was not a finding of bad-faith action but there was a finding of misinterpretation and misapplication of the law as it is currently written. I believe the amendments put forward

so far today would have made the law clearer. This amendment would provide explicit appeal rights for people who disagree with the decision and believe they should be recognised as senior next of kin. It would affect somebody who is a spouse and has been overlooked as a spouse altogether and if somebody lower down the hierarchy - a child, a parent, a sibling, or an executor - has been recognised, that decision would be appellable to the Supreme Court if this amendment is accepted.

Ms ARCHER - Ms Haddad foreshadowed that the Government would not support this amendment and that is correct. I acknowledge that this was proposed by some stakeholders and indeed every amendment being moved is to put forward what some stakeholders would like to see in the law. However, the starting point in responding to this is to say that coroners can already reconsider a decision about who is the senior next of kin, such as where a dispute comes to light or more information is provided. This is exactly what occurred in the Jago matter, albeit after a significant delay. Again, I am not suggesting that that delay was in any way, shape or form acceptable.

I refer to the *Tasmanian Coronial Practice Handbook* which is publicly available now on the court's website. Pages 74 to 75 of that document, under the heading 'Application to be declared senior next of kin', details of what actions a person should undertake in the event there is a dispute as to the identity of the senior next of kin can be found there. It notes that parties will be invited to provide information to aid the Coroner's decision and that appeal under administrative avenues may be possible.

That brings me to the next point. The handbook at page 76 also details the rights of review available for matters for which there is no express right of appeal under the Coroners Act. In particular, and I have referred to this on a number of occasions already, it notes that prerogative relief may be available in certain circumstances.

Further, if a person remains in dispute with the Coronial Division over whether the person is a spouse for the purposes of the Relationships Act 2003, that act, as I have stated, already provides an avenue for a person to apply to the Supreme Court for a declaration. The Relationships Act provides that:

> While the declaration remains in force the persons named in the declaration are presumed conclusively for all purposes to have had a personal relationship as at the date or between the dates specified in the declaration.

A personal relationship is defined under the act as being either a significant relationship or a caring relationship. Such a declaration would bind the Coroners Court in respect of who is the spouse. In those circumstances, it is not considered necessary to add a further right of appeal into the Coroners Act. The information provided to persons under this amendment and the consequent regulations will make clear that concerns can be raised with the Coroner for reconsideration and there are other avenues for appeal or review that may be available, as I have set out.

I emphasise that most disputes about the senior next of kin are able to be resolved within the Coroners Court and regularly are, once all of the relevant information has been provided. This is the preferred way of resolving these disputes. Given any appeals or reviews taking place outside the Coronial Division are likely to delay the very important time-sensitive tasks

that that court needs to undertake following a person's death, which may in turn delay the return of the deceased to the family for a funeral.

Ms O'CONNOR - As I mentioned in my second reading contribution, we did not draft an appeal amendment. That was on a basis of what we understood to be the mechanisms available to a senior next of kin if they believe an incorrect decision has been made. We would not vote against this clause if it is appropriately drafted, and it must be because it has been through the Office of Parliamentary Counsel. It makes it explicit that there are appeal rights to a decision of the Coroner. That, again, cannot hurt. The way we got around this was with our fourth amendment, which would insert into the current clause 58B an explicit provision that would read:

> As soon as practicable after a coroner commences an investigation into the death under section 21, a person appointed to be the chief clerk, the Coronial Division under section 14 is to ensure that -

and here is our amendment:

> Information as to the rights to appeal against decisions under this act and any general or specific information that is specified in the regulation in relation to the operation of the act is provided -

et cetera, et cetera

> in a manner specified in the regulations whether by electronic paper or both.

We understand the arguments for having an express right of appeal in the Coroners Act and would be comfortable in supporting it in a vote.

Mr CHAIR - The question is that the new clause C be made part of the bill to follow clause 8.

The Committee divided -

AYES 11	**NOES 11**
Dr Broad (Teller)	Mrs Alexander
Ms Butler	Ms Archer
Ms Dow	Mr Barnett
Ms Finlay	Mr Ellis
Ms Haddad	Mr Ferguson
Ms Johnston	Mr Jaensch
Mr O'Byrne	Ms Ogilvie
Ms O'Byrne	Mr Rockliff
Ms O'Connor	Mr Shelton
Ms White	Mr Wood
Dr Woodruff	Mr Young (Teller)

PAIRS

Mr Winter	Mr Street

Mr CHAIR - The results of the division is Ayes 11, Noes 11, therefore in accordance with standing order 257, I case my vote with the Noes.

New clause C negatived.

New clause D -

Ms O'CONNOR - It is our third amendment to insert a new clause D, section 38A inserted. Copies of the amendments have been circulated. I move -

Page 7, after clause 8.

Insert the following new clause -

C. Section 38A inserted

Before section 39 of the Principal Act, the following section is inserted in Part 5:

38A. Application for autopsy report

(1) If -

(a) a coroner has directed that an autopsy be performed on a deceased person; and

(b) the coroner has received a report in relation to that autopsy; and

(c) any investigations under this Act in respect of that autopsy have concluded -

the senior next of kin, in respect of that deceased person, may request the coroner provide them with a copy of the report in relation to that autopsy.

(2) The coroner must not, without reasonable grounds, refuse a request under subsection (1).

Chair, I believe copies of the amendment have been circulated. As I understand it, the Coroners Act itself is silent on the provision of an autopsy report - either to a GP or to a senior next of kin. Earlier, I heard the Attorney-General note that it is provided for in the *Tasmanian Coronial Practice Handbook*, which notes on page 35:

> The coroner may ask the doctor to provide a statement for the coronial file, or to prepare an expert report on the treatment they have provided or on the patient's medical conditions. If families or friends wish to read the post-mortem report of a loved one which is prepared by a qualified pathologist, a doctor may be asked to receive your report and help the families and friends to understand the medical language used.

In the ACT, there is a specific provision in the Coroners Act 1997, section 32, which allows for the coroner to provide, on request, a copy of the post-mortem examination or analysis. The coroner may, on request, give a report to the person who made the request, or the person's representative or a representative - if any - of the deceased.

The reason this came to our attention is in significant part through the advocacy of CLC Tasmania. Also, my federal colleague and friend, Senator Janet Rice, whose partner - in fact, I think they were married - Penny died very suddenly in Tasmania, probably going on two years ago now. Janet sought a copy of the autopsy report to understand whether there were any genetic issues that she should be aware of that contributed towards or led to Penny's death. I should make it clear that Penny was a transgender person. Janet was very determined to understand whether there was a genetic issue for her family, and she was denied a copy of the autopsy report. We have been going back and forth trying to get a copy of the autopsy report, as I recall.

We do not see that there should be an impediment to accepting this amendment, because it would codify something that - well, not in practice, because the Coroners Handbook provides for the autopsy report to go to a GP - but it would codify something that is very reasonable: for a bereaved person to ask for the autopsy report of their loved one.

Just as a diversion, after my sister took her life in 2013, I asked Queensland Mental Health for a copy of her file. I wanted to understand why someone who was so unwell could be released from a psychiatric unit with 50 Valium in their pocket. I was told by Queensland Mental Health that the need to protect my late sister's privacy meant that her family could not obtain any of the files that related to her death. That caused our family considerable angst.

In broad terms, if a senior next of kin, or a bereaved person, or a representative of the deceased, wants to see a copy of the autopsy report, to read it themselves and make their own judgment, who are we to say they should not be able to?

The ACT recognises that there should be a legislated right for next of kin to receive a copy of an autopsy report. It is very patriarchal in some ways to say, 'Well, we do not trust you, or think you have the capacity to receive this autopsy report yourself and then to read it and interpret it correctly, so we will give it to your GP' - who may or may not, in some ways, be able to interpret it any better than the next of kin themselves.

As I said earlier, there is no legislative requirement that the coroner provide a post-mortem report to a general practitioner. None. However, it is provided for in the *Coronial Practice Handbook* that if a senior next of kin requests a copy, the coroner will provide a copy to the general practitioner, who will summarise the report for the senior next of kin. It is not really good enough, is it? Not really. We agree with the CLCs that there is no reason why a senior next of kin should not receive the post-mortem report. If they cannot understand the contents of the report, they should ask a medical practitioner to understand the language used.

More importantly, being provided with the report provides the senior next of kin with a detailed explanation of the deceased's cause of death, and a better understanding of any underlying medical issues that may be relevant for other family members.

Given that the act is currently silent on requests and approvals for autopsy reports, now that we are amending the Coroners Act, we think this in an opportunity to fix it up, to have

respect for senior next of kin as adults who can make their own decisions about whether they want to read the autopsy report themselves, or seek the translative advice of a medical professional.

We think this is a very strong amendment about respecting the rights of senior next of kin of bereaved people, when the death of someone they love is being examined by the Coroner. We strongly commend the amendment.

[3.58 p.m.]

Ms ARCHER - While I, or the Government, will not be supporting this amendment, I thank the Leader of the Greens for bringing this issue to my attention. I will explain all of this and what I intend doing.

It is a valid concern to raise that a person might feel disempowered by the autopsy report going to a general practitioner, so that the GP can explain any matters. I understand the GP then provides the person with a copy of the report, so that is the process. I am always open to considering how we can improve the experience of the senior next of kin and other family members when interacting with the coronial system. However, I am advised that this is manageable under the existing law and practice, with provision directly to applicants where appropriate.

Amendments should not be done on the fly without detailed consultation with key stakeholders, which is preferable, as to whether it is appropriate or necessary. In this case, while it appears to be a fairly straightforward amendment, the disclosure of information is always something that raises a variety of factors for detailed consideration. We are dealing with the disclosure of information, and as acknowledged by Ms O'Connor, often privacy comes into it - sometimes in necessary circumstances, and sometimes to the detriment of family members.

Most importantly, rule 26 of the Coroners Rules 2006, provides the court with the power to give a person access to a coronial record, which includes any document on the court's file. The rule provides various other requirements about the provision of documents, such as whether giving the person the access or the copy is likely to unfairly prejudice the interests or reputation of another person.

Ms O'Connor - Is that application for records something that has to go through a court, or through the Coroners Court? How does that work? Do you need a lawyer to apply for that record?

Ms ARCHER - There is just a form you can fill in to the Coroners Division for that.

Ms O'Connor - If you want an autopsy report, you can do it that way as well?

Ms ARCHER - Yes.

Ms O'Connor - And it goes to the GP at the moment?

Ms ARCHER - Yes. Picking up where I left off, it also contains a small prescribed copying fee. Any amendments to information disclosure under the act need to work harmoniously with the existing act, rules and regulations and contain any relevant safeguards.

The Coroners Division asks people to nominate a GP to receive the report. This is consistent with the Right to Information Act for applications for very sensitive health information. For example, the Coroner's practice provides some safeguards around information that may prove distressing, such as the revelation of genetic issues that senior next of kin or other children, for example, may have inherited. However, the Coroners Division can and does provide it directly to an applicant under the current rules where it appears provision to a GP is not necessary.

Having said all of that, I have asked my department to review this issue because it is something that needs to be looked at, in terms of the issue Ms O'Connor has raised but I do not want to make an amendment on the fly without considering whether or not the current practice might be improved.

I will also raise it with the Chief Magistrate, given that the Coroner's rules are made by the Magistrates Rule Committee and not myself, which is also consistent with how they make the Supreme Court rules in the Supreme Court.

Ms HADDAD - Chair, we will support this amendment. As we heard from the mover, the Leader of the Greens - as we heard the Attorney-General say, information-sharing needs to be handled sensitively. This is information that is already shared. It is just that it can only be shared with a GP who would then summarise the information and provide a summary to the senior next of kin or, potentially, provide the report to the senior next of kin.

I thank the Leader of the Greens for explaining Janet Rice's family situation. That is very moving and compelling. I understand that receiving an autopsy report could be very traumatising. Not receiving that report, particularly when it could potentially be holding information relevant to your family, genetic information, personal information that can maybe explain some of the reasons for the cause of death, could equally be traumatising.

The minister indicated that there are safeguards around when that information cannot be shared. In this amendment there is a safeguard clause at subclause (2) that says that the coroner must not without reasonable grounds refuse a request to provide a copy of an autopsy report to a senior next of kin under subsection (1). There is capacity under this amendment for the coroner to refuse that request if they have reasonable grounds to do so, which is a safeguard mirroring how that information can be currently shared.

The Attorney-General said she will be asking her department to review this practice. That is encouraging. That has happened on other occasions in this place when those of us on the opposition and cross-benches have put forward amendments. There have been times when the Attorney-General has taken that on board in good faith then later come to this place with an amending bill to deal with the issue. I hope that this is one of those instances where that might be the case. I welcome that the Attorney-General has put on the record today that her department will be investigating this issue. I hope that means we will see an amending bill to deal with this circumstance in the not-too-distant future.

[4.05 p.m.]

Ms O'CONNOR - Chair, I appreciate the Attorney-General's response to take this further, potentially. I made an error before -

Ms Archer - We heard.

Mr CHAIR - It is on *Hansard* now.

Ms O'CONNOR - It happens quite a lot.

Ultimately, a copy of the post-mortem report was provided to Janet Rice's general practitioner. The GP did not feel able to give a copy of that report to Janet and the GP was ordered by the coroner to destroy her electronic copy of the report after discussing it with Janet. Needless to say, Janet Rice is not happy about that, and that is fair. Therefore, I am pleased that the Attorney-General will examine this.

We make amendments on the fly in this place not infrequently. I know the law statutes are important but it is a weighty act that has real-life consequences for people at very difficult times of their life. I hear that the Attorney-General does not want to make this amendment on the fly but, as Ms Haddad pointed out, apart from writing it in good, plain English, we did point out that the coroner can refuse a request but needs to provide reasonable grounds.

I look forward to an update on that at some point in the future because it is an access-to-justice issue. For example, it costs $130, $140 now, to go to a GP -

Ms Haddad - Some people do not have a GP these days.

Ms O'CONNOR - Some people do not have GPs -

Ms Archer - I am aware of that, and I do not want to make it overly complex because it need not be.

Ms O'CONNOR - Thank you. I am quite satisfied with the Attorney-General's answer on this amendment for now.

New clause D negatived.

Clause 9 -
Section 58B inserted

Ms O'CONNOR - Chair, there is a proposed new section 58B.

After "ensure that"

Insert "information as to the rights to appeal against decisions under this Act and".

I read in a previous contribution how that would read in 58B. This is, hopefully, to mitigate some of the worry about there not being express appeal rights in this part of the act and to require the chief clerk of the Coronial Division to make sure that the families and friends, next of kin, and bereaved loved ones are very clear about their rights to appeal against decisions under this act.

Of all the amendments we have put forward today, this might be the one the Attorney-General could agree is not making an amendment on the fly. It is responding to the concern about appeal rights. It also reflects the Attorney-General's response to the concern about inserting an appeal clause into the act. We hope that this amendment is seen for what it is,

which is a very clear legal obligation on and guidance to the Coroners Court to make sure that people are empowered to understand what their appeal rights are.

Ms HADDAD - We will be supporting this amendment as well, recognising that my previous amendment trying to insert express appeal rights failed. I agree with what Ms O'Connor said and I hope that of all the amendments put forward today the Attorney-General might be able to accept this one because it is a pretty light touch. It is simply ensuring that information is shared. That is what the Attorney-General's new section 58B in clause 9 that we are discussing precisely does. It ensures that information is shared as soon as practicable after a coroner commences their investigation into a death and goes on to describe how that information is to be shared and with whom.

This amendment would simply expressly provide that part of what that information should contain is an explanation about people's appeal rights. The Attorney-General explained that there are already appeal rights when we were discussing my last amendment about trying to insert express appeal rights around the decision of senior next of kin. This is a simple, straightforward and logical amendment that we will support, but I want to put on the record again while we are discussing clause 9 the fact that I support the change the Government has put forward in this amendment which will ensure that when a coroner commences their investigation they will need to provide certain information to the senior next of kin and any other person whom the coroner considers to have a sufficient interest in the death.

I know the intention of the Government with this amendment is to rectify the situation that happened around Ben Jago's case and to ensure that it cannot happen again, but I restate on the record my worry that it does not go far enough because there is a threshold question that the coroner needs to put their mind to in deciding who is, in the words of the clause, 'any other person' whom the coroner considers to have a sufficient interest in the death. In the circumstances where, in a theoretical future case, somebody does not recognise a same-sex relationship, that person's relationship would simply be overlooked, even with this change. A coroner in the future would not be prevented from disregarding a same-sex partner as someone who falls into subsection (b) of this clause as that person whom the coroner considers to have sufficient interest.

Ms O'Connor - Or a child of the deceased.

Ms HADDAD - Indeed. The coroner needs to consider them to have sufficient interest. I have stated a number of times the hierarchy of people to be considered being next of kin - spouse, child, parent, sibling, executor. It is not impossible that anyone of those people could be ignored but it is harder, I would argue, for a coroner to ignore a child, a parent, a sibling or an executor named in the will. There would be other things to prove that relationship, if you like.

I believe there was plenty to prove that Ben and Nathan's relationship was significant and he should have been recognised as a spouse. That did not happen, so I still have this worry that the whole first section of section 3A (a), (b) and (c) in the act could be disregarded and a spouse could still be overlooked as senior next of kin even with the changes put forward in clause 9. Notwithstanding that, we will support those changes because they are a step in the right direction. We will also support the amendment which would ensure that part of the information that needs to be shared with the senior next of kin and any other person includes information about the rights to appeal against decisions under this act.

Ms ARCHER - The starting point is that we do not support this amendment and I will explain. The Government supports the senior next of kin being provided with information about the rights to appeal against decisions made under the Coroners Act. This is part of the reason for the amendment in the bill in respect of prescribed information. What we propose is to include information as to appeal rights as a category of information within the regulations. I understand this was discussed and the purpose of the information within the regulations was explained by my department during briefings on this bill.

Given that is the clear intention of the bill as drafted, there is no reason to express the categories of information in the act itself. This is inconsistent with the framework in other jurisdictions. As members would be well aware, this is to give flexibility to fully consult the stakeholders on what should be included in the regulations to ensure the objectives are met. It is a lot easier to update categories of information - you have seen it in other pieces of legislation - rather than coming back and amending legislation all the time. Certainly when we are setting things up like this, it is much easier and far more flexible to fully consult the stakeholders on what should be included in the regulations to ensure the objectives are met.

Ms O'CONNOR - I will respond to that briefly. Nowhere in any of the amendments in the bill is it clear to me that we are making changes that will make it easier for bereaved people to understand what their appeal rights are. We are making some changes to the Coroners Act today and I will take the Attorney-General at her word, but at the moment all we have is a commitment from the Attorney-General that it will be made clear in regulation that information about appeal rights is to be provided. That is my understanding.

We have done nothing to the Coroners Act to make it clear that people have rights of appeal or to ensure that the coronial court staff provide information to people about their appeal rights. No change to the act has been made that improves that from an access to justice point of view, so I am disappointed that -

Ms Archer - It certainly changes the procedure, as I outlined in great detail today, as to appeal rights.

Ms O'CONNOR - Yes, but I do not believe that the insertion of this would have done anything but strengthen it slightly and take nothing away from the proposed amendment in the Government's bill. I am disappointed and I hope that in the other place we see some strengthening around what is currently an information deficit for people who are senior next of kin or bereaved when they come into contact with the coroners court. Maximum information freely given should be a foundation for operating for the coroners court, respecting privacy, all of those things, openness of communication, provision of information and clarity about appeal rights. I think they are things that should have been included in the amendment bill we are dealing with today.

Ms ARCHER - Very briefly on that, because I know we are very near to the end, without restating everything I have already said in relation to appeal rights, in practice and procedure now and in the handbook on the website, I have detailed for the House the information that is now available for family and next of kin. Since this case back in 2015 procedures have been strengthened and reinforced. I would like to think I am true to my word. When I say I am going to put something in regulations I will. I know Ms O'Connor would like to accept that but would like to see it in the act. I have explained today why we are not, for flexibility of

engaging with stakeholders on prescribed information and, again, regulations are far more flexible in that regard.

Without repeating everything I have already said, I want to point towards the fact that I have detailed for the House - and therefore, very publicly, on the record through *Hansard* - exactly what we have ensured is process since this regrettable pace, and now the amendments to this clause that the Government has made.

I appreciate members have said the Government's amendments do not go far enough. I disagree. I have stated my reasons why. I appreciate the situation or circumstances that have been put forward in the contributions this afternoon by other members.

Amendment negatived.

Clause 9 agreed to.

Clauses 10 to 20 agreed to.

Title of bill as read agreed to.

Bill reported without amendment.

Bill read the third time.

SITTING TIMES

[4.23 p.m.]

Mr FERGUSON (Bass - Deputy Premier) - Madam Deputy Speaker, I move -

> That pursuant to sessional order 18A, I move that for this day's sittings the House shall not stand adjourned at 6 o'clock, and that the House continue to sit past 6 p.m.

As I have discussed with my colleagues, this is to only allow enough time to fully consider the Environmental Management and Pollution Control Amendment Bill tonight, and not to stay past the conclusion of that.

Ms O'BYRNE - Minister, can we have an idea at what stage you might decide to call stumps anyway? Are we going through until the bill is complete?

Mr Ferguson - That is the plan.

Ms O'BYRNE - The plan is that we will go through until stumps on this bill, whatever time that might be?

Mr Ferguson - Yes, that is the plan. I hope that is achievable.

Motion agreed to.

ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL AMENDMENT BILL 2022 (No. 46)

Second Reading

[4.25 p.m.]

Mr JAENSCH (Braddon - Minister for Environment and Climate Change) - Mr Speaker, I move -

That the bill now be read a second time.

The purpose of the bill is to further the independence of the state's Environment Protection Authority, improve public access to environmental monitoring information, and modernise environmental regulation of the state's major industries.

A modern and transparent regulatory system is important to Tasmania's economy and future prosperity, and provides certainty for businesses and the community. The bill, if enacted, will play an important role in protecting Tasmania's environment. It will also mean the public can have greater confidence in activities that use the state's natural resources, and oversight of those activities.

The bill achieves its purpose in three ways. First, it completes the legal separation of the Environment Protection Authority - the EPA - from the Department of Natural Resources and Environment Tasmania, and provides certainty regarding the independent role of the director. Independent and robust environmental assessment and regulation is an essential part of Tasmania's planning and approvals system, through the resource management and planning system. These changes will foster public confidence in environmental regulation in Tasmania, and promote certainty for proponents.

Second, the bill provides the director of the EPA with powers to release environmental monitoring information, which will improve transparency and allow public scrutiny of important information about the environmental effects of industries operating in Tasmania's environment, further supporting public confidence in Tasmania's environmental regulatory system.

Third, the bill allows the creation of a new statutory instrument, the environmental standard, which can be used to set out the environmental management requirements for environmentally significant industries and pollutants. In addition, the bill allows for the director of the EPA to make supporting technical standards to describe acceptable modern practices for environmental monitoring and related activities.

The sections of the bill that relate to the separation of the EPA include some significant changes to confirm the independence of the authority. For example, the minister's statement of expectation to the EPA board will be reviewed after a maximum of five years, but the bill also includes a provision allowing the statement to be reviewed by the minister at any time should the need arise.

Related provisions require a statement of expectation to be consistent with other provisions in the act and to explain how it supports the intent of the act.

Importantly, the bill also clarifies that the director of EPA, within the scope of their functions and powers, is to act without direction from anyone, including the minister.

The bill proposes that the director be able to release any relevant environmental monitoring information collected and provided by the holder of an environmental licence or permit, with or without the permission of the person or body who provided the information.

In this context, relevant information means any test or measurement results, reports of environmental condition, photographs or audiovisual recordings required under that licence or permit. It is important that where the operation of a business is having an effect on the environment, the director has the powers to make this information publicly available.

The bill includes an important safeguard requiring the director to consider whether any relevant information relating to the business affairs of a person would be exempt within the meaning of the Right to Information Act 2009. This is important, because it ensures consistency between the RTI Act, and the act amended by this bill. Exemptions include matters such as business affairs of a third party, disclosure of personal information, and information obtained in confidence.

The Government is developing a new 10-year salmon plan, to be enacted in 2023. One of the guiding principles of the plan is strict independent regulation. It is therefore my intention that the first environmental standard prepared under this proposed new legislation will be for marine finfish farming, which is a vital part of the state's economy, and needs strict, contemporary regulatory management.

This is only one potential application of the environmental standard. The environmental standard may also, for example, be the mechanism by which Tasmania meets its commitment to implement the Commonwealth's Industrial Chemicals Environmental Management Act 2021 as part of the Tasmanian regulatory framework, thereby ensuring a nationally consistent approach to the environmental management of industrial chemicals.

The Government could also explore the possibility of an environmental standard for waste management in Tasmania. That may, for example, include provisions for the management of controlled wastes and disposal of tyres. In terms of content, the bill allows an environmental standard to contain provisions relating to scope, administration, technical standards, conditions or restrictions on a permit or other instrument, functions and powers of the director and board, and offences.

The ministerial powers to make environmental standards are significant and require an appropriate level of oversight. I have therefore ensured that draft standards, amendments and revocations must go through a formal consultation and public advice process, with standards to be tabled in both Houses of parliament where they will be subject to the disallowance provisions of the Acts Interpretation Act 1931. I intend to include these and any other requirements of the director and board in a new statement of expectation if the bill is enacted.

In conclusion, it is important that Tasmanian industries have certainty about their operating conditions and it is also important that the public has confidence in the EPA's role as in independent regulator and manager of environmental monitoring information. The bill provides the legal foundation for a contemporary proactive approach to these matters in line with equivalent national legislation.

I commend the bill to the House.

[4.32 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Speaker, I rise to indicate the Labor Party's support for the Environmental Management and Pollution Control Amendment Bill 2022. In doing so, I note that, as stated by the minister, the bill achieves three things. It furthers independence of the EPA, provides improved public access to environmental monitoring information, and modernises environmental regulation of the state's major industries.

A number of significant industries in Tasmania have an unavoidable impact on the environment and it is incumbent on us, and the Government as the regulator, to make sure we minimise that impact as much as is practicably possible. There is always going to be a tension between support for industry and protecting the environment but the vast majority of Tasmanians understand and want both.

We recognise the importance of the environment to Tasmanians, our culture and way of life and to all of the flora and fauna that depend upon us having a sustainable environment for their survival. It is also a really important feature of our tourism industry which is a key driver of our economy. Tasmania has a proud reputation not just as a renewable energy powerhouse but as a green economy that has been able to capitalise on those attributes to see greater investment occur in our state, not just from industries who are seeking to capitalise on those particular attributes, but also tourists who are wishing to understand how we enjoy life in Tasmania and how they can get a piece of that too.

Therefore it is important, as we think about legislation and regulation that guides the operation of industries and their impact on the environment, that we contemporise that and that there be improved transparency and information-sharing with our community about how those things occur. To that end, it is good to see in the bill before this House a real effort to improve the independence of the EPA and also to improve the transparency and timeliness of information-sharing with the broader Tasmanian community. The bill makes a number of improvements in these areas.

It is also important to note that it will be critical to ensure that the EPA is adequately resourced and funded so that it can fulfil its current and enhanced role with the anticipated passage of this legislation. There will be further requirements placed on the EPA for how it conducts its work. Our expectation is that they will be appropriately resourced to do that to meet the community's expectations and provide certainty to industry, but also to ensure that those people who are employed there are able to do what is expected of them in a way that is fair and reasonable.

I note through looking at the consultation that was published that there was not a huge number of submissions to the draft bill; I believe there were 11 in total. I note also that none of them raised a concern about the consultation periods or the notice and largely there is broad support for greater independence for the EPA. There are also a number of questions raised through those submissions from industry in groups in particular and different companies that are already engaging with the EPA and seek clarification around how this bill will interact with them once we see the new EPA established.

I note there is broad support for improvements in transparency but there are some questions about the type of information that will be made publicly available and particularly

concerns about how that information may be interpreted and the potential to cause unnecessary alarm. This is where the context around sharing of certain information sets becomes quite important and, again, the necessity to resource the EPA so it can do that.

There are some questions I was hoping you might be able to answer, minister, particularly what information will be made available to the public, what is the process for this to occur, and will this include information that is not currently publicly available or available through a right to information request? It is our understanding that it will be constrained to information that would have already been publicly available through a right to information request. I would appreciate if you could clarify that.

I would also be grateful if you could outline the process for the release of this information, particularly when it will be released, why it would be released and to whom it would be released, understanding it would also be published online, but I presume that if somebody made a request they would also receive it directly. Also, how would industry be notified of the release of that information, noting that was something made in a number of submissions to government in feedback from industry about the sharing of information that they hold to the EPA and whether they would be notified if the EPA was going to share that more widely?

Clause 6 of the bill changes the requirement for the ministerial statement of expectation to be made every two years to every five years. I seek clarification from the minister whether the statement can be reviewed and amended if required more frequently than that. I do not think there is any restriction around that but in the interests of transparency I would be grateful if you could confirm if that is the case and speak about the environmental and technical standards, because these are new additions through this bill.

I would also be grateful if the minister could confirm that the responsibility stays with the minister for making, amending or revoking environmental standards, and to confirm that the public consultation period for that is a minimum of six weeks, which is what we understood through the briefing, and as part of that process there must be consultation with the director of the EPA and secretary and that these environmental standards are tabled in the parliament, which to our understanding means they are disallowable instruments, either in this House or the other place. That is important to understand as we think about support for this bill. Obviously we have indicated our support for this bill but it is important for the community to understand how we will have an ongoing role as a parliament providing oversight for those environmental standards.

I understand from reading the bill that they must be reviewed every 10 years. I note proposed new section 96W says within six months of the 10-year anniversary coming into effect. Again, I would be grateful for the minister to confirm that this can be reviewed, amended, or revoked more frequently as required again, noting the public interest in making sure we have contemporary environmental standards in Tasmania.

To speak specifically to the technical standards which will be set by the EPA, which is independent of the minister, and I think it would be good, minister, if you could just clarify those technical standards - independent of the minister. Our understanding of those technical standards is that they will provide clearer direction to license holders about how they must meet the environmental standards, and that responsibility for making or amending or revoking the technical standards lies with the director and that the technical standards must be available for

viewing by the public. If you could clarify: is that online or is there another forum by which they will be made publicly available?

Further to that, the Labor Party is interested to understand how remediation costs and those requirements of remediation will be dealt with. Will they be part of the environmental standards determined by the minister, or the technical standards determined by the EPA? Mr Speaker, through you, whether that is any change from the current process, because this has been an issue in the past, and I am sure we are all well aware of instances across the state and our own electorates, but making sure that there is appropriate safeguards for remediation of industries or sites once they are no longer used is very important, and that there is an appropriate allocation to enable that to occur effectively is really important. I am keen to understand where that responsibility sits and who has the power to enforce it.

Mr Speaker, I am bringing this bill through on behalf of the shadow minister for the environment. She asked me to thank the departmental staff at the minister's office for the briefing that was provided, and the engagement that has been afforded her in preparing for this bill this week. In summary, I reiterate our support for the bill. We fundamentally believe that it is important for Tasmanians to be able to support these critical industries to operate in a way that protects our environment as much as possible, and that for the EPA to have increased independence but also for there to be maintained that opportunity for parliamentary oversight is very important. I will conclude there, Mr Speaker, in anticipation the minister might be able to address some of those questions in his summing up.

[4.43 p.m.]

Dr WOODRUFF (Franklin) - Mr Speaker, there is a lot to say on this bill. It is a very important amendment bill, and has been such a long time coming. I particularly noted when I was looking at some of the submissions, the one by the Environmental Defenders Office, which in its submission made a compilation of all the submissions that they have made over the years on matters either specifically to do with the earlier drafting and public consultations about changes to this bill, which go back to four or five years, and to other aspects of - particularly - salmon farming legislation, the Living Marine Resources Act, and the marine farming review panel legislation. What is clear is that some of the things that are in the amendment bill before us have been talked about for many, many, many years. It has only been through two or three things that we are in a situation where the Government is bringing this amendment bill on today at all.

The first is the tireless work of community activists. I pay deep respects to the people in the community around Tasmania who have been looking at the changes in their marine environment and standing up against the fish farms that have opened up in estuaries, in inland waterways, in Macquarie Harbour and have done so much damage. It has driven a community energy in Tasmania that has taken a long time to coalesce but it has reached that point.

Of course, this bill does much more than make changes that would impact on the activities of fish farms. It affects the activities of all developments.

I pay my respects to the people who have been tirelessly raising the issues, from the Bob Brown Foundation and many others in the north-west of Tasmania, making sure that the EPA, in its activities, is held to account by the laws of the day, particularly with respect to the relationship with the EPBC Act and the application of proper environmental licences that deal with the impacts of mining in the Tarkine: people like Scott Jordan, who has spent years of his

life working to make sure, as best he can, that the EPA and industry are held to account for the effects of their development activities on that beautiful area, which has an eco-system echoed nowhere else on the planet. It is very special, beyond measure.

There are people around Tasmania who have been standing up against developments that have not been properly managed or developments that should never have occurred in the first place. Thanks to those people, we have a Tasmania which still has intact natural systems, unlike many other places in Australia. This was made clear in a federal report brought down last year into the state of Australia's biodiversity and our bio-regions. The health of Australia's bio-regions, and biodiversity within those regions is extremely poor relative to other countries.

Functioning, healthy eco-systems occur only in about 5 per cent of the whole of Australia's land mass. In Tasmania, we hold the responsibility for 2.5 per cent of Australia's functioning, bio-diverse natural eco-systems. That is a great responsibility. It has only been by communities who love this place and understand that it is beautiful, only when we stand up and look after it because the way industry has not been managed in Tasmania over the decades of Labor and Liberal governments would have meant even more damage would have occurred to these natural systems than already has.

Where we are today is this Liberal Government has promised three times that it has already made the EPA independent but, no doubt, when this bill goes through today, a press release will appear talking about how 'we have really made the EPA independent'. This is the fourth time this Government will be talking about how it has made the EPA independent. As I said to Mr Jaensch in Estimates in September last year, we need to have more than tables and chairs moving around to have a functionally independent EPA. It has to be released from the influence of the minister, released from the influence of politicians and industry. There is no doubt - and I will explain a little more shortly - that the EPA, over its period, and increasingly so in recent years, has been required to facilitate the interests of business. That has been a direction, through the statement of expectations from the minister of the day - the recent one, from minister Jaensch - which makes it very clear that in order for the EPA to do its work, it does need to address the interests of the business sector.

That means making sure that supply chains are not broken, making sure that productivity is able to continue, and when any instances of environmental harm, pollution, or waste occurs, then they need to be corrected.

There has never been a history of stringent enforcement and strong penalties in Tasmania that provide a true disincentive to businesses to just do what is unnecessary and convenient, to keep productivity going. If that means waste or pollution occurs, if accidents occur because of lack of due care, then that is just the price of doing business.

The penalties in Tasmania, if and when they are ever enacted - and they are very few and far between, and almost never in the fish-farm industry - are slight. There has never been a penalty enacted or brought by the EPA in Tasmania that made a substantial difference, functionally, to the operating practices of big business.

In Tasmania we have a situation where things are changing. In addition to the work of community people, in addition to the successful market campaign run by members of various communities who are so concerned at the deteriorating situation in the marine environment, I believe that the market campaign on the mainland to inform consumers about the

environmental costs of growing salmon in farms - in what are meant to be clean and green waters of Tasmania - is having an effect on companies, and they should be concerned.

When laws fail, when governments fail to listen, then the community will do what they can to raise awareness. One of the benefits of social media today is that people can actually see what is going on. They can understand what is happening. I think companies probably are concerned that this will force a change. I do not believe there is the push-back that there would have been five years ago to bringing on a bill of this sort.

The other factor that has changed - and one of the biggest - is that I believe the Liberal Party can no longer continue with the line that these are small homegrown Tasmanian businesses, and this is just about local jobs.

What we have now are Tasmanian salmon farm industries that are owned lock, stock and barrel by extremely large multinational companies. The fish-farm companies are owned by two of the five largest producers of salmon on the planet. JBS owns Huon Aquaculture, and they are the biggest protein producer on the planet. Cooke Canada is also a major player. Both of these companies are known, through the evidence of their activities, to be highly litigious, very capable of mounting hundreds of millions of dollars of legal costs in their defence - but they have lost a number of times in courts in the US and Canada. We see that courts often step in - in the US, which has a different system, through civil litigation and other measures, but also brought by the EPA in some US states. The Brazilian environment department has brought cases and successfully prosecuted JBS in Brazil, as has happened to JBS in the US.

Companies are being held to account - but also these companies are extremely litigious themselves. It is a completely different landscape for Tasmania. If the Labor and Liberal parties are truly concerned about growing and maintaining the industry at all, then we have to deal with the situation. There is a high risk of the industry collapsing, the way it is operating, because people in the community will not put up with it. They are not putting up with it. They are doing what they can to raise awareness in Tasmania and on the mainland about the truth of the environmental harm that is being caused through the operation of salmon farms.

I believe we have a government that is more aware that if we do not put some brakes on the way these businesses operate, we truly will be in a situation where we risk collapsing the industry altogether. That is not an outcome which would be of advantage in any part of regional Tasmania. That is not an outcome that a cautious and concerned government would want. It is not an outcome that the Greens would support.

We do not support regional communities being left like they have been in the United States and in Canada, where these big companies have come in, trashed the joint and then split. They do not have anything. They do not owe anything to the community. JBS owed nothing and gave nothing to King Island after they ruined Porky Creek and a situation went belly-up for them there. They walked away, and they will do it again at any time. It is not in anyone's interest in Tasmania to have weak laws.

What we have seen through the EPA, and how the current statement of expectations is written, means that the board's primary function, as outlined in the statement of expectations is to take into account, quote: 'published Tasmanian Government policies'. When the Tasmanian Government policies in relation to salmon farming, for instance, are to double the size of the salmon industry, then the minister's statement to the board makes it clear to them that the

Liberal Party, the Liberal Government, is expecting the EPA board will do its job of working to double the size of the salmon industry, and needs to take that into account in their decisions when it comes to the assessment of development proposals.

The statement of expectations to the EPA at the moment says:

> The board's primary function is the assessment of development of proposals. This involves the task of balancing the sometimes competing objectives which require the facilitation of economic development on the one hand, and the attainment of quite specific environmental objectives on the other.

Minister Jaensch says to the EPA board, directs them:

> I expect that in the course of making such decisions of balance, the board has due regard for the social and economic circumstances prevailing in Tasmania and the objectives of the government with respect to those circumstances.

Minister Jaensch says, 'In particular, I expect the board to take account of -

Mr Jaensch - Where does minister Jaensch say this, Dr Woodruff?

Dr WOODRUFF - You have signed the statement of expectations. I am reading from the most recent statement of expectations, which is on the EPA website. It has your signature at the bottom. You say:

> In particular, I expect the board to take account of the need to create a more prosperous and equitable society, and this relies in large part, upon providing employment opportunities where they are most needed.
>
> The government's policy position is that a productive community is better able to manage society's long-term environmental challenges and -

my emphasis:

> I expect the board to facilitate that outcome wherever it can.

Mr Speaker, this means that any breaks in supply chains, reductions in biomass limits, placing of nitrogen caps, requirements for independent monitoring or the imposition of big farms could be construed by the minister, by the government, as impacting on productivity of business and would, according to the statement of expectations at the moment, effectively be an off-limits response to environmental harm that could be chosen by the director of the EPA. They do not actually say that the director cannot say that but it is very clear from the tenor of the words and the quite clear language that the director is to use his judgment to facilitate what is beneficial to industry.

We and the community would say the job of the EPA is to look after the environment first and foremost, end of story. That is the EPA's job. Of course there is a range of things it must consider when it does that, but its fundamental principal purpose is to look after the environment and protect it from harm.

What we see through right to information and the evidence we have seen play out, for example, in Macquarie Harbour, is that this is what happens. Time and again we see the EPA facilitating and enabling the interests of business. There was a right to information request around correspondence between Tassal and the EPA and it showed there was correspondence between the director of the EPA, Wes Ford, and the CEO of Tassal, Mark Ryan, a number of letters in a one-week period, a couple of weeks between October and November, in 2019.

One was in relation to a baseline environment survey that was required to be done before a marine farming lease was used off Wedge Island on the Tasman Peninsula. Mark Ryan for Tassal asked whether he could introduce fish into that marine farming lease before his company had undertaken an inshore reef survey. That survey was meant to be a baseline survey done before the fish went into the water to look at the underlying conditions and check what any changes would be against the baseline, but Mr Ford, the director of the EPA, provided a workaround that he has at his disposal. He has a swag of workarounds for companies. He wrote back asking them to write a report about it but meanwhile they could stick their fish in there while they were writing the report and undertaking this work.

This is the way things get done. Things always have a workaround involved somewhere, so that when Tassal in Macquarie Harbour had dramatically overstocked with fish and had extremely high numbers of fish deaths, over a million, in 2017, there was terrible evidence of dramatically low and zero dissolved oxygen levels at the bottom of Macquarie Harbour in early 2018 from the IMAS report. There was also evidence of World Heritage Area damage through dead zones. Over that period of two to three years, the director of the EPA did things such as overseeing the removal of the dorvilleidae worm, an indicator species that was required by the EPA as a monitoring indicator of the health of the environment under the fish farm pens at the bottom of Macquarie Harbour. They kept appearing. When dorvilleidae worms appear it is a sign of low oxygen levels and a poorly functioning benthic layer. They were appearing at regular periods under Tassal's fish farm pens at the same time as the dead zones were being reported and the zero oxygen levels were being recorded. Tassal complained about the dorvilleidae worms being used as an indicator species and so they disappeared. They were no longer required.

Mr Speaker, when you have something that is effective and the EPA is removing it, what a surprise that people in the community become very cynical about the independence of the EPA.

Despite the disaster in Macquarie Harbour, the EPA did not intervene in time. They allowed Tassal to continue to stock at high levels. Even when Wes Ford stepped in and directed Tassal to remove the fish from their pens, Tassal kept them there against the order from the EPA. It kept them there until they had grown them to the right amount and they were sold on to market. Why? Because we do not have sufficient penalties in Tasmania for it to be a proper disincentive to Tassal to continue to operate that way.

We welcome the things in this bill that go some way to making the changes that are required. We welcome the increase of public consultation in this bill. We welcome the requirement that monitoring data will be released. We welcome the attempt at properly separating the EPA from the influence of the needs and wishes of industry, and the politicians who have shackled themselves either through donations to their party, or just through a particular attitude to being overly keen to facilitate the interests of industries over looking after the environment.

It does not have to be an either/or situation. Most other countries in the world have better environmental regulations than Australia. Most other states in Australia have better environmental regulations than Tasmania. We have a number of amendments to this bill. We have drafted some of these ourselves and we have also wrested a number of the amendments from Victoria where the Labor government in 2018 passed a range of amendments to their legislation to make the EPA independent there. The minister, Lily D'Ambrosio, brought them on and they are a very good basis for the changes that we believe need to be made to strengthen this bill to protect the environment - the land environment and the marine environment - so that it is not only there for our children in the future, but it has intrinsic value in itself. It has so much value that is impossible to properly protect under this Environmental Management and Pollution Control Amendment Bill as it is.

The point I make, minister, is that this bill is not nearly enough. The problem with the bill as it is - and we agree with the Environmental Defenders Office - is that it needs a total overhaul. Environmental legislation around the country needs a total overhaul. What we are not doing in our legislation is attending to the cumulative impact of developments. We are not able, for example, to properly look at corridor effects; how we assess the impact of a development that might remove vegetation in an area which is an important corridor for species between one area and the other on either side of it. We are not able to take an ecological view in the act as it stands. We do not get to look at the impact of damaging one part of an ecosystem and understand the flow-on effects to the ecosystem as a whole.

We tend to cut and dice the landscape and make our laws to suit that, as though nature has boundaries. It does not. Birds and bees and mammals, and fish in the sea, all move around landscapes and they are affected by the changes in nitrogen levels in water. They are affected by the loss of habitat on the land.

We strongly recommend that the minister looks at the other acts and brings them up-to-date with a modern understanding about how we need to re-vision our laws to protect the environment. We are in a biodiversity crisis. We do know that the birds, the godwits, that were identified just recently in the Mt William area in north-eastern Tasmania have had trackers on them that showed that they flew from the Arctic. It is the first time we have evidence that the Arctic species has flown without stopping to Tasmania. That is quite an extraordinary feat and it shows why the laws, as they stand, are utterly incapable of recognising the value of the environment in that particular area for a species which flies from the other side of the planet, to rest and feed, so that it can go back and continue to be part of the life cycle of the systems that it is involved with.

We can do so much better in Tasmania. We have the capacity. We are the island that has a 'clean green' brand and for a long time now people have felt that they cannot have pride in that brand - people who know about these things, although most Tasmanians would not think about them. We do want to be able to have pride in our businesses. We want to have pride in what we produce. We want to be able to feel that it is not just a cynical attempt at 'green-washing' for a business point of view. It needs to mean something.

We will, in good faith, put up a number of amendments. Minister, I have put them on your desk and I have circulated them to members. I apologise for not being able to do it earlier, but it took as long as it took to get them done in order to make sure that we can have an EPA where we can all be confident, as people really want, that it stands on its own and it makes frank and fearless decisions. It is there for the environment and it challenges us to look after

this place into the future, so that we have something to gift our children with a functioning environment.

[5.13 p.m.]

Mr YOUNG (Franklin) - Mr Speaker, our Government has made a commitment to amend the Environmental Management and Pollution Control Act 1994 (EMPCA) to ensure that it is contemporary and fit-for-purpose for Tasmania. The Government has prepared these amendments to support its decision to separate the EPA from the Department of Natural Resources and Environment Tasmania. These changes cover four important areas:

1. clarifying the independence of the EPA;

2. expanding the powers of the director of the EPA to make monitoring of information available to the public;

3. establishing the processes for making environmental standards, to manage activities that may affect the state's natural environment, and

4. establishing the processes for making technical standards, to help implement environmental standards, state policies, environment protection policies, or national environment protection measures.

The Tasmanian Government has taken important steps to progress the structural and organisational separation of the Environment Protection Agency from the Department of Natural Resources and Environment, creating a new, independent state authority. This change has reaffirmed the existing independence of the EPA. The new model will ensure public confidence in environmental regulation in Tasmania and promote certainty for proponents. The EPA has already been established as a state authority under part 2 of schedule 1 of the State Service Act 2000 on 1 December 2021, with the new administrative arrangements taking effect on that date. This means that the EPA is already a separate agency and the staff are no longer part of the Department of Natural Resources and Environment Tasmania.

The separation of the EPA from NRE Tas is being supported with additional funds for 17 positions, including in the area of environmental assessment and regulation. This includes an additional senior compliance officer, director of finfish compliance and director of environmental regulation. The additional resources for environmental assessment include two scientific officers to provide technical advice for the assessment of impacts on water quality under the state policy on water quality management, and air impacts under the environment protection policy for air quality. The additional environmental assessment officers will ensure that there is a capacity to undertake the assessment of a range of significant public and private projects planned for the coming year. The additional resources for environmental regulation will mean there is a capacity to regulate new industries like the hydrogen sector and to increase the number of environmental audits of existing premises.

Funding has also been provided so that the EPA can operate from premises that are not collocated with the department. Additional resources will be provided to the EPA to further support the regulation of the waste sector and manage illegal dumping and littering since the commencement of the landfill levy.

The Greens have made a number of comments in relation to the ministerial statement of expectations, not only in relation to this bill but also over the years. While I expect the minister will address this issue in summing up, I have a few comments to make on this. The role of the statement of expectations is to provide the board with the context in which the minister believes the board should approach its decision-making. The statement of expectations cannot set aside the provisions of the Environmental Management and Pollution Control Act, or the board's or director's legal responsibilities. This is clearly laid out in section 15A of the act. The act does not provide a role or any accountability between the board or the director and the minister beyond the statement of expectations, hence its independence from the Government.

The minister is required to consult with the board when preparing the statement of expectations and the board develops a statement of intent in response. In this case, the board acknowledges its role in relation to the requirements of the act. The statement of expectations provides a section on the Government's policy position on a number of matters. The board is asked to take account of these policy positions in its decision-making within the context of its legal obligations.

The objectives of the Resource Management and Planning System of Tasmania are the key legislative directions the EPA board and the EPA director operate under. In summary, these objectives are:

- to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.

- to provide for the fair, orderly and sustainable use and development of air, land and water.

- to encourage public involvement in resource management and planning.

- to facilitate economic development in accordance with the objectives set out in previous points.

- to promote the sharing and responsibility for resource management and planning between the different spheres of government, the community and industry in the state.

The act also provides objectives specifically relating to environmental management and pollution control. These direct the work and decision-making of both the EPA board and EPA director. The board and director are required to operate within the legislative framework of EMPCA.

The amendments proposed include some changes to the statement of expectations, including amending section 15 to provide clarity around what can be included in the statement and ensure that it does not fetter the independence of the EPA. The changes will also include a requirement in section 15 for the statement to be reviewed within five years if it has not been revoked or amended within that time, and removal of the current requirements in section 15 for the statement to be provided by 31 March in each even-numbered year. I understand that these changes were considered important to better reflect the purpose of the statement of expectations.

Ministerial statements of expectations commonly apply elsewhere, for example, for the Tasmanian Planning Commission and Tasmanian Heritage Council, as well as for the Victorian EPA and the same in New Zealand. These are all independent entities with statements of expectations. Our Government, therefore, considers it entirely appropriate to retain a statement of expectations.

Mr Deputy Speaker, I have had to sit here and listen to Dr Woodruff, the member for Franklin, vilify and condemn a fantastic industry, then encourage protest against Tasmania. I thank our aquaculture industry, and the many jobs and businesses it supports, for their fantastic efforts. I, for one, am proud of our Tassie exports.

In summing up, this bill provides for important amendments to the Environmental Management and Pollution Control Act that will improve clarity, transparency and certainty for businesses and the Tasmanian community. I commend the bill to the House.

[5.21 p.m.]

Mr JAENSCH (Braddon - Minister for Environment and Climate Change) - Mr Deputy Speaker, I thank colleagues for their contributions and the indications of support for the bill we have had so far. I intend to work through the questions that have been raised, principally by Ms White for the Labor Party. There were some comments Dr Woodruff made that I will address as well, although not many questions to work through from her.

Thank you for your questions, Ms White. I have two lots of notes here regarding the questions you asked. In terms of the provision of information, the intention is that the director of the EPA will need to develop a schedule of what information they will release, what the processes are for releasing that information, whether that includes routine disclosure and publication of information, and any other processes by which there is information available on application and what the procedures will be for that.

Given that the EPA receives very large volumes of information, we believe it is inappropriate to direct that specifically in the legislation. My intention would be to have clauses in the statement of expectations that reflect an expectation for the director to be releasing information in the public's interest where possible, in a routine manner and otherwise by application, and to advise the public as to what their program of information release will be.

I note that the information able to be released under the powers created by this amendment is constrained by the effect of needing to observe the same restrictions as apply under the RTI Act. That makes for consistency but it does enable the director to proactively release information outside of an RTI request if they believe it is in the public interest to do so.

The detail of how, who and to whom and through what process, et cetera, I would expect would be detail prepared by the EPA director. At the moment there is no requirement for that. This gives the director of the EPA powers to do that and to include, as you noted, certain categories of information currently protected where they relate specifically to information that someone undertaking activity is required by the EPA to collect and submit about their activity's impacts on the environment that we collectively own and have an interest in. That is the nature of the information that this bill gives the director powers to release.

Ms White - What is the notification process for those industries or businesses?

Mr JAENSCH - I am advised that would be, at the moment, a matter of courtesy that the EPA would provide advice to a company or a business if it was releasing information about that business. That is a matter I could also refer to the EPA to clarify in their public information about their information release processes.

You asked a question about clause 6 - the statement of expectations - and the change being made from it being every two years to every five years, and whether it can be modified within that time as required. The answer is yes it can be modified at any time and updated.

You asked questions about the environmental standards, confirming the environmental standards as outlined in the bill are disallowable instruments. They are put before both Houses of parliament for scrutiny. The statutory public consultation period for those standards is six weeks. The standards can be amended as needed outside of the 10 years as is required in the legislation. Technical standards are slightly different; they are made by the director, not the minister. They are done independently of the minister. One of the reasons for them being done differently, as I understand it, is that they are very much about how data is collected, and what mechanisms are acceptable. It goes to the quality of data and information, and the format in which it is presented. It does not go to the purpose for which it is collected but is more to ensure there are contemporary standards and quality of information that is collected and submitted. The technical standards will be made available, Ms White, on the EPA website.

Statements of expectation can be updated as needed; we have covered that. You asked how remediation would be provided for. Currently under section 74F of the principal act, the director may issue a remediation notice. The bill does not currently mention remediation; however, it could be named in an environmental standard, or a technical standard that supports the Site Contamination National Environment Protection Measure.

You asked, when data is being released, will there be context or interpretation provided with the release? This is an important point. It is reasonable to expect that relevant information required under licence and permit conditions should be routinely released and I expect the EPA to review all types of information before it is released to the public, taking into account factors such as context and interpretation. I understand the concern there may be if quantities of technical data and information are provided without explanation of its purpose or intended interpretation. That needs to be taken into account in the director's policy on release of information to the public if it is going to be in the public realm, as opposed to being dealt with by people within the science, familiar with the industry's operations, who may interpret or potentially misrepresent that information. It will be very important that it is prepared for public release in an appropriate format. I certainly agree with that.

You asked a question about will businesses be advised? Yes, the intention is that information will be publicly available but that there would be, as a courtesy, advice to companies involved whose information may be shared.

I believe I have covered the majority of the questions you have raised. Thank you for that.

I will move to some matters raised by Dr Woodruff. The first one of those goes to where she started with quoting from the EPA statement of expectations on the EPAs website at this stage, attributing the various statements in that to me and stating that my signature was on that statement of expectations. I strongly recommend that Dr Woodruff check that fact and take

the opportunity to correct the record. I have not signed a statement of expectations for the EPA.

Dr Woodruff - As the minister. I have seen your signature.

Mr JAENSCH - You might want to check what is on the website to which you referred.

Dr Woodruff - Have you not signed it yet? There is no statement of expectations? Is that what you are saying?

Mr JAENSCH - You are confident that you have looked at the statement of expectations on the EPA website -

Dr Woodruff - You are the minister. Have you issued one?

Mr JAENSCH - You should check your facts. The other thing that Dr Woodruff should also check while she is in the process of doing so, she referred to the Victorian independent EPA - Lily D'Ambrosio's model - as a model, one that we should seek to emulate, that she would have confidence in. We believe that EPA is an independent authority similar to the EPA here and that it has a statement of expectations issued to provide a level of guidance to it. If Dr Woodruff is a big fan of that model, it somewhat diminishes her arguments as to why we should not have a statement of expectations embedded in our legislation.

Dr Woodruff - No, it does not. You can take this out of other legislations that work. We are not Victoria.

Mr JAENSCH - Victoria has a statement of expectations and you said it does not.

Dr Woodruff - I did not say that.

Mr JAENSCH - On another matter, Dr Woodruff mentioned that the whole of EMPCA, the act, requires a review. I agree with that. That is what we intend to do but that process needs to be a thoroughly planned and consulted one. The bill before us deals with a set of amendments needed to finalise the separation of the EPA to provide for the director to release information in the public interest and the creation of the powers to make environmental standards which are priorities for us now. We need them now. They will improve the act and we propose that these amendments do not wait for a full review of the EMPCA legislation which I reiterate is something that we intend to do.

Dr Woodruff has circulated at the commencement of this debate, quite a number of amendments to the legislation which she did not speak to in her contribution on the second reading speech.

Dr Woodruff - I mentioned them all.

Mr JAENSCH - I have looked through those and quickly sought some advice on them, given that we have not had them to consider. I note that there are two in relation to clause 6 and clause 10 of the act which would seem to be relevant to the bill before us now. The other amendments that are raised are amendments to the principal act as I understand them. They do not address this bill directly, and as far as I can see have not been circulated, or consulted on.

We have not taken or sought advice on them prior to them being tabled, so I would be very hesitant in debating them, let alone accepting those other amendments further today.

There are other processes for those sorts of amendments to be considered and given a more complete assessment. I believe Dr Woodruff has flagged that she wishes to have discussion about the amendments that she has raised. There are a couple that are within the scope of this consideration of the bill, and I expect there will be a signal wanting us to go into committee to do that. Dr Woodruff, do you confirm?

Dr Woodruff - Yes.

Mr JAENSCH - Okay. With that, I believe I have responded to the majority of the matters raised. Thank you very much to Ms White for her support of the bill. I look forward to further discussion of those two amendments in particular.

Bill read the second time.

ENVIRONMENTAL MANAGEMENT AND POLLUTION CONROL AMENDMENT BILL 2022 (No. 46)

In Committee

Clauses 1 to 4 agreed to.

New clause A -

Dr WOODRUFF - Minister, I want to take up your point about things being in the scope and outside the scope in the bill. I do not really understand what you mean. I think what you mean is that there are amendments that we propose that do not directly amend the amendment bill before us. That is true. The reason for this is that it is not possible to do what you purport to be doing, which is to make the EPA functionally and effectively -

Mr CHAIR - Dr Woodruff, you need to move your amendment.

Dr WOODRUFF - Yes, thank you, I will happily do that. I was just explaining why I was moving the amendment, but I will move it first.

Mr CHAIR - There is no question before the Chair at the moment. Do you understand what I am saying? We are not on a clause.

Dr WOODRUFF - That is right, new clause A. I move -

Page 4, after clause 4.

Insert the following new clause -

A. Section 3A inserted

The following section is inserted after section 3 of the Principal Act -

3A. Principles to be observed

In the interpretation of this Act, regard is to be had to the following principles -

(a) A decision, action or thing directed towards minimising harm or a risk of harm to human health, property or the environment should be proportionate to the harm or risk of harm that is being addressed; and

(b) Prevention of harm to human health and the environment is preferred to remedial or mitigation measures; and

(c) Persons who cause environmental harm, or benefit from activities that cause environmental harm, should bear the cost of containment, avoidance and abatement; and

(d) Actions or decisions under this Act should be based on the best available evidence in the circumstances that is relevant and reliable; and

(e) Paragraph (d) notwithstanding, if there exist threats of serious environmental harm, lack of full scientific certainty should not be used as a reason for postponing measures to prevent or minimise those threats.

Minister, as I was saying, the reason that we have brought a number of amendments for us to debate today is because you have proposed that one of the main purposes of this bill is to make the EPA functionally independent, and also to make it more effective.

We consider, as we said, that this whole bill needs to have a rewrite, but this is a minimum set of amendments to the EMPCA bill and to the amendment bill directly, that are required in order to do what you have said that you want to do. In our view, the purpose of bringing in this bill cannot be met without including the amendment that I have just read into *Hansard*.

We cannot have an effective EPA doing the job that we need it to do - an effective and independent EPA - if we do not have a set of principles to guide the work of the EPA.

These principles have been adopted from the Victorian Environment Protection Act 2017. In case you are under the mistaken view that we hold the Victorian legislation to the highest standards, we do not. We have looked at the parts of different jurisdictions that have aspects which we think are most relevant to what we need to be fixing in our Tasmanian EMPCA. It just happens that Victoria, being one of the states that has had the newest changes, has been listening to updated views - internationally as well as in Australia - about how we need to change our environment laws to make them work better, to prevent harm and to protect the integrity of the environment. That is the reason that I will refer a number of times to where we got our particular drafting thinking from.

It is, in our view, no longer possible for the EPA to continue to work and do its best work for the Tasmanian environment without having a set of principles. These principles are about minimising harm or risk of harm, to not just the environment, but to human health and property. The action that is being taken to minimise harm should be proportionate to the harm or risk of harm that is being addressed.

This is a really key principle, and it makes sense that it would be used by the EPA to guide its decisions about the sort of conditions it would put onto a licence, whether to make an approval or not. It is a baseline principle.

It is also a baseline principle that it is preferable to prevent harm in the first place than it is to at a later date try to remediate a situation where harm has occurred. That means putting more focus in the work of the EPA on communicating the cost, the penalties for companies that cause harm, and working with them in advance to make sure they do not get to that point in the first place.

It is also incredibly important that any decisions are made on the best available evidence. That evidence has to be relevant and reliable. I am not suggesting that the EPA does that, but not cherry-picked, not in any way selective, not an impoverished form of information over a better one. It is a pretty basic principle.

The other principle we have is that the people who cause the harm should bear the cost of containing the harm, avoiding the harm and fixing the harm if they cause it. It is important when it comes to an amendment that we will move later on, which is about providing capacity for the EPA to exact a bond prior to development activities so that there is a capacity to recover costs from companies where harm has occurred.

We have had situations in Tasmania where companies have gone broke after they have started an activity. Mining activity and other activities have gone broke and they have not had the finances to repair the harm they have caused from their uncompleted activity. If there is no capacity for our EPA to secure a bond or some surety of payment, then it is the public, the taxpayers, who are left picking up the tab at the end of the day.

The last of these five principles is that if there is a threat of serious environmental harm, the lack of full scientific certainty about that threat should not be used as a reason for postponing measures that will prevent the threat in the first place. This is another version, if you like, of the precautionary principle.

We should be careful, when there is a degree of threat, not to use a lack of full knowledge about exactly when that might occur, the size it might be, the severity, to not act and prevent that occurring in the first place. Just because we do not know everything does not mean that we should not step in and take precautionary measures. The damage that can be done from certain activities often cannot be properly remediated. Fixing the environment is not like building a house.

They are the principles, Mr Chair.

Time expired.

Mr JAENSCH - As I have note previously, the Government has flagged an intention to conduct a more comprehensive review of the principal act in due course. In her contribution just now, Dr Woodruff referred to wanting to add new guiding principles and objectives to the front end of this act and proposes to bring a set of words from another state's legislation to drop into the front of this one.

We know our act, overall, needs some review, housekeeping and bringing up to date. It has been amended many times. This one is a bit like Grandpa's act. This is not the time or place to start lobbing in new objectives and principles in the front end of our old act, particularly if transplanted from another piece of legislation. These are the sort of matters that need to be at the beginning of the drafting of new legislation so that they can consistently apply throughout the document.

If there were to be amendments as proposed now, we would be introducing a new set of principles relating to matters already covered in the principal act. There would be duplication of objectives, including the objectives of Tasmania's Resource Management Planning System, the objectives of the Environment Management and Pollution Control System established by this act. Section 5 of the act goes to definitions of environmental harm, which would be duplicated in the principles as proposed to be amended and subbed into this act. We do not accept the amendment for the reasons I have laid out but we would welcome Dr Woodruff's contribution when we come to reviewing the EMPC act in its entirety because she makes some valid points about those needing to be contemporary and to meet expectations.

We also need to make sure that we do not confuse people and that we do not necessarily create duplication and conflict within this act for the sake of making some change right now. We do not support the amendment.

Dr WOODRUFF - I make the point that you should have done this. You are the minister; you have been in government for eight years. It is terrible to have an Environmental Management and Pollution Control Act that does not have principles in it. It is a parlous act. To have had the opportunity and resources of your department to prepare these amendments before us without having introduced a set of principles is on your head. I am not surprised that you do not support it but your contortions in finding a reason not to support it do not hold any water.

You might want to have a chat to the Attorney-General about using other states' legislation. That is standard parliamentary practice. It is good parliamentary practice in a Westminster system to look around at other jurisdictions to find the bits that work that are relevant to your jurisdiction. We have not adopted the Victorian legislation; we have taken the bits of it that seem to be up-to-date and relevant. Victoria is the most recent state to have made changes to their environmental legislation before you, as minister, brought this legislation here. That is why they have been influenced by the thinking in the Australian community, the Victorian community and around the world about what best-practice environmental legislation should be looking like in a biodiversity crisis, in a climate crisis, with a rapidly changing world.

Principles are not confusing to people. They do not set people on their head. It is not going to upset industry or upset anybody. It is not confusing to have principles. It is the basis from which you can get on and interpret the rest of the act around them.

We look forward to you bringing on another updated EMPC bill but the rate at which you move on these things, with respect, minister, does not give me a lot of hope that this is

going to happen in the near future. Yet, here we have a rapidly changing environmental situation - changing for the worse, with species all round Tasmania getting close to being seriously threatened or endangered: whole ecosystems like the marine environment, seriously impacted by warming waters, pollution from industries and a whole range of other factors.

Having some basic principles seems like a great place to start when the EPA board is making its own decisions about whether or not to approve an activity, a development and how to monitor it if it does. We are disappointed that you have not supported them. People who understand the sort of strong environmental laws we need to look after our environment would also be disappointed that you have fallen over on this first basic amendment.

Ms WHITE - Chair, while the minister is getting some advice, I can indicate that we will not be supporting this amendment. It has only been provided to us now and it is trying to fundamentally change the way the act operates by inserting new principles. We are unclear who has been consulted, what the timeline was for people to provide input through that process and agree that if there is going to be a review of the act, it should be done in a more appropriate manner so that the community can actually have their say.

Mr CHAIR - The question is that the new clause A be made part of the bill to follow clause 4.

The Committee divided -

AYES 3	**NOES 19**
Ms Johnston	Mrs Alexander
Ms O'Connor (Teller)	Ms Archer
Dr Woodruff	Mr Barnett
	Dr Broad
	Ms Butler
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie
	Mr Rockliff
	Mr Shelton
	Ms White
	Mr Wood
	Mr Young (Teller)

Amendment negatived.

Clause 5 agreed to.

Mr CHAIR - Next clause. Can you take your mask off when you are talking, Dr Woodruff?

New clause B -

Dr WOODRUFF - Next clause is new clause B after clause 5. This is a recommendation that came from the Environmental Defenders Office and it relates to -

Mr CHAIR - Dr Woodruff, could you move it first please?

Dr WOODRUFF - Yes, I am about to, but I am explaining where it has come from, so then I will read it in.

Mr CHAIR - We need a question before the Chair, Dr Woodruff, so can you move the amendment?

Dr WOODRUFF - Okay, I did not understand that was the practice of the Committee -

Ms O'Connor - That is new.

Dr WOODRUFF - That is a new practice. I have never had that before.

Mr CHAIR - There has to be a motion before the Chair, Dr Woodruff -

Dr WOODRUFF - Because it is a new clause?

Mr CHAIR - Yes.

Dr WOODRUFF - Okay, thank you. I move -

Page 5, after clause 5.

Insert the following new clause -

B. Section 13A amended (Membership of Board)

Section 13A of the Principal Act is amended by omitting paragraph (c) from subsection (1) and substituting the following paragraphs:

(c) a person with practical knowledge of, and experience in, environmental management in either industry, commerce or economic development; and

(ca) a person nominated by the *Aboriginal Heritage Council*; and

This amendment was proposed by the Environmental Defenders Office and they made the good point that the work of the EPA necessarily requires from time-to-time an assessment of matters to do with Aboriginal heritage, or could involve matters to do with Aboriginal heritage and it is important to have the input of First Nations Tasmanians on the membership

of the board itself. This would go in after (c) and it would mean that the membership of the board, in addition to the chair and the director and a person with knowledge and experience in environmental management in industry, commerce, or economic development, there would also be a person, nominated by the Aboriginal Heritage Council and then there would be:

> (d) a person who has practical knowledge, or experience in environmental management and expertise in one of a range of areas.

This is simply to recognise that on matters of Aboriginal heritage, for such an important body as the EPA, their input is required, especially because the EPA is making decisions about the protection of the environment - that poor term that we have in our English language, to palawa/pakana means everywhere in Tasmania, every part of the landscape, the seascape that they have cared for for tens of thousands of years. When it comes to talking about and making decisions about whether harm may occur, or how it ought to be managed in a development, their input is required.

Mr JAENSCH - Mr Chair, we note that there is a separate and parallel process under different legislation for assessment of Aboriginal heritage matters. That act in itself is currently subject to review, and a new act is being written. The amendment as it is proposed repeats, from what I can see, paragraph C from the subsection, and adds reference to the Aboriginal Heritage Council nominee.

Again, this proposal deserves to be consulted and considered and debated on its merit as part of potentially a fulsome review of the act. I do not believe there is a case for including it now, and I do not think it has been consulted. We have only just been made aware of it. I do not think it is directly -

Dr Woodruff - No, that is not true. It was in the EDO submission.

Mr JAENSCH - It was in their submission, but it has not been consulted as a proposed amendment of this bill. It is not directly related to the bill in front of us as well. I encourage the Environmental Defenders Office and the Tasmanian Greens to add it to the list of matters that they bring forward when we are in the process of reviewing the principal legislation. We will not be supporting the amendment.

Dr WOODRUFF - That is the most incredible nonsense I have heard come out of a minister's mouth for a very long time. For starters, you are making a case for anything that people provide in their submissions, for you not to pick them up. Your argument is that something that someone has recommended, a great idea that they made as a basis of the submission process for this amendment bill, you are not going to take it on, you say, because everyone else in Tasmania has not had a chance to have a conversation about the proposal that a particular group has made.

What is the point in having a consultation process on an exposure draft of a bill, if you are just going to say, we do not like the idea, we will have to take it out to public consultation because everyone else has not been able to have a go at your -

Mr Jaensch - We sought comment on the exposure draft of the bill, not on anything else you think you would like to add.

Dr WOODRUFF - No, this is in relation to the exposure draft of the bill. This is what the EDO said in their submission:

> There is currently no formal linkage between the Aboriginal Heritage Act 1975, being the primary legislation for the protection of Aboriginal cultural heritage in Tasmania, and the state's Resource Management and Planning System.
>
> Key legislation in the RMPS, such as the Land Use Planning and Approvals Act and the EMPCA, do not include provisions requiring consideration of the impacts of development on Tasmanian Aboriginal heritage. The result of this lack of a linkage is that it is possible to not appropriately consult with the Tasmanian Aboriginal community in planning for projects and developments, resulting in proposals that do not have due respect for or regard to the United Nations Declarations of the Rights of Indigenous Peoples, principles of FPIC and self-determination.
>
> Examples of where this has occurred include the works at the Jordan River levee for the Brighton bypass, and the then proposed four-wheel drive tracks in the Arthur-Pieman Conservation Area in the Tarkine.
>
> While the Tasmanian Government has committed to some changes to its planning and development approvals processes under LUPA, as well as its assessment procedures for public land through the Reserve Activity Assessment and the expressions of interest for tourism opportunities in national parks, reserves and Crown land to include early consideration of potential Aboriginal heritage impacts, it is not committed to any of those changes in this act.

The EDO is making the very strong case that you ought to consider for that in this act. They have also provided detailed comments on the Tasmanian Government's consultation paper for a new Aboriginal Heritage Protection Act.

As they outlined in their submission to that consultation, they recommend that the relationship between cultural heritage and environmental legislation be revised so that Tasmanian Aboriginal people are involved in decision-making about cultural heritage and the environment. This would ensure that cultural heritage is adequately protected under cultural heritage and development laws that speak to each other.

Minister, it is very clear that you had notice, and that the legislation as it currently stands has a significant gap. You are pointing to some changes that might happen at some point in the future, but I do not at all see how they would, in any way, deal with the problems that have been identified in the specific instances of the Jordan River levee, and as the EDO have mentioned, the Arthur-Pieman conservation tracks, that were a terrible scar on that beautiful area and the damage that has occurred there.

We need to have an opportunity for Aboriginal cultural heritage protection to fully conform with the Tasmanian Aboriginal community's expectations. We have to be able to uphold international treaties that we have signed up to, and the rights of First Nations people which are now enshrined in jurisdictions everywhere.

We seek, through this amendment, to put them here into the EMPCA Act so that cultural heritage can be properly protected from the beginning.

Mr CHAIR - The question is that the new clause B be made part of the bill to follow clause 5.

The Committee divided -

AYES 3	**NOES 20**
Ms Johnston (Teller)	Mrs Alexander
Ms O'Connor	Ms Archer
Dr Woodruff	Mr Barnett
	Dr Broad
	Ms Butler
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne (Teller)
	Ms O'Byrne
	Ms Ogilvie
	Mr Rockliff
	Mr Shelton
	Ms White
	Mr Winter
	Mr Wood
	Mr Young

New clause B negatived.

New clause C -

Dr WOODRUFF - Chair, I am moving a new Clause C. I move -

Page 5, after clause 5

Insert the following new clause -

C. Section 14 amended (Functions and powers of Board)

Section 14 of the Principal Act is amended by -

(a) omitting paragraph (a) from subsection (1) and substituting:

(a) to protect the environment of Tasmania; and

(b) omitting paragraphs (d) and (e) from subsection (1) and substituting:

(c) to advise the Minister, on the request of the Minister or at the discretion of the Board, on any matter that may significantly affect the achievement of the objectives of this Act.

Chair, this is a really important change. It goes to the heart of the effective functioning and the independence of the EPA. It will change us back to a situation we had previously, in 2008. The functions and powers of the board of the EPA used to include the words, 'To protect the environment of Tasmania'. Subsection (1) paragraph (a) was 'to protect the environment of Tasmania'. That was removed in 2008. Our amendment reintroduces this function.

It also does a second thing: it removes paragraph (e), which gives the board a function 'to ensure that valuation, pricing, and incentive mechanisms are considered in policy-making and program implementation in environmental issues'. We believe that paragraph (e) is not necessary. In terms of functions and powers, it is an oddly prescriptive function and it does not speak to the principle of putting the interests of protecting the environment first and foremost. It gets the board into a lot of micro-operational details which do not make any sense.

Our amendment restores the integrity of the board to the level it was before that important function was removed in 2008. It is critical for people to have confidence that the board is first and foremost focused on the duty of protecting the environment.

Mr JAENSCH - Chair, the amendment as proposed seeks to omit paragraph (a) from subsection (1) - I am advised that paragraph (a) is currently blank in the principal act - and to replace it with: 'To protect the environment of Tasmania'. The objective of protecting the environment of Tasmania is already contained in the act in the schedule 1 objectives - in a higher order objective than the functions and the powers of the board. It is, therefore, an unnecessary repeat.

I am also advised that the second part of the amendment, in (b), and substituting paragraph (c), that paragraph is the same as in section 14(1)(d) of the act already. Therefore, in both cases, we do not believe the amendments add any meaning to the act and are matters outside the intent of the bill before us today. They are proposed amendments to the principal act. They may have merit. We encourage the Greens and the Environmental Defenders Office, if they are the originators of that, to bring them forward in that future process where they can be consulted and considered in detail. We will not be supporting the amendment.

Dr WOODRUFF - Chair, that is disappointing. The point is that lots of things are mentioned in the RMPS in the schedule. That would be an argument for removing a lot of things from the legislation. The point here is that one of the problems the Government still has is that it does not understand that the statement of expectations and that level of directing of the EPA is one of the critical failings of the current legislation and of the amendment bill we have before us. If statements of expectations remain, as you propose, but the board was very clear in its overriding function to protect the environment of Tasmania, you would go some way to starting a successful argument that the statement of expectations would be read within that context. As it stands, the functions and powers of the board are not to protect the environment first; that is not the first and foremost central function. We believe that that is

exactly where we need to return to, that things have become much worse in that 15-year period since 2008.

We have a vastly different landscape in terms of environmental challenges and threats. We have huge corporations, far greater than they were 20 or 50 years ago, seeking to do business in Tasmania. It requires a refocusing of the EPA directly into its first job of protecting the environment from harm.

Mr CHAIR - The question is that the new clause 5C be made part of the bill to follow clause 5.

The Committee divided.

AYES 3	NOES 20
Ms Johnston (Teller)	Mrs Alexander
Ms O'Connor	Ms Archer
Dr Woodruff	Mr Barnett
	Dr Broad
	Ms Butler
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie
	Mr Rockliff
	Mr Shelton
	Ms White
	Mr Winter
	Mr Wood
	Mr Young (Teller)

New clause C negatived.

Clause 6 -
Section 15 amended (Ministerial statement of expectation)

[6.32 p.m.]

Dr WOODRUFF - This is really where the rubber hits the road on this bill. This is, in our view, probably the most important amendment and the one that the minister is well on notice that this is why we are here today, because you made the announcement in Estimates last year in September that the EPA would be independent.

You promised legislation to come in and it is my belief that you and the Government were pushed to make the promise to make the EPA independent because of the community activism that was occurring because of the obvious lack of independence and the ongoing manner in which the community were seeing for themselves how the EPA was failing to step

in to require monitoring of obvious pollution coming from fish farms. It was failing to even put conditions in place on important indicators of harm to seals, to bird entanglements on nets, or to Tasmanian devils being killed by trucking activities with developments. All of these things are clearly not being done to a level to protect not only native species but critically endangered native species at times, like the maugean skate and the Tasmanian devil.

It is clear that the intention of this bill, as you would have it, is to make the EPA fully independent. Unfortunately, because you have not taken out the statement of expectations, you have not removed the ability of the minister to issue a statement of expectations. As it stands, the current statement of expectations that is contained in section 15C is for the EPA board to conduct its business and affairs in a manner that is consistent with the ministerial statement of expectations. That makes it clear that the EPA will not be independent, not at least what the reasonable person in Tasmania would expect by the meaning of 'independence' through this amendment bill as it has been drafted.

This removes entirely 15, 15A, 15B and 15C and it dispenses with the idea altogether that ministers can with any words, any direction, provide a statement of the Government of the day's expectations to the board of the EPA about how they should conduct their business which should, first and foremost, be to protect the Tasmanian environment.

Mr JAENSCH - On the matter of the statement of expectations in Tasmania and the Environment Protection Authority, Dr Woodruff, I again recommend that you correct the record regarding your references to the statement of expectation for the EPA that is currently on the website and the signature on it and to whom you attribute its contents. You should check that and correct the record.

Dr WOODRUFF - Thank you for reminding me. I was going to say that, minister. I do apologise. It is Elise Archer's signature on there from 2019. I did look at it and it must have been another document I saw of yours that I remembered your signature but it was from another document. It was the previous minister for the Environment, Elise Archer. The statement of expectations, itself, and what I read into *Hansard* has not changed.

Mr JAENSCH - The Government will not be agreeing to Dr Woodruff's proposed amendment, the reasons being that the EPA is already independent and our bill clarifies that independence. The role of the statement of expectation is to provide the board with any context in which the minister believes the board should approach its decision-making. For example, bringing the board's attention to the climate change action plan, risk assessments for climate change, our waste strategy and other Government policies such as social inclusion and women on boards, or administrative matters that should guide their operations as Government authorities.

Importantly, the statement of expectation cannot set aside the provisions of the EMPCA or the board's or the director's legal responsibilities. This is clearly laid out in section 15 of the act. The act does not provide a role or any accountability between the board or the director and the minister beyond the statement of expectations and, hence, its independence from the Government. As I remind you, these legislative processes have been in place since the inception of the EPA board when it was established by the Labor Government.

Other Tasmanian authorities such as the Independent Tasmanian Planning Commission and the Heritage Council are also required to conduct their business and affairs in accordance

with ministerial statements of expectation and, as you referenced earlier, as a model that we should aspire to - the Victorian EPA - with a similar arrangement to Tasmania in terms of the independence of the EPA also receives a statement of expectation from the minister.

The Government considers it is entirely appropriate that clauses relating to the statement of expectation remain in the act. We do not accept the proposed amendment.

For noting also, our bill contains an insertion of a section 18A which goes specifically to the independent role of the director and makes it very clear that

> (1) The Director is authorised and required to act independently in relation to the performance and exercise of the functions and powers of the Director and, subject to this Act and any other Act, has complete discretion in the performance and exercise of those functions and powers.
>
> (2) In particular, the director is not subject to direction from anyone in relation to a decision of the director -
>
> (a) to grant, renew or vary or not to grant, renew or vary an environmental licence, or to transfer, or refuse to transfer an environmental licence; or
>
> (b) to suspend or cancel, or not to suspend or cancel, an environmental licence; or
>
> (c) to impose, or not to impose, a conditional requirement on an environmental licence; or
>
> (d) to issue, amend or revoke, or not to issue amend or revoke, an environmental protection notice, an investigation notice, a remediation notice, a site management notice or a technical standard; or
>
> (e) to investigate or prosecute, or not to investigate or prosecute, a person; or
>
> (f) to issue, or not to issue, a report or recommendation; or
>
> (g) as to the contents of any report or recommendation issued by the Director; or
>
> (h) to issue, or not to issue, a requirement, authorisation or direction, or to enter into, or yonot enter into an agreement.

This is clearly a strengthening and restating in the bill of the independence of the director. This is separate and different from the statement of expectations issued by a minister to the board to provide context and guidance to their operations. We believe it is entirely valid. It protects the director in whom the powers of this act reside from influence or interference of

any kind from anyone. We believe it is a sensible inclusion and we do not support the proposed amendment.

Madam DEPUTY CHAIR - Dr Woodruff, you will also need to move the amendment for clause 6. That was not moved.

Dr WOODRUFF - Sorry, I thought I had done that.

Madam DEPUTY CHAIR - You did not get to the point of reading it into *Hansard.*

Dr WOODRUFF - Yes, sure. I move -

Page 5, clause 6.

Leave out everything after "Section".

Insert instead "15, 15A, 15B and 15C of the Principal Act are repealed."

Minister, I accept that this a strengthening of the current situation. The problem is that it is not enough. You make up these reasons for why it is normal to have a statement of expectations and that is simply not true. You are not being honest with people. It is not true that all other independent agencies have statements of expectations. Only a few regulators and decision-making bodies in Tasmania are subject to statements of expectations, or other powers to give them direction. These are the Tasmanian Heritage Council, which is not bound to comply with the statement of expectations; the WorkCover Tasmania board, which can object to any directions given to it; and the Tasmanian Planning Commission, which is balanced by a range of functions and powers that are not subject to ministerial directions. The Poppy Advisory and Control Board and the Liquor and Gaming Commission are the only similar bodies which the minister under legislation has such extensive influence over.

I hope you are listening to this, minister, because you repeatedly make this statement. You made it last year. In fact, every time you talk about this, you say the same thing. It is not true.

Mr Jaensch - I am consistent.

Dr WOODRUFF - You repeatably make this false claim that all other independent agencies in Tasmania standardly have statements of expectations.

Mr Jaensch - No, I did not say that.

Dr WOODRUFF - Other regulators and decision-making bodies that do not have statements of expectations are the Forest Practices Authority, MAST, Wellington Park Management Trust, the Guardianship Board, the Electoral Commission, the Integrity Commission, the Legal Profession Board, Motor Accidents Insurance Board, the Nomenclature Board, the Parole Board, the Legal Aid Commission, Equal Opportunity Tasmania, the Ombudsman, Health Complaints Commissioner, Non-Government Schools Registration Board, the Veterinary Board of Tasmania, and the Industrial Commission. Along with that very large group, there is also the Tasmanian Heritage Council and WorkCover Tasmania, who do have statements of expectations but they are not bound to comply with them.

This is a completely separate, novel case in Tasmania. It is designed like this so that the Government can keep issuing directions. The problem with that is that you do not need to be told directly what to do. You work it out. When you are appointed to a position and you are sitting there, being paid hundreds of thousands of dollars of salary, you quickly work out how to do a job and stay there and be effective, within the bounds of what you have.

We have people who work in the EPA whose job is to work within the cultural constraints that you, the Liberal minister, and your Government has set them to facilitate, to enable business to get on with doing what it wants to. The history of what happened in Macquarie Harbour is pretty clear. Let us take a little walk in the park since you have insisted on continuing to make these false claims. People need to understand what happened with Tassal and Macquarie Harbour.

In 2012, Tassal and Huon Aquaculture began expanding salmon. By September 2016, the environmental monitoring data showed very low levels of dissolved oxygen. In November 2016, IMAS told the EPA and salmon farm operators that the floor of Tassal's Franklin lease and the surrounding floor was basically devoid of life because of the low dissolved oxygen, and it was not known what the impact was on the maugean skate or the wilderness heritage area. Following that information from IMAS, the EPA director decided to reduce the biomass cap limit on the amount of salmon that could be farmed, from 21 500 tonnes to 14 000 tonnes. They directed Tassal to destock its Franklin lease in February 2017. Tassal responded by saying that logistical, staffing and safety impacts meant that it was unable to comply with the EPA's directive. The EPA then gave them an extension of two months to destock the lease.

In May 2017, a year-long biomass limit for Macquarie Harbour was set at 12 000 tonnes. The EPA then gave Tassal permission to farm an extra 4000 tonnes of salmon until January 2018 provided it implemented an experimental waste-capture system which was meant to capture solid fish waste from underneath the pens and pump it to a boat, where it would be transported to land and ultimately treated by TasWater at the taxpayer's expense. Each of those steps was approved by the EPA director through the issuing of environment protection notices. No referral was made to the federal environment minister for an assessment of that experimental waste-capture system, under the EPBC act, even though a critically endangered species was clearly threatened by the lack of oxygen in the water as a result of Tassal's farming activities. There was no opportunity for public comment. There was no independent review of the science presented by Tassal to support the claim they made to the EPA board of an experimental system that would work.

In late November that year, 2017, the EPA confirmed significant fish mortalities had been reported by all three companies operating in the harbour. March 2018: the EPA director cut the biomass limit to 9000 tonnes. When he discussed that decision, the director admitted that the science and modelling used as a basis for the expansion of salmon farming in Macquarie Harbour in 2012 was 'flat wrong'. By 2017, there had been a failure by the regulator, the EPA, to set biomass caps in Macquarie Harbour in an effective and timely manner.

I can go on but I think people get the point. That was just part of the history. It took another several years for the EPA to finally force those companies to totally change their operating behaviours. What they then did was skip over to Oakhampton Bay, on the east coast of Tasmania, and the EPA enabled a shonky assessment process of a 25-year-old lease in Oakhampton Bay to give Tassal somewhere to move their stock to for a short time. We see

this all the time with the EPA giving an opportunity, as it has just done for Huon Aquaculture to move into a zombie lease in the Huon River; a lease that has not had fish pens in it for - according to one resident - more than 50 years. We are seeing this all the time.

The EPA is facilitating the interests of business without public consultation processes, without proper assessment. There has been no assessment done of the impact on the Huon River of Huon Aquaculture parking its fish out of convenience, under the guise of so-called 'Emergency Conditions'. There is no emergency here. It is obvious that the water is going to get warmer in Storm Bay. It is obvious that it is unsuitable to be farming salmon in the places that the companies are farming salmon in Tasmania. They are still in estuarine areas.

Please do not say, yet again, one more time from your lips, that it is standard practice to have statements of expectations for independent bodies in Tasmania. It is absolutely not, and the fact that you are continuing for the fourth time to call this an independent EPA without doing this means that that statement itself is false. It cannot be an independent EPA when you and your Government have an opportunity to direct it to do certain activities, to prioritise policies over other policies. If it were the case that it was simply about making sure there was gender representation on boards, then why have you not done that to every single body that I just read out? It is absolute rubbish. It has nothing to do with gender representation. It has everything to do with making sure that the interests of business are first; that is the fundamental flaw with the EPA in Tasmania. It is just a charade.

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

The Committee divided -

AYES 3	**NOES 19**
Ms Johnston (Teller)	Mrs Alexander
Ms O'Connor	Ms Archer
Dr Woodruff	Mr Barnett
	Dr Broad
	Ms Butler
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Ms Ogilvie
	Mr Rockliff
	Mr Shelton
	Ms White
	Mr Winter
	Mr Wood
	Mr Young (Teller)

Amendment negatived.

Clause 6 agreed to.

Clauses 7 to 9 agreed to.

New clause D -

Dr WOODRUFF - Chair, I will read in proposed new clause D.

Page 8, after clause 9.

Insert the following new clause -

D. Section 22 amended (Registers of environmental management and enforcement instruments)

Section 22 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection -

(2) A register under subsection (1) or (1A) must be published in a form that is accessible to the public.

We have moved this amendment because, currently, subsection (2) is around registers of environmental management and enforcement instruments. Subsection (1) requires the board to keep a register with a range of particulars around licence documents and environmental agreements that have been entered into, environmental audits required, emergency authorisations that are issued under sections, financial assurances, environmental improvement programs that have been approved, environmental protection notices that have been issued, and any amendments or revocations of those and any notices in respect of a contaminated site, and amendments or revocations of those notices.

This subsection (1A) requires councils to keep a register with particulars also of environmental protection notices and any amendments or revocations in relation to those.

These matters ought to be in the public domain. Subsection (2), as it stands, allows a person, on payment of a prescribed fee, to be entitled to search a register referred to in subsection (1) or subsection (1A). In other words, it requires an active action for a person to make an application and pay a fee to get those things.

Our amendment requires the information in subsection (1) and (1A) to be published in a form that is accessible to the public - on a website or in some other form which is clearly accessible.

I note that the current practice of the EPA is to make these registers freely available through this map. We are trying here to forestall any changes in the future. We recognise that this material is available now on the EPA through LISTmap. This amendment simply updates the legislation to reflect the current practice, to make sure that moving on, this situation as it currently stands would remain the same.

Mr JAENSCH - As Dr Woodruff has acknowledged, permits, notices, licences and others are freely available right now on the list. A significant amount of this information is

already clearly available. In addition, when you look at what is proposed under this bill, our amendment is to provide the director with the powers to release environmental monitoring information above and beyond that.

I do not consider this amendment is required but with regard to a future, broader review of the act, the Greens would be welcome to raise it again. We do not support the amendment.

Dr WOODRUFF - That goes to show that the minister is being stubborn and is determined not to accept any of our amendments, even the very simple, good ones, which are only putting into legislation the practices that the EPA is already undertaking.

Mr Jaensch - They are already there.

Dr WOODRUFF - We are not there in legislation. Minister, as a legislator, if you do not think it is important to put things in black and white, that raises my eyebrows. We are here to put things in black and white. That is our job.

It is particularly our job to make sure that when we are passing through legislation like this and there is an opportunity to make a sensible change that would underscore the importance you say you have for the public to be able to have confidence in and be involved in understanding what is happening with the operations of the EPA, then why would we not formalise, in legislation, a situation that exists?

If, for some reason, at a later date, a government of the day will decide it was too much work for an EPA, or too inconvenient, too much information was getting out into the public domain, that the government of the day was not comfortable with, they could easily require, through a statement of expectations, a whole range of things for the EPA to take account of.

There is no reason to consider that situation that exists now will continue into perpetuity unless we legislate it to be so. Legislating to make things freely available to the public is exactly the sort of work that this parliament should be doing.

Madam DEPUTY CHAIR - The question is that the new clause D become part of the bill to follow clause 9.

The Committee divided -

AYES 3	**NOES 19**
Ms Johnston (Teller)	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff	Dr Broad
	Ms Butler
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne

Ms Ogilvie
Mr Rockliff
Mr Shelton
Mr Tucker
Ms White
Mr Winter
Mr Wood
Mr Young (Teller)

New clause D negatived.

Clause 10 -
Section 23 amended (Trade secrets)

Dr WOODRUFF - I will read our amendment now. I move -

Page 8, clause 10.

Leave out everything after "amended".

Insert instead the following -

"by:

(a) inserting the following paragraph before paragraph (a) in subsection (4) -

(aa) in a manner, and for a purpose, consistent with this Act; or

(b) by inserting the following subsections after subsection (4) -

(5) This section does not apply in relation to any information that is, under section 23AA(2), published, provided, or made available for viewing by members of the public or a person or body.

(6) No proceedings may be brought against a person for an act or omission, or purported act or omission, under subsection (4), without the leave of the Supreme Court.

(7) The Supreme Court is not to give leave under subsection (6) unless it is satisfied that there is substantial ground for the contention that the person to be proceeded against has acted, or omitted to act, in bad faith."

This amendment is about providing the regulator and public servants the protection they need in order to be able to do their job. The amendment makes two changes to section 23.

It introduces a defence that a person is acting in a manner and for a purpose consistent with the act, and it introduces provisions preventing proceedings from occurring under the section without the leave of the Supreme Court and that the Supreme Court would have to be satisfied there was evidence of conduct that had occurred in bad faith.

Section 23 in the act deals with the disclosure of trade secrets by a person who is administering EMPCA and in our view, it is totally outrageous that the highest penalty that exists under EMPCA applies to a regulator, not to a regulated entity. In other words, the people who are at risk of being penalised are the regulators who are doing their job, not a developer who has caused serious environmental harm or who has wilfully or persistently, repeatedly caused environmental harm or allowed environmental harm to be caused.

The maximum fine that can be imposed by this section, the trade secret section, is 5000 penalty units, which is twice as high as the next highest penalty in EMPCA. We also think it is unbelievable that there is no good faith defence in this section. By and large, legislation provides protections for state servants who are acting in good faith, but there is no defence here in the Environmental Management Pollution Control Act for the EPA staff, for the regulator, in the work they do. In our view, it obviously would provide a chilling effect on regulators and it has to be rectified.

Our good faith provisions are drafted on those contained in section 88 of the Public Interest Disclosures Act 2002. As it currently stands in the act, a public servant who is acting in good faith for the public good - a regulator, a person working within the EPA - can be fined up to $905 000, just short of $1 million, and sentenced to two years' prison for releasing what a company claims is a trade secret.

Let us be very clear: this is about silencing the EPA, making sure that the director of the EPA does not make available to the public - or a member of parliament who writes and asks - information about the monitoring that is being conducted on a particular company, monitoring that is required under an environmental licence by the EPA, to make sure that the company is not doing harm to the environment through their activities.

If a request is made for information and that information is being collected, for example, by the EPA and it is provided, information that is collected by a publicly-funded EPA for the purpose of looking after the environment for Tasmanians and making sure harm does not occur, that information should be in the public domain. That information should be made available to the public. Instead, if that is inconvenient information, such as the example I just read out in a previous amendment - the information about the amount of overstocking that Tassal was producing in Macquarie Harbour, the amount of dissolved nitrogen, the low levels in Macquarie Harbour as a result of the fish farming that was occurring in 2017 and 2018 - that information could have been argued by a company to be a trade secret and they could argue that any inconvenient truth should not be made available to the public and that is a threat to a regulator. They carry that in their mind and that cannot help but have a chilling effect.

By contrast, to make very clear the injustice of the act, a body corporate that causes material environmental harm intentionally or recklessly - even wilful environmental harm failing repeatedly or just singly to take action to prevent harm, even with the full knowledge that their action would cause harm, that body - that person can only be fined half that amount, $425 500, or just $217 000 for an individual.

So here we are in Tasmania. What we are doing is that we are writing into our legislation all the protections that industry wants to make sure their activities are protected from public scrutiny. Meanwhile, the good-hearted, good-faith public servants, are doing the work on our behalf trying to keep the monitoring, the operations, the conditions and the licence requirements, trying to make sure that the information that can be made available ought to be made available to people. If that is an uncomfortable truth, a company could take a court action and a regulator is at risk of a $905 000 fine.

The inclusion that the Government has had of the new subsection (5) in section 23A and the provisions of the new 23AA, are improvements. They are obvious improvements, and they are welcome, but they certainly do not go far enough. There is no doubt about that, which is why we have moved this amendment today.

Mr JAENSCH - I thank Dr Woodruff for explaining the amendment. Taking advice from the department on these proposed amendments that we have received only this evening in this debate, we note that the insertions proposed in number 5 is the same as is in the bill now.

In relation to the following clauses 6 and 7, the advice I have is that the suggested amendment would require the Supreme Court to give leave for any proceedings taken against a person - one moment, I am just going to check this.

I will start that again. The suggested amendment to clause 10 would require the Supreme Court to give leave for any proceedings taken against a person for acts or omissions related to disclosure of information. The Supreme Court would also have to be satisfied that the act substantiated grounds to believe someone has acted in bad faith. These amendments are unnecessary, because any proceedings will require substantial evidence before they are brought.

That is the advice we have received. On the basis of that, we will not be supporting the amendment.

Dr WOODRUFF - Thank you. You missed the point entirely - purposefully, wilfully, I would say. You missed the point, which is that the way that this legislation works is to have a chilling effect on people because of the threat - a very large axe - of an enormous fine, nearly $1 million. The injustice of having people who work in good faith have an incredible axe like that hanging over their head is unbelievable.

The point is, if you have a problem with this amendment that we have moved, what are you going to do about the Public Interest Disclosures Act? We are basing it on our act from 2002. I suggest that you might, with respect, want to think about the fact that you are throwing this amendment under the bus. We based this on the Public Interest Disclosures Act 2002. This is what that act says the Supreme Court will do. It is the same situation.

What we are going to do is protect our regulator and the people who work there from bad faith actions by companies but still provide for the opportunity for companies who have been unfairly dealt with - because there has been, if there were to be, a rogue employee or a bad faith action, of course that should be able to go to the court - but it cannot otherwise be used as a mechanism to threaten and frighten people working at the EPA, to prevent uncomfortable truth coming to light.

If we do not have capacity for full and frank disclosure from the EPA, then we cannot expect companies to be holding themselves to account, because they are essentially not afraid. They have no penalties that they are concerned about, to speak of. The penalties that we have in the legislation are tiny for a company - tiny, relative to those for an employee of the state.

Minister, I am afraid your argument does not make any sense. To me it would say that you really need to have a conversation with the Attorney-General about the problems with our legislation, our Public Interest Disclosures Act, but I do not believe there is anything substantial in the concern that you have raised.

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

The Committee divided -

AYES 3	**NOES 19**
Ms Johnston (Teller)	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff	Dr Broad
	Ms Butler
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms Ogilvie
	Mr Rockliff
	Mr Shelton
	Mr Tucker
	Ms White
	Mr Winter
	Mr Wood
	Mr Young (Teller)

New clause D negatived.

Clause 10 agreed to.

New clause E -

Dr WOODRUFF - I move the following amendment:

Page 8, after clause 10.

Insert the following new clause -

E. Section 23A substituted

Section 23A of the Principal Act is omitted and the following sections substituted -

23A. General environmental duty

(1) A person who is engaging in an activity that may give rise to risks of environmental harm or environmental nuisance must minimise those risks, so far as reasonably practicable.

(2) A person commits an offence if the person contravenes subsection (1) in the course of conducting a business or an undertaking.

Penalty: In the case of a natural person, 2000 penalty units;

In the case of a body corporate, 10 000 penalty units.

(3) An offence under subsection (2) is an indictable offence punishable under the *Criminal Code* or may be tried summarily.

(4) Without limiting subsection (1), a person who is conducting a business or an undertaking contravenes that subsection if the person fails to do any of the following in the course of conducting the business or the undertaking, so far as reasonably practicable -

(a) use and maintain plant, equipment, processes and systems in a manner that minimises risks of environmental harm;

(b) use and maintain systems for identification, assessment and control of risks of environmental harm that may arise in connection with the activity, and for the evaluation of the effectiveness of controls;

(c) use and maintain adequate systems to ensure that if a risk of environmental harm were to eventuate, its harmful effects would be minimised;

(d) ensure that all substances are handled, stored, used or transported in a manner that minimises risks of environmental harm or environmental nuisance;

(e) provide information, instruction, supervision and training to any person engaging in the

activity to enable those persons to comply with the duty under subsection (1).

(5) Without limiting subsection (1), a person who is conducting a business or an undertaking and engaging in an activity that involves the design, manufacture, installation or supply of a substance, plant, equipment or structure, contravenes that subsection if the person fails to do any of the following in the course of conducting the business or the undertaking and engaging in the activity, so far as reasonably practicable -

(a) minimise risks of environmental harm or environmental nuisance arising from the design, manufacture, installation or supply of the substance, plant, equipment or structure when the substance, plant, equipment or structure is used for a purpose for which it was designed, manufactured, installed or supplied;

(b) provide information regarding the purpose of the substance, plant, equipment or structure and any conditions necessary to ensure it can be used in a manner that complies with the duty under subsection (1).

23B. Multiple contraventions of general environmental duty

(1) This section applies to -

(a) a contravention of the general environmental duty; or

(b) a contravention of the general environmental duty for which an officer of a body corporate (including a body corporate representing the Crown) is liable.

(2) Subject to any contrary court order, 2 or more contraventions may be charged as a single offence if the contraventions arise out of the same factual circumstances.

(3) If 2 or more contraventions are charged as a single offence, a single penalty only may be imposed in respect of the contraventions.

23C. Aggravated breach of the general environmental duty

A person commits an offence if -

(a) the person intentionally or recklessly contravenes the general environmental duty; and

(b) the contravention results in, or is likely to result in, material environmental harm or serious environmental harm; and

(c) the person knew or reasonably should have known that the contravention would results in, or be likely to result in, material environmental harm or serious environmental harm.

Penalty: In the case of a natural person, 4000 penalty units or 5 years imprisonment or both;

In the case of a body corporate, 20 000 penalty units.

(2) An offence under subsection (1) is an indictable offence punishable under the *Criminal Code* or may be tried summarily.

This clause we have introduced replaces the current situation where it is not an offence to violate and cause environmental harm to one where there is a general environmental duty that makes it an offence if a violation does occur. It introduces replacement provisions for what is called a general environmental duty. This is based on provisions from the Victorian legislation.

The current provisions in our act are extremely weak and they do not establish an offence for a violation of general environmental duty. Victoria, on the other hand, provides for up to a 10 000 penalty-unit fine for a breach and a 20 000 penalty-unit fine for an aggravated breach. It focuses business, industry and the community on preventing harm. It requires people to undertake reasonably practicable steps to eliminate or otherwise reduce risk of harm to human health and the environment from pollution and waste. Unlike similar laws in other states and territories, a breach of the general environmental duty could lead to criminal or civil penalties.

This general environmental duty we are introducing aligns with the way that many businesses and industries already manage risks. They take steps to identify and manage risks to the environment and human health that are in proportion to their likelihood and consequence before they cause harm. It is a concept familiar to businesses through a well-established model of protection which exists in workplace health and safety laws or occupational health and safety laws, depending on the state. Those laws are centred around a general duty to take reasonably practicable measures to reduce the risk of harm.

We expect the Government to support this amendment because it is bringing us, effectively, into line with the way businesses are operating in regard to managing risk. We

would expect a government to resource the EPA to provide education, support and guidance to organisations and people to help them comply with the general environmental duty.

This is an important shift. It recognises the severity of our failure to provide any penalties in line with the sorts of harm that can occur in the environment. The situation that occurred on the Plenty River with the toxic poisoning of the river by a developer who had a number of warnings - it poisoned over 100 000 fish and killed another business for a period of time. I do not know whether they have recovered or not. It substantially poisoned the potable water source of people down river. We have no capacity to take strong measures against that sort of crime, as it stands, in Tasmania.

There is already a general offence in EMPCA for a person who complies with all the standards. Section 55(1) in EMPCA has a general environmental duty defence. There is already a general offence, but this is dealing with a very large gap at the moment and it would bring us up-to-date with the sort of expectations the community has that there should be severe consequences, penalties and jail times for serious willful and reckless harm.

Time expired.

Mr JAENSCH - Madam Deputy Chair, Dr Woodruff is right in what she said a moment ago. This amendment represents an important shift. Those listening to this, or reading this, may or may not know that there is already provision for general environment duty in the legislation, in the principal act, which commences by saying that a person must take such steps as are practicable, or reasonable to prevent, or minimise environmental harm, or environmental nuisance caused, or likely to be caused by an activity conducted by that person - and it goes on.

The principle is established in the principal legislation. What Dr Woodruff's amendment does though by penalising a breach of the general environment duty directly, would drastically widen the EPA's scope of responsibility and powers. At the moment those responsibilities are limited to level two activities or major projects and a handful of EMPCA offences which focus on significant pollution incidents. An enforceable general environment duty means any person could be penalised, not just for causing pollution incidents, but for failing to take such steps as is practical and reasonable to prevent environmental harm that may be caused. We go from penalising pollution incidents to policing what everyone does on a daily basis in their business operations. This would be a radical shift in the approach and the role of the EPA, with the potential for significant impacts to the EPA's work load and resources, and what is more this has not been subject to any detailed regulatory impact statement, or public consultation.

If the Greens want to propose really important shifts they have to be able to have tested their ideas with the people who will be affected by them and the people who will be required to implement them. As Dr Woodruff is just confirming, because she got in ahead of me, if the Government ever proposed to bring cold into this place, proposals for really important shifts, radical changes to the scope of our powers without consulting anybody, they would bring the wrath of God onto us. Yet again the Greens have taken a bill which is about one thing and come in here and taken the opportunity to propose, what they acknowledge is a radical shift -

Dr Woodruff - I never said that. They are your words.

Mr JAENSCH - Sorry, a 'really important' shift, a significant shift to the role and purpose of the EPA and its resources and the effects it will have on industries without consulting anybody and expecting that we can adopt it here. We cannot accept this amendment for these reasons. If the Greens want a matter like this to be given full consideration they can do that through a submission process when we have a full review of the act.

Dr WOODRUFF - It is a comedy show really. You know, horror, that the Greens would propose something which is in line with Victorian legislation. Horror that we would listen to a community which has been abundantly clear. We have been consulting on this. I have been consulting on this since I was in parliament because that is all I have heard from people. 'We want an independent EPA, we want an EPA with teeth'. We do not have either. They want an EPA with teeth.

That is one of the many reasons, but a large reason, why the federal Liberal government lost the last election. They were not listening to people on this stuff. People want strong environment laws. They want to look after this place. They want a functioning environment for their children and for today. They want an EPA with teeth. This is what teeth look like. This is teeth. It involves 20 000 penalty units.

This is what is needed. These are companies. How much spare change do you think JBS has in its pockets? Let us throw the largest producer of protein on the planet and see how much money they have to pay pathetic little fines - $400 000, the maximum in the other area. There is absolutely nothing here to push back on companies that might decide they will just do the sums. They just do the sums like Tassal did. Tassal refused to take the fish out of the water after being directed to by EPA - refused - because they did the sums on the amount that they would get in a penalty which they never got because that is the problem with our conflicted, politically under-the-thumb EPA -

Mr Jaensch - Careful.

Dr WOODRUFF - We are just saying it the way it is.

Mr Jaensch - No.

Dr WOODRUFF - You heard me when I read into *Hansard* what happened with the EPA's failure to regulate in Macquarie Harbour. We have all seen it so do not tell me that there is an influence operating in the way the EPA is required to do its business by your Government working with industries, in the manner in which you all feel comfortable. It is about enabling growth of business and hang the expenses with the environment - hang the problems.

This is about holding people to account. This is about saying, when you do reckless acts then you should be made to pay for it because it is our environment, it is our public environment. It is not about expecting the EPA to go into people's backyards. What an absolute load of rubbish. You just make this stuff up. Why did you not listen to the amendment I just read in? This is about the EPA's responsibility to look at general environmental harm and to have a crime for people who wilfully, recklessly, harm/pollute the environment. That is what it is and it is about making sure that there would be a fine that would be commensurate with the sort of damage that has been done, that would be large enough, that would seriously prevent a company from considering taking that action.

That happened in the United States. They called JBS to heel in the US. The largest-ever fine in US corporate history was enacted against JBS. It changed their behaviour and, guess what, they moved to Australia. They came to Australia and bought up our pig market, they bought up the beef market and now here they are in Tasmania setting up in our public waterways to farm salmon.

These are the companies that we need to protect ourselves from. It is not the small business operators in Tasmania. By and large there would be no cause for the EPA to have anything to do with those businesses. This gives us the opportunity, when there are bad faith actors, to be able to do something about it. At the moment, the EPA does not have the teeth and, from the amendment bill before us that you have drafted, it will not be independent of political and industry influence either.

Ms O'CONNOR - It will still be a gummy shark.

Madam Chair, I want to remind the minister who expressed irritation earlier that the Greens have a series of amendments, that he as the minister has brought in one piece of legislation, and we have decided to do something else.

I do not know if the minister has not been paying attention, but that is what we do. We show leadership on reform. We come in here as Greens legislators and we show the way. That is what the tens of thousands of people who vote Greens in Tasmania expect us to do.

One day, we will have an EPA with teeth. We will have effective environmental penalties in this state, as we should have now. One day, because of the level of environmental damage that is happening in the world, around the country, and here in Tasmania, we will have ecocide laws as well. There are movements happening internationally to look after this planet better.

The minister is irritated, Madam Deputy Chair. I see him repeatedly look at the clock when a Greens MP is on her feet speaking. I want the minister to understand he is not in here earning $230 000 a year to have an easy time.

Madam DEPUTY CHAIR - The question is that the new clause E be made part of the bill to follow clause 10.

The Committee divided -

AYES 3	**NOES 19**
Ms Johnston (Teller)	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff	Dr Broad
	Ms Butler
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne

Ms Ogilvie
Mr Rockliff
Mr Shelton
Mr Tucker
Ms White
Mr Winter
Mr Wood
Mr Young (Teller)

New clause E negatived.

Clause 11 agreed to.

New clause F -

Dr WOODRUFF - Chair, I move the following amendment -

Page 13, after clause 11.

Insert the following new clause –

F. Section 24 amended (Assessment of permissible level 1 activities)

Section 24 of the Principal Act is amended by inserting after subsection (1) the following subsection –

(1AA) If the director is satisfied that requiring the planning authority to refer an application to the Board under subsection (1) would advance the objectives set out in Schedule 1, the director must require the planning authority to refer the application to the Board under subsection (1).

This section 24 allows for the director of the EPA to refer an application for a permit for a permissible level one activity to the board for assessment. The majority of activities are level one activities.

The amendment requires the director to use this discretionary power, which the director has, if that person is satisfied it would advance the objectives set out in schedule one of the act.

Schedule 1 Part 1 has the objectives of the Resource Management and Planning System of Tasmania. Part 2 is the objectives of the Environmental Management and Pollution Control system established by this act.

The second lot of objectives support the objectives that are set out in Part 1, and they go into a lot more detail about how the objectives of the RMPS in relation to the EMPCA and how it should be interpreted.

What we have at the moment is that, practically, this puts more responsibility on the director, to be consistent and accountable about what goes to the board. It has been a long-

standing concern for us, and for many other people, that many level one activities ought to be referred to the board if they do not enhance or advance the schedule one objectives of the RMPS. Obviously, it would not mean that every level 1 assessment would be assessed by the director in that level of detail and then be referred to the board. No, it does not mean that.

What it would mean, and what people have long called for, is that level one assessments - depending on whether they had the potential to increase or cause environmental harm or not fulfil the RMPS - could go to the board. The director needs to create a set of guidelines. Every Level 1 assessment that comes to a planning authority in Tasmania would not go via the director to the board for an assessment. The director would need to create consistent guidelines about which ones would be referred to the board. It is still discretionary so it would still require the director to make a decision, and the mechanism for the director making that decision would be clear and consistent guidelines about what would and would not go forward to the board. This gives us the opportunity that we need to be able to look at all the activities that are occurring.

The important aspect of this, which is why it has not occurred to date, is that it would open the board up to a public consultation process. It would open it up to the eyes of the community and provide an opportunity, amongst other things, for the public to have a say. This is a really critical issue. When the changes to the Living Marine Resources Management Act came before parliament, there was quite a lot of excitement in the consultation or conversation stage of drafting those laws about fish farms. People felt that if it were to be referred under EMPCA, it would provide for an opportunity for a proper public consultation and engagement process, through a referral to the board. A referral to the board automatically triggers a certain range of public consultation process and engagement and opportunity for submissions, representations and so forth. When it goes to the director, that is not enabled.

What happened was that a special loophole was written into the Living Marine Resources Management Act so that those sorts of developments do not need to go to the board. Even though they are obviously level two-type assessments, they do not go to the board. They only go to the director, to circumvent the requirement for a full public consultation and submission process. That is a fundamental flaw and it is very important that the director must refer, unless there is a set of clear guidelines that would make it obvious to all that something does, or does not, fit into what ought to be a referral, and that is then the discretion of the director to make those guidelines and to make those decisions. It makes it very transparent for everybody and it makes it really clear when the community can be involved or not in a consultation process.

Mr JAENSCH - Madam Deputy Chair, the advice from my department is that the director can already undertake actions of this type. Clearly, the director can already do this, if there are concerns about public health or other matters that relate to the objectives. A planning authority can also refer a level at one activity directly to the board.

The advice I have on this amendment is that it is solving a problem that is already fixed, because the director can already do what you are proposing, under the act as it stands. On that basis, we do not support the amendment.

Dr WOODRUFF - I will explain it a bit more because I do not consider you understand the amendment that we have before us. Yes, what you have just said is true. This amendment does not do that. It does not repeat the situation as it is. It does put the onus on the EPA - it must refer level one activities if doing so would advance the objectives of the resource

management and planning system of Tasmania. Those objectives are very clear, and a level one assessment would, in most situations, need to take account of the objectives of the RMPs. It would always be in the interests of the EPA, if they are doing the job of protecting the environment and minimising harm, to advance the objectives of the RMPs. Therefore, they would require an application to go to the board unless there were consistent and clear guidelines that the director developed to make it clear that the circumstances did not warrant it.

Then, in certain situations, that would be a publicly available document and a document that could be discussed in the development process. What the amendment is trying to do is to make sure that the objectives of the RMPs apply to every level one project, unless there are guidelines for why that would not be the case.

[8.08 p.m.]

Madam DEPUTY CHAIR - The question is that the new clause F be made part of the bill to follow clause 11.

The Committee divided -

AYES 3	**NOES 19**
Ms Johnston (Teller)	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff	Dr Broad
	Ms Butler
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms Ogilvie
	Mr Rockliff
	Mr Shelton
	Mr Tucker
	Ms White
	Mr Winter
	Mr Wood
	Mr Young (Teller)

New clause F negatived.

Clause 12 agreed to.

New clause G -

Dr WOODRUFF - Madam Deputy Chair, I move -

Page 13, after clause 12.

Insert the following new clause -

G. Section 35 amended (Financial assurance to secure compliance with Act)

Section 35 is amended by inserting after subsection (2) the following subsection -

(2A) The Board must require the lodgment of a bond or pecuniary sum if satisfied that a matter contained in subsection (2)(a), (b) or (c) applies.

Section 35 of the act provides the EPA board with the power to require financial assurances to secure compliance with the act by a company or an individual. Our amendment requires that this power be used if imposition of the conditions is justified in view of the degree of risk of environmental harm associated with the activities that might be undertaken by the person or the likelihood of action being required to make good the resulting environmental damage: or if the person has, on one or more occasions, contravened this act in relation to the activity and the requiring of the assurance is justified in view of the nature of the contravention or the nature, number or frequency of the contraventions or any other circumstances prescribed in regulations apply.

I just read from subsection (a), (b) and (c) in the principal act. This is about considering the importance of having something up front with businesses who have a record of having already broken the law or breached a requirement of an environmental licence or, in the view of the EPA, the nature of the contravention or the number of frequency of contraventions is serious and any other matter they consider relevant. This section is about enabling a bond but it does not, as it stands, require that a bond be made.

It is very important that there be something up front for companies who have already shown bad faith in the way they are operating, who have shown that they are prepared to wilfully or recklessly breach conditions of a licence. We should be able to hold them to account in advance. We have had situations in Tasmania where businesses have made an application, started down the path of an activity and created environmental damage, where there was an anticipation from the EPA and an assurance from the company that they would remediate - this has occurred with mining companies - the harm done at the end of the operations but a company that went bust never paid the amount required for proper remediation.

Unless we have the capacity to secure the interests of the state, the public interest that the state is operating on our behalf to look after, we can be in a situation which, in the EPA's view, might be not securing our interest properly if a bond is not required. We have not prescribed it in this amendment but it would make sense for a minister to look at proportionality about a bond in regulations. It is obvious that a small business is quite different from an extremely large mining business and there would be proportionality expected with bonds, just as there is in other matters of law. There might be capacity to have a varying level of bond. That is not appropriate to prescribe in the amendment but I am putting it on the record that it would be something that a minister or EPA, through delegation, could prescribe in regulations. This is just providing security for Tasmanians and for the environment itself, to make sure people who have not acted in good faith will put their money up first, or some money, some demonstration of their capacity to pay, should they yet again contravene or breach the conditions of a licence.

Mr JAENSCH - As I understand it, the amendment that is proposed seeks to replace the clause that says:

> the Board may not require the lodgement of a bond or pecuniary sum, unless satisfied of matters (a), (b) and (c)

And replace it with:

> in cases where (a), (b) and (c) apply, the Board must apply a bond.

Dr Woodruff - It is an addition. It is not removing it.

Mr JAENSCH - I believe the effect of what the Greens are proposing is to reduce the board's discretion as to when it applies the requirement for a bond, or a pecuniary sum.

Currently, in the principal act, the board is not required to require a bond or pecuniary sum, unless it is satisfied that certain conditions have been met, or is not to require a bond unless it is satisfied that certain conditions have been met.

The proposed amendment would require the board to impose a bond every time those conditions are met. Dr Woodruff, in her summing up, said the Greens did not want to prescribe the terms of those bonds, because it is very important that the board has discretion to apply proportionality in these cases and make sure -

Dr Woodruff - I suggested it might be something. It is not very important. I suggested it might be something to consider.

Mr JAENSCH - It is a very important principle, because in the amendment, the amended wording seeks to remove the board's discretion as to whether to apply a bond at all.

The act, as it stands, gives the board the power to impose a bond in cases where certain conditions are satisfied. What is being proposed is that whenever those conditions exist, a bond must be applied, but the Greens do not want to specify how much the bond should be, because they have to give the board latitude to exercise its judgment.

If that principle is the one we go with, the board has that latitude now to set the bond where it is satisfied that those conditions are met, and to set the rate of it. I think what has been proposed limits the board's ability to respond in an appropriate, proportionate manner in response to the circumstances of the case in front of them. On that basis we will not be supporting the proposed amendment.

Dr WOODRUFF - It is late, so I will put it down to the fact that I probably did not explain it very well the first time. I will do a better job the second time.

You are not correct in your interpretation of what we are trying to do, minister. What subsection (2) says at the moment is that the board is not allowed to require a bond unless it is satisfied about a range of conditions. That is all it says. It just says the board may not require the lodgement unless it is satisfied and so, you are not allowed to do it, unless you know that the X, Y, Z things have happened; the X, Y, Z things being that people have, on one or more occasions, contravened the act, that there is an assurance it is justified.

Once the board is satisfied that those things have been done, then our amendment says -

Mr Jaensch - Sorry.

Dr WOODRUFF - Well, that is alright. You did not understand my explanation the first time, and it was probably my fault, so I am trying to make it very clear this time so you can hear it.

The bill as it stands says the board cannot require a bond unless certain conditions are met. Our amendment is saying, once those conditions are met, the board must require a bond. At that point, there is no option. It does not say how much the bond should be, and neither does the act, so we are not changing that at all. What we are saying is yes, because at the moment as it stands, it only gives discretion for the board to require a bond.

Mr Jaensch - And you want to remove that discretion.

Dr WOODRUFF - Exactly. I think your idea that you are trying to mount as some sort of a faux argument, as though the Greens are trying to direct the EPA - what we are trying to do is to make sure that the EPA looks after the environment, and that when people have wilfully and recklessly contravened, they must do something about it.

The problem, as we have seen so far, is because there has been discretion in this area. Companies have not been properly held to account, partly because - well, largely because - of the overarching culture, which is about the statement of expectations and the problems with the lack of influence that the EPA has been struggling under. Not their fault. One made by successive Labor and Liberal governments, but nonetheless, it has affected their capacity to operate strongly, effectively and independently.

In that culture, the EPA has not had a requirement, when a company or person has been shown to flout the conditions of the licence, they have not been enabled to force the company to provide a bond before they go back and have another go. Our point is that this is to fix that. If you have been a bad actor, you do not get to go back and have another go at operating in an area, or undertaking an activity, unless you put up a bond determined by the EPA to make sure you have some financial consequence if you breach again.

Mr Jaensch - I understand what you are proposing.

Dr WOODRUFF - And? What is your reason for not supporting it?

Madam DEPUTY CHAIR - The question is -

Dr WOODRUFF - Hold on, Chair. The minister should give reasons.

Mr Jaensch - I explained it already. I think I understood it the first time.

Dr WOODRUFF - No, you explained that you did not understand the first time.

Mr Winter - He actually did understand the first time. You were completely inconsistent with your second argument. The minister understood it the first time.

Dr WOODRUFF - Thanks for explaining, Mr Winter, on behalf of the minister. The minister did not understand, because it was clear from the comments that he made he did not.

Madam DEPUTY CHAIR - The question is that the new clause G be made part of the bill to follow clause 12.

The Committee divided -

AYES 3	**NOES 19**
Ms Johnston	Ms Archer
Ms O'Connor	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms Ogilvie
	Mr Rockliff
	Mr Shelton
	Mr Tucker
	Ms White
	Mr Winter
	Mr Wood
	Mr Young (Teller)

New clause G negatived.

Clauses 13 and 14 agreed to.

New clause H -

Dr WOODRUFF - I move the following amendment -

Page 14, after clause 14.

Insert the following new clause -

H. Section 42J amended (Grant of licence by Director)

Section 42J is amended by inserting after subsection (1) the following subsections -

(1A) Before granting, or refusing to grant, an environmental licence under subsection (1)(a) or (b) respectively, the

Director must cause an exhibition notice in relation to the application to be published.

(1B) An exhibition notice under subsection (1A) is to -

(a) Be published -

(i) once before, and once within 7 days after, the first day of the exhibition period, in a newspaper that is published, and circulates generally, in Tasmania; and

(ii) on the Authority's website.

(b) Specify the exhibition period in relation to the application; and

(c) Specify an electronic address where the application is available for viewing and downloading by the public; and

(d) Specify another method for accessing and viewing the application, available to the public other than that provided under paragraph (c); and

(e) contain an invitation to all persons and bodies to make to a representation in relation to the application, by submitting the representation to -

(i) an electronic address specified in the notice; or

(ii) by another means other than that provided under subparagraph (i).

(1C) The exhibition period is to be for a period determined by the Director, no shorter than 20 days.

(1D) A person or body may, within the exhibition period in respect of an application, make a representation in respect of that application in a manner described in the exhibition notice in respect of that application.

(1E) Before granting, or refusing to grant, an environmental licence under subsection (1)(a) or (b) respectively, the Director must consider any representations made under subsection (1D).

Chair, this clause we have introduced simply requires that the director undertake public consultation before granting an environmental licence. This is something I assumed the minister would be happy to support because section 42J - the granting of the licence by a

director - says if an application has been made to the director for an environmental licence, and the director has not refused under the section to accept it, the director has to A, grant an environmental licence in relation to the activity, or B, refuse to grant an environmental licence in relation to the activity.

Absent from this is a requirement to have public consultation, and this is really the crunch for a lot of issues that the community have with the way the EPA is functioning. It is the lack of proper engagement from communities and other experts, to considering the issues surrounding the approval or not of an environmental licence for a company or person to conduct activities with potential environmental impact.

A recent example is, as I understand it, the granting by the EPA director to Huon Aquaculture of the capacity to use a dormant lease - people call it a 'zombie lease' - to reactivate it, bring it back to life and to allow fish-farm activity to occur in that lease where it has not occurred for decades. This is without any public consultation about the impacts on the surrounding communities, without any public consultation about the scientific impacts, or any assessment essentially of the impacts on the receiving environment of the vast amounts of nitrogen pollution that will be released into the waters around Garden Island Creek, Garden Island Sands and Randalls Bay as a result of Huon Aquaculture using that area which has been relatively undamaged so far by fish farm activities in the Huon River, as a, kind of an alternative grow-out space for fish that are in Storm Bay if they get too hot during summer.

This is fundamentally about a failure of planning by an industry. It is also about them going back on the word that they made as a company, along with Tassal, about getting out of estuarine waters. This is about using estuarine waters as they always have done, for their convenience and without any public scrutiny about their activities, no capacity for that. This is just one environmental licence, issued out of so many, but there is no capacity for public representation and our amendment provides a mechanism for that to happen.

Mr JAENSCH - The amendment, as I understand it, as was explained just now, requires all licensed decisions made by the director to be subject to a public consultation process. That is the difference that it makes, yes?

This highlights a couple of disconnects in the Greens' arguments about these things. On one hand, they want the EPA to be expert and independent from Government and able to exercise independent judgment. Then, like in the last proposed amendment, they seek to reduce the scope of decisions they can make and force them to make certain decisions, and then also, regardless of their expertise, to go out and have a referendum on matters as well, as if they are not expert to make the calls on these matters.

The other thing which I find hard to reconcile is that the Greens again want every decision of the director or the EPA to be subject to public consultation because that is fair and appropriate but they expect us to adopt significant changes to the operation of this act into law without consultation on them. You may have discussed it with lots of people Dr Woodruff, but a number of the things proposed in your amendments are substantial changes that would have big impacts on the costs, the workload and the complexity of the work of the EPA on one hand, and which would have impacts on the regulatory environment from the proponents' end as well which we are bound to ensure they have seen and they see coming.

You apply this principle, doggedly, when you are proposing that everything needs to be consulted, but you expect that we can adopt those sorts of proposals in legislation when they have come in cold into the debate of this. You have only tabled these amendments today and expect that we can adopt them. We cannot and we will not because we are not going to spring these changes unannounced on the world. We want them to be fully understood from a regulatory impact statement. We want to fully understand the financial, logistical and legal implications of any of these changes and we want to ensure that everyone could see them coming before we tabled them here for a debate.

This is not seeking to modify a small element of something which is in this bill. It is a new amendment and a change to the principal act. We cannot support it in this debate here today, thank you.

Dr WOODRUFF - You must have been living under a rock because this is not something that we cooked up in the last couple of days. This is something that has been discussed in the public domain. Submissions have been made from the EDO and from other community groups that I have read. For five years this has been in the public domain and widely discussed as a matter of concern. We did not just make it up yesterday.

By the way, minister, what incredible arrogance to think that just because you are in Government, you are the only legislator in this place who is able to bring forward amendments on bills. Are you really saying that when you are in Opposition you will never bring forward amendments to legislation unless you have sat down and had a cup of tea with the Government and made sure they are comfortable with what you are introducing? Made sure that they have had time to do it? Have you not ever heard of providing amendments?

When we can, we always provide our amendments early but this is not new information unless you have been determinedly not listening to the community - a wide array of people in the community - for years now. This is old stuff that has been circulating, submission after submission, on bills, on draft salmon plans, at the fish farm inquiry. It is all there in the public domain. It is all written down. It is in *Hansard*, it is the upper House inquiry, it is in your department's archives from previous legislation, previous exposure drafts of bills. This is old.

You are the last one coming to the table. You are the last one coming up to speed with what the community expects from their EPA. They expect to have a functioning independent EPA with teeth. They expect to be asked about issues to do with environmental damage when they are being undertaken by a business activity that may cause damage. They want to have laws that protect the environment. That is what we are trying to do. We are speaking for the vast majority of Tasmanians who want a functioning, biodiverse environment for the future. We do not have it now and it is wittering away under your pathetic effort to strengthen the EPA. You are recreating the same problems that we have had since the EPA was basically taken down five pegs or 20, starting with the 2008 removal of protecting the environment as a core function of the board.

Please do not tell me that we have made these up on the spur of the moment and please do not pretend that you are the only person who can make amendments to bills. That is what we do in the Committee process. These are good faith amendments and we are listening to people in the community who have been trying to get you to hear these issues for years now. The fact that your government - if not you as minister, previous ministers - have refused to listen, is not really our fault, it is your fault and is something that you will continue to suffer

from in the eyes of the community. You can call this an 'independent EPA with teeth' as much as you like, but it is not going to wash.

Mr CHAIR - The question is that the new clause H be made part of the bill to follow clause 14.

The Committee divided -

AYES 3	**NOES 19**
Ms Johnston (Teller)	Mrs Alexander
Ms O'Connor	Ms Archer
Dr Woodruff	Mr Barnett
	Dr Broad
	Ms Butler
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne
	Ms Ogilvie
	Mr Rockliff
	Mr Shelton
	Ms White
	Mr Winter
	Mr Wood
	Mr Young (Teller)

New clause H negatived.

New clause I -

Dr WOODRUFF - I move the following amendment -

Page 14, after clause 14.

Insert the following new clause -

I. Section 42K amended (Grant of licence by Board)

(3) As soon as practicable after the Board has completed under section 25, 25A or 27AA(3) an assessment in relation to an EL activity, and the exhibition period under subsection (3C) in respect of the relevant application has concluded, the Board must -

(a) grant an environmental licence in relation to the activity; or

(b) refuse to grant an environmental licence in relation to the activity.

(3A) Before granting, or refusing to grant, an environmental licence under subsection (3)(a) or (b) respectively, the Board must cause an exhibition notice in relation to the relevant application to be published.

(3B) An exhibition notice under subsection (3A) is to -

(a) be published -

(i) once before, and once within 7 days after, the first day of the exhibition period, in a newspaper that is published, and circulates generally, in Tasmania; and

(ii) on the Authority's website.

(b) specify the exhibition period in relation to the relevant application; and

(c) specify an electronic address where the relevant application is available for viewing and downloading by the public; and

(d) specify another method for accessing and viewing the relevant application, available to the public other than that provided under paragraph (c); and

(e) contain an invitation to all persons and bodies to make to a representation in relation to the relevant application, by submitting the representation to -

(i) an electronic address specified in the notice; or

(ii) by another means other than that provided under subparagraph (i).

(3C) The exhibition period is respect of a relevant application is to be for a period determined by the Board, no shorter than 20 days.

(3D) A person or body may, within the exhibition period in respect of a relevant application, make a representation in respect of the relevant application in a manner described in the exhibition notice in respect of the relevant application.

(3E) Before granting, or refusing to grant, an environmental licence under subsection (3)(a) or (b) respectively, the Board must consider any representations made under subsection (3D).

Minister, this is a similar amendment to the one that was the previous amendment we moved. It requires the board to undertake public consultation before granting environmental licence activities. I believe that an environmental licence activity relates to finfish farming but specifically in relation to environmental licence activities. This is an important amendment because public consultation around the decisions by the EPA board is extremely important because of the nature of the activities that come before the board's decision-making. The fact that there is capacity for the EPA board to make a decision on environmental licence activity without this requirement for public consultation is very concerning. That is what the amendment seeks to remedy.

Mr JAENSCH - The advice I have, Dr Woodruff, is that clause I, as proposed, is not needed as the clause refers to releasing an application. However, the EPA board must already publicly release any assessment request and all the associated environmental impact statement material, under sections 25 of the act and section 27G that details periods for advertising.

As written, the amendment would require the board to conduct the process twice, which would be duplication. Look to sections 25 and 27, where I am advised that those assessments undertaken by the board have a requirement for a public exhibition period in the principal act as it stands.

Dr WOODRUFF - This is about the granting of an environmental licence in relation to an activity. Your advice is that this is at the end stage of the process after the board has received all the material from a public consultation phase around that. Is that right?

Mr JAENSCH - Sorry for the delay. The advice I have received is that the information that the board uses to make the assessment is made publicly available, and then the board makes its assessment, and then the product of that - the licence, the decision - is publicly available.

The interpretation and the advice I have, interpreting your proposed amendment, is that you would be duplicating those requirements, and that they exist in other sections of the act to do the job that you are seeking to do with your amendment. On that basis, we do not support the amendment.

Dr WOODRUFF - Thank you. What I heard you say was that section 25A, and 27AA, or some of those, do involve public notification in those sections around the environment but does that mean a formal public consultation process is prescribed? Can you confirm that it is prescribed, or is it possible?

Mr Jaensch - I am advised that yes, it is prescribed. It is the same as the land use planning process. That information is out for the public to see.

Dr WOODRUFF - So, any level two activity that the board sees has already been through a mandated public consultation process in one of those sections that you referred to, before it gets to this stage?

Mr Jaensch - Correct.

Dr WOODRUFF - Okay. On that basis, I am happy to withdraw that amendment, if that is possible.

Mr CHAIR - You need to seek leave to withdraw the amendment.

Dr WOODRUFF - Mr Chair, I seek leave to withdraw this amendment.

Amendment, by leave, withdrawn.

Clauses 15 and 16 agreed to.

New clause J -

Dr WOODRUFF - This is new clause J, after clause 16. Is that where we are up to?

Mr CHAIR - Correct.

Dr WOODRUFF - I move the following amendment -

Page 15, after clause 16.

Insert the following new clause -

J. Section 48 amended (Civil enforcement proceedings)

Section 48 is amended by -

(a) inserting after paragraph (f) of subsection (5) the following paragraphs -

(fa) require the payment of a monetary benefit order under section 48A;

(fb) issue an adverse publicity order under section 48B;

(fc) require the respondent to undertake an environmental audit;

(b) inserting after subsection (9) the following subsection –

(9A) Where the Appeal Tribunal makes an order under subsection (5)(fc), section 30 applies -

(a) with the exception of subsection (5); and

(c) as if a reference to the Board were a reference to the Appeal Tribunal.

Minister, this amends the civil enforcement proceedings provision to allow a tribunal to make monetary benefit order, an adverse publicity order, or to require an environmental audit be undertaken. It simply strengthens the civil enforcement proceedings that are in the underlying act, and provides more capacity for a civil appeals tribunal to require payment of

monetary benefit and issue an adverse publicity order. It strengthens the capacity of the appeals tribunal to be able to issue enforcements and make them rigorous.

Mr JAENSCH - We note that the proposed amendments to section 48 add significant additional requirements to civil enforcement proceedings, including payment of monetary benefits, adverse publicity orders and environmental audits. These would require significant further consultation with business and the community before being introduced into legislation, and should not be taken on without doing so in a planned manner.

I note the Greens are entitled to bring these and other suggested amendments forward. My suggestion for them would be that the full review of the act provides the scope to do that at a point in the future. We do not support the amendments as part of this bill.

Dr WOODRUFF - That is unfortunate because subsection (f) in the civil enforcement proceedings of section 48 allows the tribunal to do any of the following, including require the payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred to a person who has suffered injury, loss or damage to property, as a result of a contravention of this or any other act, including costs and expenses incurred in taking action to prevent or mitigate such injury, loss or damage.

What we have added is to insert that if the appeal tribunal chooses to do that - that is, at the discretion of the appeal tribunal - there would be the payment of a monetary benefit order, and there would be an issuing of an adverse publicity order. These are discretionary. This is not directing the Civil Appeals Tribunal to do this. This is adding three more options that they may do. Currently they may do a whole list of things and this is adding other things to that list. It is not prescribing it. It is merely making the possibility available for the appeals tribunal to have a monetary benefit order and an adverse publicity order, and also the requirement that an environmental audit be undertaken. These are all manifestly good things.

If a company has acted and been found guilty of a wilful breach, then the appeals tribunal may or may not decide that an adverse publicity order is required or would be in the interests of the public. If there is a person or a company that have been repeatedly flouting the law, then why should not other businesses in competition with that company understand the actions that are being undertaken. Why should that not be public? That is just one example. There are many other examples where the appeals tribunal might decide that it is appropriate for that to happen and might decide that a monetary benefit is required for the pain, effort, injury, damage, and harm that has been caused.

These are not prescribing. These are adding to the list of things that the tribunal can do to make Tasmania a better place in terms of environmental protection.

Mr CHAIR - The question is that the new clause J be made part of the bill to follow clause 16.

The Committee divided -

AYES 3	**NOES 20**
Ms Johnston (Teller)	Mrs Alexander
Ms O'Connor	Ms Archer

Dr Woodruff	Mr Barnett Dr Broad Ms Butler Ms Dow Mr Ellis Mr Ferguson Ms Finlay Ms Haddad Mr Jaensch Mr O'Byrne Ms O'Byrne Ms Ogilvie Mr Rockliff Mr Shelton Ms White Mr Winter Mr Wood Mr Young (Teller)

New clause J negatived.

New clause K -

Dr WOODRUFF - Chair, I move the following amendment -

Page 15, after clause 16.

Insert the following new clause -

K. Section 48A substituted

Section 48A is repealed and the following sections are substituted -

48A. Monetary benefit orders

(1) The Appeal Tribunal may order the person to pay an amount not exceeding the amount that the Appeal Tribunal is satisfied, on the balance of probabilities, represents the amount of any monetary benefits acquired by the person, or accrued or accruing to the person, as a result of the commission of the offence or contravention in relation to which the order is made.

(2) When determining an amount that the person must pay under an order under subsection (1), the Appeal Tribunal may take into account -

(a) the person's financial circumstances; and

(b) any amount submitted to the Appeal Tribunal by the Authority under subsection (3).

(3) The Authority may submit to the Court the amount the Appeal Tribunal considers to be a reasonable estimate of the amount of monetary benefits acquired by the person, or accrued or accruing to the person, as a result of the commission of the offence or contravention in relation to which the order under subsection (1) is sought, as determined in accordance with -

(a) a prescribed guideline, method or protocol; or

(b) any other method the Authority considers appropriate.

(4) For the purposes of subsection (1), the Appeal Tribunal may assume that an amount represents the amount of any monetary benefits acquired by a person, or accrued or accruing to the person, as a result of the commission of an offence or contravention if -

(a) the Authority submits that amount to the Appeal Tribunal under subsection (3); and

(b) the Authority determined that amount in accordance with a prescribed guideline, method or protocol.

(5) Nothing in this section or an order made under subsection (1) limits or otherwise affects the operation of Part 2 of the Crime (Confiscation of Profits) Act 1993.

(6) Any amount received as the payment of an order made under subsection (1) must be paid into the Public Account.

(7) In this section -

monetary benefits means monetary, financial or economic benefits and includes any monetary, financial or economic benefit the person acquires or accrues by avoiding or delaying the person's compliance with the provision, condition or duty to which the person's offence or contravention relates.

48B. Adverse publicity orders

The Appeal Tribunal may order the person to do one or more of the following -

(a) take any specified action that the Appeal Tribunal considers reasonably necessary to publicise -

(i) the person's offence or contravention; or

(ii) any impacts on human health or the environment or other consequences arising or resulting from the offence or contravention; and

(iii) any penalties imposed, or other orders made, as a result of the commission of the offence or contravention; and

(iv) any additional information the Appeal Tribunal considers appropriate;

(b) take any specified action that the Appeal Tribunal considers reasonably necessary to notify a specified person or class of person of the matters listed in paragraph (a).

Chair, this reinstates the order of the Westminster system of democracy that we are working under. This repeals the current section 48A, which enables the minister to revoke an order of an appeals tribunal. It fundamentally breaches the separation of powers. If an appeals tribunal makes an order that a minister does not agree with, the minister, through the gazette, may revoke the order of the appeals tribunal. This is hugely problematic.

These provisions were introduced in Victoria by the Labor government within the Environment Protection Act 2017 to deal with this flagrant, wholly inappropriate exercise of the government's powers in the decision of a court of law. We do not support it. It is an abuse by the government of the day of the independence of the courts. Not only that - it provides even more opportunity for potential influence of ministers of the day, potential corruption of ministers, or the government of the day to put pressure on the minister to overturn, to revoke an order of the appeals tribunal. That is not on. We hope that the Government supports this particular amendment.

Mr JAENSCH - Thank you, Dr Woodruff, for reading in that lengthy amendment. As I understand it, the proposed clause K provides further detail regarding suggested discretionary powers, under clause J, that we discussed as the last amendment. In accordance with that, we note that the proposed amendments to section 48 add significant, additional requirements to civil enforcement proceedings, including the payment of monetary benefits, adverse publicity orders and environmental audits. These matters would require further consultation with

business and the community before being considered in legislation and should not be taken on without doing so in a planned manner. These amendments would be more appropriately considered in the review of the full act. We do not support the amendment.

Dr WOODRUFF - You are just going to completely sidestep the issue of ministerial interference in a court decision because it is too uncomfortable for you?

Mr Jaensch - No, I said what I said.

Dr WOODRUFF - You did not address that at all. It has nothing to do with the previous -

Mr Jaensch - It does. It is the same clause. It is the same part of the act.

Dr WOODRUFF - It was very kind of your staff to provide you some coat hanger to hang an argument on that makes no sense but, basically, it has nothing to do with the previous clause we looked at. That was about adding something to a list of things that the administrative tribunal could consider, at their discretion, enforcing. This is completely different. Now we are out the other side and the CAT has made its decision. They have come up with the decision, and guess what? The company does not like it. They are getting a huge slap around. They might be required to pay a lot of money, or maybe they are not allowed to do what they want to do. They might have just liked to do what they feel like doing and the CAT has reined them in or it has required an audit process, or it has required a whole bunch of other things to deal with the harm they have found the company has caused the environment. That is why they are in the CAT in the first place. There might be a penalty.

Meanwhile, what this does is say: 'No, that is okay, we will deal with it. We will just write something in the gazette and we will override the decision of the court'. Not only that. This gives the minister the retrospective capacity to do so.

I would like you to address this issue, minister. This is not the same as the previous amendment. This is completely different. This is about the government of the day coming in on behalf of the company and doing its bidding and stepping over the top of a decision of an administrative appeals tribunal, just completely disregarding it and revoking it. It is disgusting that it is in this bill in the first place. It is appalling that you do not want to remove it now when you have the choice.

Mr CHAIR - The question is that the new clause K be made part of the bill to follow clause 16.

The Committee divided -

AYES 3	**NOES 20**
Ms Johnston (Teller)	Mrs Alexander
Ms O'Connor	Ms Archer
Dr Woodruff	Mr Barnett
	Dr Broad
	Ms Butler
	Ms Dow

Mr Ellis
Mr Ferguson
Ms Finlay
Ms Haddad
Mr Jaensch
Mr O'Byrne (Teller)
Ms O'Byrne
Ms Ogilvie
Mr Rockliff
Mr Shelton
Ms White
Mr Winter
Mr Wood
Mr Young

New clause K negatived.

Clauses 17 and 18 agreed to.

New clause L -

Dr WOODRUFF - Chair, I move the following amendment -

Page 39, after clause 18.

Insert the following new clause -

L. Schedule 1 amended (Objectives)

Clause 3 of Schedule 1 to the Principal Act is amended by inserting the following paragraph after paragraph (j):

(ja) to uphold the rights set out in the United Nations Declaration on the Rights of Indigenous Peoples; and

This would add to Part 2 of Schedule 1. Part 1 is the objectives of the Resource Management and Planning System of Tasmania. Part 2 is the objectives of the Environmental Management and Pollution Control System established by this act.

What part 3 says is that the objectives of the Environmental Management and Pollution Control System established by this act are in support of the objectives set out in part 1 of this schedule, and they include a whole range of things.

We are proposing to include upholding the rights set out in UN Declaration on the Rights of Indigenous Peoples, and this reflects a recommendation from the Environmental Defenders Office.

Their recommendation is based on the approach that is now being taken by jurisdictions around the world to consider the importance of environmental justice and the importance of the rights of Indigenous peoples within the context of decisions that impact on the

environment - recognising that Indigenous peoples, the First Nations people, have an important relationship with the environment by virtue of their custodianship of the land and sea.

This recognises the importance of privileging that special connection and responsibility and history and knowledge, through adopting the UN Declaration on the Rights of Indigenous Peoples.

Mr JAENSCH - Thank you, Chair. The objectives of the Environmental Management and Pollution Control System that underpin this whole act are significant in their nature. It is the obligation of any person on whom a function is imposed, or a power is conferred under the act, to perform the function or exercise the power in such a manner as to further the objectives as set out in Schedule 1.

Reviewing and changing those objects that underpin this whole system is a significant move. We believe this would be most appropriately undertaken in a fulsome review of the act as a whole.

Ms O'Connor - Just so you know, fulsome means insincere.

Mr JAENSCH - Well, pick another word.

Ms O'Connor - Well, just thorough. Even thorough. You use fulsome all the time.

Mr JAENSCH - If we are going to set up the objectives of the entire act, the objectives need to be contemporary. They need to be up-to-date and meet community expectations, but they also have to be a team. Those objectives need to complement each other and work as a set of objectives that, between them, cover the community's expectations and the priorities for the purpose of the legislation.

I do not support adding one piecemeal at the end of a long list of amendments, when the bill we have brought sets out to do three very discrete and simple jobs that are needed right now to complete the legal separation of the Environment Protection Authority, or EPA, from the Department of Natural Resources and Environment Tasmania, and provide clarity and certainty regarding the independent role of the director.

The second, to provide the director of the EPA with powers to release environmental monitoring information, to improve transparency and allow public scrutiny of important information about the environmental effects of industries operating in Tasmania's environment.

Third, to allow the creation of a new statutory instrument, the environmental standard, which can be used to set out the environmental management requirements for environmentally significant industries and pollutants.

Those are the three tasks that this bill aims to achieve. It does not claim to be a refresh of the whole act, or to modernise it, or to be a comprehensive rethink of the fundamental foundations that it is built on; the objectives of the act. Those are matters that warrant our attention in the future. We have undertaken to do that and we will lay out a process for that.

I thank the Environmental Defenders Office and others who have fed into the material that the Greens have brought here in the form of amendments and questions today. They can

be, and will be, valuable parts of the conversation when we look at rebuilding this whole act to serve its purpose for coming generations or decades.

Dr Woodruff - When are you going to do that? Next year?

Mr JAENSCH - I do not have a time frame for you on that, but we have given you an undertaking.

Ms O'Connor - You might never be a minister again. No *carpe diem* for you.

Mr JAENSCH - You can tell your friends. The purpose of this bill was to come in here to do three specific jobs. A number of the matters that have been raised are important areas for discussion but do not, I believe, fit in the scope of the work here, and would rightly involve a longer conversation with the community so we can allow more people to see the consequences for them of the changes that have been proposed.

On that basis we do not support the latest amendment, although I do understand where its coming from and I am not hostile to the intent, but in terms of doing this well and making sure that our objectives are all up to that date, that and other matters can be considered as part of a refreshed EMPCA legislation. I prefer to deal with them through another process, and we do not support the amendment in front of us right now.

Dr WOODRUFF - Dear dear, also Minister for Aboriginal Affairs; dear dear; minister, who ought to be looking at these issues. Shame on you for not having brought this to the table yourself. None of us buy this spin that you are going to do a comprehensive review of the act. When? You have not made any commitments and you have made absolutely no promises that you will be doing it in this term of Government. Just push everything off.

The fact of the matter is that these things have been on the table for a really long time. You had three aims when you brought this legislation in, and you failed on the first one. You will not be getting a tick of approval from community groups who understand that what we need desperately is an independent EPA that is free of the influence of politicians and free of the influence of industry to get what they want when they want it. This is not going to do that, and we have pointed it out throughout the debate.

We have tried to amend the bill to make it stronger. It could have been a fantastic bill, but it is not. It has inched us along the way when we have needed to take enormous leaps because we are so far behind other states in Australia. We are so far behind most other countries which is why, unfortunately, we are such an attractive place to do business for massive international corporations who get quite excited about coming here. We have heard it said by people. I will not verbal them, but it was mentioned in a meeting I had, that Tasmania was a great place to do business because things are much easier to get off the ground here than they were anywhere else in Australia, or overseas and that, Mr Winter, is not a good thing from the point of view of protecting the environment. While I am speaking about Labor, where has the Leader of Opposition been throughout this bill? Absolute utter silence.

Ms O'Connor - She has been on the phone.

Mr Winter - She has been right there.

Dr WOODRUFF - She has been silent. She has done nothing except sit on her phone all night, or her computer, not contributing to the debate at all.

Mr Winter - Where was the leader of the Greens?

Dr WOODRUFF - There was no spokesperson from Labor.

Ms O'Connor - I am not carrying this bill. Ms White is carrying this bill.

Members interjecting.

Mr CHAIR - Order, order.

Dr WOODRUFF - There is no spokesperson from Labor on this bill. Labor does not have a position on this bill.

Ms White - Through you, Chair, I was the second speaker on the bill.

Members interjecting.

Mr CHAIR - Order, order.

Dr WOODRUFF - I look forward to hearing the Leader of the Opposition's contribution on this amendment, for example, because the Leader of the Opposition has been absolutely silent on the majority of the amendments that we have proposed, does not even care to give a position on matters like public consultation, on matters like how to make the EPA properly independent, too keen to sit on the fence and try to do all things for all people.

We are never going to get anything from the Labor Party when it comes to having a strong independent EPA. They were the government under Brian Green that crippled the marine farming review panel, that set it up to be a pathetic corrupted process that it is today. The Labor Party and the Liberal Party together are hand in hand, so what a surprise there has been absolute silence from Rebecca White, Leader of the Opposition throughout this bill. Even on this last amendment I would like to hear from the Labor Party why they are not going to be supporting this amendment, along with the Government.

Why would you not want to add a declaration on the United Nations Declaration on the Rights of Indigenous Peoples into the list of our RMPS? Why would you not want to do that? Please provide Tasmanians with a reason. The minister has; it was a pathetic one, but at least you did do that. For the Minister for Aboriginal Affairs to not support this because you will put it off to a time of no mention in the future, is pretty low, especially as we have had complete silence from the Government for the last six months about treaty and truth telling. Absolute silence. What is happening for Aboriginal people in Tasmania when it comes to treaty? What is going on?

Dr Broad - What is the relevance to this clause?

Ms O'Connor - You have not been paying attention, Dr Broad, the great scientist.

Mr CHAIR - Order.

Dr WOODRUFF - People understand that you have failed in this bill to provide an independent EPA, that the Tasmanians have been calling for for years. You have promised it three times. When you have actually got it to the table with a piece of legislation, you still fail to deliver it. It is obvious that you want to continue enabling the interests of business rather than facilitating the protection of the environment. You also failed on your second part of the bill which was to allow and increase public scrutiny. You voted against the amendment that we proposed to increase public scrutiny. You have not done that.

It is a double fail, and it is going to be a worse day for environment. It is going to make communities more outraged. It is going to entrench a divided community. It is clear that you want to have something that you can put out for spin about an 'independent EPA' ahead of the 10-year Salmon Plan, and the new zones that will be opened up around Tasmania. We know you have got plans to double the industry because you have been very clear about it.

Dr Broad - Why not?

Dr WOODRUFF - The question is where is it going to go? Why not, Dr Broad? Because it is unsustainable in the way that it is functioning at the moment. That is why not. That is exactly why not, as we see it.

Ms O'Connor - I know you do not get down the D'Entrecasteux Channel much Ms Finlay, but talk to some of the Aboriginal people down there.

Mr CHAIR - Ms O'Connor, order.

Dr WOODRUFF - This bill is nowhere near what it should have been. It is nowhere near what you promised last year. It was always clear that you were going to persist with the statement of expectations because it is the way that you can direct the EPA to do what you want, when you want it, and keep big businesses happy.

Mr CHAIR - The question is that the new clause L be made part of the bill to follow clause 18 -

The Committee divided -

AYES 3	**NOES 20**
Ms Johnston (Teller)	Mrs Alexander
Ms O'Connor	Ms Archer
Dr Woodruff	Mr Barnett
	Dr Broad
	Ms Butler
	Ms Dow
	Mr Ellis
	Mr Ferguson
	Ms Finlay
	Ms Haddad
	Mr Jaensch
	Mr O'Byrne (Teller)
	Ms O'Byrne

Ms Ogilvie
Mr Rockliff
Mr Shelton
Ms White
Mr Winter
Mr Wood
Mr Young

New clause L negatived.

Mr JAENSCH - I take this opportunity to thank some of the long-serving, hard-working people who have helped to bring this bill together. I thank from the department Carolyn Ferrier, Phil Roberts, Jo Crisp, Rebecca Pinto and Claire Lond-Caulk. I thank also Alice Clayton from my office and Anthony Reid for their assistance and support bringing this together and bringing me up to speed with it, and for their assistance through the debate today. Thank you to all of those people and everyone who has supported and helped them.

Clause 19 agreed to.

Title as read agreed to.

Bill reported without amendment.

Bill read the third time.

ADJOURNMENT

Mr FERGUSON (Bass - Deputy Premier) - Mr Speaker, I move -

That the House now stands adjourned.

The House adjourned at 9.54 p.m.