



**PARLIAMENT OF TASMANIA**

**LEGISLATIVE COUNCIL**

**REPORT OF DEBATES**

**Thursday 1 July 2021**

**REVISED EDITION**



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**Thursday 1 July 2021**

The Deputy President, Ms Forrest, took the Chair at 11.00 a.m., acknowledged the Traditional People and read Prayers.

## **QUESTIONS ON NOTICE**

### **1. RESPECTFUL RELATIONSHIPS EDUCATION**

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Madam Deputy President, I have an answer to Question No. 1 on the Notice Paper for the member for Murchison:

(1) Which public schools throughout Tasmania have delivered RRE?

#### **Answer**

All government schools are required to deliver the Australian Curriculum from prep to grade 10 and embed Respectful Relationships Education into learning, using the RRE framework and resource package developed by the Department of Education. The mode of delivery will vary according to each school's individual context.

(2) How often is this RRE provided in each school?

#### **Answer**

There is no single model for delivering RRE across the schools. Individual schools make decisions about the mode of delivery suitable to their local context.

(3) What is the scope of the RRE program in each school including:

- (a) the number of hours it takes to be delivered;
- (b) the period of time over which it is delivered; and
- (c) whether there are refresher seminars as part of the program?

#### **Answer**

School teachers and teaching staff work with their school communities to embed RRE into their school program. A whole-school approach is recommended and the mode and timing of delivery will vary from school to school and across age levels.

A framework and resource package designed to support school leaders and teachers has been developed for use by schools. It incorporates teaching and learning sequences, strategies, and processes to guide schools and communities in the explicit teaching of RRE. The resource package is online and publicly available through the Department of Education's website.

School leaders and teaching staff are also supported through online professional learning. It is available to all staff to access at any time and as often as required.

- (4)(a) Who has delivered the RRE in each school; and in each school; and
- (b) in each case:
- (i) do the trainers have a specialist knowledge in gender-based violence;
  - (ii) is there a cost associated with its delivery;
  - (iii) are there wraparound supports for students who may have experienced abuse; and
  - (iv) what are the referral pathways available to support young people?

**Answer**

School leaders and teachers deliver RRE in schools. Support to schools and teachers is provided by the Respectful Schools Support team and the Student Wellbeing team.

The statewide Respectful Schools Support team works with schools to build whole-school inclusive communities and school-wide positive behaviour support systems. The Student Wellbeing team provides support to students enrolled in government education settings, for whom there are safety and wellbeing concerns.

School support professionals, including school psychologists and social workers, also provide support to students who may have experienced abuse. Referral pathways are managed through school leadership and Learning Services as appropriate.

Department of Education funds Working it Out Inc, Bravehearts and Sexual Assault Support Service (SASS) to provide training and resources around safety, protective behaviours, and gender-based violence. There is no cost to schools for participation in these programs.

- (5)(a) Has a consistent curriculum been delivered in each primary school; and
- (b) if not, why has different curriculum content been delivered?

**Answer**

Government primary schools are required to deliver the Australian Curriculum from prep to grade 6, and to embed RRE within its school program. The curriculum content is consistent and defined through the Australian Curriculum expectations and the RRE framework and resource package. The mode of delivery will vary according to each school's individual context.

- (6)(a) Has a consistent curriculum been delivered in each high school; and

- (b) if not, why has different curriculum content been delivered?

**Answer**

Government high schools are required to deliver the Australian Curriculum from year 7 to year 10 and to embed RRE within its school program. The curriculum content is consistent and defined through Australian Curriculum expectations and the RRE framework and resource package. The mode of delivery will vary according to each school's individual context.

- (7)(a) Have any schools run the Respectful Relationship course provided by the Sexual Assault Support Services (SASS); and

- (b) if so,

- (i) which schools; and  
(ii) is there a cost associated with this program?

**Answer**

Department of Education has funded Sexual Assault Support Service (SASS) to deliver its primary intervention program in Government secondary schools and colleges since 2016.

In 2020-21 the program is being delivered at:

- Bayview Secondary College, years 7 to 10,
- Campania District School, years 7 to 10,
- Tasman District School, years 7 to 10,
- Jordan River Learning Federation, years 7 to 12.

From 2016-17 to 2019-20 the program was delivered at:

- Bayview Secondary College, years 7 to 10,
- Rose Bay High School, years 7 to 10,
- Huonville High School, years 7 to 12,
- Hobart College, years 11 to 12,
- Mountain Heights School, years 7 to 10,
- Triabunna District High School, years 7 to 10,
- Montrose Bay High School, years 7 to 10,
- New Norfolk High School, years 7 to 10,
- Smithton High School, years 7 to 12,
- Dover District School, years 7 to 10,
- Sorell School, years 6 to 10,
- Clarence High School, years 7 to 12,
- Campbell Town District High School, years 7 to 10.

There is no cost to schools to participate in the program.

- (8) How is the outcome of the RRE courses/programs being measured?

**Answer**

The Department of Education monitors implementation of Respectful Relationships Education across all government schools using a range of measures, including staff attendance at professional learning, data from the annual Student Wellbeing Survey, and measuring access to the RRE website and online professional learning modules.

- (9) If evaluation and measurement of outcomes has not been undertaken when will this be commenced?

**Answer**

DoE will continue to evaluate and measure outcomes using the methods outlined in the answer to question (8).

- (10)(a) Has there been any shift in problematic attitudinal beliefs and/or behaviours of students; and
- (b) if so, how has this been demonstrated and measured?

**Answer**

Student Wellbeing Survey data from 2019 to 2020 was stable across the School Climate, Bullying and Safe at Home domains. The data showed that:

- 86 per cent of students feel safe at school most of the time;
- 76 per cent of students felt that teachers and students care about each other and treat each other with respect.

Data for suspension in government schools indicates that there has been a noteworthy decrease in suspension for bullying and physical harassment of another student from 2017 to 2020.

- (11) How many of these RRE courses are currently being run in Tasmania's public schools?

**Answer**

All government schools are required to deliver the Australian Curriculum and to embed RRE within scope of its school program. Given this, DoE does not maintain a specific count on the number of schools delivering RRE.



## **LEAVE OF ABSENCE**

### **Member for Derwent - Mr Farrell**

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - (by leave) Madam Deputy President, I move -

That the honourable the President be granted leave of absence from the service of the Council for this day's sitting.

**Motion agreed to.**

## **TREASURY MISCELLANEOUS (COST OF LIVING AND AFFORDABLE HOUSING SUPPORT) BILL 2021 (No. 12)**

### **In Committee**

**Continued from 30 June 2021 (page 14).**

**Mrs HISCUTT** - Madam Deputy President, I move -

That the bill, as amended in committee, be now taken into consideration.

**Motion agreed to.**

**Mrs HISCUTT** - Madam Deputy President, I move -

That the amendments be read for the first time.

**Motion agreed to.**

### **Amendment to Clause 7, Page 6**

Proposed new paragraph (db), subparagraph (i), subparagraph (A), leave out 'motor cycle'

**Mrs HISCUTT** - Madam Deputy President, I move -

That the amendment be read a second time.

**Amendment read the second time.**

### **Amendment to Clause 7**

**Mrs HISCUTT** - Madam Deputy President, I move -

That the amendments be agreed to.

**Amendments agreed to.**

**TREASURY MISCELLANEOUS (COST OF LIVING AND AFFORDABLE  
HOUSING SUPPORT) BILL 2021 (No. 12)**

**Third Reading**

[11.14 a.m.]

**Mr VALENTINE** (Hobart) - Madam Deputy President, I have reflected on this bill overnight and I really believe, and I have made this clear at other times whenever we have had land use planning come before us, that the increasing level of ministerial power to my mind removes planning further from those who are impacted most heavily by the decisions made, and that is the people.

Yes, the decisions are made public. I appreciate that but as there is no appeal mechanism you wonder about the benefit of those decisions being made public. Some would say it is window-dressing. To carve out ministerial involvement in the bill - as we know, a minister does this, a minister does that - would basically mean rewriting the bill. There was no way that I was going to attempt to do that.

While there are some benefits with the bill, without further time to examine the information that we were provided with yesterday I simply cannot find myself agreeing with the passing of this bill.

I like to think that planning is fair and that we have good checks and balances. I am not sure some of those checks and balances are present in the bill that was before us yesterday and indeed is before us now so I will be voting against the bill.

**Bill read the third time.**

**MOTION**

**Consideration and Noting - Legislative Council Select Committee -  
Report on Production of Documents**

[11.16 a.m.]

**Ms FORREST** (Murchison) - Madam Acting President, I move -

That the Legislative Council Select Committee Report on Production of Documents be considered and noted.

In speaking to this motion of noting this report I know the work on this committee was done some time ago but the information is still current and relevant. It was interrupted in its reporting and subsequent tabling by COVID-19. Of course, matters related to COVID-19 matters took priority.

I am not going to speak at length about this report. It does speak for itself but I want to reiterate a number of key matters. It is disappointing that the former member for Windermere, the honourable Ivan Dean, was not given the chance to speak on this because he was on this committee. He was also the chair of a couple of committees that I also sat on when we faced

the very real challenges of ministers refusing to produce documents. I have been a chair of one. He had been a chair of at least one where that had been the case and he certainly contributed to this report. It was my intention to bring it on that last sitting week that we would have had had the election not been called.

His voice is missing from this debate. I will just say that because I am sure he would have had quite a bit to contribute to the debate and the knowledge we all gained through the process of this inquiry.

I will refer to some matters here that are listed in the executive summary which gives a very good summary of what was found. The report is large, yes, but a lot of that report is a full description of the mechanisms in each of the parliaments around Australia where there is a mechanism and they are all different. Some are very similar but they all have their own uniqueness if you like. In Tasmania we have no mechanism to break the deadlock as such as most other parliaments do.

The Tasmanian Houses of Parliament and the committees established by them have an inherent and unequivocal power to order members and witnesses to produce documents and have the authority to treat refusal to produce documents as a contempt of the House. That is a fundamental truth. That is the reality and when that is being challenged by the Premier of the state - former and past - it is a really disturbing thing, particularly when they rely on the Right to Information Act as applying to a committee of the parliament or to the parliament itself.

**Mr Willie** - It is not just ministers. Public servants have appeared before committees.

**Ms FORREST** - Public servants as well but I am keen to hold the government ministers to account, past and present. The former Labor premier did the same in my time here.

**Mr Willie** - I should not have opened my mouth.

**Ms FORREST** - That is correct.

Just to go on, and this was reiterated time and time again by those with deep knowledge in parliamentary processes, privilege and how a democracy works. The statement I just made about that inherent right and unequivocal power reflects the fundamental principle of parliamentary democracy; that is, the people elect representatives as members of parliament, to advocate and inquire on their behalf without impediment. It is especially important in the upper House, which has the key role of the House of review.

The committee noted during the inquiry, and thus in our report, that appropriate and reasonable claims for immunity regarding the production of documents may arise in limited circumstances. We are not saying and never said there should be a carte blanche and free-for-all. There was some debate about this matter as to how far that would extend. The failure to produce documents has in recent history, some years ago, negatively impacted on the Tasmanian Legislative Council's key scrutiny and oversight functions related to these actions, decisions and workings of government in circumstances where a resolution could not be reached.

There have been circumstances in the past where resolutions have been reached. I instance an example on Public Accounts committee many years ago, when there was an

inquiry into the deed with Federal Group related to the development at Coles Bay. Treasury at the time were reluctant to hand over documents. But there was an agreement reached that the documents would be handed over, provided to the custody of the Clerk and secretary of the committee who was then in the House of Assembly, because it was administered by the House of Assembly at that time. Then members of the committee could go and view these documents. You could not photograph them or take them away, you had to sign in, sign out and could view them.

I remember we were snowed under with boxes of documents. I am sure there was quite some interesting information in there if one had had six weeks to sit and go through them. However, we received what we asked for. We asked for the documents; they were provided. You can reach reasonable outcomes when there is a willingness to work together. But it is very frustrating when there is an absolute refusal to even consider alternative mechanisms.

The committee examined processes and remedies available in other Australian jurisdictions that have been applied. What makes this report quite large is that a lot of the attachments are basically all those other mechanisms. It is a detailed report, I do commend it to members to read all of it. Particularly for newer members to this place it will help you understand exactly how parliamentary privilege works, what a responsible government is. I know when I came to this place I had a lot to learn in that area. It does give a very good historical reference to all of those mechanisms. I say that with the greatest of respect to new members. It is a really well put together body of work that would help any person even aspiring to be a member, as well as members who have been here a long time. It helps to refresh yourself on these matters.

It is also noted by the committee that parliaments do have a range of both punitive and coercive remedies that can be applied from responding to a failure to produce documents. I will go through some of those in a moment. Not all of these have been fully exercised by this House. Some have, but not all. It is a matter how far you are willing to push in those matters. We have seen interesting circumstances in other jurisdictions where members, including the leader of houses, have been suspended and popped out of the building, even onto the footpath, which was not okay. That is all contained in the body of the report.

The committee was constituted in light of the challenges faced by parliamentary committees. I mentioned committees of the former member for Windermere, particularly Public Accounts Committee and other select committees or sessional committees of this parliament and this House that have been established to scrutinise various actions of government. A range of processes utilising independent arbitration have been established in a number of Australian parliaments to deal with these matters, related to refusal to provide requested or ordered documents sought by a House of parliament or by a parliamentary committee. Some of these processes have been used frequently, and some have not used or been tested at all. One in New South Wales was of particular interest, and we did spend time there; pre-COVID-19, when you could still travel. We visited New South Wales, Victoria, and the Australian Capital Territory, and talked to most of the Clerks of those parliaments. We also spoke with members and former members, including those who had been cast out.

**Mr Valentine** - Better cherish it, I think. Being able to travel on the mainland.

**Ms FORREST** - Yes, exactly. It was interesting to meet and speak with the people who had been directly involved in the process. We also talked to some of the people who had been

involved in the arbitration of these decisions in New South Wales and that was helpful. Of particular note, in New South Wales, is that an independent arbitration process has been in place for over 20 years now, whereby all members of the New South Wales Legislative Council, regardless of their party, can access - with restrictions - all the documents; including those over which immunity has been claimed. No privileged information has leaked during this time.

That means that for over 20 years, when documents have been sought, including those the government is seeking privilege over, regardless of the level or basis of privilege, those documents have been provided to the Clerk of the Legislative Council. All members can view those documents. Not many do; it is mainly those who are interested, or who raised a question. There is a mechanism for signing people in and out. They are kept in the safe custody of the Clerk's office and there is a big storage area for them; some of them are now kept offsite.

Bearing in mind it is mostly opposition members who go and view the documents, there has not been one leak in all that time. The government also provides documents where no privilege has been claimed. However, when there is a document or documents where privilege is claimed, any member can contest that claim. It is only when they contest that claim on a document where privilege is sought, that the Clerk engages the independent arbiter to consider whether that claim should be upheld.

Therefore, in all that time, when members of parliament are viewing confidential documents, there has never been a leak. That is because everyone knows, one leak and it is all over, red rover. It would not happen again. It does require the members to take it very responsibly, as we should with every part of our role here. It is interesting to read through the chapter on New South Wales to see how it works. The models in Victoria and the Australian Capital Territory are similar, with nuances. There are benefits and problems in each of them.

This committee is suggesting that this issue is looked at again, to consider what would be an appropriate mechanism in Tasmania - should we need it. Hopefully, other measures will prevent the need for it. I cannot speak for the other place; but in my time in our Chamber, I can only recall three or four times when we have had a deadlock that has been unresolved. That it is infrequent; but it is very frustrating when a deadlock has been reached on information legitimately sought to assist in an enquiry. We reported to parliament by a way of a special report about those matters. I am sure the former member for Windermere would have spoken about that.

The committee recommended an additional dispute resolution process be considered. The committee suggests this is done by the Standing Orders Committee, based on the principles of responsible government and underpinned by the inherent and unequivocal power to call for documents, including the use of a suitably qualified and independent advisor on claims of public interest immunity. Based on the evidence, the committee also recommends that government and State Service employees, government business enterprises, state-owned company employees, and members of parliament receive education and training in this area. This was recommended because we found there were some in the public service, and even some members of parliament, who do not have a very full understanding. When you see ministers referring to matters such as Right to Information as applying to a parliamentary committee you know they are not well informed.

It has no relevance to a parliamentary process. It has no bearing on a parliamentary process. The fact that a document has been assessed by an RTI officer - even for an RTI request from an individual member of parliament - has no bearing on the capacity of a parliamentary committee or a House of parliament to call for that document. It has no application.

That matter appears to be poorly understood. We would all do well to inform ourselves of the privileges and powers of our parliament.

The committee also recommended that government develop guidelines to clarify the rights and responsibilities of witnesses presenting evidence on behalf of the government and for the production of documents before parliamentary committees. That flows on from my last comment, that everyone needs to know what the rights and responsibilities are. It could be a simple process.

As all members would be aware, when the chair of a committee welcomes the witness a statement is read about what parliamentary privilege is and when it applies and when it might not apply. A statement could be added to it to inform or remind them of their obligations. That is a fairly simple thing but it would help to remind witnesses, whether they be members of parliament, members of the public or public servants presenting on behalf of a minister.

I will not repeat all the committee's findings because members can read the report. However, I reiterate that the Tasmanian Houses of Parliament and our committees have an inherent and unequivocal power to call for witnesses and for the production of documents. That should not be in dispute. It appears that it is in dispute at times; but that is the reality.

Appropriate and reasonable claims of immunity may arise relating to the production of documents. These situations are limited. I note committee finding 5(a) that 'Australian parliaments have respected the notion of documents revealing the deliberations of Cabinet as being immune from disclosure'.

What is really important here is that it is not a Cabinet document - it is the deliberations of Cabinet that are being revealed in it. There is lengthy evidence in our report about this process and the apparent misunderstanding of what that looks like. Going back to the days of Joh Bjelke-Petersen, any document they did not want to see the light of day was put in a trolley and wheeled through the Cabinet room to notionally give it Cabinet-in-Confidence status. That is a complete nonsense.

It is pretty clear that it is documents that reveal the deliberations of Cabinet. That would be how individuals voted. I have never been in a party and I have not sat around a party table to have those debates. It must be difficult for members of a party to come out and defend a position they did not agree with in the debate in their party room or around the Cabinet table.

That is Cabinet solidarity, and we understand that. If they voted against a particular policy decision for example, and that was recorded in Cabinet, that would clearly create some problems for the government of the day.

Any party in power would recognise the importance of keeping that information confidential; but it may not apply to documents informing a government policy. Public servants prepare briefing documents about the pros and cons of a policy position or a decision that may be being considered before Cabinet at any particular time. To have that information

prepared and provided to Cabinet and to suggest that those public servants would not be as frank and fearless in their advice makes no sense either.

Once the public servant has done their work - and I believe they do it to the best of their ability with all the information they have, they know what their job is, they provide both sides of a debate. Then their responsibility ends at that point, it is then over to the political process, where the ministers and the Cabinet will decide on what they are going to do with that. In New Zealand all Cabinet papers - unless there are very good reasons for immunity - are released within 30 days of them being in Cabinet. I think we have to wait 10 years here. We asked about what implication that would have on the giving of frank and fearless advice. There was a predominate view held that this actually improved it. The public servants knew their documents and their briefing papers would be made public within 30 days, so they thought really carefully about what was in it and made sure it was accurate, contemporary and argued both sides of a situation or consideration.

There is still a little way to go for all members of the public service, the Government, and probably the Opposition too, in regard to what actually constitutes a document that reveals the deliberations of Cabinet, not just a document that has gone to Cabinet. Often the Government come out with great fanfare after an announcement, revealing what Cabinet has decided because they have this brand new policy. That is Cabinet information, that was a matter that went through Cabinet via the usual process. They did not say that member A did not support it, or member B did. It is the decision of Cabinet, decision of the government, it is out, it is the policy and they are standing by it. That is Cabinet information; you cannot make that decision without going through Cabinet. There needs to be a good understanding of what we are talking about when we say 'Cabinet-in-Confidence' immunity.

As I mentioned earlier, there are a range of processes that can be applied, both political pressure and coercive measures - if you like to call them that - that are either punitive or forcible, in order to try and get the government to act or punish them for not acting. Some of these have been used in the life of this parliament, there are some that have not. The Government can look forward to perhaps this place exercising the powers we have not employed in the past. Punitive remedies are listed on page 8 of our report. These include motions to postpone the consideration of government business, including particular bills or other notices until the requested information has been produced. Of course, in this House it will fall to the Leader to produce that document because she is the Government representative here. The argument about whether she has it in her custody or not is a bit of a moot point; if she is in the Government she has access.

There are also censure motions. I am sure the Leader would look forward to that. There are motions restricting the ability of the relevant member to progress government business. That might not be the Leader, it could be the minister in our Chamber here. They are not going to deal with your business until you ensure this document is provided. Motions depriving the relevant member of procedures that might be available under Standing Orders, such as suspension of Standing Orders to consider urgent business. We might start saying no to all those requests. We have to follow the rules, we do that a bit anyway.

**Mrs Hiscutt** - You do.

**Ms FORREST** - Use of Standing Orders to move a motion related to a matter of public importance, taking up time out of a sitting day that would be otherwise utilised to progress

government business. That is an option available to any of us any time, with the support of three other members, of course. Motions to extend question time if this place felt there was not adequate time for answering of questions. This obviously, could happen in the other place too, you still need the agreement of the House, but it is a motion that would be debated. Motions to suspend the relevant member, that has been utilised in other parliaments more than once.

They are coercive remedies, a lot of these we have used. Writing to the Premier has certainly been used, writing to the relevant minister requesting rationale to support the claims of immunity for the production of documents, we have done that many times. Tabling of special reports relating to noncompliance with a subsequent motion to note report without notice, we have done that a number of times. Orders for the information of documents to be produced to a specific committee, including instructions to the committee about how information is to be handled, that is received in camera or not published for a specified period, et cetera.

We have not ordered those in the parliament but we have used all the mechanisms available within the committee to do that, like offering other alternatives, as I described in a Public Accounts Committee some years ago. Orders requiring particular committees to hold hearings and particular witnesses to appear for the purpose of answering questions about information or documents. We have summonsed ministers at different times.

Thankfully, this Government has been a little bit more forthcoming with allowing ministers to appear before committees. The last one was a shocker. They just refused. Hopeless. At least this Government seems more willing to have their ministers appear. There are swings and roundabouts.

Further orders refining the scope of the order for the production of documents. It may be that the order is changed and the scope is changed to make it, perhaps, more palatable for the government to respond positively. Motions requiring the relevant member to explain the reasons for noncompliance for the previous order, that would mostly occur in the House. Motions for the Auditor-General or another independent third party to examine the contentious material and report on the validity of the grounds claimed by the relevant member for non-production.

Those measures have not been used, but is going along the line of mechanisms used in other jurisdictions. They use the Auditor-General and an unusual model in Western Australia and it is worth having a read through to see what they do. We could do that here, particularly if there was a claim of commercial-in-confidence over a particular document made. The Auditor-General is well equipped to make an assessment around commercial-in-confidence material. His office deals with that all the time.

Matters regarding public interest immunity or legal professional privilege may not be as much in his area and there may be someone else. That remedy has not been utilised in this place yet, but certainly is an option.

I reiterate in our findings that the Tasmanian Right to Information Act 2009 has no application to the parliament and its committees.



I mentioned the New South Wales arbitration process. We spoke to Bret Walker SC who spoke to us about the term 'arbiter' or 'arbitration' as perhaps an inappropriate term. He said, 'It should be a "raconteur"'. That was his view.

**Mr Valentine** - Raconteur?

**Ms FORREST** - Yes, a raconteur, or an advisor rather than someone who is arbitrating over a matter relating to parliament. He is right in that and why we have used the terminology here: 'an arbiter to advise' not to 'direct' because no one else should be 'directing' the parliament.

**Mr Willie** - It is still parliament's decision.

**Ms FORREST** - That is right, yes. Language is important in all of this.

It is terribly important matter in terms of the principle that it is well understood and again I do commend the report, particularly to new members, or older members if they feel they need a refreshment, of what responsible government looks like. It has a very good historical account as well an explanation of what responsible government looks like and parliamentary privilege and those matters.

I thank our committee secretariat and also the Deputy Clerk for her assistance in getting this report to the state it is because it is a complex area and important to get it right, particularly the language. I thank those involved and also, as I mentioned earlier, the member for Windermere for his contribution on the committee.

In terms of the recommendations of the committee, there are six and I will go through them.

The first recommendation was: 'the Legislative Council and its committees consider the use of available punitive and coercive remedies to address non-compliance related to the production of documents'. That is a matter for this House to decide if and when we experience a stalemate in a committee or in this House when we are asking for information. This is whether it be an Estimates committee, GBE committee, sessional committee, select committee, or in the House during a debate and they will all be there on the record for anyone who wants to go back who thinks 'what can I do next?,' so they are all there, or most of them. There could be others but they are the ones we have heard about from other jurisdictions and our research.

The committee also recommended that 'an additional dispute resolution process regarding non-compliance be considered through amendment to the Legislative Council Standing Orders'.

There may be other mechanisms but we are saying that the committee recommends that the Standing Orders Committee have a look at this but there does need to be agreement. Otherwise you end up with a Victorian situation where there is a mechanism but it has not been used because no-one wants to play the game. There does need to be some agreement.

There is plenty of evidence and a track record in New South Wales that the mechanism they have, which I think has been tweaked a little bit over the 20-plus years it has been in place, has been effective. It has taken the wind out of a lot of matters so it is a benefit for the

government there. Often it could be a bit of a witch-hunt or whatever you want to call it or I cannot think of what the exercise is when you go -

**Madam ACTING PRESIDENT** - Down a rabbit hole?

**Ms FORREST** - No, an expedition digging for dirt basically and it is just not there. That takes the wind out of that. The fact that there have been no leaks because the process is respected by all parties. I bet if there was one leak that would be it, in New South Wales as well. The government could not have faith in it. It only takes one person to do the wrong thing for whatever reason and that would be the end of it, I imagine. There is goodwill and it has worked over previous and current governments in New South Wales.

The third recommendation is that 'this Report be referred to the Standing Orders Committee to consider an appropriate additional dispute resolution process based on the principles of Responsible Government and underpinned by the power to call for documents, and consider the use of a suitably qualified independent adviser on claims of public interest immunity'.

There is a process that would need to be unfolded to do that. We think that is the way to proceed if there is to be a separate dispute resolution process. If it is there it may not be used because there may not be any need to because the government of the day might produce the documents that are requested and hopefully that would be the case.

If it becomes necessary it would be there if it was in place. Some people will claim that this will result in all sorts of calls for papers and there will be all this cost associated with it. The Clerk's office will be full of papers; he will not be able to see his way over the desk and all that sort of thing. However, the reality is that here in this state we have only had three or four times when it actually has reached this point. It is not a really common occurrence.

There may be the opposition making mischief perhaps. Why? They may be in government one day. To suggest that that will be a problem is not based in evidence or fact of what we have seen to date. The majority of the time we have received the documents we have asked for except for a few occasions when we have not, but it has been a challenge.

The fourth recommendation was 'consideration be given to the development of procedural orders to assist when claims of public interest immunity arise in the Legislative Council and its committees'. Those procedural orders make it clear as to what steps you can take and they are in place in other jurisdictions as well.

The fifth recommendation, 'Government and state service employees, government business enterprise and state-owned company employees and members of parliament receive education and training regarding the role and functions of the Tasmanian Parliament under the Westminster system of Responsible and Representative Government'.

That is not just for new members. That is for all members because we do need to be reminded from time to time. It does not hurt to have a refresher. Some of us have been here a long time. We can always learn things and be reminded of things that matter.

Six, 'Guidelines be developed by government to clarify the rights and responsibilities of witnesses appearing on behalf of government presenting evidence and for the production of documents before all parliamentary committees'.

If those guidelines were there at the outset and every public servant who appeared before the committee knew about them then you are less likely to get stuck on whether they can or they cannot produce them. That has helped in other jurisdictions as well, with documents being provided.

There are other members who may wish to speak on this. We have lost a couple of members along the way. Mr Dean was still here at the time when it was tabled but the minister was on it initially, before she was appointed and had to step down when she became a minister, which is the normal practice.

I commend the report to members, and again thank our committee secretary and all the members for their hard work on this. We had some quite entertaining presentations, particularly from Michael Egan, who was the member who was kicked out. He had quite a different view on some things, and almost an entertaining take on things sometimes.

It was a very informative committee, for the members to be well informed. We spoke to people who are very well equipped to respond to the matters raised in this area, such as Bret Walker SC. We had a whole range of other experts in the field, including retired and current Clerks in a variety of parliaments who are living and breathing this every day. It is their job to know the rules inside out too. So, it was really informative and helpful.

I commend the report in its entirety to all members. I hope that members will note the report and that we can work together to look at what possible resolution process may be suitable for this place, should we find ourselves in that situation again. Of course, that is not tomorrow; it will be at a later time. I commend the report and its findings and recommendations to all members.

[12.51 p.m.]

**Mr WILLIE** (Elwick) - Madam Acting President, just a short contribution from me. Members might not be aware that before I became a teacher I studied a Bachelor of Arts with a major in political science and journalism, and I thoroughly enjoyed being involved in this committee. We are all students of the Westminster system and we are all responsible in preserving the traditions and conventions of it.

This report outlines some of the principles and the foundations of our parliamentary system, and as the member for Murchison said, it is important for all members to read it. I cannot understand why the Government has been less than inclined to participate in this, because this House does have certain powers. This House could assert those powers if it wanted to, so why not have a look at a process that might resolve some of those disputes in a less combative way? It is important that this work is undertaken by the Standing Orders Committee. It is notable that I participated in the committee process, I hope to be a minister one day. We are a little way away from that at the moment, but I am happy to be -

**Madam ACTING PRESIDENT** - You never know around this place.

**Mr WILLIE** - I am sure I will be held accountable for my participation in the committee in future years. I will be monitoring what the Standing Orders Committee does with the report and just reiterate that it was a pleasure to be involved. That is all I have to contribute. The report is a good one; it speaks for itself.

[12.53 p.m.]

**Ms WEBB** (Nelson) - Madam Acting President, interestingly, this committee was formed on my very first day sitting in this place, which was exactly one week after the result of my election was declared. So, in the very early stages of my time. When I came to this elected role, I had what I believed to be a relatively reasonable knowledge of parliament and how a Westminster parliamentary democracy works. However, this committee was an incredibly timely opportunity, right at the outset of my parliamentary term, to delve into the powers, the structures and the processes of our parliamentary system. I found it highly interesting and useful.

All of us here know that unlike most other jobs on the planet, you are not required to have any particular experience or qualifications for this job of being a member of parliament. In fact, technically, you do not even have to know anything about this job before you find yourself doing it. You do not need to necessarily know about its full functions and powers, the functions and powers of parliament broadly, your powers, what your responsibilities will be when you are a member.

Members do arrive here with varying depths of knowledge about their role and varying degrees of previous contact or interaction with this place. I recall the member for Murchison mentioning to me that when she walked into this building as a new member it was the very first time she had ever entered the place, which is really interesting.

Given that, this committee process was highly valuable for me. I am particularly keen to point to one of the recommendations in the report. Recommendation number 5 reads:

Government and state service employees, government business enterprises and state-owned company employees and members of parliament receive education and training regarding the role and functions of the Tasmanian Parliament under the Westminster system of Responsible and Representative Government.

That is a really excellent recommendation to highlight and promote. The value of this would then play out for, not just those employees of government, public service and other entities, but for members here to be provided with education and training in a way that is impartial and independent, but robust, would be a very valuable thing. We are all, as I mentioned in another context this week, custodians of this democracy we have in Tasmania while we are members of this place. We need to be well-informed and well-equipped custodians to undertake the role. That is a little preamble really around this committee process report. I felt it was valuable.

If nothing else, and in the intervening time before, perhaps, that recommendation 5 is enthusiastically adopted by the Government and taken forward, in the meantime I would certainly encourage all members of parliament, certainly members of this place, new members, but also longstanding members, to take some time to read this report from this committee process. All of us would find it valuable, even if it is a refresher of things you are already well

aware of, or if it is new and additional information to take on board in the earlier stages of your time here. I commend it to you as useful.

**Mr Valentine** - You are never too long in service to learn something new.

**Ms WEBB** - Indeed, absolutely, or be reminded of some very key things. I must admit, when I began in the committee process I was very interested to hear about events that occurred prior to my time that had given rise to the committee being formed. The member for Murchison has outlined some of those in her contribution. Those unresolved instances of conflict over the production of documents, where we had the executive refusing to produce documents called for by Legislative Council committees are very interesting examples to contemplate. There is a parliamentary record of these that can be tracked. They are certainly tracked throughout the report from the committee. Again, very interesting to contemplate, learn from and think about for all of us here.

Given that there were these clear triggers and matters unresolved, it was disappointing the Government did not support the formation of this committee. I feel that it was a telling thing to obstruct really, or attempt to obstruct, the actual formation of a committee's inquiry that would seek to gain information, evidence and build a picture around an issue relating to the fundamentals of how our parliament and democracy functions. To seek to obstruct that would indicate an unfortunate attitude to this place. That is a shame. We should all be mature and confident enough to welcome any opportunity for us to examine, inquire into, look at and build a picture around these fundamental aspects of our democracy, our parliamentary system and the way that functions. To ask ourselves how we might assist with and contribute to through that process making those things more robust and strong, as we are here as representatives for our community to do that.

It is a shame. That attitude of trying to obstruct even the formation of a committee to look at this issue is not just a reluctance to be held to account. It is actually, unfortunately, some indication of disrespect for this place and the functions that it undertakes.

Following on from that, in this process we received 17 submissions and they were excellent submissions by and large. They came from expert scholars in the area. They came from people with extensive experience of parliament and extensive experience of the public service, a really good range. Engagement with the inquiry through those submissions, through the hearings that we held, the content and quality of the evidence that was produced through both those functions, really demonstrates the value of what we have now reported on here and the relevance of holding an inquiry to look at this issue.

It was a real shame - again perhaps not surprising given the Government's reluctance for the existence of the committee in the first place - but it was a shame that the Government did not participate more wholeheartedly in this committee. Providing a submission that did not contain a great deal of substance unfortunately, and I am saying that not to be finger-wagging; I am saying that to express disappointment. It was an opportunity to engage in a full and worthy debate of this issue and I do not think that is what we had from the Government. We did not have a willingness to engage in a full and worthy debate through a fairly insubstantial submission and then a refusal from members of the executive to actually appear at hearings. That is a real shame.

However, that aside, the submissions we received were valuable and interesting. The hearings were particularly useful. We had hearings here in this state with those who had submitted to us, many of those scholars and those with extensive experience of parliament, which I found quite informative.

I found the interstate hearings particularly useful because in those circumstances as a committee we were able to delve into how this is dealt with elsewhere. We as a parliament are not unique in encountering issues, the tensions between the powers to call for documents and the executive to then maybe refuse. Others have dealt with this and it was particularly useful to go and hear about and interrogate how that has played out in those other jurisdictions.

I thank those who gave their time for us in those hearings in other jurisdictions to provide us with their insights and their experiences. It certainly painted an interesting picture and emphasised for me that each jurisdiction will be unique in taking this forward and deciding how and what manner best suits their own jurisdiction to manage this situation.

It was particularly interesting in New South Wales. We were able to physically go and be escorted by the Clerk there to see the room where the documents are then produced and held and where their Legislative Council members are able to go and view how the record keeping happens. It was really useful to see that play out. New South Wales is the jurisdiction that has the longest standing and most frequently utilised process in place to manage the call for documents and the arrangements for adjudicating disputes that may arise.

The member for Murchison spoke about - and I will not go into detail, but I think it is worth repeating that pertinent point. From 20 years of that system operating in New South Wales where upper House members have ready access to all manner of documents through the calling for document process and have viewed and interacted with those documents frequently, there have been absolutely no leaks. No leaks at all.

**Ms Forrest** - The point I did not make and maybe you might like to reiterate is the fact that members can talk amongst the members about these documents. They can discuss it like I could discuss it with any member here if I was reading the document but they cannot speak to anybody else about it. Not their staff and certainly not the media nor anybody else. They have been able to do that and still kept it contained.

**Ms WEBB** - Thank you for adding that in. The relevance of that should be highlighted. We are all asked to be members of this place with integrity and ethics and to take our responsibilities with the utmost seriousness. At times it can be easy to throw accusations around or dismiss people's motivations or the levels of integrity and ethics they might hold.

That system in New South Wales and the lack of leaks, the fidelity of that system, has shown us that members of parliament do take their roles seriously in that way. When they have been provided with an avenue genuinely to undertake their full role, not blocked and not obstructed but actually facilitated in that, the system works well. People behave as they should and I think that is a wonderful thing to have observed and to have highlighted here.

Unfortunately, if there is an instinct to block and obstruct this place and its members doing their role and undertaking very standard and routine parliamentary functions as part of that, then you are inviting and expecting members to behave badly or behave to a lesser

standard. That is a shame. We should and can assume that all members are here to do a good job and to do it with integrity and with the highest ethics.

The government of the day, whichever it might be, is well served to stand aside and allow that to happen. It is in their interests to be able to be shown to be transparent and accountable and to be able to engage with and defend, if necessary, the actions that they are undertaking as executive government.

There were many matters that arose in the committee process that I found very interesting to hear discussion and different views about. I will just touch on a couple here very briefly because, again, the member for Murchison has covered them off in more detail. I would encourage people to look at this report and delve into it. It may sound dry but it is incredibly interesting to those of us who care about the functioning of this place and want to act well in it.

Some of the matters I found interesting were the exploration that occurred in this post-committee process and are reported on here about the principle of public interest immunity and the things that can be captured in that. In particular, also, that aspect of, what are the parameters that may be considered Cabinet documentation, and what would be covered by Cabinet confidentiality? To hear about the way that is dealt with in different jurisdictions is highly interesting. I was particularly interested to be informed about the New Zealand model where Cabinet documents are made public within 30 days of Cabinet meetings. It is a genuinely open government approach that they have there.

**Ms Forrest** - It is only in recent times, since Jacinda Ardern became Prime Minister.

**Ms WEBB** - Indeed. It is a great example of a modern, mature democracy functioning as it should.

It is easy to pay lip-service to transparency and accountability or open government but the rubber only hits the road when you see it in action; when you see that it is not just in the talk but also in the walk. Certainly, New Zealand is leading most jurisdictions in Australia and nationally. Releasing Cabinet documents within 30 days is an incredibly accountable and open way to conduct your business.

From that jurisdiction we also heard quite clearly their belief or their evidence that this had led to a better quality of public service advice to government and that is fascinating and really valuable to contemplate. We heard different views from other people, and it is actually captured in the report, about the potential to constrain public service advice through the potential for things to become public.

I did delve into that, to see if it was based on actual experience and evidence of that occurring or it was an assumed potential outcome. I am not sure we gained a full demonstration that there is evidence that it occurs; whereas the New Zealand side says their experience is that it does improve the advice of the public service to government. There is still room for contemplation there. Those were some particular matters of interest that I enjoyed engaging with, and hearing arguments and learned views, through this process.

This report from the committee process is an excellent foundation of evidence for consideration by which this matter can be taken forward. We now have a starting point for

action. The report provides a pathway and suggests how we might proceed from here. Fundamentally, under the system of responsible government, parliament is supreme. The executive government is answerable to it. We know that is the case on paper but that only plays out in reality if parliament is prepared and willing to exercise that power in holding government to account and where the government is prepared to be a participant in the process.

There is always going to be tension there; but to the greatest extent possible I believe it is of most benefit for a strong and well-functioning democracy if the parliament and the executive are able to navigate those roles and those powers in the most respectful and least antagonistic way.

I believe that the path that has been mapped out here would deliver us a well-defined and agreed dispute resolution process around the production of documents. That process is important in averting the need for - and perhaps the inevitable degeneration into - those more politically charged adversarial avenues that are available to us but would be preferable not to implement.

I have not yet encountered one of the scenarios that have been triggers for this committee. However, I believe this place should not be reticent in exerting its powers and pursuing those avenues that are available if we still find ourselves at a hypothetical future date in another matter of dispute. If we should find ourselves without an agreed and defined resolution process, I hope we can navigate our way through it, and firmly exercise the powers available to us.

I finish my contribution in the same way as the member for Murchison, with heartfelt thanks to the committee staff who helped facilitate this process, organise us through it and assist in the production of an excellent report which is a valuable document for the records of this place.

I commend the report to all members.

[12.14 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Madam Acting President, the Government provided a submission to this inquiry and I will update the Council with some of that submission, to illustrate the Government's position.

The Government is not supportive of any change to the existing framework for considering the production of documents and papers and records between the government and the Legislative Council and its committees, including joint committees where members of the Legislative Council have membership. The Government considers that the existing mechanisms for the production of documents appropriately balance the need for parliamentary scrutiny and transparency against ongoing public interest concerns. It is submitted that there are adequate mechanisms in place to order production of documents, and moreover, hold the executive to account.

For the reasons that follow, the Government does not support measures to alter these long-established and satisfactory principles, conventions and processes. Furthermore, the Government will not support changes that may undermine parliamentary privilege, the role and functions of the executive and the important principle of the comity of the two Houses of parliament. The Government acknowledges the Legislative Council's functions and the inherent value of an objective and balanced assessment of government performance.



Notwithstanding this, it must be recognised that there are already significant privileges in place which support the Legislative Council in undertaking its role as a House of review.

Notably, the Parliamentary Privilege Act of 1858 was passed for the very reason of ensuring that the Tasmanian Houses of Parliament and any committee of either House had adequate power to order the attendance of persons and the production of papers. These powers are comparable to those found in the majority of other Australian jurisdictions, and represent one of the cornerstones of executive government accountability. These powers must be exercised within the framework of our Westminster system of government and our bicameral Parliament.

In this context the Legislative Council's primary role is providing a check and balance to the lower House by scrutinising legislation and other policy decisions of the government-dominated House of Assembly. This is an important and specific role, and any change to existing privileges has the potential to distort the intended separation of roles between the executive function residing in the House of Assembly and the review responsibilities of the Legislative Council.

As members are aware, the legislative provisions under the Parliamentary Privilege Act are supported by the procedures and guidance provided within the Standing Orders. The Standing Orders support the purposes of the act by providing for the attendance of witnesses and the production of documents, either from within parliament (standing order number 243), or from outside parliament (standing order 241). The Standing Orders also make it clear that persons who refuse to attend or produce evidence may be held in contempt (standing order 245).

In any consideration of the powers or methods by which a committee may resolve disputes concerning the provision of documents, it is appropriate to also review historical limitations on such demands. This is significant common-law authority recognising circumstances where it is contrary to the public interest to produce documents to parliament. Notably, courts have historically recognised that documents that record the deliberations of Cabinet or any Cabinet subcommittee are protected by public interest immunity. It is relevant that in the High Court proceedings, *Commonwealth versus Northern Land Council* of 1993, 176 CLR 604, it was stated that, and I quote:

But it has never been doubted that it is in the public interest that the deliberations of Cabinet should remain confidential in order that the members of Cabinet may exchange differing views and at the same time maintain the principle of collective responsibility for any decision which may be made.

Cabinet confidentiality is critical so as to ensure robust Cabinet deliberations and decision-making occurs. That is a fundamental principle of the Westminster system of government. The High Court, in this ruling, further noted that, even as progress is made towards the concept of open government, it is generally accepted that Cabinet documentation should remain exempt. Without the certainty of Cabinet confidentiality, Cabinet members may feel inhibited in exchanging differing views, while concurrently maintaining Cabinet solidarity once a decision has been made.

It was because this responsibility of ministers was part of the system of responsible government, that the majority of the court in the matter of *Egan versus Chadwick*, 1999,

46 NSWLR 563, considered that it was not reasonably necessary for the New South Wales Legislative Council to call for documents that would conflict with the doctrine of ministerial responsibility; that is, the court held that the powers of the Legislative Council did not extend to a call for the production of Cabinet documents. However, the common law also evidences a reluctance on the part of the courts to involve themselves in the balancing of public interest considerations in so far as they arise in parliamentary proceedings.

In accordance with a separation of powers, this is typically not a constitutional function appropriate to be undertaken by judicial offices. When the court leaves the occasion and manner of the exercise of such privilege to the parliament, it does so on the assumption the institutions will act in a responsible manner. In this regard, it is assumed the legislature will take seriously its responsibility to prohibit further disclosure of documents obtained where disclosure would be detrimental to the public interest. The Standing Orders are also supportive of this assumption, and that is standing order 202.

While not an exhaustive list, other public interest grounds which may be advanced for the protection of a document may include:

- (a) Prejudice to legal proceedings.
- (b) Prejudice to law enforcement.
- (c) Damage to commercial interests.
- (d) Unreasonable invasion of privacy.
- (e) Prejudice to national security or defence.
- (f) Co-prejudice to international relations; and
- (g) Prejudice to relations between the Commonwealth and the states.

In contemplating public interest immunity in relation to parliamentary committees it is pertinent to reflect on the witness and document protections which were deliberately imbedded into the Public Accounts Committee Act 1970 (PAC Act) at the time of its creation.

As members know, the Public Accounts Committee is a powerful parliamentary committee of inquiry that regularly seeks witnesses and calls for documents. When the PAC Act was established, the second reading speech and clause notes suggested there was a considered decision to safeguard witness rights and by implication respect the confidentiality of certain classes of documents. For these reasons, it would seem that section 7(2) of the PAC Act provides that any witness who appears before the Public Accounts Committee should have the same protection and privileges as any witness in an action tried in the Supreme Court.

**Ms Forrest** - The PAC looked at that provision and made a recommendation for it to be changed, as in the Subordinate Legislation Committee Act, because it is a problematic clause and the Clerk of the House of Assembly particularly agreed with his submission to that and your Government refused to consider even that report.

**Mrs HISCUTT** - This provision allows witnesses to rely on appropriate justification to refuse production, including public interest immunity and legal professional privilege. It is also appropriate to add that section 7(2) of the PAC Act is in similar terms to section 19(1) of the Commonwealth Public Accounts and Audit Committee Act 1951. The relevance of these precedents of preserving witness rights is significant, particularly when considering that witnesses entering a parliamentary inquiry may have no protection against self-incrimination

and, potentially, the aggregation of certain other immunities such as considered to be fair and in the public interest. The work of parliamentary committees is one of several powerful mechanisms to scrutinise the actions of the executive, ministers, and the public sector generally. The government is appropriately held to account through question time by independent statutory offices such as the Ombudsman, through general debate, judicial law, the Integrity Commission, right to information requests, and laws that maintain legislative review mechanisms.

The Government argues that any changes to the existing convention and processes may not only create additional complexity and efficiencies, but also lead to unforeseen consequences and critically, further administrative costs. Given the resources available to the work of committees is finite, these potential additional costs may further undermine the public interest in pursuing what the Government argues is unnecessary and uncertain procedural changes.

While the Tasmanian Government is not supportive of any change to the existing framework, concerning the production of documents, it is nevertheless committed to increasing accountability across all departments as evidenced by our ongoing reforms to improve transparency and expand routine disclosures of information. I note some of the measures implemented by this Government to increase accountability and transparency of decision-making and they are:

- (a) Numerous additions to the types of information released under the routine disclose of information policy.
- (b) Launching a new government information gateway webpage available on the Department of Premier and Cabinet website to make government information that is proactively disclosed, easy to find.
- (c) Continuing to publicly report on gifts, benefits and hospitality received and given by offices across all agencies, at least quarterly, on agency websites.
- (d) Supporting policies to publish right to information decisions.
- (e) Delegating ministerial responsibilities under the Right to Information Act 2009 to departmental officers.
- (f) Tabling the Right to Information Amendment Bill 2019 to ensure that the Ombudsman can review a decision of a minister or a minister's delegate in relation to information on the possession of the minister.
- (g) Undertaking a review of the Electoral Act 2004, including electoral donations.
- (h) Ongoing publication of major public consultation submissions.

- (i) Implementing and updating ministerial code of conduct.
- (j) Improving the integrity of parliament to treat decision-making by expanding the disclosure of spouse interest's and financial information through amendment to the Parliamentary (Disclosure of Interests) Act 1996.

So, on that note, the Government does note the report. As an aside in the members' response, on a personal note, had PAC compelled me to get information that I could not have got, standing order number 245 says I could be held in contempt. So, for example, if that had happened - I do know there is a dungeon downstairs - what is the penalty for that? You might turn your minds to that -

**Ms Forrest** - Penalty for getting into the dungeon.

**Mrs HISCUTT** - I just wondered whether it is so many days in jail, what is the penalty for contempt?

[12.28 p.m.]

**Mr VALENTINE** (Hobart) - Madam Acting President, who knows, it might be a stint in a new northern prison.

**Ms Forrest** - It is not a very large fine and I know that.

**Mr VALENTINE** - So, I do not think it is life-threatening.

Nevertheless, I thank the members involved in putting this hefty tome together, it is a significant report. I do not know if I have seen a committee report quite this large and that has a lot of appendixes associated. It is clear the work of the committee was thorough, well researched and endeavours to obviously get cogent and proper advice to the matter of the production of documents. I thank them all for their hard work in that regard.

We do committee work on this place and hope it will bear its fruit at the end of the day. It would be fair to say in regard to this particular matter, there is a lot of opportunity for proper guidance, for maybe the Standing Orders Committee of which I think I am a member, to be able to consider what may be done. I thank the committee for the recommendations and hope we get to delve a little further into that.

The Leader mentioned the comity of the two Houses. To be quite honest, you know, when people stand for election - as far as the lower House is concerned - they are being elected to pursue policy that the people are putting them there for. Yes, the policy is put out during an election period and the government is formed by the majority of those who have a common view and, in most cases, it is a party. Sometimes it is two parties, like our federal parliament, where they have a common purpose and want to achieve common things.

This House of review is here for a purpose: we are elected and we have the sovereignty of the people placed in us to review the actions of government. That is the fundamental purpose of this place: to review the legislation that comes forward when the lower House is sending legislation up to pursue their particular policy agenda. It might be the general operations of government and government departments. We do our best to hold not only the government -

the political arm - to account, but also the processes and procedures that happen within and through our community which the government is responsible for.

That is our job and our role. A fundamental role that this House has and to my mind, quite a different role, as I was explaining the other day when it comes to what we are allowed and not allowed to deal with in this place. That underscores the fact we are different. We are a different House. We might be Houses of equal power, but this House is for review.

That is fundamentally it and so I believe the comity of the two Houses of parliament does not override the fundamental duty of this House in its review role. Parliament is a parliament of the people. That is why we are here.

There is quite clearly a separation of roles and it is there for a purpose. It is to keep the process and the operations honest. How can we do that if we are fettered in our opportunity to obtain documents pertinent to the matters we are inquiring into? How can we possibly perform our role properly if we do not have access to fundamental documents that are the focus of whatever it is we are inquiring into? It is just simply wrong that that is the case.

Yes, there is Cabinet-in-Confidence. I can understand Cabinets need a degree of confidence. That should not be on documents as in the case of the committee I was involved with chairing and then led on to another motion before this House. It was an agency-initiated KPMG report, the Department of Health and Human Services, if I recall correctly. A KPMG report wanted, produced and initiated by an agency. Cabinet obviously wanted to look at the outcomes of that report. Just because it went to Cabinet to be considered does not mean it should be refused for a committee wanting to inquire into that. It does not make sense. It really fetters the capacity of a committee and calls into question whether it is worthwhile the committee existing if it cannot get fundamental documents like that.

How can you say you have thoroughly inquired or investigated the matter if you cannot get the fundamental basic documents? We are not asking for what Cabinet thought about that document. We are not asking for what the discussions and things were that Cabinet may have had around that particular document that went to Cabinet. We are not asking for that. In the case I was involved in, we asked for a document that a department produced.

I believe there is a reason to look carefully at strengthening the processes and procedures so we do not reach a situation where we have to consider censuring the Leader of this House, for instance, because we cannot obtain the document that has been requested. It is fundamental to our review process. The member for Nelson pointed out to me that on page 47 of the report, you will read some matters associated with what a Cabinet document is and is not. The government is elected by the people to pursue their policies as espoused during an election period. We have been appointed. The sovereignty of the people has put us here to review whatever government does.

I thank members who have put the effort into this process. I made a submission to it, but it was largely in relation to a speech that I gave to a motion here in the Chamber. No doubt that has been recorded in the committee's processes and procedures and in the submissions. I thank you very much for the effort. I have not read it right through as yet but I will read it with interest.

[12.37 p.m.]

**Ms FORREST** (Murchison) - Madam Acting President, I thank members for their contribution to this debate and the Leader for providing the Government's response. I assume that this is the response from the Government. Under our sessional orders the Government is required to respond within a certain time frame. The response was due on 25 June this year, so it was overdue. I assume this is the response and that I cannot expect another one; I may need to check.

I will make a few comments and answer a couple of questions that were raised. I acknowledge the contributions from other members who appeared on the committee. It was a most informative and interesting committee to be on, to delve down into these important matters and to gain a much better understanding. I hope that all members of parliament will read this report; not only members of this House, but also members the Government, members of the Opposition and the Greens. Our Independent member for Clark may find it very useful in her role too, as a new member.

**Mr Valentine** - Anyone involved in committees really.

**Ms FORREST** - Anyone who is in parliament or aspiring to be in parliament might find it useful.

I acknowledge the work of Julie Thompson, committee secretary, who took this on as her first major committee work. It was a substantial body of work and I thank her and Ali Waddington, who also assisted. I mentioned the work of the Clerk and our Deputy Clerk, both with great knowledge of parliamentary procedure, and thank them for their assistance and advice.

I also note that in more recent times the Premier and Treasurer, in his appearances before PAC and with regard to the COVID-19 inquiry, has been more cooperative. There was initial resistance to provide some documentation to the PAC during that inquiry. After some further negotiations and consideration, the documents were provided in camera. The committee still held a view, as has been reported in this place, that those documents should have been made public. However, I consider it was a positive step that through negotiation, documents were at least provided to the committee, a committee of this parliament, for further consideration.

**Mr Willie** - There were no leaks either.

**Ms FORREST** - No leaks at all - so it can be done. Clearly, the membership of the PAC is very sound.

I note that in more recent times there has been a more appropriate response to those requests, where there has been consideration given after an initial blanket refusal.

The Leader talked about the balance and objective assessment of the performance of government and that is the primary focus, I guess. No one is disputing that. We are saying that it has been the experience in this parliament that documents have been sought and should have been provided under the appropriate mechanism, but those documents have not been provided.

There have been mechanisms we could have used in this parliament - mechanisms that have been used in other parliaments and which we could use in the absence of an agreed process of dispute resolution. The member for Nelson spoke to this. It would be good to have a process in place should the matter arise rather than have to go down that great list of punitive and coercive measures I mentioned because that becomes quite messy and untidy in many respects, a spectacle we could avoid, I think, in some cases.

The Leader referenced the fact that she could have been held in contempt under our Standing Orders. That is correct. The Leader wanted to know about the penalty. Under our Parliamentary Privilege Act 1858, section 3, Houses empowered to punish summarily for certain contempts:

Each House is hereby empowered to punish in a summary manner, as for contempt, by imprisonment in such custody and in such place as it may direct, during the then existing session or any portion thereof, any of the offences hereinafter enumerated, whether committed by a Member of the House or by any other person:

- (a) The disobedience of any order of either House, or of any committee duly authorised in that behalf, to attend, or to produce papers, books, records, or other documents before the House or such committee;
- (b) Refusing to be examined before or to answer any lawful and relevant question put by, the House or any such committee;
- (c) The assaulting, menacing, obstructing, or insulting of any Member in his coming to or going from the House, or in the House, or on account of his behaviour in Parliament, or endeavouring to compel any Member by force, insult, or menace to declare himself in favour of or against any proposition or matter depending or expected to be brought before either House.

And it goes on, to talk about challenging someone to a duel.

This act was written in 1858, and perhaps needs to be modernised. To clarify, a member, if they are in contempt, could be imprisoned for the life of that parliament. In the case of then minister Michael Egan in New South Wales, he was excluded from the parliament twice.

**Mr Willie** - One was for six months.

**Ms FORREST** - Yes, it was six months; but an election was called. When the election was called, the parliament was dissolved. Mr Egan was not in prison, but he was excluded and was not able to participate. He could not take on his role as a minister in the House.

**Madam ACTING PRESIDENT** - Was he still a member?

**Ms FORREST** - Yes, he was still a member but he could not be a minister. He was also not allowed to go into the parliament for a period.

**Mr Willie** - Through the Chair, he challenged the House's powers, but to do that he had to get the Sergeant-at-Arms to physically touch him. That is how it ended up in the courts where he tried to challenge it.

**Ms FORREST** - That is right. He was popped out onto the footpath rather than just out of the building. It is interesting reading. It is all in this report. Please read it. It is all there. It is interesting to read it to understand what happened. Some of Mr Egan's comments are in here as well, others are on the *Hansard* records, which are all on the website for members to read.

**Mr Willie** - There are some very entertaining quotes in there.

**Ms FORREST** - There are, yes. I commend it to members.

The Leader mentioned referring matters to the Privileges committee. I am unsure how that works for the joint House committees and which one it goes to, because there are members from both Houses. It may depend on which person is being referred, probably it does, but that is not necessarily an ideal process either. A non-threatening, non-confrontational dispute resolution process would be a much more preferable option even to that necessarily, so I take on board what the Leader said but I do not necessarily agree with her.

I know she was making the comments on behalf of the Government and I note she has referred to a couple of matters that are also referred to in our committee report and particularly in the chapter under grounds for immunity related to production of document. This is an area that is really informative for members to read. It talks about public interest immunity and the courts. I was tempted to read through a lot of this to respond to the Leader's comments but I will leave it and encourage members to read that section of the report. There are differing views and while she mentioned the case relating to the Northern Land Council, I will read a section related to that. This is in regard to Cabinet documents -

**Mr Valentine** - What page would that be?

**Ms FORREST** - It is on page 41 of the report. I will start from 'Odgers' Australian Senate Practice'; that is the bible for the parliament in many respects.

**Madam ACTING PRESIDENT** - If anyone wants to know where it is, it is just in front of the Clerk.

**Ms FORREST** - It is always on the desk there. It makes essential bedtime reading if you are having trouble sleeping. On page 41, and I will quote from our report:

Odgers' Australian Senate Practice provided a distinction between cabinet deliberations versus cabinet documents as follows:

It is accepted that deliberations of the Executive Council and of the cabinet should be able to be conducted in secrecy so as to preserve the freedom of deliberation of those bodies. This ground, however, relates only to disclosure of deliberations.

There has been tendency for governments to claim that anything with a connection to cabinet is confidential. A claim that a document is a



cabinet document should not be accepted; as has been made clear in relation to such claims in court proceedings. It has to be established that disclosure of the document would reveal cabinet deliberations. A claim cannot be made simply because a document has the word 'cabinet' in it or on it.

And then just to go to the High Court decision that the Leader referred to in the *Commonwealth of Australia v Northern Lands Council*:

[it] is described by Christos Mantziaris as not providing clarify or a definitive definition of documents that a claim of public interest immunity would reasonably apply:

That case ruled that documents which recorded the actual deliberations of Cabinet or a committee of Cabinet were subject to public interest immunity. The High Court acknowledged that 'documents prepared outside Cabinet such as reports or submissions for the assistance of Cabinet ... are often referred to as Cabinet documents', but it expressed no view as to whether such documents could be brought within the ratio of the case.

It is a bit of a stretch to say they said that those documents can be caught up. I am not sure they exactly said that but I want to make it really clear that they did not make a comment related to that but they did say that Cabinet's revealed the deliberations were clearly - that they would attract that immunity.

I encourage members to read through the report in its entirety because you do learn quite a lot. I also want to quote from the report on page 47 where a former minister of the Victorian Legislative Council, the honourable Gordon Rich-Phillips MP, provided an opinion on what constituted a Cabinet document. This is a man who had been in Cabinet and had the experience and he said:

The reality is, most cabinet documents - certainly the ones I saw as a minister - do not reveal the deliberations of cabinet. They reveal the decisions of cabinet.

Two different things; deliberations and decisions. Decisions are often released with great fanfare. Deliberations, not.

They show the information that was given to cabinet to make decisions but typically they do not record cabinet at a meeting. It will discuss issues, it will reach a decision. More often than not, a paper that goes to cabinet will already have a recommendation on it.

And on it goes. I encourage you to read it.

Then we spoke to Bret Walker SC. I did say QC earlier and I apologise for that error. He has some comments here about that but we also talked to Professor Anne Twomey as well who is also really knowledgeable in this area. Her comment on page 49 says:

To be a genuine Cabinet document it needs to some extent reveal a position taken at Cabinet. It might be revealing a position the minister proposing something was going to put to Cabinet for that sort of Cabinet submission and the Minutes that cover this. Or it could be revealing how in consultation prior to Cabinet the different views of different departments and what they advise their ministers advice is in relation to it.

She goes on to talk about how she would describe a Cabinet document, one that reveals the deliberations of Cabinet.

Yes, it is a big report. There is a lot of information in there but if you read it a bit at a time, it takes you on an informative journey to understand what we are talking about here.

**Mrs Hiscutt** - It is very comprehensive.

**Ms FORREST** - Yes.

**Mrs Hiscutt** - It will take a fair while.

**Ms FORREST** - Yes, it will.

**Mr Willie** - Once you start you will not be able to stop.

**Ms FORREST** - As the member for Elwick said, if you read Mr Egan's evidence, it is quite entertaining. There was a lot of media coverage about that at the time.

**Mrs Hiscutt** - Do you have the page that was on?

**Ms FORREST** - He has comments throughout, but page 60. The report also covers the legal professional privilege aspect as well which is a different matter. I think the Leader in her contribution did refer to matters relating to the courts' decisions and things like that.

This is one of the reasons why Bret Walker SC preferred the use of a rapporteur or adviser because the courts should not be intervening in parliament, the same as the parliament should not be intervening in the courts. The only reason the court considered *Egan v Willis* and *Egan v Chadwick* was because of the matter of Mr Egan being tossed out, touched by the Usher of the Black Rod, as he was placed out onto the footpath. When you listen to him speak about that and you read the accounts of it, it was a deliberate ploy and a charge of assault could be brought so that it could get to the court to be determined.

**Mrs Hiscutt** - I thought that was the role of the Sergeant-at-Arms?

**Ms FORREST** - Not to manhandle people.

**Mrs Hiscutt** - How do you control rioters in your House?

**Ms FORREST** - Call the police.

**Mrs Hiscutt** - Security?

**Ms FORREST** - There may be an avenue for it but he was trying to make a point whether the power was there for him to be suspended. I encourage you to read the whole account.

**Mr Valentine** - The Black Rod would get involved somewhere, would they not?

**Mrs Hiscutt** - That is what I would have thought. It seems difficult that those people are there to do that, yet they are not allowed to physically do it.

**Ms FORREST** - I do not think Mr Egan was resisting.

**Mrs Hiscutt** - Yes, but the law said that he had been touched.

**Ms FORREST** - I am not familiar with all the details of that. We heard the accounts of that. We heard Mr Egan's account and the media coverage, as you would all know in this place, cannot be entirely relied upon for its accuracy.

**Mrs Hiscutt** - Sorry, Madam Acting President, my Deputy Leader is offended.

**Ms FORREST** - I suspect that the member for Rosevears read what was provided for her. She probably did not have to verify the accuracy of it, I do not know. We know that sometimes media reports might miss out particular facts about matters.

The reality is that Egan was removed from the parliament. He was not just removed from the building, he was removed from the parliamentary precinct onto the footpath in Macquarie Street. According to the process that unfolded, that was a step too far in the manner in which it occurred. That was the main area regarding the public interest immunity and the parliament. Our former Solicitor-General, Leigh Sealy, since his retirement from that role, has provided legal advice to parliamentary committees. He provided advice twice to committees I have been a part of. One was on PAC and I think one was on the health committee.

**Madam ACTING PRESIDENT** - Subordinate Legislation.

**Ms FORREST** - Was it as well, yes. In that, he made the same comments about what is a Cabinet document in terms of those that attract the cabinet immunity or public interest immunity. He talked about parliamentary privilege also. I will read a little section from his comments there:

Parliamentary privilege does not allow for the principles established by the courts to be enforced within the parliament ...

It is the separation I was talking about earlier.

... due to the absence of third-party review and the non-adjudicated claims of the Executive remaining largely unresolved except, perhaps ultimately by the electors.

Mr Leigh Sealy SC stated it does not happen in the parliamentary sphere for two reasons:

First, the question of whether the government should or must produce documents to the parliament isn't just issuable, which is to say it is not a

matter capable dealt with by the courts because of provisions of the Bill of Rights which gave rise to parliamentary privilege. So no-one can inquire into the proceedings of parliament - no-one outside of parliament, not even a court, subject to some minor qualifications.

The result is therefore that it's not possible for parliament to go to court to get a ruling on whether the government needs to produce a document or vice versa.

That was the problem in the Egan case, that he had refused to produce the documents and, in doing so, the court could not assess whether that was right or not. That was why this orchestrated or confected battle was taken so the court could have a look at it effectively.

Just to clarify regarding the Usher of the Black Rod: the Usher of the Black Rod can remove from the Chamber. That is their role and they can use whatever powers they need to do that particularly if someone came here threatening members or staff. In New South Wales it went too far by touching him in the street. As I understand it, that was the step required to actually enable that matter to be considered in the court, reading through it and reading his comments. He was quite a character. The power of the Usher of the Black Rod is only for the Chamber precinct, not in the street or outside the boundary of the precinct. That is why he was out onto the footpath of Macquarie Street, which is obviously a public place. We are talking about the parliament in New South Wales, not us.

I do not want to say a lot more on this. It really is an informative report. There is a lot of detail in it and all very relevant to what we do in this place. It is important information for members not only to have, but also to remind themselves and go back to for reference. If the time comes anytime in the future where - particularly in the absence of another dispute resolution process that has been agreed and in effect - we go to that list of punitive and coercive measures and work our way through, the Leader may find herself very afraid at that point. The reality is that she could be held in contempt or so could the other ministers in this House.

**Motion agreed to.**

## **LEAVE OF ABSENCE**

### **Member for Pembroke - Ms Siejka**

[12.59 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council)(by leave) - Madam Acting President, I move -

That the honourable member for Pembroke, Ms Siejka, be granted leave of absence from the service of the Council for the day's sitting.

**Motion agreed to.**

## **SUPPLEMENTARY ANSWER**

### **Respectful Relationships Education**

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - I made an omission on the question on the Notice Paper this morning. Any members who may have been following may have noticed I did not add question 12 at the end. I did have that answer:

- (12)(a) Does the Department of Education have an understanding of what RRE is being delivered in the private school sector; and
- (b) if so,
- (i) what is the breadth of these programs; and
- (ii) how do these programs differ from what is occurring in state schools?

#### **Answer**

The Department of Education does not monitor or regulate the delivery of RREs in the non-government school sector.

I do apologise for that. It was on page 6 but I only printed five pages. I am sure you would have noticed that. We chased that up and trusty Mandy here behind me picked that up and we delivered.

**Mr Gaffney** - What page is that?

**Mrs HISCUTT** - There were that many questions on there. There were 12 questions and it was at page 6 and I only printed out five pages and do apologise for that. I lost it somewhere along the line, so I am glad to deliver that to you. I hope you find those answers satisfactory. Please get back to me if you want to add something else to it.

**Sitting suspended 1.00 p.m. to 2.30 p.m.**

## **QUESTIONS**

### **Department of Education - Statistics on Bullying and Assault Incidents in Tasmanian Schools**

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

[2.32 p.m.]

I asked the Leader of the Government, during budget Estimates the previous minister for Education committed to providing figures for the questions below. To date they have not been received:

- (1) The figures held by the Department of Education related to the level of bullying in Tasmanian schools in 2016, 2017, 2018, 2019 and 2020.
- (2) The number of student-on-student assaults or other incidents of physical violence that occurred in Tasmanian schools in 2016, 2017, 2018, 2019 and 2020.
- (3) The number of student-on-teacher assaults, or other incidents of physical violence that had occurred in Tasmanian schools in 2016, 2017, 2018, 2019 and 2020.
- (4) The number of workers compensation claims resulting from stress or other psychological injuries to Department of Education employees in 2016, 2017, 2018, 2019 and 2020.
- (5) The number of suspensions for bullying, harassment, stalking of another student in 2016, 2017, 2018, 2019 and 2020.
- (6) The number of suspensions for bullying, harassment, stalking of a teacher, or another staff member in 2016, 2017, 2018, 2019 and 2020.
- (7) The total number of student suspensions in 2016, 2017, 2018, 2019 and 2020, including a breakdown by grade.
- (8) The number of incidents occurring in schools reported to Police in 2016, 2017, 2018, 2019 and 2020.
- (9) The number of sexual assaults reported in 2016, 2017, 2018, 2019 and 2020.
- (10) The number of family violence notifications made by schools in 2016, 2017, 2018, 2019 and 2020.
- (11) The number of child safety notifications made by schools in 2016, 2017, 2018, 2019 and 2020.

## **ANSWER**

Questions (1) to (3) and (5) to (7) are using centrally held student suspension data for the years 2016 to 2020 which is in the tables attached, but it is not possible to answer questions (8), (10) and (11) as the data is not collected centrally.

Having said that, Madam Deputy President, I seek leave to table a document and have it incorporated into *Hansard*.

**Leave granted.**

**See Appendix 1 for incorporated document (page 63).**

## Investing in Quality Education and Schools Policy

**Mr GAFFNEY on behalf of Ms FORREST question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT**

[2.34 p.m.]

Regarding policy statements relating to the 2021 election specifically the Investing in Quality Education and Schools policy, the statement noted:

Since our election in 2014, we have employed more than 600 full-time additional education staff, including 259 teachers, 250 teacher assistants, 80 professional support staff, 42 school nurses and 45 administration staff.

Questions to the honourable leader are:

- (1) How many employees in each area listed above were appointed in each year - listed separately since 2014?
- (2) What is the net increase in education staff across each area listed above?
- (3) How many staff have resigned, retired or have gone on long service or long-term sick leave in each of the years listed since 2014?

### ANSWER

Thank you, member for Mersey, on behalf of the member for Murchison. The answer to this question is heavy with tables, therefore I seek leave to table the answers and have them incorporated into *Hansard*.

**Leave granted.**

**Incorporated answer below:**

- (1) The total appointments made for permanent vacancies that were advertised and filled since 2014 are outlined below.

Employee Group	2015	2016	2017	2018	2019	2020	Total
School Admin	13	14	14	27	25	33	126
Professional Support Staff <sup>1</sup>	0	5	27	36	14	46	128
Teacher Assistant	38	58	79	120	122	203	620
Teacher <sup>2</sup>	128	145	188	231	338	229	1,259
<b>Total</b>	<b>179</b>	<b>222</b>	<b>308</b>	<b>414</b>	<b>499</b>	<b>511</b>	<b>2,133</b>

1. The professional support staff quoted in the question includes social workers, speech pathologists, school psychologists and nurses.
2. The teachers total represents base-grade appointments only.

- (2) The net increase in actual paid FTEs from March 2014 to March 2020 is outlined below.

<b>Year</b>	<b>Teaching in- Schools</b>	<b>Teacher Assistant</b>	<b>Professional Support Staff: School Psychologists, Social Workers, Speech and Language Pathologists and Nursing</b>	<b>School Admin</b>	<b>Total</b>
2014 to 2020	268.78	249.59	82.04	44.52	644.93

The movement in total budgeted full-time equivalents allocated for school nurses only between 2014 and the commencement of the 2021 school year is 42.70 FTE.

- (3) The table below show the overall employee separations split by resignations and retirements, together with the number of employees who have proceeded on long-term\* sick (personal) leave between 2014 and 2020.

It is important to note that simply subtracting these data from the raw permanent appointments on question one won't equate to the net increase figure.

This is due to a range of factors, including that Table 1 show the filling of permanent vacancies, and doesn't include temporary or fixed-term contracts, which are included in Table 3, as well as other variations between pay periods, and people returning from long-term leave.

**Table: Total of Resignations, Retirements and Long-Term Personal Leave**

<b>Year</b>	<b>Teaching in- Schools</b>	<b>Teacher Assistant</b>	<b>School Psychologists, Social Workers and Speech and Language Pathologists</b>	<b>Nursing</b>	<b>School Administration</b>	<b>Total</b>
<b>Total</b>	<b>2,167</b>	<b>666</b>	<b>81</b>	<b>20</b>	<b>266</b>	<b>3,200</b>

\*Note: long-term has been determined based on a single leave booking of 20 business days or greater



## **Dorset Council - Illegal Depot Construction on Crown Land**

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

[2.36 p.m.]

Given the Dorset Council received advice from the General Manager, Parks and Wildlife back in May 2020, with regard to an illegal construction of a new works depot partially built on a mining lease on Crown Land, my questions are:

- (1) What is the current status of this situation?
- (2) What has been the cost to the Government in addressing this issue to date?
- (3) When will this matter be resolved?

### **ANSWER**

I thank the member for her question.

- (1) The resolution of legal and planning matters resulting from the Dorset Council's construction of a depot at Derby is progressing. The Crown has written to the council offering a long-term lease solution for the depot site, with a minor amendment to the mining lease. This solution was accepted, in principle, by the council in February 2021. Discussions in relation to potential amendment to the mining lease, which is subject to Mineral Resources Tasmania and leaseholder agreement are continuing.
- (2) The department has undertaken the above actions as a part of its ordinary business operations.
- (3) The Crown is committed to resolving the matter as soon as possible, subject to the agreement of the relevant parties.

## **North-West Healthcare Staff - Statistics 2014-2021**

**Mr GAFFNEY question on behalf of Ms FORREST to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT**

[2.37 p.m.]

Regarding policy statements related to the 2021 election, specifically the policy delivering better health care for Tasmanians in the north-west, the statement notes:

The Tasmanian majority Liberal government has delivered more funding, more staff, and more health services than any government before. ... In the north-west of the State, this has delivered around 150 more staff including

94 extra full-time nurses, 22 additional doctors, and 6 more allied health professionals.

Questions are:

- (1) How many north-west based staff in each category listed above were appointed in each year, listed separately since 2014?
- (2) What is the net increase in north-west health staff across each area listed above?
- (3) How many staff have resigned, retired or have gone on long-term sick leave in each of the areas listed since 2014?

### **ANSWER**

Madam Deputy President, I thank the member for Mersey for bringing this forward, on your behalf. The answer to this question is heavy with tables, therefore I seek leave to table the answers and have them incorporated into *Hansard*.

**Leave granted.**

**See Appendix 2 for incorporated document (page 69).**

### **Year 11 and 12 - Statistics of Attendance 2020-21**

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

[2.38 p.m.]

- (1) Can the Government provide the attendance data for year 11 and year 12 for each Tasmanian extension school for 2020 and 2021 to date?
- (2) Can the Government provide the attendance data for year 11 and 12 for each Tasmanian college for 2020 and 2021 to date?

### **ANSWER**

Madam Deputy President, I thank the member for his question. This response includes tables and numbers, and therefore I seek leave to table this document with notes attached and seek for it to be incorporated into the *Hansard*.

**Leave granted.**

- (1) Year 11 and year 12 for each Tasmanian extension school for 2020 and 2021

School Name	2020	2021
Bayview Secondary College	63%	55%
Bothwell District High School	-	NR
Brooks High School	-	NR
Burnie High School	80%	72%
Campania District School	NR	76%
Campbell Town District High School	64%	79%
Clarence High School	71%	66%
Cosgrove High School	-	46%
Deloraine High School	57%	66%
Devonport High School	NR	NR
Dover District School	84%	83%
Exeter High School	-	NR
Flinders Island District High School	NR	NR
Huonville High School	61%	66%
JRLF - Senior School	38%	43%
King Island District High School	NR	NR
Kings Meadows High School	NR	NR
Kingston High School	76%	93%
Latrobe High School	NR	84%
Launceston Big Picture School	79%	70%
Lilydale District School	73%	81%
Montrose Bay High School	-	NR
Mountain Heights School	48%	36%
New Norfolk High School	59%	47%
New Town High School	86%	71%
North West Support School	84%	86%
Northern Support School	82%	79%
Oatlands District High School	NR	66%
Ogilvie High School	NR	86%
Parklands High School	67%	68%
Penguin District School	76%	67%
Port Dalrymple School	54%	74%
Prospect High School	NR	59%
Queechy High School	-	38%
Reece High School	NR	NR
Riverside High School	-	NR
Rose Bay High School	71%	71%
Rosebery District School	NR	NR
Scottsdale High School	70%	68%
Sheffield School	75%	85%
Smithton High School	67%	73%
Sorell School	63%	68%
Southern Support School	84%	95%
St Helens District High School	70%	65%

School Name	2020	2021
St Marys District School	59%	84%
Tasman District School	64%	69%
Triabunna District School	48%	63%
Ulverstone Secondary College	68%	71%
Winnaleah District High School	NR	NR
Woodbridge School	-	87%
Wynyard High School	68%	74%
Yolla District School	76%	76%

## Notes

Attendance rates for 2021 are as at the end of Term 1.

Years 11 and 12 attendance rates are calculated from the session minutes recorded by schools and colleges in EduPoint.

In 2020 attendance rates were significantly affected by the COVID-19 lockdown for 10 weeks from term 1 week 7 to term 2 week 6.

The rate for 2020 includes the period affected by the COVID-19 lockdown.

"-" indicates that the school was not an extension school for the reported year.

"NR" indicates that the rate is not reported due to the enrolment being 5 or fewer students.

- (2) Can the Government provide the attendance data for year 11 and year 12 for each Tasmanian college for 2020 and 2021 to date?

Colleges	2020	2021
Claremont College	66%	70%
Don College	79%	82%
Elizabeth College	78%	81%
Hellyer College	79%	81%
Hobart College	79%	82%
Launceston College	74%	80%
Newstead College	76%	82%
Rosny College	75%	76%

## Notes

Attendance rates for 2021 are as at the end of term 1.

Years 11 and 12 attendance rates are calculated from the session minutes recorded by schools and colleges in EduPoint.

In 2020 attendance rates were significantly affected by the COVID-19 lockdown for 10 weeks from term 1 week 7 to term 2 week 6.

The rate for 2020 includes the period affected by the COVID-19 lockdown.

### **Sideling Area, Tasman Highway - Update on Progress of the Project**

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

[2.39 p.m.]

Could the Government please provide an update on the progress of the upgrade to the Sideling area on the Tasman Highway, a project where funding, both federal and state has been announced and re-announced with no commencement date indicated?

#### **ANSWER**

Madam Deputy President, I thank the member for her question, and I admire her dedication to the roads within her electorate.

The Department of State Growth has developed options for a B-double standard route through upgrades to the existing Sideling or Corkerys Road route which were presented to Dorset Council in October 2020. The council participated in an Investment Logic Mapping (ILM) workshop to test and confirm the rationale for the proposed investment through an evidence-based approach to deliver the best value from the available funding.

The conclusion of the ILM process was that a long-term staged approach to upgrading the Sideling route including the Corkerys Road option will achieve the key objective of maximising benefits of the \$50 million budget commitment.

Design work has commenced on delivery of the project in two stages namely:

Stage 1a (4.55 kilometres) will run from the intersection of the Tasman Highway and the access road (550 metres south-east of the Scottsdale lookout) to the intersection of the Tasman Highway and Whish Wilson Road.

Stage 1b (10.61 kilometres) will run from the intersection of Whish Wilson Road to the intersection of Minston Road.

Departmental officers and a design consultant met with Dorset Council on 27 May 2021 to provide a project progress update and discuss council's assistance with project stakeholder engagement. Stakeholder consultation for stage 1a will commence in July 2021 with stage 1b to follow in early 2022. The tender for the construction in stage 1a is to be advertised in October, with construction to commence in December 2021, with the tender for construction of stage 1b expected to be advertised in mid-2022. Project delivery risks have been identified including the challenging terrain between Whish Wilson Road and the Sideling upgrade and property acquisition.

## **Bass Highway - Leith Overpass**

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

[2.42 p.m.]

In relation to the understandable controversy regarding the proposed overpass (requiring the compulsory acquisition of a number of properties) at Leith on the Bass Highway, it is being alleged by Government members that there have been many accidents and deaths there over the years.

Given that the Central Coast Council records indicate three fatal accidents in the last 20 years in the vicinity of Leith Road and the Bass Highway:

- (1) Could the Leader please advise if the Government has access to crash statistics (specifically fatal accidents) that have not been released to the general public?
- (2) If so, could the Leader please table these figures?
- (3) Do these statistics vary from those quoted?
- (4) Do the statistics quoted by Government members actually support or have no relation to the proposal to build a very expensive overpass at Leith, which stands to have a massive impact on a number of residents who will lose their homes?

### **ANSWER**

Madam Deputy President, I thank the member for his question. In response:

- (1) The Department of State Growth obtains crash statistics information from Tasmania Police who maintain a register of all reported crashes.
- (2) The information provided by Tasmania Police for the reported crashes for the last 10 years at the Leith Road junction is 1 fatal (cyclist crash in 2017), 3 serious, 2 minor and 7 property damage. The reported crashes for the last 10 years at the Short Street junction are 2 serious, 2 minor, 3 property damage.
- (3) The Government reports only those traffic crash statistics as recorded by Tasmania Police.
- (4) Whilst the crash statistics are an important consideration in determining the appropriate transport infrastructure solution, it is not the only consideration. Consultation with the community is also an important consideration and its decision as to whether an overpass is to be constructed will not be made until after the public consultation is complete. The Government does not acquire homes without significant

prior consideration and considers any fatality to be too many. If a fatality can be avoided, it should be.

### **Bass Highway - Leith Overpass - Consultation**

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

[2.45 p.m.]

In relation to the understandable controversy regarding the proposed overpass (requiring the compulsory acquisition of a number of properties) at Leith on the Bass Highway, a 1 June 2021 article in *The Advocate* newspaper headed 'Department of State Growth begins strengthening work on Forth River Bridge, raising Leith overpass questions' stated that as part of this consultation the project team will provide information about the history and process of previously proposed and considered options for the highway.

- (1) Could the Leader table the historical information to be provided as part of the 2021 consultations for the proposed overpass at Leith?

### **ANSWER**

Madam Deputy President, I thank the honourable member for his question.

The consultation material is currently being finalised by the Department of State Growth. The department will be briefing the Minister for Infrastructure and Transport in the coming weeks and the materials will be provided at the consultation shortly thereafter.

### **TasTAFE Course Delivery**

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

[2.45 p.m.]

- (1) How has the disrepair of the Ron Barwick education facility, namely water damage, impacted TasTAFE course delivery within the prison?
- (2) Are there any asbestos concerns at the Ron Barwick education facility?
- (3) What has been the total investment in upgrades for TasTAFE facilities at the prison?
- (4) How many prisoners have participated in vocational training since the TasTAFE campus was established?
- (5) How many prisoners have completed a qualification since the TasTAFE campus was established?

## **ANSWER**

Madam Deputy President, I thank the honourable member for his question.

- (1) There was minimal impact to TasTAFE delivery as classes were already winding down or had already been completed. Training occurs in more than one location.
- (2) TasTAFE has been in close communication with Tasmania Prison Service representatives regarding the water leak and is confident the process has, and continues to be, well managed in accordance with good work health and safety practices and legislative requirements.
- (3) TasTAFE does not manage the facilities. TasTAFE has supported redecoration of the education centre, including painting, decals and branding.
- (4) Since the establishment of the delivery site, 308 prisoners have enrolled as TasTAFE students.
- (5) Of the 308 prisoners enrolled, 198 or 64 per cent have completed a qualification.

### **COVID-19 - Vaccine Exemptions for Aged Care Workers**

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

[2.47 p.m.]

I preface this question by saying that this has come directly to me from a constituent and their family.

In regard to the National Cabinet announcement yesterday that all aged care workers must receive a COVID-19 vaccine by September 2021, can the Government please advise if there is any avenue for exemption for workers in this industry? If so, what conditions would qualify for an exemption?

## **ANSWER**

Madam Deputy President, I thank the member for her question.

In answer to question 1, on 28 June 2021, National Cabinet agreed to mandate that all residential aged care workers have at least one dose of a COVID-19 vaccine by mid-September 2021 as a condition of working in a residential aged care facility. This will be implemented through a partnership between the Commonwealth Government and the states and jurisdictions. This process will include consideration of the circumstances under which an aged care worker may be exempt from this vaccination.



In answer to question 2, without pre-empting the process, it is likely that exemptions are limited to those for whom vaccinations present an unacceptable health risk.

### **TT-Line Fare Subsidy**

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

[2.49 p.m.]

With respect to:

- (a) the Australian Government's most recent \$6 million subsidy scheme for travellers to take their cars for free on the *Spirit of Tasmania*, in order to encourage more visitation to this state; and
- (b) the state Government's knowledge of the TT-Line 'demand pricing' model for the setting of fares; and
- (c) the application of such a demand pricing model being bound to result in TT-Line receiving by far the majority of the subsidy and in effect the passenger receiving very little of subsidy as result of the increase in fare prices stimulated by the demand pricing model,

was the Government:

- (1) made aware of the scheme prior to its implementation? If so, when and by whom?
- (2) was the Government provided with an opportunity to express its opinion on the subsidy scheme, formally or informally, prior to the commencement of the scheme?
- (3) If the Government was given such an opportunity, did it express any view, formally or informally? If so:
  - (a) what was the view expressed?
  - (b) will the Government please table the response provided by the Australian Government, TT-Line or any other party expressing that or any other view associated with the subsidy scheme prior to or as a result of the implementation of the scheme?
- (4) What steps will the Government now be taking to ensure that any future subsidy scheme results in the full benefit of the subsidy being realised by participating passengers and not the TT-Line by way of increased fares as a result of demand pricing?

## **ANSWER**

Madam Deputy President, I thank the member for that question.

The extra Bass Strait Passenger Vehicle Equalisation Scheme (BSPVES) through the 'bring your car for free' promotion is a temporary and targeted program aimed at kickstarting a much-needed boost to tourism. While it is an Australian Government initiative, the Tasmanian Government supports any measure which brings more people to our state. Of the \$6 million approved by the BSPVES extension, \$5.88 million was allocated to TT-Line to enable free car travel for eligible accompanied passenger vehicles.

TT-Line provided information to the Australian Government to support the implementation and administration of the scheme. Once the scheme was approved by the Australian Government, TT-Line has worked with the Australian Government's Department of Infrastructure, Transport, Regional Development and Communications on the administration and reporting in relation to the approved scheme.

As with the existing BSPVES scheme, the passengers receive the full subsidy benefit at the time of travel. The minister notes and rejects the premise of your concerns that passenger fares have increased since the introduction of the 'bring your car for free' promotion, and as a result, reduced the BSPVES rebate paid to eligible passengers. TT-Line offers a tiered pricing structure and has for many years.

This has not changed with the implementation of the 'bring your car for free' promotion. Neither has it increased fare prices as a result of the increase of the BSPVES rebate. With the extension of the BSPVES, TT-Line does not receive any additional income through the scheme. The full subsidy is allocated to the passenger.

### **Launceston General Hospital - Masterplan Funding**

**Dr SEIDEL question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT**

[2.53 p.m.]

Did the Tasmanian Government approach the Commonwealth Government before, during or after the 1 May 2021 state election regarding funding for the \$5.18 million Launceston General Hospital masterplan? If so, when?

## **ANSWER**

Madam Deputy President, I thank the member for his question. The Tasmanian Government has made a clear commitment to fund the LGH masterplan and we will deliver on our commitment regardless of any future promises made by other levels of government. The minister raised the LGH Masterplan verbally with the minister, Mr Hunt, earlier this month as a topic for further discussion.

## **Property Allocation Reviews**

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

[2.54 p.m.]

In response to a previous question I asked last week regarding an under-occupancy policy, the answer indicated that the department undertakes property allocation reviews weekly, and these tenants are offered a transfer to a more suitable property. From the 2018 review, 25 tenancies were transferred. What is the number of tenancies that have been identified since the 2018 number, that is three years ago, two-and-a-bit anyway? How many of those identified on a weekly basis have been transferred to a more suitable property?

### **ANSWER**

Madam Deputy President, I thank the member for her question. Since commencing the Housing Stock Match Initiative in March 2018, 84 households have been identified as eligible to transfer to smaller accommodation, and 32 of those households have been transferred to smaller properties. The larger properties have then been allocated to families who require them from the Housing Register.

As a matter of normal business practice, households identified into the future as under-occupying larger properties will continue to be encouraged and supported to relocate where there is demand for a larger property.

**Ms Rattray** - I support the policy.

## **Roy Fagan Centre - Independent Investigation Report**

### **Dr SEIDEL question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT**

[2.56 p.m.]

The independent investigation into the Roy Fagan Centre was meant to be completed by the 31 March this year. Has the report or the investigation been received by Mr Rockliff, as the responsible minister? If so, when does the Government intend to make the investigation's findings publicly available?

### **ANSWER**

Madam Deputy President, I thank the member for his question. Due to the election and the caretaker period, the minister has not yet received the report. He expects to receive it along with recommendations in the very near future. As soon as the report is received, it will be publicly released and a briefing offered to Opposition members.

## **Sport and Recreation Grants**

**Ms RATTRAY question to MINISTER for SPORT AND RECREATION, Ms HOWLETT**

[2.57 p.m.]

Have the Sport and Recreation Grants been re-established? I know there was a pause on them due to the COVID-19 particular requirements for sporting organisations. Have they been reopened and, if so, may I have some time line on this? I am happy to take it on notice if need be.

### **ANSWER**

Madam Deputy President, I thank the member for her question. I will take that on notice. I can tell you the Improving the Playing Field grants will open at the beginning of the financial year. I do not have an exact date; I am waiting on that date for confirmation today. I will get back to you with that information.

**Ms Rattray** - Any information would be useful, because already we have had inquiries into the office because there has a stalling of that process.

**Ms HOWLETT** - I know how important it is to your electorate and how many applicants we get. As soon as I have the information I will certainly give it to you.

## **Salmon Leases - Seal Deaths**

**Dr SEIDEL question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT**

[2.58 p.m.]

Recent media reports on the death of seals in and around salmon leases in Tasmania quote the minister, Mr Barnett as follows:

We have a seal management plan and a framework that operates across the salmon and fishing industry, it is an important framework and it should be abided by.

RTI information reveals, however, that Department of Primary Industries, Parks, Water and Environment staff recommended the banning of 'scare-cap devices from firearms with multiple power settings' and further investigations to determine what tissue damage may result from scare-caps on seals.

Can the minister explain why scare-cap devices are not banned from use and can the minister also explain why an independent inquiry into the breaches of the seal management plan has not yet been initiated?

### **ANSWER**

Madam Deputy President, I thank the member for his question.

The Seal Management Framework and minimum requirements provide standards, tools and procedures to manage interactions between seals and salmon industry staff and farm infrastructure to minimise risks to farm workers and seal welfare. The minimum requirements may be updated in consultation with industry on an as-needed basis to incorporate new research, changes to operational approaches and novel technologies.

Under the framework, DPIPWE authorises the salmonid aquaculture industry to access a variety of tools to manage fur seal interactions. Salmon companies are only allowed access to deterrents if they have demonstrated that wildlife exclusion measures outlined in the minimum requirements are met. In addition, seal deterrents can only be used for persons who have a valid permit issued by the department under the Nature Conservation Act 2002.

The department follows strict protocols when considering applications from persons seeking to use seal deterrents to ensure appropriate checks and balances are in place to manage safety and animal welfare considerations. Permits to use seal deterrents are only issued in circumstances where the applicant has demonstrated a valid reason for using deterrence and received appropriate training.

This training, which is delivered by the department, ensures applicants are fully aware of the animal welfare requirements. The department also employs a dedicated wildlife management officer to advise marine farm staff on seal behaviour, the requirements of the framework and practical ways to minimise risk in relation to wildlife interactions, including with seals.

All reports of noncompliance are assessed to inform further actions with animal welfare matters and other reports of more serious potential compliance issues are referred to the department's investigation and enforcement section. Where warranted advice from departmental vets and/or the Chief Veterinary Officer is routinely sought in relation to animal health and welfare questions.

It is of note that the requirements relating to seal management have been strengthened since 2014 and reviewed as recently as 2018. The requirements exceed those in place under the previous government.

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### **Suspension of Standing Orders**

#### **Extension of Question Time**

[3.02 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council)  
(by leave) - Madam Deputy President, I move -

That so much of standing order 49 be further suspended for this day's sitting as would prevent question time from being extended for a further 10 minutes.

**Motion agreed to.**

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## **Tasmanian Devils - Introduction to Maria Island**

### **Dr SEIDEL question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT**

[3.02 p.m.]

Twenty-eight Tasmanian devils were released on Maria Island nine years ago. As reported by Birdlife Tasmania, more than 3000 penguins were wiped out during the same time. Can the minister advise when he was made aware that the introduction of Tasmanian devils on Maria Island may have devastating consequences on the island's penguin population? Can the minister also explain what mitigation measures were put in place and when? What if any explanation can the minister provide as to why those measures seem to have failed with regards to the impact on the island's penguin population?

### **ANSWER**

Madam Deputy President, I thank the member for his question.

The decision to translocate Tasmanian devils onto an offshore island to establish a disease-free population was a carefully considered and critical management action undertaken in response to the potential threat of extinction posed by the devil facial tumour disease.

Maria Island was selected from a suite of possible islands and taking a range of factors into account, including the long history of vertebrate introductions such as brushtail possums, cats and rats and the varied use of the island dating back to the convict era. The translocation process was subject to assessment through state and Commonwealth approval and permit processes. Impacts from devil introductions were anticipated and the activity was approved given the conservation benefits of translocation to the endangered devils.

Definitive population estimates of little penguins in Tasmania are not known. The previous Tasmanian population estimates have ranged from 110 000 to 190 000 breeding pairs. Up to 95 per cent of the Tasmanian little penguin population is located on offshore islands. Prior to the introduction of devils to Maria Island, the Maria Island group which consists of three islands, supported an estimated approximately 7500 little penguin breeding pairs.

Ile du Nord supported the largest population of approximately 4300 and Maria Island approximately 3000 breeding pairs. Monitoring indicates the population of little penguins on Maria Island has declined and that devil predation is one of the drivers of this decline. The primary mitigation measure has been to reduce the number of devils on the island, from the original approved figure of 130 down to in the range of between 60 to 90 in recent years.

It should be noted that little penguins on Maria Island are predated upon by a range of species throughout their annual cycle, which makes effective mitigation efforts difficult to implement. Concurrent monitoring of the little penguin on Ile du Nord - which lacks the suite of predators present on Maria Island, like possums, cats, rats and devils, also show some decline in this population during the same time period, which suggests broader regional factors may also play a role. While we are now gaining confidence that devil facial tumour disease will not drive widespread extinction of the devils in the wild, our iconic species remains endangered and below population numbers mean the devil remains at risk of threatening processes.

Maria Island remains an important part of the broader devil program to help restore and maintain an enduring and resilient wild devil population in Tasmania. All effective conservation programs are adaptive. The Save the Tasmanian Devil Program will continue to evolve in line with new knowledge in science and emerging priorities. This includes the ongoing role of Maria Island in the broader devil conservation efforts, as well as the associated monitoring and management activities that are undertaken at this stage.

## **SUSPENSION OF SITTING**

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

That the sitting be suspended until the ringing of the division bells.

This is to enable members to go to Government House.

**Motion agreed to.**

**Sitting suspended from 3.07 p.m. to 4.32 p.m.**

## **STATEMENT BY DEPUTY PRESIDENT**

### **Presentation of Address-in-Reply**

**Madam DEPUTY PRESIDENT** - Honourable members, I have to report to the Council that, accompanied by the honourable member for Elwick as the mover and the honourable member for McIntyre as the seconder and other honourable members, the President presented to Her Excellency the Governor the Address-in-Reply to Her Excellency's Speech, to which the Council agreed on 24 June 2021, and that Her Excellency has been pleased to make the following acknowledgement:

Mr President and Honourable Members of the Legislative Council, on behalf of Her Majesty the Queen, I thank you for your Address'.

## **TABLED PAPERS**

### **Subordinate Legislation Committee - Scrutiny of Notice - Report No. 15**

**Ms WEBB** (Nelson) (by leave) - Madam Deputy President, I present the following report of the Joint Parliamentary Standing Committee:

Report of the Joint Parliamentary Standing Committee on Subordinate Legislation in relation to the Scrutiny of Notice issued under Section 14 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 (Land Use Planning and Approvals Act 1993) - Report 15.

**Report received and printed.**

## **Subordinate Legislation Committee - Scrutiny of Notice - Report No. 14**

**Ms WEBB** (Nelson) (by leave) - Madam Deputy President, I present the following report of the Joint Parliamentary Standing Committee:

Report of the Joint Parliamentary Standing Committee on Subordinate Legislation in relation to the Scrutiny of Notice issued under Sections 11,18 and 19 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 (Local Government) and Scrutiny of Notice issued under Sections 11 and 17 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 (Local Government) - Report 14.

**Report received and printed.**

### **MOTION**

#### **Noting of Joint Address - Death of His Royal Highness The Prince Philip, Duke of Edinburgh**

[4.36 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - (by leave) Madam Deputy President, I move -

That the communication from the Joint Presiding Officers dated 12 April 2021 to Her Majesty the Queen on the passing of His Royal Highness The Prince Philip, Duke of Edinburgh, be noted.

Today I take this opportunity to express the great sorrow of many Tasmanians on the death of His Royal Highness, the Duke of Edinburgh, who died on 9 April 2021. Prince Philip served his Crown, his country and the Commonwealth for nearly 80 years.

He was a man of many talents: accomplished naval officer; patron of numerous community, civic and charitable organisations; accomplished sportsman; youth advocate and he has been described by some as an environmentalist. Above all in many people's minds he was a loyal and dedicated consort of Her Majesty the Queen. He also had a sparkling sense of humour, a forthrightness often testing the boundaries of political correctness and an ability to ground himself in what must have been an often stifling and overwhelming atmosphere of pomp, ceremony and formality.

As part of my preparation for this address I looked at a book titled *Prince Philip: A Lifetime of Wit and Wisdom* by Phil Dampier and Ashley Walton. On occasions, it made me laugh out loud and I shall make reference to a number of the quotes or 'Philipisms', as they refer to them, contained therein, as I continue my contribution. One such quote that initially caught my eye related to the Prince's view of politicians. On the surface it would appear that the respect and reverence many parliamentarians around the world undoubtedly felt for Prince Philip was not always reciprocated.

On a trip to Ghana in 1999 he asked an MP, 'How many members of parliament do you have?' and when told that there were 200 he replied: 'That's about the right number. We have 650 and most of them are a complete bloody waste of time'. Not that we should be offended.



It was a typical sort of quip that Prince Philip had made all his life to amuse and relate to people from all walks of life. His humour was often self-deprecating.

At a royal reception to honour Australians the Prince met Joe Kerr, husband of Gill Hicks who lost both legs in the July 2005 London bombings. 'You are not an Australian', said Philip. 'No, actually, I'm not important. I'm just here because of my wife', said Joe. 'Tell me about it', said Philip, walking off chuckling to himself. Nothing could be further from the truth, of course, but the fact is Prince Philip played a vitally important role supporting the Queen for most of his life and it was a role that he took seriously despite the jokes.

In 2011 when asked how he felt about giving up his naval career, he commented that it was naturally disappointing. He had just been promoted to Commander and the fact was that the most interesting part of his career was just starting and he went on to say, 'My first duty was to serve the Queen in the best way I could'.

That seemed to be a principle that guided Prince Philip throughout his life and the importance of his role was indeed recognised by Her Majesty. In 1997 at a launch in London's Guildhall to mark their Golden Wedding Anniversary the Queen paid tribute to her husband saying:

He is someone who doesn't take easily to compliments, but he has quite simply been my strength and stay all these years and I, and his whole family, and this and many other countries, owe him a debt greater than he would ever claim, or we shall ever know.

It was not simply as a husband and Royal Consort that Philip's life was significant. He had a distinguished naval career. He joined the battleship HMS *Ramillies* in 1940 as an 18-year-old midshipman. In 1941 he was appointed to the HMS *Valiant* in the Mediterranean fleet. He was mentioned in dispatches for operating searchlights during the Battle of Cape Matapan against the Italian navy.

He was promoted to Lieutenant and then at age 21 to First Lieutenant and Second in Command on the destroyer HMS *Wallace*. In 1944 he was made First Lieutenant of the fleet destroyer HMS *Whelp* and in 1950 he was promoted again to Lieutenant Commander and stationed in Malta. He gave up his active naval career in 1953 after 14 years of service.

Prince Philip was also an accomplished sportsman and always had an interest in keeping fit. He captained his school cricket and hockey teams at Gordonstoun School in Scotland. He was a very keen sailor and became Admiral of the Royal Yacht Squadron and President of the Royal Yachting Association. He played polo for more than 20 years and was President of the International Equestrian Federation from 1964 to 1986. He won world team gold and three world and one bronze medals for taking up competitive carriage driving. He was President of the Football Association from 1955 to 1958 and President of the MCC from 1950 to 1974.

Prince Philip was involved in numerous sporting, community and charitable organisations. One I will mention specifically - and which many of us are familiar with - is the highly successful Duke of Edinburgh Award scheme, of which he was the founder. The Duke of Edinburgh Award is a youth awards program established by Prince Philip in the United Kingdom in 1956 that has since expanded to more than 130 countries and territories around the

world. The award recognises adolescents and young adults for completing a series of self-improvement exercises.

The award was established in Australia in 1959 and over 755 000 young Australians have now completed their award, and around 45 000 are actively participating in the award program each year. The award can be found in over 1 200 locations and institutions across Australia, including cities and rural and remote areas, through government and independent schools, universities, Indigenous communities, refugee support programs, detention centres, community organisations, disability groups, and other youth programs.

When asked in 2011 to comment on the awards scheme, the Prince replied with typical forthrightness if not humility, 'I have no reason to be proud. It is satisfying that we have set up a formula that works but I do not run it'. The fact is, however, that he had been a significant factor in the success of the scheme around the world and it is a legacy of which he could justifiably be proud.

Prince Philip accompanied Her Majesty on her very first official visit to Tasmania in February 1954 and again on her visit by their Royal Highnesses in late March 2000. During that time, he visited Australia on more than 20 occasions and visited Tasmania 9 times.

He had a deep affection for Australia, and on these visits witnessed a number of key moments in our history. During those and their other visits in between, the attendance and participation of their Royal Highnesses at special events and occasions for our state ensured a number of personal encounters with the people of Tasmania and this has resulted in many of them remembering His Royal Highness very fondly.

His Royal Highness the Duke of Edinburgh's funeral took place at St. George's Chapel, Windsor Castle on Saturday 17 April 2021. I understand the Premier wrote to Her Majesty Queen Elizabeth II, to offer Her Royal Highness and members of the Royal Family our sincere condolences and to let her know that the thoughts of Tasmanians were with her and her family at this very sad time. Similarly, the President of the Legislative Council, together with the former Speaker of the House of Assembly conveyed to Her Majesty, through Government House, the deep sorrow felt by the members of the Tasmanian Parliament, on learning of the death of Prince Philip.

Vale His Royal Highness Prince Phillip, the Duke of Edinburgh, a life of service well lived.

[4.45 p.m.]

**Ms PALMER** (Rosevears) - Madam Deputy President, an image many of us will take some time to forget would have to be that of an elderly woman sitting alone, dressed head to toe in black, in St George's Chapel grieving the loss of her husband of 73 years.

COVID-19 does not discriminate, and despite being the Queen of England, that made no difference to the restrictions that were in place at that funeral. In fact, similar restrictions are also cutting deeply into a family in my electorate in Rosevears, the East family in Beaconsfield.

I spoke about this family in my inaugural speech in this place. It was months and months before Mr East and his two daughters could properly farewell and, in their words, grieve the loss of his beloved wife and the girls' beloved mother, Roma. As I looked at that image, I was

reminded of a unique and somewhat, I guess, unbelievable time in my own life that took place in the year 2000. I remember quite clearly that the news broke that the Queen and Prince Philip were coming to town. They were coming to Hobart and to Launceston, the two cities that would host the royal couple for two days in March and they touched down in Hobart at 12.50 in the afternoon.

Our Queen Elizabeth walked through Salamanca in Hobart for a 'meet the people' walk, where she was inundated with school children who just wanted to be close to her. There was also a visit to the Tasmanian Maritime Museum, a tour of shipbuilder Incat, as well as a visit to Woolmers Estate at Longford and the Launceston Showgrounds. Finally, to wrap up this tour, there was to be a walk through the City Park in Launceston and then a glittering reception to be held in the afternoon at the Albert Hall. We were led to believe about 1000 people would be attending at the Albert Hall and it would be standing room only.

Well, I nearly died in the weeks leading up to the big visit, when I was actually asked to host the official Royal Reception at the Launceston Albert Hall. I was 29 years of age, I was ecstatic at the thought of being on the same stage as Her Majesty and Prince Philip. But beyond my wildest expectations, an invitation arrived from the then Premier of Tasmania, Jim Bacon, I had been asked to join him for a private lunch immediately after the reception with the Queen and Prince Philip. There would be only 18 guests there. I have to tell you, this was one of the most wonderful and hilarious lunches I have ever attended.

The list of protocols that we received in the weeks leading up to this was absolutely endless. We were told what we could and could not say, we could never start a conversation, we had to wait to be spoken to, we were told when we were allowed to eat and when we had to stop eating. By the time you read the list of protocols, you felt that there was a very good chance you were going to embarrass yourself, your city, your state, perhaps the entire country, if you did anything wrong. So, you read through this quite extensively.

When we entered the room, for our official lunch, there were two tables. There was one table where the Queen sat with her nine guests, and one where Prince Philip sat with his nine guests. I was pretty chuffed, because I was seated on the Queen's table, and even better, I was seated next to my friend, Jim Bacon. We were quite intrigued that each of us had a waiter standing about a metre back from our chairs, our own waiter for every guest. Each of them stood back politely watching our every move. As the main course was served, Jim leaned over to me and whispered 'eat fast'. I sort of looked at him, and he said, 'Just remember as soon as she puts her knife and fork down, we have to stop eating. So, eat fast and eat the things you like first'. We had a glare from across the table from Honey Bacon, who could see that the two of us had collapsed in fits of laughter; it was most inappropriate. We did rush our food, constantly looking at the Queen to see when she was going to finish, and, as it said in the protocols, the moment she put her cutlery down, her waiter took her plate and our food plates were whisked away immediately. It was quite different.

The conversation around the table was highly structured. To be honest, Her Majesty was not particularly interested in me. The person she was most interested in around the table was Ricky Ponting. Most of the lunch was spent talking about the dogs, horseracing and cricket. It was what was happening on the other table that spoke volumes on that day. At Prince Philip's table the conversation appeared to be somewhat robust and very inclusive. Raucous laughter from his table kept drifting over to our table. Like many of the others who were seated on the Queen's table, I thought we were on table A, and that perhaps Prince Philip's table was table B. We very soon realised that those on Prince Philip's table had indeed hit the jackpot. It was

amazing to see how he made everyone feel so comfortable, and how real he was in that environment.

You hear reports from all around the world of this mischievous character. I was able to see it firsthand. He sparkled with warmth and mischief. Everyone was simply drawn to him. I will never forget that lovely moment in time. I consider myself very fortunate that I did meet this man. He was a good man. He dedicated his life to service, and indeed, to his wife.

My sincere condolences to Her Majesty, the Queen, on the passing of His Royal Highness The Prince Philip.

[4.52 p.m.]

**Mr VALENTINE** (Hobart) - Madam Deputy President, I also recall that visit. I was privileged to conduct the Queen down Salamanca Place on that day. It was quite a fascinating day. My dear - now departed - mother was in the crowd and I did not even see her. She was a few arm's lengths from me and I failed to introduce her to the Queen. That was my biggest regret, because my mother loved the Queen.

Nevertheless, it was a fascinating time. I could go on with many stories about that particular occasion. Today we are here to acknowledge Prince Philip, his Royal Highness, the longest serving royal Consort in British history; an amazing 99 years of age - two months short of 100 when he passed away. He was his own person, as evidenced by his outspoken manner in many ways. Those things he chose to promote or support speak volumes of the sort of person he was. The Leader mentioned numerous organisations. I looked that up. He was president, patron or honorary member of 992 organisations, many of them scientific and technological, and research and development-oriented, industry in particular. Welfare of young people - as you were saying, the Duke of Edinburgh's Awards is an example of that. Education, conservation and environment were very high on his agenda, as well as encouraging sport, and industry.

He was Consort of Her Majesty, the Queen, for almost 68 years of their nearly 74 years together as a married couple. It is no mean feat to be the person who is always there in support over all those years. He did have moments of light banter. You would not undertake such a role without having a sense of humour, and some of those moments were read out by the Leader. Always needing to think of appropriate responses or icebreakers as he moved towards people and thinking: 'what is their role, what do they do, what am I going to say to this person, how am I going to make them feel included?'. All that would be running through his mind. He would have received some information about the person he was to meet, but there were many other times when he would not have known anything about the person he was about to meet. He had to be the sort of person who could pick up and run with something in terms of conversation.

There are many organisations and individuals who will greatly miss His Royal Highness' patronage. I am sure his efforts have been very much appreciated in promoting various causes and organisations and there will be a great number of achievements as a result of his attention and support.

An example of when I met with him. I was in a line being welcomed to Government House for dinner one evening with the Queen and Prince Philip. I was coming towards him; here I was; I was the Lord Mayor. During the day I had been wearing my chains. I was not

allowed to wear my robes to dinner, and I could not wear my tricorne hat either. You simply did not do that. There was a chance that you could upstage the royal guests and that was not the way it was meant to be. I had the chains on during the day but that evening I wore a simple dinner suit. As I was presented to His Royal Highness he said to me, 'My word, Lord Mayor, you do look somewhat lighter this evening'. A simple thing to say but an icebreaker, some way of being able to communicate with people. They are the sorts of things he had to think up all the time for 68 years. It is unbelievable.

I acknowledge the sheer effort and dedication that he put into that role, and the dedication and commitment that he put into all the different causes that he supported when he was not being Consort to the Queen.

My condolences, together with yours, are extended to Her Majesty. I am sure she will greatly miss the constant presence of His Royal Highness. I note the motion.

[4.58 p.m.]

**Ms ARMITAGE** (Launceston) - Madam Deputy President, the last three addresses are very hard acts to follow. They were very interesting to listen to as well as amusing.

There is very little I can say that would do justice to mark the passing of His Royal Highness, Prince Philip, Duke of Edinburgh. I am sure Her Majesty The Queen has been in the thoughts of many over the past couple of months since the death of His Royal Highness and I, like others, have a great deal of sympathy at a human and individual level for Her Majesty, given the loss of her husband of seven decades. The father of four and the husband to our Commonwealth's Queen, His Royal Highness's life was a long one of service to our Monarch and to our Commonwealth.

I am of the belief that no matter what one's opinion is of our constitutional monarchy in Australia, that His Royal Highness's life was one of service to others. I do not believe that our Royal Family are the lofty figures that they are sometimes made out to be. It certainly sounds like that, listening to some of the stories we have already heard. I truly believe they do good work for our Commonwealth and make a difference in the lives of others, directly and indirectly.

Since the death of His Royal Highness, I have reflected on how I believe he made a difference to Tasmanians and in offering my condolences to Her Majesty, I wish to speak about some of these today.

One of the clearest ways in which His Royal Highness served Tasmanians was through his founding of the Duke of Edinburgh's Awards, which have been in operation in this state since 1962. This program enables young people to become empowered, to realise their full potential whilst building a brighter future. Here in Tasmania, ensuring everyone has an opportunity to participate, no matter their personal circumstances, is the organisation's ethos. Young people between the ages of 14 and 24 can structure their own unique program relating to physical recreation, skills, voluntary service and adventurous journey. In 2020 over 11 500 Australians finished one of the bronze, silver or gold awards, with over 275 000 hours of volunteering completed by participants.

Significantly, over 775 000 young Australians have participated in the awards since their inception in 1959. In February this year, Flinders Island District High School student Connor

Wheatley completed his bronze award, being the first on Flinders Island to do so. What a resounding success this is for young Tasmanians, to be inspired to contribute to their communities and become better versions of themselves through service, adventure and growth. Regarding the awards, His Royal Highness has said:

Young people growing up in this modern and complicated world have many difficulties to face, and opportunities for personal achievement are often limited. At the same time, parents, teachers, voluntary organisation leaders and employers who recognise their responsibilities towards young people also have their challenges. Everyone who takes part in the Award will find an added purpose and pleasure to their lives. I am quite sure that all those who help to run it will gain that special sense of satisfaction which comes from helping others to discover hidden abilities and overcome a challenge.

These words are as true today as they have ever been, with young people facing economic uncertainties and a difficult job market. Providing them with a program that encourages self-discovery and resilience is needed now more than ever. This is a wonderful legacy for his Royal Highness to leave. It has positively impacted the lives of thousands of young Australians.

Her Majesty and His Royal Highness first visited Tasmania in 1954. While I cannot claim to have been there at that time - the year before I was born - I know Bruce is not listening so I can safely say it; Bruce was there, as an 11-year-old Friends School student. He told me that he proudly lined up on the streets with his school to see the Queen and Prince Philip. According to *The Examiner*, an estimated 75 000 people lined the streets of Launceston in order to see the Queen and Prince Philip on their visit. Of course, Bruce saw it in Hobart. It was also the first time that a reigning monarch had visited Tasmania.

Her Majesty and His Royal Highness visited Launceston a number of other times, in 1970, 1977, 1981, 1988 and 2000. I note that on his last visit to Launceston, His Royal Highness was in his late 70s and was as spry as ever. As I recall, His Royal Highness enjoyed a glass of Boag's beer, brewed right there in Launceston.

**Mr Valentine** - You would not have been serving Cascade, would you?

**Ms ARMITAGE** - At some places we do, if they are the sponsor at the time, as at UTAS stadium. However, I am pleased to say he did enjoy a glass of Boag's beer. If that is not a delightful endorsement of our locally crafted beer, I do not know what is. In 1967 his Royal Highness visited the state's south, in the months after the bushfire disaster that remains one of the worst in our nation's history, with 64 people having lost their lives. There is still little that anyone can say or do in the wake of such a significant catastrophe, but I know that his visit and his thoughts to the locals in the area were very much appreciated.

Of course, I cannot offer my condolences to Her Majesty without acknowledging the personal tragedy of the loss of one's husband of 70 years. Her Majesty has described His Royal Highness as her strength and her stay for all these years. Growing together as a couple for the best part of a century, achieving milestones, creating a beautiful family and a lasting marriage are, in and of themselves, legacies to which we should all aspire. As the husband of the Head of our Commonwealth, it is undeniable that through his support to Her Majesty, he has supported us all - therefore we have all lost something.

I offer my sincerest condolences to Her Majesty The Queen, her children, grandchildren and great-grandchildren. I acknowledge on record our sincerest gratitude for His Royal Highness's service to our Commonwealth and our Queen.

[5.04 p.m.]

**Madam DEPUTY PRESIDENT** - His Royal Highness The Prince Philip, Duke of Edinburgh was born on 10 June 1921 on the Greek island of Corfu. He passed away on 9 April 2021 at Windsor Castle aged 99, just two months shy of his 100<sup>th</sup> birthday.

Prince Philip joined the Royal Navy when he was 17 and went on to serve in the Second World War. Prince Philip married the then Princess Elizabeth in 1947 and is the longest serving Royal Consort in British history.

Her Majesty The Queen and Prince Philip had four children. Charles, Anne, Andrew and Edward. They have eight grandchildren and 10 great grandchildren.

Her Majesty The Queen described Prince Philip, as others have said, as her strength and stay during her long and at times challenging reign. I am sure she will miss him terribly.

Prince Philip's dutiful support of his wife, Her Majesty Queen Elizabeth, and his engagement in public visits around the Commonwealth and ceremonial occasions endeared him to so many around the world and continued into his later years. He only retired in 2017, aged 96.

Prince Philip earned the deserved admiration of generations throughout his lifetime. A lifetime of selfless public service. Perhaps, while not always welcomed by some, it was with his trademark honesty that resonated most. He also acknowledged again with his forthright and frank style that he always did what he thought was best, acknowledging there will always be some that do not like what he said or did.

His Royal Highness The Prince Philip, Duke of Edinburgh was a man of his time and generation and I am sure it was not easy for him to be in a position of subservience to his wife. However, Prince Philip was unswerving in his support of Her Majesty The Queen throughout their long marriage of 73 years and fulfilled his role of Consort with humility, always putting the needs of his wife first and remaining two steps behind.

His frankness and, as considered by some, somewhat inappropriate comments at times - he has worn any criticism of that with humility and good humour and he has also given satirists and cartoonists a good amount of material.

Prince Philip actively supported youth and the opportunities for self-improvement. As was mentioned by the members he launched the Duke of Edinburgh's Awards, a youth award program inspiring teenagers to challenge themselves physically and mentally and build their confidence through non-academic activities. The award was introduced to Australia in 1959 and has since developed and grown internationally now reaching young people in more than 130 countries with over eight million young people having participated worldwide at the last count. This includes over 775 000 young Australians who have participated in and benefited from the opportunities created by the Duke of Edinburgh's Awards. I know for those who have done this amazing experience it can be truly life-changing.

Prince Philip - some may suggest a man well ahead of his time - led a life of strong advocacy for scientific and technical innovation and for wildlife protection and conservation. He was the patron or president of more than 750 organisations as other members have mentioned including the Royal National Institute for Deaf People for 55 years.

Sixty years ago, in 1961, the Duke of Edinburgh helped found the World Wide Fund for Nature and two years later in 1963, on a visit to Australia, he floated the idea of a local branch of the World Wildlife Fund. In fact, it was from this suggestion by Prince Philip that led to the foundation of the Australian Conservation Foundation in 1965. Prince Philip was the foundation's president, and the World Wide Fund for Nature's president from 1981 to 1996.

He was very passionate about environmental issues including in Australia. He spoke to a number of issues from endangered species to the protection of the Great Barrier Reef. True to form, Prince Philip also acted in typical blunt style to urge the federal government in 1973 to act on protecting Kakadu by declaring a special reserve. In a letter to former Prime Minister Gough Whitlam about environmental issues, he described that issue as probably the hottest of the potatoes. He wrote that in a letter. He was a friend to Australia and passionate about protecting Australia's unique beauty and wildlife, but more than that he had a genuine interest and compassion for the people of Tasmania and for this we can be forever grateful.

Prince Philip, as has been noted, made over 200 tours to Australia. He was the Royal representative who opened the Melbourne Olympics in 1956. From his first visit to Australia as a young sailor aboard the battleship HMS *Ramillies* to his final tour in 2011, Prince Philip had an informality that endeared him to Australia and to Australians.

In December 1945, he spoke of his love for our country, the people and the food, reflecting then that on his visit to Australia, he enjoyed the week in Tasmania best. This visit was during World War II, when on a period of leave from the navy, Prince Philip stayed at Connorville. Members may know Connorville as a property near Cressy. More recently, I personally have slept in the same room that was the duke's room. It was interesting to hear about their visit and see some of the memorabilia that they hold at Connorville.

In 1954, the visit coincided with 150<sup>th</sup> anniversary of Collins' settlement at Sullivan's Cove. During this visit, Her Majesty Queen Elizabeth opened the Fifth Session of the Thirtieth Parliament of Tasmania, with Prince Philip in attendance. He wore his naval uniform and there were 200 guests in this Chamber. Her Majesty the Queen sat in this chair that I am sitting in now. There are photos of this auspicious occasion in the Parliamentary Library if anyone wishes to view them. This was obviously pre-COVID-19; 200 people would be pretty squishy in this Chamber.

**Mr Valentine** - What was the date on that, please?

**Madam DEPUTY PRESIDENT** - That was in 1954. After flying in from Cambridge to Wynyard, Queen Elizabeth and Prince Philip toured Burnie, Penguin, Ulverstone, Devonport, Deloraine, Westbury, Longford and Cressy, before staying overnight at Connorville in the specially prepared royal suite. And that is still there in Connorville. Connorville is the only private residence the royal couple stayed at during their tour of Australia. So, Tasmania is pretty special to the royal couple.



In 1963, Queen Elizabeth and Prince Philip visited Tasmania as part of their Royal Tour and attended the 125<sup>th</sup> Royal Hobart Regatta. Showing a deep attitude of compassion, Prince Philip toured the bushfire-ravaged areas of Tasmania on his 1967 visit, as was mentioned.

It was reported that one of the many things Prince Philip had in common with Australians was the love of beer. I am not sure if he was happy to have it served chilled though. You know how the English like their beer, allegedly anyway. It was fitting that during this visit, he visited the Longley Hotel to enjoy a beer with the locals.

He met some of those who were badly affected in the township of Snug, south of Hobart, where 11 people had tragically lost their lives in those fires. On that occasion he also visited Tarooma, Kingston and Margate. Prince Philip was mobbed every time he stepped out of his car during his tour of fire-affected areas of southern Tasmania, notwithstanding the tragedy and devastation those communities had endured. His informality and natural disposition towards the people of Tasmania placed him well as a comforter in their time of need, as he did in many other circumstances across the Commonwealth of Nations. He cared deeply for Australia, its natural beauty, wildlife, welfare and its people and Australians cared deeply for and respected Prince Philip.

Prince Philip will be missed by all who knew him, I am sure - and I met him and respected him from afar - but none more so than her Majesty and their family. Today we acknowledge his love for Australia, the sacrifices he made, and the good that he did in the service of our nation and the free peoples across the world.

We place on record our sincere gratitude for the service of Prince Philip, that he gave to the Commonwealth, and extend our sincerest condolences to Her Majesty the Queen, and Prince Philip's family in their time of grief. We hope that the many happy memories they have of their husband, father, grandfather and great-grandfather will sustain them in years ahead.

I move the motion.

**Motion agreed to.**

**TREASURY MISCELLANEOUS (COST OF LIVING AND AFFORDABLE HOUSING SUPPORT) BILL 2021 (No. 12)**

**The House of Assembly advised that Legislative Council amendments were agreed to.**

**JUSTICE MISCELLANEOUS (INCREASING JUDICIAL RETIREMENT AGE) BILL 2021 (No. 15)**

**First Reading**

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

## **SUSPENSION OF SITTING**

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Madam Deputy President, before I move the suspension, I am informed that the bill I am waiting for may only be 15 or 20 minutes.

Madam Deputy President, I move -

That the sitting be suspended until the ringing of the division bells.

This is to enable that bill to arrive in our House to be tabled.

**Motion agreed to.**

**Sitting suspended from 5.15 p.m. to 5.56 p.m.**

## **GUARDIANSHIP AND ADMINISTRATION AMENDMENT (ADVANCE CARE DIRECTIVES) BILL 2021 (No. 14)**

### **First Reading**

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

## **ADJOURNMENT**

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

That at its rising, the Council adjourn until 11.00 a.m. on Tuesday, 24 August, 2021.

**Motion agreed to.**

**The Council adjourned at 5.58 p.m.**

## Appendix 1

### QUESTION WITHOUT NOTICE

#### Legislative Council

ASKED BY: Hon Josh Willie MLC

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

*Albatt. ✓*  
tabled and  
incorporated  
into Hansard  
L. Hiscutt  
Leader  
1 July 2021

#### QUESTION:

My question is to the Honourable Leader

During Budget Estimates the Minister for Education committed to providing figures for the below questions. To date, they have not been received.

1. The figures held by the Department of Education related to the level of bullying in Tasmanian schools in 2016, 2017, 2018, 2019 and 2020?
2. The number of student-on-student assaults or other incidents of physical violence that occurred in Tasmanian schools in 2016, 2017, 2018, 2019 and 2020?
3. The number of student-on-teacher assaults or other incidents of physical violence that occurred in Tasmanian schools in 2016, 2017, 2018, 2019 and 2020?
4. The number of workers compensation claims resulting from stress or other psychological injury to Department of Education employees in 2016, 2017, 2018, 2019, 2020?
5. The number of suspensions for bullying/harassment/stalking of another student in 2016, 2017, 2018, 2019 and 2020?
6. The number of suspensions for bullying/harassment/stalking of a teacher or other staff member in 2016, 2017, 2018, 2019, 2020?
7. The total number of student suspensions in 2016, 2017, 2018, 2019 and 2020, including a breakdown by grade?
8. The number of incidents occurring in schools reported to police in 2016, 2017, 2018, 2019, 2020?
9. The number of sexual assaults reported in 2016, 2017, 2018, 2019 and 2020?
10. The number of family violence notifications made by schools in 2016, 2017, 2018, 2019, 2020?

CA

11. The number of child safety notifications made by schools in 2016, 2017, 2018, 2019 and 2020?

ANSWER:

Question 1-3 and 5-7 using centrally held student suspension data for the years 2016 -2020 which is contained in Tables 1 -6 in Attachment I.

It is not possible to answer questions 8, 10 and 11 as the data is not collected centrally.

APPROVED / NOT APPROVED



Hon Sarah Courtney MP  
Minister for Education

Date: 30/6/21

*Read this when seek leave*

## ATTACHMENT I

Note: The proportion of students is the proportion of the total student population with a suspension.

QUESTION 1. The figures held by the Department of Education related to the level of bullying in Tasmanian schools in 2016, 2017, 2018, 2019 and 2020?;

RESPONSE-Table 1: Proportion of students, number of students and number of incidents for suspension for the reason "Bullying/physical harassment of a student" 2016 -2020

Calendar Year	Proportion of students	Number of students suspended	Number of suspension incidents
2016	0.5%	282	321
2017	0.6%	337	392
2018	0.4%	237	261
2019	0.2%	116	119
2020	0.2%	107	111

QUESTION 2. The number of student-on-student assaults or other incidents of physical violence that occurred in Tasmanian schools in 2016, 2017, 2018, 2019 and 2020?

RESPONSE-Table 2: Proportion of students, number of students and number of incidents for suspension for the reason "Physical abuse of another student" 2016 -2020

Calendar Year	Proportion of students	Number of students suspended	Number of suspension incidents
2016	1.7%	1023	1360
2017	1.8%	1096	1496
2018	2.1%	1322	1821
2019	2.2%	1349	1888
2020	2.1%	1275	1774

QUESTION 3. The number of student-on-teacher assaults or other incidents of physical violence that occurred in Tasmanian schools in 2016, 2017, 2018, 2019 and 2020?

RESPONSE-Table 3: Proportion of students, number of students and number of incidents for suspension for the reason "Physical abuse of a teacher or other staff member" or "Physical harassment of a teacher" 2016 -2020

Calendar Year	Proportion of students	Number of students suspended	Number of suspension incidents
2016	0.3%	192	242
2017	0.3%	181	260
2018	0.4%	224	308
2019	0.3%	198	292
2020	0.3%	178	267

QUESTION 4. The number of workers compensation claims resulting from stress or other psychological injury to Department of Education employees in 2016, 2017, 2018, 2019, 2020?

RESPONSE-

The overall number of workers compensation claims lodged for stress are outlined in the table below, as well as the percentage of employees of the Department of Education that these claims represent. Liability for all claims was not accepted due to injury not being work-related and compensable.

Stress Claims	Year Ending 31 March 2016	Year Ending 31 March 2017	Year Ending 31 March 2018	Year Ending 31 March 2019	Year Ending 31 March 2020
<b>Total</b>	<b>44</b>	<b>51</b>	<b>54</b>	<b>64</b>	<b>71</b>
<b>Head Count</b>	<b>9573</b>	<b>9907</b>	<b>10214</b>	<b>10490</b>	<b>10669</b>
<b>% of claims to Employees</b>	<b>0.004%</b>	<b>.005%</b>	<b>0.005%</b>	<b>0.006%</b>	<b>0.006%</b>

QUESTION 5. The number of suspensions for bullying/harassment/stalking of another student in 2016, 2017, 2018, 2019 and 2020?

RESPONSE-Table 4: Proportion of students, number of students and number of incidents for suspension for the reason "Harassment or stalking of another student" 2018 -2020

Calendar Year	Proportion of students	Number of students suspended	Number of suspension incidents
2018	0.03%	16	16
2019	0.07%	41	45
2020	0.07%	40	46

This category only became available to school in the Student Support System in July 2018.

QUESTION 6. The number of suspensions for bullying/harassment/stalking of a teacher or other staff member in 2016, 2017, 2018, 2019, 2020?

RESPONSE-Table 5: Proportion of students, number of students and number of incidents for suspension for the reason "Harassment or stalking of a teacher or other staff member" 2018 -2020

Calendar Year	Proportion of students	Number of students suspended	Number of suspension incidents
2018	0.01%	7	7
2019	0.04%	24	25
2020	0.02%	14	14

This category only became available to school in the Student Support System in July 2018

QUESTION 7. The total number of student suspensions in 2016, 2017, 2018, 2019 and 2020, including a breakdown by grade?

RESPONSE-Table 6 The number of student suspension incidents by year level 2016 -2020

Year Level	2016	2017	2018	2019	2020
KK		4	3	7	6
PP	32	49	75	70	37
01	104	114	162	199	129
02	191	189	227	195	234
03	301	306	351	277	356
04	341	481	423	420	354
05	404	440	604	545	397
06	432	495	511	697	560
07	1093	1120	1151	1369	1145
08	1365	1224	1161	1276	1399
09	1052	1356	1204	1104	1198
10	1043	925	1109	1072	812
11	148	159	149	127	110
12	90	64	68	66	52
13	2	2	2	1	1
<b>Total</b>	<b>6598</b>	<b>6928</b>	<b>7200</b>	<b>7425</b>	<b>6790</b>

QUESTION 8. The number of incidents occurring in schools reported to police in 2016, 2017, 2018, 2019, 2020?

RESPONSE- This information is not available as the data is currently not collected centrally.

QUESTION 9. The number of sexual assaults reported in 2016, 2017, 2018, 2019 and 2020?

RESPONSE-

In respect of student on student sexual assault over this time period, limited information was systematically collected centrally by DoE, noting the nature of allegations can vary from verbal to physical. Anything that may involve a criminal act is reported to Tasmania Police.

In terms of State Service employee allegations of child sexual abuse/misconduct, since early 2021 that information is routinely disclosed through the Department of Premier and Cabinet. Again, all such matters are reported to Tasmania Police.

QUESTION 10. The number of family violence notifications made by schools in 2016, 2017, 2018, 2019, 2020?

RESPONSE- This information is not available as the data is currently not collected centrally by DoE.

QUESTION 11. The number of child safety notifications made by schools in 2016, 2017, 2018, 2019 and 2020?

RESPONSE- This information is not available as the data is currently not collected centrally by DoE.



## Appendix 2

1st Q

WITS No.: 121566

*Abstract.*  
*Tables attached*  
*Seek leave to*  
*table answer.*

### Questions without Notice

**Name:** Hon. Ruth Forrest MLC

*tabled and*  
*incorporated into*  
*Hansard*  
*L. Hiscutt (Leader)*  
*1 July 2021*

Regarding Policy statements related to the 2021 election, specifically the 'Policy: Delivering Better Health Care for Tasmanians in the North-West', the statement notes:

"The Tasmanian Majority Liberal Government has delivered more funding, more staff, and more health services than any government before.

In the north-west of the State, this has delivered around 150 more staff, including:

- 94 extra full-time nurses;
- 22 additional doctors; and
- 6 more allied health professionals."

### Questions to the Honourable Leader are

- 1 How many North West based staff, in each category listed above, were appointed each year, listed separately, since 2014.
- 2 What is the net increase in North West health staff across each area listed above.
- 3 How many staff have resigned, retired or have gone on long term sick leave in each of the areas listed since 2014.

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**Answered by:** Hon Leonie Hiscutt MLC, Leader of Government

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### Answers:

- 1 I am advised that previously the Department of Health reported staffing using paid FTE. Information provided by the Department of Health in relation to staffing at the Mersey Community Hospital and the North West Regional Hospital reported that from June 2014 to August 2020 there was an increase of 6.94 paid FTE for Allied Health Professionals, an increase of 94.25 paid FTE for Nurses and an increase of 22.31 paid FTE for Salaried Medical Practitioners. Information as reported by the Department at this time, is provided in Table 1 below.

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**Table 1 Paid FTE for Mersey Community Hospital and North West Regional Hospital**

Paid FTE	30/06/2014	30/06/2015	30/06/2016	30/06/2017	30/06/2018	30/06/2019	30/06/2020	26/08/2020	Var Jun
									2014 to Aug 2020
Allied Health Professional	81.26	79.77	82.00	83.90	85.00	84.46	88.53	88.19	6.94
Nurses	471.54	482.15	470.70	478.75	511.84	523.84	562.10	565.79	94.25
Salaried Medical Practitioners	114.93	95.15	100.55	105.98	117.00	130.56	139.49	137.24	22.31
<b>Grand Total</b>	<b>667.73</b>	<b>657.07</b>	<b>653.25</b>	<b>668.63</b>	<b>713.84</b>	<b>738.86</b>	<b>790.12</b>	<b>791.22</b>	<b>123.49</b>

- 2 I am advised that the net increase (using headcount) in North West health staff is 178 across the identified professions:
- Since 2013-14 there has been a net increase of 21 Allied Health Professionals, as at 1 June 2021.
  - Since 2013-14 there has been a net increase of 58 Nurses, as at 1 June 2021.
  - Since 2013-14 there has been a net increase of 99 Salaried Medical Practitioners, as at 1 June 2021.

It should again be noted a change in reporting prevents an accurate comparison of data from previous years.

- 3 I am advised that it is difficult to provide information in relation to specific categories of staff resignation, retirement and long-term sick leave without further significant manual extraction and analysis or refinement of data. Separations by headcount (excluding casual separations) for the North West across allied health, nursing and medical practitioners since 2014 are as follows:

For Allied Health Professionals:

- In 2013-14 there were 23 separations
- In 2014-15 there were 19
- In 2015-16 there were 22
- In 2016-17 there were 22
- In 2017-18 there were 21
- In 2018-19 there were 32
- In 2019-20 there were 35
- In 2020-21 there have been 30 separations as at 1 June.

For Nurses:

- In 2013-14 there were 53 separations
- In 2014-15 there were 74
- In 2015-16 there were 63
- In 2016-17 there were 60
- In 2017-18 there were 51
- In 2018-19 there were 69
- In 2019-20 there were 47
- In 2020-21 there have been 60 separations as at 1 June.

For Salaried Medical Practitioners:

- In 2013-14 there were 50 separations
- In 2014-15 there were 54
- In 2015-16 there were 50
- In 2016-17 there were 48
- In 2017-18 there were 52
- In 2018-19 there were 57
- In 2019-20 there were 57
- In 2020-21 there have been 51 separations as at 1 June.

I am further advised that since this time the Department of Health has worked to refine its staff reporting systems including the establishment of the Human Resource Information System which is currently under development. The Department has now moved away from reporting paid FTE as a proxy for staffing numbers. *This change in reporting prevents an accurate comparison of data from previous years with current data reported below in response to the Member's questions.*

Using the new staff reporting systems the number of North West based staff, in each category listed above, appointed each year, since 2014 are listed below.

It should be noted that these figures are based on appointments by head count and do not include locums, existing fixed-term employees commencing a new contract in the North West, or existing permanent employees commencing in the North West via variation of duties. The figures also represent a specific point in time for each reporting period.

I am advised that:

Allied Health Professionals appointed:

- In 2013-14 there were 35
- In 2014-15 there were 19
- In 2015-16 there were 26
- In 2016-17 there were 27
- In 2017-18 there were 35
- In 2018-19 there were 31
- In 2019-20 there were 27
- In 2020-21 there are 36 as at 1 June.

Nurses appointed:

- In 2013-14 there were 53
- In 2014-15 there were 80
- In 2015-16 there were 57
- In 2016-17 there were 70
- In 2017-18 there were 71
- In 2018-19 there were 63
- In 2019-20 there were 74
- In 2020-21 there are 67 as at 1 June.

Salaried Medical Practitioners appointed:

- In 2013-14 there were 59
- In 2014-15 there were 50
- In 2015-16 there were 56
- In 2016-17 there were 62
- In 2017-18 there were 73
- In 2018-19 there were 78
- In 2019-20 there were 75
- In 2020-21 there are 65 as at 1 June.

Jeremy Rockliff MP  
**Minister for Health**