# PARLIAMENT OF TASMANIA

# HOUSE OF ASSEMBLY

**REPORT OF DEBATES**

**Thursday 28 October 2021**

**REVISED EDITION**

# Contents

## Thursday 28 October 2021

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

## STATEMENT BY SPEAKER

### Broadcast Issues

**Mr SPEAKER** - Honourable members, before we start questions I need to alert the House to a technical issue affecting the parliamentary broadcast system that has become apparent this morning. The system did not initiate this morning but after considerable efforts the technicians have enabled a limited broadcast service until such time as the problem is rectified. The broadcast will be of the Chamber, the wide shot from that end.

## QUESTIONS

### COVID-19 - Ventilation in Schools

**Ms WHITE question to MINISTER for EDUCATION, Ms COURTNEY**

[10.02 a.m.]

Yesterday you stood in this place and outlined what you claimed was a plan to get Tasmanian schools ready for a potential outbreak of COVID-19. What, in fact, you outlined was no specific funding commitment and confirmation that no significant upgrades have taken place. Alarmingly you announced a two-month inspection to see if windows opened, or in your words, 'operated,' as they are intended.

The evidence is clear that proper ventilation and air purifiers reduce the risk of COVID-19 spreading in schools. That is why other states have been quick to install purifiers and fix ventilation issues yet we continue to see very little in the way of action from this government.

Minister, how is the air conditioning and ventilation in your office? How many taxpayers' dollars did you spend on installing new air conditioning in your office in St John Street in Launceston last year?

**ANSWER**

Mr Speaker, I thank the member for her question. As the member started her question I had somewhat falsely thought that she cared about the outcomes for Tasmanian children. However, it is quite clear that all they are trying to do is take a cheap political pot shot, particularly considering we have had a week, indeed a fortnight, talking about our plans to safely reopen Tasmania and what we are doing across different agencies. Yesterday we were outlining the work that has been done, substantial work already done, within the department to keep children safe, to understand that we have escalation plans and to outline, for Tasmanian parents, and for our school communities, the further work that will be undertaken over the

Christmas holidays before school resumes in 2022. It is disappointing that the member would choose to come in here and try to play some kind of silly political game.

As I outlined yesterday we are prepared for the border reopening. We know this is going to be a difficult and challenging time. We have taken Public Health advice every step of the way with our decision-making. This is what we are doing. It is very disappointing if the other side seeks to try to politicise this. It undermines the confidence in our school system for Tasmanian families.

We know that ventilation is important. We know that improvements to ventilation are important. This is why we have been at the schools and why we have other practices involved.

**Members** interjecting.

**Ms COURTNEY** - As I hear Mr Winter interject, I will be clear: with regard to our schools, I take my Public Health advice from Dr Veitch, not from Dean Winter. We are ensuring that we have a suite of measures in our schools to ensure that children can safely return next year to those classrooms once the borders have reopened.

Air purifiers, which the member mentioned, are only one part of a suite of solutions that we are working through and importantly, this is about working with individual school communities, individual local educators, on what works well for their particular environment.

We have seen an enormous amount of planning, not only done but implemented, over the past 18 months. At times we have had to close schools and there are times when we have had to have learning from home. I applaud the fact that the department has been so responsive. I applaud the fact that our parents and our teachers have responded in a way that has ensured that our young people stay engaged with education.

To be frank, if that is the best that the Opposition has got, to come in here and not support our plan to safely reopen Tasmania, but to try to play cheap political shots, then it is no wonder that people in the Labor Party do not trust their Leader.

## Member for Bass, Ms Courtney - Electorate Office Air-conditioning Costs

**Ms WHITE question to MINISTER for EDUCATION, Ms COURTNEY**

[10.06 a.m.]

Can you confirm that taxpayers footed a bill of $377 762 for new air-conditioning in your St John Street, Launceston office last year, at the same time you have allocated precisely zero for ventilation in Tasmanian schools?

**ANSWER**

Mr Speaker, again, I am dumbfounded that we are on a course of one of the biggest decisions of the entire COVID-19 experience and the Government is working hard with the entire community and businesses to reopen in a safe way and all the Opposition Leader has is cheap political points.

Yesterday I outlined that we have a $300 million COVID-19 provision. I have said in this place and publicly that we will spend what we need to spend. Furthermore, we are not only doing this at the Department of Education schools. We have partnered and we have a working group with the independents and the Catholics to ensure that their children also have access to this funding. We have up to $300 million in a COVID-19 provision. The Premier has said, and I have said, that we will spend what we need to.

For the Opposition Leader to come in here to try to play a cheap, political trick undermines not only the confidence in our schools, but the confidence of our teachers. They are working hard to make sure that we provide good educational outcomes for our young people.

## Gaming Control Amendment Legislation - Government's Position

**Ms O'CONNOR question to PREMIER, Mr GUTWEIN**

[10.08 a.m.]

The toxic by-product of your Government and Labor's cosy, supplicant relationship with the gambling industry is on its way to the Legislative Council. Debate stopped shortly before midnight last night but the Elwick Hotel was still open, sucking money out of the pockets of the desperate and poor. So too was the Launceston Country Club Casino which closes its pokies barn at 2 a.m. on a week night and 4 a.m. on weekends.

Because of your Government's gambling policy and Labor's craven capitulation, the loss and suffering to gambling addiction will be multi-generational. People will lose their lives.

What do you have to say to explain yourself to the people in your own electorate who are suffering right now as a result of gambling addiction and the community sector organisation that urged you to include stronger harm minimisation measures, but who you ignored?

**Mr SPEAKER** - On getting to your feet Premier, the debate has been had in this House, so the overall gambling issues can be debated but not specifically a re-debate of the bill.

**ANSWER**

Mr Speaker, pull me up if I stray into a space that I should not.

I thank the Leader of the Greens for that question and for her ongoing interest in this matter. I will start by saying this: I think your position on this is driven by embarrassment. I honestly think it is driven by a little bit of cowardice.

The reason I say that is it is my Government that has ended the monopoly. Importantly, we have underpinned those small pubs and clubs in regional and rural areas and the jobs they provide. We doubled the amount of money being spent in terms of harm-minimisation. We are already moving one of the strongest harm-minimisation frameworks in this country, if not in the world, to being world-leading, by introducing facial recognition technology and also looking at smart-card technology. That is what we have done. That is what my Government has done.

**Members** interjecting.

**Mr GUTWEIN** - When that member was a minister, when that member who continues to interject was a minister, in the Labor-Greens government, when that government was held up by her vote, what did she do, when she had the opportunity? She did nothing. She did zero.

I come back to where I started. I think her position on this is driven because of embarrassment in respect of her cowardice when she had the opportunity to act.

**Ms O'CONNOR** - Point of order, Mr Speaker, on relevance. First of all what the Premier says is untrue, but could you direct him to the question, which is what does he have to say to his constituents and the community sector?

**Mr SPEAKER** - It is not a point of order, Ms O'Connor.

**Mr GUTWEIN** - I will finish the point I was making. Driven by the cowardice she displayed when she was in government, held a vote that at the end of the day held that government in place, and did nothing.

I am proud, as Premier, that I have actually taken steps and I have improved harm-minimisation and I have ended the monopoly. I would say to my constituents, do not believe the fake proposition that has been put forward by the Greens because, when they had the opportunity, they did nothing.

**Ms O'CONNOR** - Point of order, the Premier has just misled the House. We moved for a $1 bet limit and for casinos to contribute.

**Mr SPEAKER** - It is not a point of order, Ms O'Connor, and you know that.

**Mr GUTWEIN** - When that member was a minister what she set out to do was not fix harm-minimisation, was not in the monopoly. What she set out to do was to shut down the forestry industry. That is what they used their vote for. That is why they propped up that government for four years, because what they wanted to do was stop the forestry industry. Trees were more important than harm-minimisation. That is a statement of fact.

## Emergency Accommodation for Domestic Violence Victims

**Ms JOHNSTON question to MINISTER for HOUSING, Mr FERGUSON**

[10.13 a.m.]

As you know, my office is currently assisting a single mother and her three young children find safe and secure housing after they escaped horrific domestic violence. For 14 months they have been shunted from one form of emergency accommodation to another with no sense of stability or security. They are currently living in a caravan park cabin. This nomadic and unsettled lifestyle has understandably affected the children's development and severely impacted the mother's emotional and mental health. It broke my heart to hear her say, 'I wish I had stayed in the relationship and put up with the beatings, because at least my children would have had roof over their heads.'

This young mother has, at every turn, done everything asked of her by the department. Now her three little children face another Christmas without a permanent house they can call home.

Do you agree our society must, as a priority, protect survivors of domestic violence and what will you do to provide safe, appropriate, long-term accommodation for this desperate, beautiful family?

**ANSWER**

Mr Speaker, I appreciate the question from the member for Clark, Ms Johnston, and appreciate and respect the position she is coming from for one of her constituents and her children. I am very familiar with the case. I am simply not prepared to discuss the case, at any level of detail, in this public forum. That is not appropriate. It would be quite wrong for me to do that. However, I will tell the House and the public who are listening, they ought to know that my office has been working very closely with this family and your office, Ms Johnston, as I hoped you would have acknowledged in the question. We are intimately aware of the circumstances of this family.

I can also tell the House, while it was not mentioned in Ms Johnston's question, improved outcomes have already been achieved compared to one scenario that was being confronted by the individual concerned and her children. I am pleased that there has been that intervention in relation to the family.

I have been written to. My office has spoken directly to the department in relation to her issues. I also understand the individual is meeting with Housing Connect Front Door today to discuss support options available to her. That is vitally important to me. If it were not the case, I would be intervening again, but it is the case that our caring staff at Housing Connect are more than aware of and sympathetic of and wanting to support and are supporting this family with the wraparound service model represented by Housing Connect.

I will continue to closely monitor this case, Ms Johnston, and to give you comfort, it will not be ignored or overlooked. Any support required in the future, we will continue to insist and expect it will be provided through Housing Connect, the support team. They are the specialists in this area. It is my job as minister not to make those particular interventions, but to make sure the support is being provided by those experts, including the range of supports not just for this individual but for other women and people in similar scenarios escaping family violence scenarios.

Safety is, of course, at the heart of the initial responses that need to be provided, but I would agree with any member here who would expect the Government is also working to ensure that long term and stable, secure housing and safe housing is available long term for people in need. I want to make the general point that there are other families also in this individual's circumstance we are working to support.

We will continue to work through those issues as best as we can because this Government believes every individual and including and especially people escaping family violence, unsafe situations who need to have a safe and secure roof over their heads and, of course, for that of their children. We are acting to deliver a record number of homes for people who need it by

providing an unprecedented and massive investment into public and social and affordable housing.

I can inform the House that since coming to office we have already provided 1180 more homes and supported accommodation including right as this moment, as we speak, construction teams are now building expanded facilities in each region for people escaping violence. The shelters are very grateful for that. They will say, of course, it cannot come soon enough, but they are being built right now as we speak.

Added to that is the work we are doing to deliver more youth accommodation facilities for, unfortunately, those kids in different age groups who need to have a safe place and where it is safe to be able to later reunite them back with their family, or where it is not safe for them to be supported through the Youth to Independence facilities.

Ms Johnston, I thoroughly respect the position you are coming from and appreciate your advocacy. I hope you will understand I am not prepared to discuss the individual case in this public forum, but I will be more than happy to continue to engage with you and your electorate officer who my staff have been working with, if not a daily basis, on an almost daily basis. Thank you for the question.

## Securing Tasmanian's Future - Strong Budget Management

**Mr STREET question to PREMIER, Mr GUTWEIN**

[10.19 a.m.]

Can you please update the House on Tasmania's financial position and how the Government is securing Tasmania's future through strong budget management? Are you aware of any alternative approaches to managing the state's finances?

**ANSWER**

Mr Speaker, I thank the member for that question and his interest in this matter. Mr Street has had a long interest in the state's finances. It is good that he and Mrs Petrusma take an interest because not many in that electorate do.

Going into this pandemic our financial position was strong; one of the strongest in the country. In fact, we had the strongest balance sheet. That meant we were able to provide more than $1 billion in economic and social support when it was needed. In fact, the largest packages as a percentage of a state or territory's overall economy was provided here in Tasmania.

We have seen the benefits of this investment in the performance of the economy and the confidence of our business sector. Tasmania's economy leads the nation. We have the best business confidence in the country and people believe that we have the best business conditions.

The Treasurer's Annual Financial Report that I will be tabling today indicates that the General Government sector incurred a net operating deficit, albeit a net operating deficit, of $344 million which is a $774 million improvement. The report also shows the General Government sector net debt: the outcome of $516 million is an improvement of nearly

$1.34 billion, nearly $1.5 billion better than we had forecast. We also carry the lowest level of debt of any state or territory in the country and the lowest per capita debt.

During the year we paid all the operating expenses of government without needing to borrow and ended the 2021 financial year, I think the most challenging year that the state has ever faced financially, by delivering a cash operating surplus of $120 million. As reflected in the 2021-22 Budget and as I explained to Dr Broad ad nauseam - there was a line I was going to use but I will not because it would be reported and then in coming days I would be looking to take it back. We will leave it as it is.

For Dr Broad's benefit, we will be back in the black over the forward Estimates period. Importantly, in a cash operating sense we were in the black this year. The budget forecasted an improved cash operating surplus of $368.8 million in 2022-23, and then a net operating surplus of $39.4 million in 2023-24, increasing to $126.8 million in 2024-25. The improved outcomes reflect strong growth in General Government sector revenue.

What we saw was the snapback in the overall position on GST. We saw really strong revenue growth in this state driven by confidence, driven by people getting on with investment and employing people. Over the past financial year we spent $303 million less than we had forecast. We had a better outcome as a result of the pandemic than what we were forecasting.

Who can forget in the middle of last year with 12.5 per cent unemployment forecast and deficits as far as the eye could see? We have a pathway back to the black. The Treasurer's Annual Report today is a very positive reflection on the past 12 months.

Our strong financial position enables us to be able to invest $10.7 billion in Health across the forward Estimates; a record of $8 billion in Education; a $5.7 billion infrastructure program which will support jobs and it will build better, safer and more connected communities. We have more than 263 000 Tasmanians now employed, significantly up from where we were before the pandemic; a record that stands alone in terms of the number of Tasmanians who now have a job. Tasmania is in a good place.

That brings me to the second part of the question: are there any alternatives?

**Ms O'CONNOR** - Point of order, Mr Speaker, standing order 48. The Premier has had sufficient time to answer a Dorothy Dix question. He is now over five minutes.

**Mr SPEAKER** - Thank you, Ms O'Connor. I do not need any assistance in managing the time in the Chamber, thank you. I will inform the members when they have had sufficient time so I do not need that assistance. The Premier was winding up.

**Mr GUTWEIN** - Thank you, Mr Speaker. I will not take too long to make this point.

Once again there is no alternative budget from that side of the House. In fact, the tag team on the front bench had the mix up between GST and GSP. You are new at the game but you will learn. Until Labor determines what they stand for and how they are going to pay for it, they stand for nothing.

## Member for Bass, Ms Courtney - Electorate Office Renovation Costs

**Ms WHITE question to MINISTER for EDUCATION, Ms COURTNEY**

[10.25 a.m.]

Works carried out at St Johns Street, Launceston, public building, your Government's northern ministerial offices, totalled $1.05 million and other than air-conditioning upgrades, it included new bathrooms and carpet replacement. These were carried out under the public building maintenance fund, a fund designed as a stimulus during COVID-19 and were procured through the COVID-19 emergency procurement measures.

Why is your comfort and surroundings more important than the safety of Tasmania's 60 000 state school students? How is renovating your office deemed an emergency when at the same time you have given no funding to make Tasmanian schools safe from the very real COVID-19 emergency?

**ANSWER**

Mr Speaker, I thank the member for her question. Again, it is disappointing that the only thing that Labor has is reckless politicking over a number that they discovered in an annual report, and are hoping to come in here and have a gotcha moment.

As the member outlined, the establishment of the public building maintenance program was an important stimulus package. We are very proud of this. I know that making sure that we could support industries, particularly those impacted by COVID-19 - local jobs, local workers - was the reason that we came out with this.

Part of that funding up to 31 August 2021, considering Ms White has a renewed interest in numbers even though she failed to do an alternative budget, includes $11.7 million for work on a large number of Tasmanian schools and library facilities.

**Ms White** - Libraries? They need air-conditioning and ventilation.

**Ms COURTNEY** - A total of $10.6 million for hospitals and health centres; $603 000 for Ambulance Tasmania stations around Tasmania; $9.7 million for work on housing -

**Ms White** interjecting.

**Mr SPEAKER** - Order, Ms White, you have asked a question and the minister is answering it. If you did not want an answer, do not ask the question. Please allow the minister to answer it as she sees fit, without interjection.

**Ms COURTNEY** - Thank you, Mr Speaker.

Given the member's interest in the building maintenance program, I am highlighting the important works that it has funded including, as I said: $11.7 million for work on a large number of Tasmanian schools and libraries; $10.6 million for hospital and health centres, $603 00 for Ambulance Tasmania stations; $9.7 million for work on Housing Tasmania; as well as $6 million in the Department of Justice to support courts and prisons. We are proud of

the fact that at a time when the economy was on the cliff we stepped in to support them and support local businesses.

I also point out that it is not just through the COVID-19 provision that we have a demonstrated track record. Considering the member's interest in numbers, $65 million is what they had over the forward Estimates for capex in their budget for Education. We have $271.8 million, four times more, in our budget for infrastructure and investment in the Department of Education -

**Ms White** - How much for ventilation and air-conditioning which is actually the question you were asked? Zero.

**Mr SPEAKER** - Order.

**Ms COURTNEY** - I fail to understand -

**Ms White** - You have not been able to -

**Mr SPEAKER** - Order. Ms White, order.

**Ms COURTNEY** - To be honest this goes to the very heart of the matter: at the end of this week in parliament all Labor has is cheap political tricks rather than any kind of policy or plan to make sure that we can recover strongly from COVID-19.

## Workplace Protection from Protesters Negotiations

**Ms O'CONNOR question to MINISTER for RESOURCES, Mr BARNETT**

[10.29 a.m.]

Mr Speaker, I want to remind the House that the Municipality of Sorell lost $300 000 to poker machines in September.

Minister, yesterday we saw your two parties working in lock step against the public interest. Here is another. Can you confirm you are in negotiations with the Labor Party, who once represented workers and the democratic right to peaceful protest, to secure their support for the draconian anti-protest law amendments?

**Members** interjecting.

**Ms O'CONNOR** - All right. Are you having a conversation?

**Mr SPEAKER** - Order. We need a question to the minister.

**Ms O'CONNOR** - Thank you, Mr Speaker.

**Members** interjecting.

**Mr SPEAKER** - The House will come to order. I will ask Ms O'Connor not to ask the question until we settle down. Thank you. Ms O'Connor has the call.

**Ms O'CONNOR** - Thank you. Minister, we listened carefully to your contribution on Greens private members' time yesterday. You said in the House that you were waiting to hear back from the Labor Party on the anti-protest law amendments. Can you confirm you are having chats with the Labor Party in order to secure their support for the anti-protest law amendments? In the interests of openness and transparency, can you tell the House what Labor has asked for in return for their vote?

**Members** interjecting.

**Mr SPEAKER -** Order. Before the minister starts, I remind Ms O'Connor that she has put the question and I expect the answer to be listened to in silence.

**ANSWER**

Mr Speaker, I thank the Leader for the Greens for the question, or the Dorothy Dixer. I am not sure how you would describe it but it is certainly one out of the box. I will have to be careful with my eye contact today, standing here, as to who I look at and who is on-side and who is not on side.

There is nothing more important than jobs. As a Government, we are out there to protect those jobs, particularly in the forest industry. The first part of your question related to the debate yesterday, which was the bill you put forward. I will not reflect on that vote but it is clear that the Greens' position is to kill off the native forest industry and to kill off jobs, as they did under the Labor-Greens government in 2010-14. You have form in killing off those productive industries, whether it is forestry, mining, salmon or the productive industries.

That is why, on three occasions at the elections, we have received a mandate to bring in our workplace protection laws to protect those jobs and to say, 'We are backing you'. You have a right to free speech, you have a right to protest peacefully but you do not have the right to block a person from working freely in the workplace, to earn an income, to feed and support their family. Likewise, you do not have the right to impede a workplace and a business from operating freely, and their workers to operate freely.

I am delighted to receive the question. We have circulated our bill into the community for public feedback. We have received excellent, positive feedback, particularly from all our productive industries. They are backing it and the people of Tasmania have backed it three times, at three elections, for a majority Liberal Government. That is why we are standing on this side of the cross benches.

The question is, where will this go? We have had that feedback and we are looking forward to further feedback from the Labor Party. That is a question for the Labor Party. Each member of the Labor Party is on the other side of this Chamber and we want to know their position. We want their support for this bill because it is in Tasmania's best interest to protect jobs, protect businesses, protect our productive industries, and it is the right thing to do.

Just this morning we have had another protest by the Bob Brown Foundation in the Styx Valley, tying themselves to forestry equipment, stopping contractors getting out to do their work and we have the Greens, the parliamentary wing of the Bob Brown Foundation, come in here doing their bidding. They say 'Jump', the Greens say 'How high?' to the Bob Brown

Foundation. That is what you are doing. You are the parliamentary wing and we are not going to put up with that. We will continue to support our workers -

**Ms O'CONNOR** - Point of order, Mr Speaker, standing order 45. We asked the minister to explain to the House the nature of the conversation with the Labor Party on these amendments.

**Mr SPEAKER** - The minister heard that question and that is not a point of order. What I have heard is him explaining his position.

**Mr BARNETT** - Yes, we have explained it very well. It has been quite clear over three elections what our position is. We have a mandate. The people of Tasmania support it. The people in those industries support it.

The question is for the Leader of the Opposition. We know that they are divided over there. They have been riven by the toxicity in the Labor Party. Not only that, we have seen this morning the cheap political shots that have been thrown. They are not just divided but they are irresponsible in the way they are behaving. We want them to respond to that draft bill we want to bring into this place and we want their support. Now it is a matter for the Labor Party.

## COVID-19 - Intensive Care Unit Adequacy

**Ms DOW question to MINISTER for HEALTH, Mr ROCKLIFF**

[10.36 a.m.]

I draw your attention to the Royal Hobart Hospital ICU Expansion Project, which was promised by your Government two elections ago. The recent Public Works Committee report found that the current configuration does not meet contemporary standards. In particular, the committee was told the works were necessary to provide infection control and isolation capacity in a pandemic situation, which is particularly important for ICU patients who are in a severely weakened state and are heavily compromised. Separation of ICU patients is not currently possible, as you have open patient rooms with curtains between patient areas. The committee also found that currently there is increased bed demand for high-acuity patients that require ICU care and this demand will increase in the future.

If the ICU at the Royal Hobart Hospital does not meet contemporary standards right now, cannot provide proper infection control measures and is already struggling under current demand, how confident are you that our health system will cope with what, according to your own modelling, could be a massive influx of COVID-19 patients?

**ANSWER**

Mr Speaker, I thank the member for her question. I am disappointed that the member continues to scaremonger when it comes to our preparedness for 15 December and the pandemic. This is not helpful. I will ask the member a question as well, before I go to her question: do you support our reopening plan? Quite clearly, they do not have a position or they are sitting on the fence, or they are supporting our plan, or have no plan themselves.

Much care and attention has gone into our preparedness for the pandemic, when it comes to the last 20 months and when it comes, particularly, to 15 December, when we open our borders. The health, safety and wellbeing of our community, all Tasmanians, has been a high priority right throughout the pandemic, and continues to be so.

Given the nature of COVID-19 on our health system, hospitals and intensive care units must be prepared to receive, care for and support the recovery of COVID-19-positive patients. A statewide COVID-19 ICU Surge Capacity Plan has been developed and aligned with other service-level escalation management plans. As we have said before, the plan provides surge in ICU capacity of up to 114 beds. We have access to 367 ventilators as well. We will continue to work on ensuring we are as prepared as possible, and we are committed to doing all we can to keep Tasmanians safe. As I have said, we are experiencing increasing demand pressures on our health system.

All states and territories are experiencing increased demand in our emergency departments with 170 645 presentations to our emergency departments last financial year. To manage demand, we have opened more beds and we are continuing to increase available beds, with 152 new beds coming into our public health system. We know that all our emergency departments are experiencing high demand, and that the demand is particularly challenging at the emergency department at the Royal Hobart Hospital. While all of our hospitals' emergency departments are under pressure, the ED at the Royal has been under immense pressure with extraordinary levels of emergency presentations throughout 2021. In August, there were 6371 presentations to the ED at the Royal. While 100 per cent of people presenting with immediately life-threatening conditions were seen on time, presentations seen on time across other categories dropped from 36 per cent in July to 29 per cent. I am concerned about that. In light of the ongoing challenges at the Royal Hobart Hospital, we have been working with clinicians to improve patient flow.

Access and flow issues at the Royal - indeed, right across our emergency departments - has been particularly challenging; but a lot of work has been put into that, by clinicians and the department. Recent data analysis has identified that the Royal Hobart Hospital is currently on track to receive 75 000 presentations in 2021, which is at the top end of its current medical staffing ratios. On advice from clinicians, this week we have approved an increase in the medical staffing in the ED of at least 15 per cent to meet the Australian College of Emergency Medicine guidelines for presentations between 75 000 and 90 000 presentations a year. I am advised this will be around an additional 10.5 FTE doctors in our Royal Hobart Hospital ED.

Recruitment is already underway, to coincide with our annual medical recruitment campaigns. This increase in medical staffing will help manage demand in our ED at the Royal Hobart Hospital, and help improve patients being seen on time. It will also expand our capacity to manage future increasing demand and, importantly, it will take pressure off our staff. When it comes to the Royal Hobart Hospital -

**Ms DOW** - Point of order, Mr Speaker. My point of order goes to Standing Order 45 and relevance. The question was in relation to the current ICU ward at the Royal Hobart Hospital. The minister is talking about the emergency department.

**Mr Rockliff** - You know that is not a point of order.

**Mr SPEAKER** - Everyone knows that a point of order is not an opportunity to re-ask the question. The minister heard the question; he is answering it. I will allow the minister to continue.

**Mr ROCKLIFF** - I have spoken at length this week, including my question on matters regarding the ICU. It is ironic that the Opposition raises issues about the Royal Hobart Hospital redevelopment. We know about their indecision, their changing decisions; they could not lay a single brick at the Royal Hobart Hospital. I commend my predecessor, Mr Ferguson, in particular, and Ms Courtney for their work when it comes to a huge investment into the Royal Hobart Hospital. We are investing in essential health infrastructure to support the delivery of health services. Our budget allocates significant funding for health infrastructure, with over $200 million of infrastructure projects across the Royal Hobart Hospital. This includes an additional $110 million to expand stage 2 of the Royal Hobart Hospital redevelopment and a full refurbishment of A block and to expand existing stage 2 works. I am pleased with the work that has been completed on ward 6A.

I mentioned last week, or a couple of weeks ago, the bed capacity there for up to 24 beds, and I am advised that 17 of those additional 24 beds are open and staffed. Work has also recently commenced on 3A to increase the general medical bed capacity by 24 beds in this financial year, to support demand in the Emergency Department. The A-Block refurbishment will also deliver a new Neurology and Stroke Ward, a fit-for-purpose Older Persons Unit, a new Sleep Study Centre, a refurbished Endoscopy Suite, relocation of the acute rehabilitation ward from the Repatriation Hospital and the co-location of cancer services, to further improve patient care.

Mr Speaker, we are getting on with the job, in terms of ICU capacity. I am not going to indulge the Opposition, who constantly try to cause fear amongst the Tasmanian community when it comes to the pandemic and our responsibilities. I commend all our health staff right across Tasmania; and our department. I particularly commend those working so hard at the front line to ensure we can support, protect and care for Tasmanians now and into the future.

## Securing Tasmania's Future - South East Traffic Solution

**Mr TUCKER question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr FERGUSON**

[10.46 a.m.]

Can you update the House on how the majority Liberal Government's record in infrastructure planning is securing Tasmania's future, and in particular how is it supporting economic growth, development and better transport outcomes in south-east Tasmania?

**ANSWER**

Mr Speaker, I thank the member for Lyons, Mr Tucker, for his question and his great work in the Lyons electorate. With spring in the air, people will again be able to have the smell of hot tar in their nostrils as they know about the work that is occurring. It is a beautiful aroma around Tasmania as our road and construction industry gets back to work at full flight. That is what I said this time last year, and as a result we achieved the new record delivery of $317 million last financial year on our Road and Bridge Program, some 245 per cent more than

the last full year of the Labor-Greens government. It was a miserable government. It did not invest in roads. It spent less on roads than the cost of depreciation. In contrast, we are set to break our record yet again.

Before the 2018 election, the Liberal Government recognised that growth was occurring in the Sorell and southern beaches areas. That is good growth, but bringing increased pressure on infrastructure - particularly on our state road network. With increasing passenger volumes through the Hobart International Airport - which is again truly international - the Tasman Highway was reaching capacity at morning and afternoon peaks. It was very clear that a major investment was needed to maintain liveability and enable future residential and business growth in the Sorell municipality.

The Government has responded with the South East Traffic Solution. This will transform travel time reliability for residents at Sorell and the southern beaches. It will also greatly benefit residents of the lower east coast and Tasman Peninsula, the whole south east community and visitors. The former minister, Mr Rockliff, took Labor's miserable single-lane roundabout and at least duplicated it to get us off to a start. Now, seven major projects are being delivered under the solution, with an investment of nearly $350 million to deliver a four-lane corridor all the way from Hobart to Sorell.

Anyone who has been out that way will be struck by the scale of the work underway at the Midway Point works and the Sorell bypass. Today, I will join my federal colleague, Senator Jonathon Duniam, to inspect progress on another major project - the Hobart Airport Interchange. This interchange will transform the Tasmanian Highway with a 110 kilometre per hour fly-over of Holyman Avenue, creating a separation for airport and other local traffic. Great news: 18 massive girders that have been pre-fabricated in Tasmania by VEC Civil Engineering are being installed on the fly-over. Each one of those is 22 metres long. The bridge fly-over is a total 44 metres in length. It is an incredible sight to behold. Just think of the Tasmanian jobs supported by this project.

Dual lane roundabouts underneath the highway, in this innovative design, will efficiently and safely control the intersection: uninterrupted travel, four lanes from Hobart to Sorell, with a bypass, with safe on-ramps at the interchange for those adjoining arterials.

This project is providing a boost to the Tasmanian economy through the involvement of local companies. Tasmanian company Hazell Bros is generating the direct employment of 48 people at the site. That is 48 families being supported on this project, right now, as a direct result of this project.

Let us not forget that this project did not come about easily. It has been tough and the performance of members opposite who egged on appeals and supported protests against the airport interchange is not forgotten by this Government nor the people of Sorell and south-east Tasmania. They were dudded by Labor when Labor was supporting those unmerited appeals and they egged them on.

**A member** - How many years is this project delayed?

**Mr FERGUSON** - Dr Broad, you should not interject like that. The project was delayed because of those appeals which you supported. You were part of the problem.

**Dr Broad** - It was not me. I did not say it.

**Mr FERGUSON** - Who was it? You are going to have to stop interjecting. Honestly, look over your left shoulder.

**Mr SPEAKER** - Order.

**Mr FERGUSON** - When this suite of projects is completed, it ought to bring us together. The duplication of Sorell and Midway Point causeways - the people will remember which side of politics had the vision to make this investment -

**Mr SPEAKER** - If you could wind-up, minister.

**Mr FERGUSON** - and to persevere through the planning process, and which side sneered from the sidelines and cheered the appellants and the opponents to the project.

In conclusion, I want to acknowledge that while I am out this afternoon with Senator Duniam we will be saying a big thank you to the Morrison Liberal Government for paying 80 per cent of this project to enable the Tasmanian economy to go ahead and boom, to support our civil construction sector in such a strong way, supported by the Tasmanian Liberal Government against the opponents from the Labor Party.

## COVID-19 - Managing at Home after Reopening of Borders

**Ms DOW question to MINISTER for HEALTH, Mr ROCKLIFF**

[10.52 a.m.]

COVID-19 at home is a key part of your plan to reopen Tasmania's borders. You plan for the system to have the capacity to manage 2500 sick Tasmanians at any one time. Yet there is very little detail available about how this system will actually work, beside your statement on Tuesday that COVID-19 at home patients will have access to pulse and oxygen monitoring.

Will there be a dedicated advice line for COVID-19 at home patients to call to assist them to manage their illness? Will this line be staffed by qualified medical professionals and how will COVID-19 at home patients be transferred to hospital if their condition worsens? Will it be by our already overstretched ambulance service?

**ANSWER**

Mr Speaker, I thank the member for her question. I am proud of our Government with regard to our investment in hospital in the home, both hospital in the home and mental health capacity as well as other capacities. We are expanding and building on our hospital in the home program.

The member is correct regarding our 2500 home remote monitors, including oxygen and pulse monitoring. That also includes an important part of our Reconnecting Tasmania plan and allowing our state to open while ensuring we have the health and safety nets in place to keep on top of COVID-19 during the reopening phases. Not only are we supporting our community through extra and additional hospital resources, including our ICU capacity, our 211

COVID-19 bed capacity and acute bed capacity right across the state but also other areas of which we can support and care for Tasmanians as well.

With regard to the pandemic and the reopening on 15 December, there are a number of areas that are very important. The number one key area is vaccination and that is our number one defence. While we have preparedness regarding our acute care capacity and our COVID-19 at home capacity as well, the vaccination continues. I implore all Tasmanians who have not yet booked or had the jab to do so. We are doing very well and I commend the 500 people working in the vaccination program who have done such a tremendous job.

I mention vaccination as the key issue because, notwithstanding the levers that we can pull in order to protect Tasmanians with contact tracing and other restrictions as the Premier has said, but when it comes to the data and the detail of what has been experienced in other states such as Victoria and New South Wales, the majority of people who ended up in hospital are unvaccinated. I have said before that in the New South Wales outbreak, of the 8851 people hospitalised with COVID-19 only 5 per cent were fully vaccinated.

There is quite a lot of work being done in ensuring that the COVID-19 at home capacity is ready and can support our Tasmanian community, to ensure that people can be monitored for both their pulse and oxygen. Like the work that has been going on with recruitment and ensuring we have additional bed capacity before the end of the year, a lot of work is being done with our COVID-19 at home capacity as well. A lot of work has been done by this Government when it comes to investing in, improving and increasing the capacity of our hospital in the home service.

I have mentioned mental health but also hospital in the home for acute as well. That is not just pulse monitoring but also acute care in the home as well and I commend all the staff for the work that they are doing.

## Tasmanian Arts Organisations - Government Support

**Ms OGILVIE question to MINISTER for the ARTS, Ms ARCHER**

[10.57 a.m.]

Could you update the House as to how the majority Liberal Government is supporting Tasmanian arts organisations to deliver high quality arts activities that benefit the sector and the Tasmanian community?

**Ms O'Connor** - Put out a media release or something. This is not a question.

**ANSWER**

Mr Speaker, I thank the member for Clark, Ms Ogilvie, for the question and her interest in this area, unlike Ms O'Connor who interjected and said this was not a worthy question.

**Ms O'Connor** - It is a Dorothy Dixer. It is not really a question time question.

**Ms ARCHER** - Our Government is a strong supporter of our cultural and creative industries - unlike the member who is still interjecting - that enrich the lives of all Tasmanians,

support thousands of jobs across the state, and add millions to our economy. Our creative and cultural industries are diverse and not everyone works or operates under the same employment structures and business models.

That is why we have established a broad range of programs and also provided over $12 million in support to the sector during what has been a very challenging 18 months for these industries. It is also why in the 2021-22 state Budget we committed additional funding of $5 million in this financial year and over the forward Estimates to further support and build sectoral confidence for the future. This funding package includes a $1.2 million annual uplift in funds available for arts organisations.

In line with this commitment I am pleased today to announce funding of over $3.78 million to 30 arts organisations for activities in 2022 and beyond. This funding is an almost 65 per cent increase on the allocation of $2.3 million offered in previous years. These funding allocations reflect our acknowledgement that appropriate funding for Tasmania's small and medium arts organisations is key to the ongoing viability of this vibrant and important sector and will aid the ongoing recovery efforts of the cultural and creative industries.

This support will enable organisations to deliver high quality arts activities and engage audiences and local communities across the state. It will also provide vital professional development and employment opportunities for more than 400 Tasmanian artists and arts workers. Organisations to receive support include, Mudlark Theatre Inc in Launceston, which will receive support of $200 000 for 2022 to deliver a program of contemporary Tasmanian theatre works for local audiences and facilitate professional development opportunities for local theatre professionals.

Hobart-based, physical theatre group, Second Echo Ensemble, will receive $134 000 per annum for two years to share new work with Tasmanian audiences and develop and showcase new artistic voices for local and national audiences. Nayri Niara will receive $117 704 to build capacity in the Tasmanian Aboriginal community through mentoring and opportunities to share cultural stories and knowledge. Burnie-based organisation, Paper on Skin Ltd, will receive funding of $126 990 towards delivery its highly-popular wearable art event on the north-west coast in 2022.

Other well-known and much-loved Tasmanian arts organisation funded through this round include, Theatre North; Van Diemen's Band; Kickstart Arts; RANT Arts; Tasdance and Big hART to name a few. Funding recommendations were made by expert peers, drawn from the cultural and creative industries expert register, in line with the Creative and Cultural Industries Act 2017, as usual practice.

More information about successfully funded organisations is available online at Arts Tasmania website and as minister for the Arts, I am very proud of our Government's track record in delivery targeted, sustainable assistance to our cultural and creative industries. We have increased funding to the arts sector to a greater degree than any other government, even prior to COVID-19. This latest announcement is yet another great example of how we are getting on with the job and securing this incredibly diverse industries future.

**Members** - Hear, hear.

## Tamar Valley Power Station - Availability

**Mr WINTER question to MINISTER for ENERGY, Mr BARNETT**

[11.02 a.m.]

Earlier this month the Government told *The Advocate* newspaper that all five generation units at the Tamar Valley Power Station remain available to support a recovery in our energy storages, if required. However, the Director of the Tasmanian Gas Pipeline says that Hydro Tasmania has advised it does not require gas supply capacity for the combined cycle gas turbine at the Tamar Valley Power Station. The effect of this is the combined cycle gas turbine, Tasmania's last resort for energy supply, will be mothballed. Can you confirm Hydro Tasmania has advised the Gas Pipeline it does not require gas transportation for the combined cycle gas turbine? Do you support the turbine being affectively mothballed?

**ANSWER**

Mr Speaker, in terms of energy and energy security, nothing can be more important. We have a track record of providing energy security, unlike Labor and the Labor-Greens government, your track record which is very tardy. You do not have a shred of credibility. Not a shred. No plans. No policies.

In terms of the Tamar Valley Power Station, as I said more recently in this place, we have no plans to sell the Tamar Valley Power Station. Let us be clear, in terms of what you have referred to as the 'mothballing,' and quoting Hydro Tasmania, that is a position of Hydro Tasmania and we back it. There is no mothballing of the Tamar Valley Power Station, or the combined cycle gas turbines at the Tamar Valley Power Station. Hydro Tasmania's acting CEO said that on the public record.

Our Government is backing that decision so, let us be very clear, you are simply scare-mongering. This is your form. We have seen it earlier today with the cheap political shot from the Leader of the Opposition. Seriously, you are way out of line. We have committed to retaining the Tamar Valley Power Station and any claim otherwise is completely incorrect in terms of enhancing our energy security providing diversity of generation options and acting as a safeguard in Tasmania's energy mix.

You have referred to it, but let us quote again from Ian Brooksbank. On 26 October, he said, 'Hydro had no plans to decommission the combined cycle turbine, so, the current contracts between -

**Ms White** - That is not the question.

**Mr BARNETT** - You have asked the question. I will have the opportunity to respond if it is satisfactory to you, Mr Speaker, and members of the Opposition who consistently interject.

The current contracts between Hydro Tasmania and the Tasmanian gas pipeline are due to expire on 31 December this year and the Government understands the negotiations are underway. We are aware of that. The Government expects Hydro Tasmania and the Tas gas pipeline will, in the first instance, work towards an agreement. However, the Government is actively monitoring these negotiations to ensure Tasmania's interests are protected. In terms

of Labor and the Opposition, you have no plans, no policies, and you are trying to bring into this parliament commercial, private, confidential negotiations. That is no way to act.

**Opposition members** interjecting.

**Mr SPEAKER** - Order.

**Mr BARNETT** - This is irresponsible of the Opposition. You are not only divided. You are irresponsible. We will not behave like the Opposition -

**Mr SPEAKER** - If the minister could wind up, please.

**Mr BARNETT** - and, likewise, we have a gas stategy and this will be consulted with the community, as I said in this House just a couple of weeks ago - it was on the public record. That will be released for public consultation with conclusion by mid next year. We believe 1000 commercial users of gas in Tasmania is very important. We support the 13 000-plus domestic users in Tasmania. We are developing that gas strategy and it will be released. There will be opportunities for decarbonisation because Tasmania is a renewable energy state and we are looking forward to that.

With energy security, I am very confident and in fact, there is none more confident in terms of our future energy plans in Tasmania and Tasmanians can be assured of that, unlike the relentless cheap politics from the other side.

## Tasmanian Fire Service - Aerial Appliances

**Ms O'BYRNE question to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mrs PETRUSMA**

[11.07 a.m.]

Can you confirm that Tasmanian taxpayers paid $1.7 million for an aerial platform to assist firefighters in Hobart to fight fires in multiple storey buildings? Can you confirm that, despite arriving last year from Europe, the apparatus was unable to be deployed because it did not meet basic safety standards, including it did not have hand rails? Can you confirm that even though it has now finally been adjusted to meet Australian safety standards nearly 12 months after the purchase of the equipment, you still do not have enough staff appropriately trained to actually use the equipment?

**ANSWER**

Mr Speaker, I thank the member for her question. This Government has, for seven years now, delivered on every commitment we made to the Tasmanian people and are continuing to deliver on our plan to secure Tasmania's future. That is why we are investing $125.6 million over the 2021-22 Tasmanian Budget and forward Estimates for bushfire and flood reduction and safety. This $125.6 million builds on all of our previous investments in our firefighters which has included the delivery of three new state-of-the-art aerial appliances - one in the north, one in the south, and one in the north-west. These new appliances were funded through a $3.75 million commitment from the Tasmanian Government in the 2017-18 Budget. Since -

**Members** interjecting.

**Mrs PETRUSMA** - You might learn something if you just be quiet for a second. Since their arrival in 2020, these appliances have and are providing the Tasmanian Fire Service with the latest technology to further enhance their firefighting capabilities. I repeat these appliances arrived in 2020 and are all in operation. In regards -

**Ms O'BYRNE** - Point of order, Mr Speaker. I do this with a very genuine request. Can I suggest the member -

**Government members** interjecting.

**Ms O'BYRNE** - Can I suggest -

**Government members** interjecting.

**Ms O'BYRNE** - Some protection from you, Mr Speaker?

**Mr SPEAKER** - There is a point of order, please.

**Ms O'BYRNE** - It goes to misleading the House. I do not think this minister chooses to mislead the House but I would check before she finishes that statement -

**Mr SPEAKER** - Order. That is not a point of order.

**Ms O'Byrne** - because you have not trained the staff to use it.

**Mr SPEAKER** - That is not a point of order, and it is not an opportunity to make a statement.

**Mrs PETRUSMA** - Thank you, Mr Speaker. I will take gratuitous advice when it comes from a party that in their policy they took to the election actually mention fighting bushfires and actually mention the words 'fuel reduction'.

**Ms O'Byrne** - Do you have staff trained to use it? Has it been used even once?

**Mr SPEAKER** - Order.

**Mrs PETRUSMA** - Thank you, Mr Speaker. With regard to the appliance in the south, I have been advised that when it arrived in December 2020 it initially experienced some technical issues that were then subsequently fixed under warranty. The appliance has been in operational use since June this year. I am not sure why the Opposition is bringing up this issue now. We are nearly in November.

**Ms O'Byrne** interjecting.

**Mr SPEAKER** - Order, member for Bass.

**Mrs PETRUSMA** - The safety of Tasmanian Fire Service employees, volunteers in the community, are paramount when we are fighting fires. To ensure this safety, I am advised that

this is why the Tasmanian Fire Service mandates that operators of the new aerial appliances undertake 40 hours of training. I was privileged to attend the Launceston Fire Station recently and to observe firsthand the operation of the aerial appliance while firefighters were undertaking this important training.

There are three qualified operators per shift with a fourth due to complete training by the end of November with the aim to increase this to seven operators per shift who are qualified to operate these appliances statewide over the coming months.

**Ms O'Byrne** - So, you haven't been able to use it?

**Mr SPEAKER** - Order, member for Bass.

**Mrs PETRUSMA** - Mr Speaker, she is frustrated because she didn not get a gotcha moment. The fact is that these appliances have been in use since June. We are training the operators. I thank our amazing firefighters in this state for the great work that they are doing now to keep us all safe.

## Tasmanian Parks and Wildlife Service - Infrastructure Repairs

**Mr ELLIS question to MINISTER for PARKS, Mrs PETRUSMA**

[11.11 a.m.]

Can you update the House on the repair works being undertaken by the Tasmanian Parks and Wildlife Service to infrastructure damage during the 2019 summer bushfires?

**ANSWER**

Mr Speaker, I thank the member for Braddon for his question and his interest in this important matter.

Following the devastation of the 2019 summer bushfires, the Tasmanian Parks and Wildlife Service identified the need to rebuild and repair over 117 kilometres of walking tracks, 119 kilometres of roads and many bridges and other assets that had been damaged or destroyed.

Out of this bushfire tragedy, a good news story has now emerged. Over the first two years of this important reconstruction project, works to rebuild tracks, roads, bridges and other assets have supported an estimated 39 full-time jobs. It has been a key economic driver across a range of other sectors including construction, transport, retail and others.

The commitment for these works is $8.3 million and is jointly funded by the Tasmanian Liberal Government and the federal Liberal government's Community Recovery Fund. The works to repair and restore these assets is essential to the recreational needs and enjoyment of both Tasmanians and visitors alike, which is why we are delighted to be working with 24 Tasmanian businesses which have supplied an extensive range of materials to support this important work, including treated timber, metal plates, chicken wire, bugle screws, gravel, fibre reinforced polymer sheeting and tent platforms.

Of particular note, a local Derwent-Valley-based business, Timber Growers Direct, has been a significant part of these efforts, through milling, treating and supplying thousands of timber lengths, which were the critical resources needed to rebuild these tracks.

I acknowledge the transport operators who have been a critical link in our supply chain, ensuring the crucial delivery of these materials to the remote trackwork teams, including the three teams completing the rebuild of the Lake Judd and Mt Ann tracks, through delivering over 5000 metres of timber planking, 20 bridges and approximately 4000 steps and 400 water bars.

The numbers involved in this repair work is simply staggering. I take this opportunity to applaud the hard work of our Parks and Wildlife Service employees and the contractors who have been out repairing these much-treasured walking tracks in the remote areas of the TWWHA, in what can best be described as Tasmania's infamous four-seasons-in-one-day weather.

I am also delighted to confirm that as a result of all of this hard work, a number of iconic tracks in the fire-affected areas have already reopened and are being supported by a voluntary registration system to assist the Parks and Wildlife Service in continuing to protect this sensitive alpine environment and in managing walker numbers. This includes Lake Rhona and Farmhouse Creek, with the much anticipated Mt Ann circuit due to reopen soon, the Eastern Arthur's Range traverse between Hanging Lake and Cracroft Plains and the Western Arthur Range traverse north east of West Portal.

In the meantime, critical works have been undertaken to combat the impact and spread of root rot fungus as well as the reconstruction of nearly 5000 metres of track along the Eastern Arthurs Range with both of these tracks to be reopened in autumn next year.

I also acknowledge the work that has been undertaken by the Parks and Wildlife Service in preparation for the upcoming 2021-22 fire season. PWS fire crews have undertaken a wide range of training, including remote casualty care, focusing on the treatment of patients in remote areas as well as ensuring first aid and trauma kits are stocked and ready to go, along with winch training which enables greater resourcing and ability in tackling remote fires. In addition, over 100 PWS firefighting staff have participated in fire-preparedness days to ensure that the Parks and Wildlife Service team are well prepared for the season ahead. We gratefully thank them for all of their efforts.

Our investment in restoring the infrastructure of some of our most iconic remote area bushwalks following these devastating bushfires is a clear demonstration of this Tasmanian Liberal Government's support for our regional economies, local businesses and local jobs. On this side of the House, we understand that these tracks are critical for providing renowned wilderness experiences and are a key tourism attractor and job creator for regional economies. Theses walking tracks are also critical in supporting the physical and mental wellbeing outcomes for Tasmanians and visitors alike in enjoying all that makes Tasmania's environment unique and special.

In contrast, on the other side of the House the only jobs that the bitterly divided Opposition seem to care about are their own. The only environment that they are interested in creating according to the words of the member for Huon, Dr Bastian Seidel, is a 'toxic environment'.

## ANSWER TO QUESTION

### COVID-19 - Managing at Home after Reopening of Borders

[10.17 a.m.]

**Mr ROCKLIFF** (Braddon - Minister for Health) - Mr Speaker, I would like to provide some more information to the member regarding COVID at Home plans.

I mentioned work is underway, building on our established infection prevention and control practices and COVID-19 positive case management pathways. More specifically, the work where the COVID at Home plan is being developed in collaboration with the Tasmanian Health Service, the Public Health Service and our primary care partners will be enabled with the procurement of 2500 remote monitor devices.

COVID at Home will ensure that the care provided for individuals diagnosed with COVID-19 occurs in the most appropriate setting, either in their home or in a community case management facility with access to a range of health and support services and with clear pathways for care escalation, importantly within the acute health service. It has been shown nationally and internationally that people who are COVID-19 positive can be monitored effectively using alternative methods to in-person care in the isolation of their own homes or our community case management facility.

## PETITIONS

### Glamorgan Spring Bay Municipality - Rating System 2021-22

[11.18 a.m.]

**Mr Tucker** presented an e-petition from approximately 255 residents and ratepayers of the Glamorgan Spring Bay Municipality, Tasmania, requesting that the House call on the Government to establish a Board of Inquiry pursuant to the Local Government Act 1993 to investigate the financial and administrative affairs of the Glamorgan Spring Bay Council.

**Petition received.**

### Glamorgan Spring Bay Municipality - Rating System 2021-22

**Mr Tucker** presented a petition from approximately 672 residents and ratepayers in the Glamorgan Spring Bay Municipality, Tasmania, requesting that the House call on the Government to institute a Board of Inquiry into the financial and administrative affairs of the Glamorgan Spring Bay Council.

**Petition received.**

## Glamorgan Spring Bay Municipality - Rating System 2021-22

**Ms Butler** presented a petition from approximately 75 residents and ratepayers of the Glamorgan Spring Bay Municipality, Tasmania, requesting that the House call on the minister for Local Government to:

(1) Convene a public forum between the Council and ratepayers so that the Council can explain its recent lack of governance and the implementation of the AAV rating methodology for 2021/2022 as opposed to the previous AAR method used since 20212.

(2) Require the Glamorgan Spring Bay Council to attend the meeting and freely communicate all relevant information requested.

(3) Require the Council to rescind the 2021/2022 Rates and revert to the previous AAR methodology.

(4) Stand down the Council until a new election is held, if the Council refuses to rescind the 2021/22 Rates and revert to the previous AAR methodology; and

(5) Re-instate the 4 wards to the Glamorgan Spring Bay Municipality and place a cap of 2 Councillors per ward to ensure equal representation across the Municipality.

**Petition received.**

## TasTAFE (SKILLS AND TRAINING BUSINESS) BILL 2021 (No. 56)

### First Reading

**Bill presented by Ms Courtney and read the first time.**

## SITTING DATES

[11.28 a.m.]

**Mr FERGUSON** (Bass - Leader of the House)(by leave) - Mr Speaker, I move -

That the House at its rising adjourn till Tuesday, 9 November next at 10 a.m.

For housekeeping today, I indicate my appreciation to members for the extended sittings over the previous two days, and particularly to the staff who have accommodated us all.

We have four bills listed today. I will work with Mr Winter and Ms O'Connor, and the Independent member, on to how we are travelling. The Government would like to see the first three of those bills completed today, so we will monitor progress. My feedback from colleagues is that there is likely to be sufficient time before 6 o'clock to deal with those. If a small amount of time after 6 o'clock was required I would move that way at the time.

I also indicate that there is a message from the Legislative Council, which is not on the blue, but it is an Order of the Day, and that is Children, Young Persons and their Families Amendment which we will insert into the program after the bill is concluded that we are working on after lunch.

**Motion agreed to.**

## MATTER OF PUBLIC IMPORTANCE

### UN Climate Change Conference (COP26)

[11.29 a.m.]

**Dr WOODRUFF** (Franklin) - Mr Speaker, I move -

> That the House take note of the following matter: the UN Climate Change Conference (COP26).

In three days time there will be probably the most important meeting in the planet's history taking place. That will be in Glasgow, the UN Climate Change Conference (COP26).

Paris 2015 at the COP20 set the goal for the world to do everything we can to take action on climate change. It set the standard of where we need to be. Now we know that the world has failed to reach it; we have failed to meet the targets that we needed for keeping the world, the climate temperature, under the 1.5 degrees we know is the maximum warming to sustain life on Earth. Glasgow now represents our chance.

We have a 2.7 degrees Celsius temperature forecast on our current climate action plan. That is a massive fail. It is a code red for humanity. There is no doubt that we have to do everything possible, otherwise we stand on the brink of failure. This COP26 brings us to the edge of the precipice for holding back global warming to levels that could support life in Earth. Unless we take the action that scientists have told us, we will be risking world conflict and chaos if the summit fails.

These are not the words of raving loonies, Mr Speaker; these are the words of the UN's top climate official. There is no doubt that global security and stability could break down. There would be migration crises around the world and food shortages, bringing conflict and chaos that nowhere on the planet would be immune from. We cannot be immune. That is the point.

What we have seen so far in Australia makes it very clear that we are observing the impacts of rapid global heating. We have a warmed average temperature on Australian land mass of 1.44 degrees. We are warming faster than other places on the planet. In Tasmania, the east coast of Tasmania has one of the fastest warming waters on the planet. In 2016, we had a 130-day-long marine heatwave, the longest ever recorded off the east coast of Tasmania. At its peak, in January 2016, it was 4.5 degrees above the average. That has never been recorded in Tasmania. It had never been recorded on the planet.

We have truly eye-watering records being set, not just on an annual basis but on a daily, weekly and monthly basis in Australia and around the world. What we saw from the horrific

bushfires that swept across the Australian eastern states in the summer of 2019-20 was mass destruction on a truly apocalyptic scale. We saw firefighters standing with their own bodies the only thing between them and towering, crescendo clouds of smoke, of fire hailstorms coming out of the air. We have seen new forms of energy being produced by the rapidly heating climate that we have never seen before - truly frightening for anybody who does the work of standing on the front line to protect communities and the places we love from intense bushfires.

In 2019, an estimated three billion animals perished in those fires: 123 million mammals, 2.5 billion reptiles and 181 million birds. There is a huge threat hanging over the head of critically endangered species in eastern Australia. We still do not know where that is going to land. We are still trying to count the cost.

We are still trying to count the cost for the 34 deaths, for the 2800 families who lost their homes, for the millions who were exposed to smoke, and the ongoing mental trauma, PTSD, anxiety and depression of people who fought fires and people who lived through them.

We have seen the incredible need to take urgent action on climate change. The IPCC is abundantly clear in their most recent report, the IPCC 6, that action must be swift.

In Tasmania we are seeing a failure of this Government to do the things that can be done. That is what we have to do. It is incumbent on every leader to take every action we can. We know from the excellent work of the 24 academic contributors from the University of Tasmania, there can be a blueprint for a climate positive Tasmania that reduces emissions by 50 per cent by 2030. That is what the science demands and what we must do to protect our children. We already have the capacity to do this. We have an abundance of evidence to draw from and we have fantastic blueprints for how we can make the changes that we need. It only requires some will. We have children who tell us to put it at the top of the list; they want climate action.

The Commissioner for Children and Young People's ambassadors also were very clear that we have to ban native forest harvesting and end the sawlog quota, 137 000 cubic metres a year. That must stop. It is madness to be chopping down our carbon stores; madness to be ridding ourselves of the desperately needed habitat, nesting and flowering places for our critically endangered plants and animals.

The last word is with the people. The people are fighting back. We have had the schools strike for climate, we have the hunger strikers from the Extinction Rebellion outside Parliament House and we have had massive litigation cases all around the world that are taking off. People will not be silenced. Governments have to take action.

**Time expired.**

[11.36 a.m.]

**Mr JAENSCH** (Braddon - Minister for Environment) - Mr Speaker, I thank the member for Franklin, Dr Woodruff, for bringing on this Matter of Public Importance.

COP26 is an important opportunity for the world to express its ambitions, its recognition, its commitment to avoiding the worst outcomes of climate change currently in train. I am proud that our Prime Minister and nation will be represented there with a 2050 target and that as part of Australia, Tasmania will be doing more than its fair share. This is the thing: everybody has

to do what they can. Some have greater challenges than others and some have greater opportunities. Happily, we are one of the latter. Tasmania is a leader in addressing climate change and will be a strong contributor to Australia meeting its commitment as part of the global effort. Our state has achieved net zero emissions for six of the last seven years. Since 1990, our emissions have reduced by 108.6 per cent while our economy has nearly doubled and over 60 000 jobs have been created.

In November last year, we achieved 100 per cent self-sufficiency in electricity from renewable sources. These globally significant achievements are due to a combination of our long-term renewable energy investments and our managed forest estate, along with ongoing emissions reductions in our waste and agricultural sectors.

We know from modelling commissioned by our Government that as our economy and population grows and the risk of severe bushfires increases, we will need to do more to maintain our net zero emissions status. The climate changes already underway will affect our way of life, our industries and our environment in our lifetimes. Some of our most important economic sectors, including agriculture, are directly exposed to these changes.

That is why we have announced Australia's and one of the world's most ambitious targets, legislating a target of net zero emissions from 2030. Draft legislation to give that effect is released now and out for public comment.

We have accepted all seven recommendations in full or in principle from our independent review of our climate change legislation. Our target will be the most ambitious in Australia and one of the most ambitious in the world. We have done the work to be confident that this ambition is feasible and achievable for Tasmania.

Importantly, our modelling shows that this target can be reached, not by shrinking our economy, but by growing it.

**Ms O'Connor** - You have reached the target.

**Mr JAENSCH** - I am continually amused and disappointed by the Greens who reflect that because we are net negative emissions now, we have reached our target and we do not need to do anything. Nothing could be further from the truth.

**Dr Woodruff** - You are misleading the House. We have never said that.

**Ms O'Connor** - You people just gaslight the House by reflex.

**Mr SPEAKER** - Order.

**Mr JAENSCH** - They discredit our proposal to adopt a 2030 net zero emissions target by saying that we have already reached it and, therefore, our target means nothing.

**Ms O'Connor** - No, therefore, it is not ambitious enough.

**Mr SPEAKER** - Order, Ms O'Connor.

**Mr JAENSCH** - The fact is that the modelling clearly shows that if we do not take significant new action now, we will not maintain our net zero emissions status or negative net emission status up to 2030, let alone beyond it.

By setting ourselves a target that we have already reached but which we will not maintain if we do not do more work, we are setting ourselves on a new trajectory. We are absolutely committed to it. We are committed to it because Tasmania can; not because we have already reached our target but because we can do better. That will set us on a better trajectory to be able to continue to be net negative in our emissions beyond 2030 to 2050 and beyond that again, and do more of the heavier lifting for Australia and for the world in terms contributing to avoiding the worst impacts of climate change that is currently underway, as you know.

The great advantage for us in this state is that we can do that not by sacrificing things and shutting things down but by growing more of the things that we are already good at: growing trees on our farms; using our renewable energy resources to replace imported fuels; to what some people call 'decarbonise our economy' but in some areas, recarbonise it, if you are looking at the agricultural sector and putting more carbon away in the soil and into durable products that we take off our farms and into our economy.

We are in an enviable position. We are in a better position than most places in the world now. We have greater potential to make a difference to climate change here than most other people do in the world. I want to ensure, in particular, that we take our young people with us on this journey. They have been 'canaries in the mine shaft'. They have learnt about it and raised their concerns; we have heard them.

We need to be able to show them as their government, as their leaders, that we hear their concerns and share their concerns. We will inform and equip them to work with us and over future generations to do everything we can to protect Tasmania; to protect our environment, their way of life; and contribute, punching above our weight, to Australia's ability to do the same for our country and to contribute to meeting our emissions' targets at a global level.

We have more capability than most people in the world. We are in a better position to provide leadership. It is something that I think we can be very proud of. We can be very excited about the opportunities Tasmania has to make a difference. I trust that some of that will be on show at COP26. When our Prime Minister represents our national target we are looking forward to his being able to include in his narrative the contribution that Tasmania will be making to its target at 2030.

**Time expired.**

[11.44 a.m.]

**Ms WHITE** (Lyons - Leader of the Opposition) - Mr Speaker, I welcome the opportunity to make a contribution on this matter of public importance, COP26. I note from reading some of the work in the lead up to this weekend's event that there are pretty serious requirements on countries around the world to take action. Current predictions are that we will not be able to limit global warming to 1.5 degrees, which was what had been hoped for. That was why countries, particularly developed countries and countries that are emitters or contribute to emissions, like Australia, needed to update their 2030 targets.

We have seen the chaos play out nationally as the Nationals and their coalition partners, the Liberals, have battled together trying to agree on some kind of target for 2030. They have finally decided on a 2050 target.

**Mr Ellis** - You do not even know what you think. Labor does not have a 2030 target.

**Ms WHITE** - Are you having a crack at the Labor Party? Seriously?

The Liberal and National parties have only just decided to have a 2050 target when they have been asked by COP26 to come to the conference with a 2030 target. We do not even know how they have arrived at that 2050 target because they will not release the negotiated outcomes that got the Nationals to the table. Not even the whole Nationals party room know what has been negotiated between Barnaby Joyce and Scott Morrison, the Prime Minister of our country. They do not trust them enough to share that information.

It is very concerning that we do not have clear energy policy at a national level in our country. This is not only bad news for our community and our environment, but for business, who are trying to make decisions in an incredibly uncertain environment. It has been this way for a long time because of the Liberal and National parties nationally, particularly driven by people like the former prime minister, Tony Abbott.

We have a situation now where the Prime Minister, Scott Morrison, is heading off to COP26 without a clear commitment from Australia to take to that meeting. All he has is a commitment from Barnaby Joyce that he has indicated his support for net zero by 2050. Rather than -

**Members** interjecting.

**Mr SPEAKER** - Order. Conversations within the Chamber should cease. Ms White has the call.

**Ms WHITE** - Rather than that, though, we have a process. We know that net zero by 2050 is the absolute bare minimum. Without legislation and without stronger medium-term targets or policy to get there, it is meaningless.

We do not have leadership at a national level from the Liberal-National Coalition. That is why many Australians feel alarmed. That is why the Labor Party has a clear position on this, not just about a target for 2050 but to make sure that once we see a change in government, we will see a change for our country. We know that we need to make sure there is -

**Ms O'Connor** - Are you going to stop taking money from the fossil-fuel industries?

**Mr SPEAKER** - Order.

**Ms WHITE** - certainty for investment in renewable energy. We have a Liberal-National Coalition that is still in love with coal. We need to make sure there is a clear energy policy nationally for -

**Members** interjecting.

**Mr SPEAKER** - Ms O'Connor, you will have an opportunity, I am sure, to go there. Ms White has the call.

**Ms WHITE** - investment in renewable energy because right now Scott Morrison, the Prime Minister, is leaving Australia increasingly isolated on the world stage. It is only a Labor government nationally that would be able to create jobs, cut power prices and reduce emissions, and take the action necessary to ensure that we do not continue this dithering that we have seen from our current federal government.

Even here at a state level, we have a Premier who has said that he will legislate for a 2030 target that we met seven years ago. In 2013, Tasmania first became a net zero emitter. Despite knowing that there will continue to be challenges, this Government has refused to insert sectoral targets in any legislation they bring to this place.

We know from the evidence provided through the University of Tasmania and Intergovernmental Panel on Climate Change (IPCC) reports, and no doubt what will be discussed at the COP26 meeting, that having sectoral targets, and measuring and reporting on those, is important. That is how you can clearly demonstrate that you are taking effective action and continuing to keep pressure to keep climate change at bay, so that we do not see the temperature rising beyond a sustainable level for our planet.

I will talk a little bit about the hydrogen strategy this Government has announced for Tasmania. We are very concerned at the lack of urgency from the Tasmanian Liberal Government in supporting investment in hydrogen opportunities in our state. We are seeing investments occur in other jurisdictions across this country at a very fast pace now. Significant investment is being made in other states, creating lots of job opportunities but, more significantly, helping to decarbonise our economy by providing an alternative fuel source, which is one of the ways that we can help to reduce emissions.

By moving to electric vehicles, potentially hydrogen or ammonia-fuelled vehicles - there is a range of different technologies - we can be at the forefront in Tasmania because of the green energy we will use to generate those new products.

One thing we can do, which we do not see the Tasmanian Government actively doing right now, is work with those new opportunities, for technology companies to be investing in Tasmania, generating jobs here, securing our future, as you like to say, securing our renewable energy future, Mr Ellis. We can make sure that we do not lose those opportunities to other states or territories that Mr Barnett is seeing slip through Tasmania's fingers because of his incompetence and inaction.

**Time expired.**

[11.51 a.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Mr Speaker, we brought on this Matter of Public Importance debate because, as Dr Woodruff said, the meeting of world leaders in Glasgow will be the most momentous meeting in human history. The decisions and declarations made in Glasgow will decide the future of life on Earth. We recognise that the Tasmanian parliament needs to have this debate. We did not get the opportunity earlier in the week through Labor's MPIs. We had an MPI on road maintenance yesterday, of all things.

I digress but I point out to the House, just in case anyone has forgotten, that the Albanese federal Labor Party is 100 per cent behind the coal and gas industry. It still takes hundreds of thousands of dollars in donations from the fossil-fuel industry and, of course, Labor at a federal and state level still supports native forest logging.

We are equal opportunity debaters in here, Mr Speaker, and we will treat the hypocrites in the old parties exactly the same way. Labor does not have a leg to stand on with climate. They have not expressed any pride at all in the fact that we are net zero because of the forest set aside under the Tasmanian forest agreement and the work of conservationists to protect forests over decades.

We know, according to the Intergovernmental Panel on Climate Change, that we are in a code red for humanity. Right now, we are on track to reach 2.7 degrees of warming by the end of the century. We know we have to cut emissions by 55 per cent by 2030. We will see substantial warming on this planet within our children's lifetime, within your grandchildren's lifetime, Mr Speaker. That is why we believe this parliament needs to have a much stronger and clearer focus on how we reduce our emissions.

I take the minister's point about setting a net zero target for 2030 but we have reached it due to our forests and our investment in hydro-electricity over a very long time. You can see, through the greenhouse accounts, that emissions are rising in the transport and agriculture sectors. We are seeing emissions rising across multiple sectors. I accept what the minister says about the challenge of maintaining that net zero emissions target by 2030 but if you are not setting sectoral targets and working very closely with those sectors to help them reduce their emissions, it becomes very difficult to make sure that emissions are going down in those sectors.

We have the Prime Minister and the minister for fossil-fuel energy, Angus Taylor heading over to Glasgow. Let us be clear about this; they are going over there with no new policies, with a plan that effectively relies on offsets and the mirage of carbon capture and storage.

We have a prime minister going to Glasgow who will be a national embarrassment on the international stage. Nothing that this Morrison Government has done takes climate seriously; in fact, quite the reverse. We have recently had three new coal mines approved by the federal Minister for the Environment, Sussan Ley. This is after the federal court found that the minister has a duty of care towards Australia's children. Despite that judgment from the federal court, she has since then approved three new coal mines.

That approach points to a government that does not care about our children and our grandchildren's future. It does not care that we are currently the world's leading exporter of coal. It does not care enough to stand up to the fossil fuel industry and say, 'No, we are going to take meaningful action on climate'. In fact, what the Morrison Government cares about most is power and money. This is what this is about. All that fake drama between the Liberals and the Nationals over the 2050 target was just that. It was all for show so that the Morrison Government could look like, at some level, it was standing firm on something to do with climate change. At this federal election they will be going much more after the vote of climate deniers than they will be of people who recognise the need to act. That is the cold, hard, political reality of it.

I hope that on this issue of climate, this small parliament on this beautiful island can find a way to work together. One of the most important things that we can do - everyone in here knows it to be true - is keep the carbon that is in the ground in the ground to protect our native forests, to restore degraded landscapes and start farming carbon in earnest and being a beacon to the world of sustainability and prosperity in a very difficult century.

[11.58 a.m.]

**Ms OGILVIE** (Clark) - Mr Speaker, this is an important debate and it has been interesting listening to the contributions so far. Rather than cover similar territory, I will talk specifically about Tasmania and Tasmania's fantastic position, in particular in relation to the work that this Government is doing. I have certainly been encouraging that a lot.

Folks in the Chamber will recall over the last couple of years I have been on the public record quite clearly around the need for climate change action. I drafted my own bill, which had easier-to-reach targets in it than those proposed in the current Liberals' iteration of the bill.

I thought it would be helpful to talk a little about the great work that has been done by many people working towards a new vision, and modern and contemporary energy sources and how we use those sources. In particular, I want to give great credit to Climate Tasmania. They are a wonderful group of people, with whom I have met on a number of occasions. I honour their work and thank them for what they have done.

We are very fortunate here because we have this marvellous hydroelectricity capacity. I take great pride in that as I think all Tasmanians do. We feel very connected to our Hydro. You hear people talk about it. We understand that it is clean, it is environmentally sound and it is well run. It is something that powers, not just our economy, but our homes.

Our hydroelectricity really got a big injection of capacity and energy in the 1930s. That set us up for some fantastic work, both for the people of Tasmania, keeping our houses warm but also for attracting major industrials to Tasmania to relocate here and bring jobs with them. We were able to offer that relatively inexpensive but clean energy through our hydroelectric corporations. It drove a lot of industry; it drove a lot of activity and a lot of jobs.

As we look forward to what the modern world looks like, I feel really grateful for the work that has been done by so many engineers over so many years. I know we celebrate them. The Hydro is very good, maintaining history of the engineers that have built this capacity. In particular, I would like to give a great deal of credit to those engineers who migrated here just after the Second World War and brought their skills, technology and capacity with them. We were very lucky to have those people come to work here.

**Ms O'Connor** - Hear, hear.

**Ms OGILVIE** - I hear the member for Clark agreeing. We have a lot of history in our electorate in Clark with those families that pitched up here at the far end of the world, at the time.

I want to talk about the effect of what setting targets is. We had a huge national debate around targets and how that might work. The Tasmanian scenario is different from the rest of the nation. We are in such a superb position to continue to create this wonderful energy and the Marinus Link that we will be able to exploit. I hope we can export at a premium. We

should have a brand premium for being clean and well run and environmentally friendly producers of electricity. What we have is a great engineering challenge. That is how I look at it.

The target is the lever that drives the engineering challenge of how we migrate from our current state to the future state. The future state looks like more electric vehicles, better battery technology, more pumped hydro, looking at national markets and how we fit with those and the commercialities and making sure we get a really good return on what we do here. I have my own children going through school and I say to them that it is good to protest, it is good to be on top of this but do not be fearful of it. The future is really bright. Do engineering, study hard, work out how you can help us migrate to the new future.

This is a great challenge for our planet; a move from fossil fuels to modern and contemporary energy. There are many conversations that we need to have around that. It will not be a one single solution that can fix everything. It is a bundle of human activity that we need to work on together.

One of the areas I love in the whole climate change area - and I hope to approach the Prime Minister for a little of his $20 billion that I think he is going to throw around to help us on this migration - is the impact of what we do in space and space technology, our ability at the University of Tasmania to measure from space the impact of climate change.

We can measure from space a millimetre change in crops, in sea levels, in all sorts of things. It is an incredible capacity; that is through our departments of astronomy and maths and the fact that we own an array of radio telescopes that enables us to do that. I know that department is working with NASA and with Stanford, working with great universities around the world: from little old Tasmania with our great hydro. Tarraleah Power Station was opened in 1938 by my grandad, which is fantastic. I was very pleased about that. I always mention that if I can. From there we have reached this new world where we are working together with a good act in place; if we can get that through that is pivotal. Get the target, by all means, but use that as the lever for the work that needs to be done to invest in education to change our planet for the better.

**Matter noted.**

## OPCAT IMPLEMENTATION BILL 2021 (No. 49)

### Second Reading

[12.05 p.m.]

**Ms ARCHER** (Clark - Minister for Justice) - Mr Speaker, I move -

That the bill be now read the second time.

On 17 December 2017, the Australian Government ratified the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, known commonly as OPCAT.

OPCAT establishes a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

As the then minister for Foreign Affairs, the honourable Julie Bishop MP, aptly noted at the time, this ratification was a significant victory for human rights in Australia. It will improve oversight of places of detention, including immigration detention facilities, prisons, juvenile detention centres and various psychiatric facilities. OPCAT supplements and expands existing mechanisms that states and territories may have for inspections and monitoring of standards of facilities, such as the custodial inspector regime, chief psychiatrist, official visitor functions, health complaints and others.

Ratification was the beginning of an ongoing discussion about OPCAT oversight and monitoring of places of detention across our country. This is because it is the responsibility of all state and territory governments to ensure our OPCAT obligations are fulfilled, not just the Commonwealth. In compliance with our international obligations, this bill delivers on our Government's commitment to be OPCAT compliant by January 2022, which is the time frame by which Australia is required to be OPCAT compliant.

OPCAT sets two overarching responsibilities for every Australian state and territory. Namely to allow monitoring visits by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (of the Committee Against Torture), commonly known as the subcommittee; to designate an independent monitoring body for the prevention of torture and ill treatment at the domestic level, which the protocol names the National Preventative Mechanism.

I note that a stand-alone act for OPCAT is one of the important outcomes of our extensive consultation. It was first proposed to include OPCAT provisions in a separate part of the Custodial Inspector Act 2016 because the framework of that act was designed in 2016 in consideration of future OPCAT requirements.

In response to feedback on the draft bill, however, the decision was made to further strengthen our framework for OPCAT in a stand-alone act. This clarifies and supports the independent operation of the National Preventive Mechanism (NPM) in relation to a broader class of places of detention. The revised bill was provided to stakeholders for further comment and minor further adjustments were made. The input from our stakeholders is greatly appreciated.

Turning first to the subcommittee and to provide a brief overview, its mandate under OPCAT is to visit places under Australia's jurisdiction and control where persons are or may be deprived of their liberty; advise and assist Australia and its NPMs on their establishment and functioning and cooperate with other international, regional and national organisations and institutions working to strengthen protections against torture and ill treatment.

The subcommittee is comprised of 25 experts from countries party to OPCAT, elected for four-year terms. Visits to Australia by the subcommittee will typically comprise at least two members depending on the nature of the visit, who may be accompanied by experts selected from a roster maintained by the United Nations. After a visit, the subcommittee will report to the relevant government on action to be taken to improve the treatment of detainees, including conditions of detention.

I note the subcommittee had intended to visit Australia last year, but that visit is understandably postponed due the COVID-19 pandemic. Within the bill, Part 3 creates a framework to enable these subcommittee visits to places of detention. Consistent with OPCAT, it establishes a general rule of enabling the subcommittee to have unrestricted access to places of detention, to interview detainees and other persons, and access to relevant information. The ability to object to these functions are provided for in very limited circumstances, consistent with the protocol.

For example, Article 14(2) provides for objection to a Subcommittee on Prevention of Torture (SPT) visit 'only on urgent and compelling grounds of national defence, public safety, natural disaster or serious disorder' that temporarily prevent the carrying out of a visit. Notably, a state of emergency by itself is not a reason for objection. However, public safety issues arising from the emergency could be an objection, if necessary. As the Commonwealth is the OPCAT signatory, objections are made by the Attorney-General of the Commonwealth. It is expected that during a visit the subcommittee will also meet with government officials, our NPM, and relevant stakeholders including from non-governmental organisations.

This subcommittee framework is based on model law developed by jurisdictions and the Commonwealth. In that regard, I note the Australian Capital Territory and Northern Territory have also passed legislation following this model. I understand that other jurisdictions' frameworks are still in development.

I will now move to the National Preventive Mechanism under Part 2 of the bill. This will be a new, permanent monitoring body for Tasmania. The bill provides that the Governor may appoint a person, or more than one person, as a Tasmanian NPM. The primary function of the NPM will be to undertake regular, unannounced inspections of places of detention, to examine the treatment of detainees with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment. Associated with this function, the bill provides that the NPM will have power to -

- require the provision of or access to information about detainees, including the number and treatment of such detainees and the conditions of their detention;
- require the provision of or access to information about places of detention, including the number of such places and their location;
- to access, inspect and review places of detention;
- to interview detainees confidentially, and any other persons who the NPM believes may supply relevant information; and
- to contact, meet and exchange information obtained under its functions with the sub-committee or other jurisdictions' NPMs;

Under OPCAT, places of detention are defined in open terms and this is appropriately reflected in the bill. It is any place under Tasmania's jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at their own instigation or with their consent or acquiescence.

For clarity, the bill provides a list of places of detention that the Government has assessed to be within the scope of this definition. These include:

- a correctional centre, prison, detention centre or similar;
- a hospital or similar;
- a closed psychiatric facility;
- a police station or court cell complex; and
- a vehicle used or operated to convey detainees.

I want to highlight the NPM will complement, and not replace, existing oversight and investigatory bodies in Tasmania - such as the Health Complaints Commissioner, Custodial Inspector or our Official Visitors. Indeed, it is expected the NPM will liaise with and seek involvement from these existing bodies. As has occurred in other countries, we anticipate that implementation of the NPM will be an iterative process, and that it's monitoring functions will evolve over time. Across Australia, jurisdictional NPMs will operate independently, under the coordination of the Commonwealth Ombudsman.

Broad Functions:

In addition to its inspection function, the bill provides the NPM may also:

- make referrals for consideration or action;
- receive information in relation to a detainee or place of detention;
- make recommendations and provide advice to the relevant authorities, particularly the Government;
- develop and publish guidelines and standards in respect of detainees or places of detention;
- submit proposals and observations concerning existing or draft legislation that relates to detainees or places of detention;
- publish reports, recommendations, advice or findings in relation to detainees or places of detention, including to parliament, and through an annual report to the Commonwealth Ombudsman; and
- engage in consultation in relation to policy relating to detainees or places of detention with a responsible departmental secretary or a responsible minister.

To protect persons who communicate with, or intend to communicate with the NPMs and sanction reprisal or other prejudice, the bill also creates a new protection of reprisal offence.

The bill rightly provides that the NPM is to exercise its functions independently and impartially and with complete discretion. To ensure this independence, the NPM will be appointed by the Governor. The NPM will be required to identify any conflicts of interest directly to the Governor and the NPM must address any conflicts as they arise.

As the Government has announced previously we intend to recommend the Custodial Inspector, Richard Connock, to the Governor for appointment as Tasmania's inaugural NPM. Mr Connock will bring a wealth of collective expertise and experience to this new body, which will be necessary for its establishment and effective function. The NPM will have the power to delegate competent experts and to hire staff or utilise staff of the Department of Justice. Experts and staff will also exercise independence and impartiality in their work.

The bill ensures that confidential information acquired in the course of the NPM's work is protected and not disclosed unless the specified circumstances apply. I am pleased to say that the Australian Government has committed to contributing some funding to jurisdictions' NPM implementation. My department is in discussions with the Commonwealth on this matter as part of our commitment to ensuring appropriate resourcing of additional resources for the NPM through both Commonwealth contributions and our own budget process.

I mentioned earlier that Australia's ratification of OPCAT was the beginning of an ongoing discussion. For Tasmania that has unquestionably been the case. This bill is a product of extensive consultations with a wide range of stakeholders within government, within Tasmania, across Australia and internationally. I acknowledge and thank in particular the many stakeholders who provided consultation submissions for taking the time to meet with my department and for writing to me personally. I also express my sincere thanks to the Custodial Inspector, Richard Connock, and the Commonwealth Ombudsman, Michael Manthorpe, and Deputy, Penny McKay, for their assistance.

Our Government is committed to ensuring that people in places of detention are treated humanely, appropriately and in accordance with international law. I look forward to working with the NPM in this new role that independently provides oversight and an important responsibility. I would also like to acknowledge the work of the Office of Parliamentary Counsel in drafting and finalising this substantial piece of legislation.

Mr Deputy Speaker, I commend the bill to the House.

[12.18 a.m.]

**Ms HADDAD** (Clark) - Mr Deputy Speaker, I am pleased to be able to provide a contribution on behalf of the Opposition to this bill and indicate that Labor will be supporting the bill. As we heard from the Attorney-General in her second reading speech, this bill will give effect to Tasmania's obligations under the OPCAT which flow from the Commonwealth Government having ratified the treaty in 2017.

OPCAT, and I will refer to it just by its acronym, is the Optional Protocol to the Convention Against Torture and other cruel inhuman or degrading treatment or punishment. It is an international agreement aimed at preventing torture and cruel inhuman or degrading treatment or punishment. OPCAT was adopted in 2002 in the UN and entered into force in 2006. It is a human rights treaty that assists in the implementation of and builds on the United Nations Convention Against Torture and Other Cruel Inhuman or Degrading Treatment (UNCAT). It helps states meet their obligations under that main convention.

The objective of OPCAT, the Optional Protocol, is to prevent the mistreatment of people in detention. Under OPCAT, state parties agree to establish independent National Preventative Mechanisms (NPMs) to conduct inspections of all places of detention and closed environments., In addition to the NPM, state parties also agree to international inspections of places of detention by a United Nations Subcommittee on the Prevention of Torture. The subcommittee engages with states on a confidential basis and cannot publish reports or recommendations unless under agreement with the state party. That is Australia, in this case.

The Australian Government ratified OPCAT in December 2017. In the in the following February, the Commonwealth Attorney-General asked the Human Rights Commission to

conduct consultations with civil society organisations in order to advise the Australian Government on views about how OPCAT should be implemented in Australia.

The Human Rights Commissioner conducted that consultation in two phases, nationally. The first phase was completed in 2017 and a consultation paper was produced, with written submissions. It held roundtables in Canberra, Sydney, Melbourne, Adelaide and Darwin. The Commissioner summarised those views in an interim report to the Commonwealth Attorney-General in September 2017. The interim report was intended to inform the ratification of the process.

A second and final phase of consultation was launched on 19 June 2018. Organisations were asked to provide feedback on the proposals contained in the interim report and on the detail of how OPCAT should be implemented in Australia. Again roundtables were held.

That is some of the background about Australia's ratification of the Optional Protocol, which sits under the Convention Against Torture. Because Australia went down that path of ratifying the Optional Protocol, obligations flow to each state and territory of the Commonwealth to create frameworks for those obligations under the treaty to be met in Australia and to establish our own NPMs.

It was a decision taken at the Commonwealth level that instead of creating one Commonwealth NPM that there would be NPMs created at each state and territory level. While there is often an argument for national consistency in things like this, there is merit in creating state-based NPMs because the work that needs to happen in inspecting places where people could be suffering things that are covered in the Optional Protocol, torture and degrading and inhuman treatment, happen at a state-based level. I believe it is worthwhile for the NPM to be close to the ground to be able to conduct these inspections.

That said, I note that there will be a reporting requirement from each state-based NPM to the Commonwealth NPM, which has been assigned as the Commonwealth Ombudsman. The Commonwealth NPM has the responsibility of reporting to the UN under the treaty.

The bill also establishes the framework needed to facilitate visits from the OPCAT sub-committee, based in Geneva. They will be able to visit unannounced and inspect all places of detention and other places where people could be deprived of their liberty, or subject to treatment which contravenes the treaty.

In considering the bill, I want to note a number of things.

First, the Tasmanian bill was the first to go for public consultation in the Commonwealth. It is one of the first to be discussed in an Australian parliament. I believe that this is commendable. I note that the larger states have not acted as swiftly and it will be because of the actions of those states in not having legislation forward sooner, that Australia may not be compliant with their international obligations by the deadline of 20 January next year.

Second, I note that there has been a broad community consultation conducted on the initial consultation draft of the bill last year. There were several submissions made by civil society organisations and individuals, as well as universities and other parties with significant interests in the implementation of the OPCAT. There were some significant and serious concerns raised on a number of provisions of that consultation draft of the bill. I find it

encouraging that the bill that we see today has undergone significant change as a result of that consultation and it is quite different from the consultation draft that we saw.

The Government has adopted many of the suggestions for change and has addressed many of the concerns raised in that round of submissions. Just a few that, I believe, have been addressed include the fact that the previous bill sought to amend the Custodial Inspector Act. There was criticism that it was not clear where the Custodial Inspector's jurisdiction would end and the jurisdiction of the NPM would begin. For that reason that has been addressed by this being a stand-alone piece of legislation.

Third, there was some criticism that the functions of the NPM were not clear, in the former bill and the functions have been detailed more explicitly in this bill.

Fourth, there was criticism that there should not be just one NPM. This bill does make it possible for additional NPMs to be appointed in the future. I have another comment to make later in my contribution around that.

Fifth, the scope of when the NPM can make inspections was broadened, from 'any reasonable time', which was the wording in the consultation draft, to 'at any time', which is the wording in the bill we have before us. That is a good thing, because when it comes to investigations of things like potential torture, cruel, inhuman or degrading treatment or punishment, I believe there should not be any impediments to the NPM or the subcommittee doing their work. That was an important change in language.

Importantly, the definition of detention was broadened, as was the definition of depravation of liberty. This was raised in a number of submissions on the draft bill which had a narrower definition, and would basically have limited the NPM to only being able to inspect formal custodial facilities, prisons and other places of formal detention. The issue was also raised by myself and Dr Woodruff, the member for Franklin, last year in Estimates; and, I think this year in Estimates, that this posed a significant problem. There is a significant risk of people being subjected to treatment that could contravene the OPCAT in places outside of formal prisons. They include things like aged care settings, mental health care settings and other places where it is possible for people to be deprived of their liberty.

Those criticisms or concerns were not directed at the workforce in those industries but were simply a very important recognition that wherever deprivation of liberty occurs, abuses of power can occur, including abuses that would contravene the provisions of the OPCAT Treaty.

Therefore, it is imperative that the NPM and the subcommittee have the widest possible jurisdiction to ensure the safety of people at risk. This bill expands that jurisdiction for the NPM to, in addition to a correctional centre, prison, detention centre, to also cover hospital or similar closed psychiatric facility, police station or court cell complex and vehicle used or operated to convey a detainee.

I have some questions about the expansion of the places that can be inspected. I welcome it, of course, but I seek some clarification. Will this change mean that only the NPM can investigate that broader range of places where liberty could be deprived? Is the subcommittee also bound by that, or would the subcommittee potentially have more unfettered jurisdiction to investigate alleged breaches of the OPCAT outside of the new definition in the bill?

In one of the consultation submissions on the new bill, the Law Reform Institute wanted clarification of what would happen with the use of private premises which are used as a place of detention, under a contract or an order or discretion of a detaining authority. I imagine they are expecting things like home detention; however, what also came to my mind was people with disability or other impairments who might live in supported accommodation or group homes, or people with disability who live independently at home but with carers who they engage through the NDIS or through other means. What would the boundaries be for potential investigations, in those circumstances?

Another question raised by the TLRI related to the expansion to vehicles being covered as a potential place for investigation, and whether the Attorney-General could clarify if this includes a vehicle that is taking a person to a place of detention who is not yet formally detained at the point of departure.

Another concern raised on the consultation draft, which has since been altered in this final bill, is the administrative arrangements of the final act. In the consultation draft it was proposed to sit under the responsibility of the Minister for Corrections, and this could have created either actual or perceived or possible conflicts of interest in terms of administering both the corrections system as well as the act implementing OPCAT. This has now been rectified in the final version of the bill which sits under the responsibility of the Attorney-General portfolio. Right now, both those ministerial portfolio responsibilities are held by the same person; but that is not always the case and there have been other instances where those two portfolio responsibilities have been held by different individuals.

It is appropriate and suitable that under the formal administrative arrangements of Tasmanian legislation, that this act will sit under the Attorney-General portfolio.

There have been significant changes to this bill as a result of the community consultation. That is a positive and encouraging commitment, to take seriously the issues raised in the OPCAT, the issues raised by civil society organisations on the implementation of OPCAT and also to take seriously our obligations under that international treaty.

There are still other concerns that remain with the final version of the bill and I will put some of those on the record and ask a few further questions. Hopefully, I will not repeat myself too much about those previous questions.

There is also continued concern about the final funding arrangements for staffing and security of tenure for staff to work on enforcing the OPCAT. Through the Attorney-General, I thank her office - Tristan - and her department - Brooke and Mark - for providing me a thorough briefing a little while ago now. Thank you for providing me with a lot of extra information. It is not every day that you work in Tasmania on things that impact international law, and it was good to hear some of the history and background on bringing this legislation forward.

Two things were explained to me in the briefing. I was advised that Commonwealth funding will be provided to the state for staff to perform the work required to administer OPCAT. The minister mentioned that in her second reading contribution.

I was also advised that it was not seen as appropriate to enshrine information about staffing matters such as security of tenure or remuneration, periods of appointment and so on in legislation, and that these matters do not usually sit formally in acts of parliament.

I understand and appreciate that justification; however, I note that the reasons those concerns were raised by civil society organisations were valid and reasonable, because a lot of hope and trust is being put into the implementation of OPCAT. It creates serious obligations globally, that flow on to us locally, and it is imperative that we do all we can to ensure that it is adhered to in the state.

The minister mentioned staffing and funding from the Commonwealth to the state, to employ staff. For the record, and for future legislative interpretation, I invite the minister to reiterate that commitment and what the state's commitment will be in addition to that Commonwealth funding, to ensure that there are sufficient resources at all times for OPCAT to be adhered to in Tasmania.

Turning to the reporting role of the NPM to parliament. Some people argued that should be broader and articulated in greater detail, to ensure efficacy and scrutiny of ministerial and departmental compliance with OPCAT. This is really a question for me, because I do not feel I am fully across the role of the Tasmanian Parliament with regard to what reporting the Tasmanian Parliament is expected to receive, versus the NPM's responsibility to report federally to the Commonwealth NPM, and then the Commonwealth reports under the international obligations.

I will not go through them in detail, but a number of the suggested amendments from the Law Reform Institute related to expanding some of the report writing and the provision of reports, so that reports would have to be provided to the Tasmanian Parliament as well. Was that considered, is it possible, and is it required? I have not dealt a lot with international treaty law.

The Attorney-General would be familiar with the suggestions from the Law Reform Institute and others, about the role of Tasmania's Parliament in receiving reports and acting on reports.

Another concern from submissions made on the draft and the final version is protections against reprisals from people who communicate with the NPM. In the briefing, I was told that in the view of the department, there is already sufficient protections in other pieces of legislation such as the Public Interest Disclosures Act. This is still an area of concern for me and for others and I would like to ask the Attorney- General for some extra clarification and certainty and comfort around the protections that would be in place for people interacting with the NPM in any way or for any purpose.

However, the biggest remaining concern for many of the civil society organisations who commented on the bill was the way the bill goes about establishing NPM and the fact NPM will be vested in one statutory officer, being the Ombudsman - that is one of his hats.

There are two things I want to raise here. One is the Law Reform Insitute, again in their submission, it made comments on whether the NPM should be a one-officer model which is what we have gone for in this bill or should it be a multi-officer model. Their view is it should not be a sole person or sole independent officer.

They recommended that, rather than that model, Article 3 of the OPCAT would allow states to better appoint a multi-member mechanism to achieve the mandate of the OPCAT across a wide range of potential places of detention. They believe this would reduce the potential for co-dependencies, either actual or perceived conflicts and institutional incapacity due to underfunding or understaffing.

My first question is whether any thought was given to appointing a multi-member NPM rather than a one-statutory officer model. However, the one-statutory officer model is the one chosen. The concerns raised with that are, by and large, on resourcing and the number of other jurisdictions that one statutory officeholder has. They were raised by the Law Reform Institute but also by TasCOSS, Civil Liberties Australia - I have not written all of the names down but there were several other contributions that went directly to this issue.

The Government proposes to recommend Richard Connock, the current Ombudsman, to be vested with the powers of the NPM to be appointed by the Governor. That, of course, as one-statutory officeholder, he already holds the offices of Ombudsman, Health Complaints Commissioner, Custodial Inspector, and Electricity Ombudsman. He also has a statutory role in administering other pieces of legislation like the RTI jurisdiction - which I know is a big workload in his office - public interest disclosure jurisdiction as well as the mental health official visitor program and the prison official visitor program.

I know there will be extra funding and the Attorney-General has just said that by interjection. There will be extra funding from the Commonwealth but there still is a problem in my mind that I know, while each of those divisions have their own staffing complement, it is still just one statutory officer sitting at the top of the tree who has the role of signing off on reports and signing off on decisions and making those final decisions. It is an unwieldy number of hats for one statutory officer to hold.

That is not to say this particular hat should be excised and it should be held by a separate statutory officer, but in time it will become unworkable for that one statutory officer to continue to hold so many different responsibilities. That is not say, of course, his office, with increased resourcing and increased staffing cannot do more - although we do still see massive backlogs in the RTI jurisdiction is one example. That is not a criticism of those staff working in his office across those multiple jurisdictions; it is simply going to get to the point where one statutory officer is the final - it will be a bit like one minister holding all of the portfolios of government.

There are departments and ministerial officers working on the issues that confront each of those portfolios, but it is still one minister at the top making the final decisions. In time it will become increasingly apparent it is not practical to continue to add more hats to one statutory officer and is certainly what a lot of the other civil society organisations raised also.

The Prisoners Legal Service said in their view, the office is currently underfunded. They were talking specifically about the Custodial Inspector jurisdiction. They said it is underfunded, under resourced and also wears many other hats. The consequences of the Tasmanian NPM operating in this way is it will not be effective in preventing abuse of prisoners.

Community Legal Centres Tasmania noted the Custodial Inspector's long-held view - his office is inadequately resourced. RMIT University's Bronwyn Naylor, Professor of Law, made

a submission and said that the current proposal for the custodial inspector to take on the role of the National Preventative Mechanism and that it is not clear whether the NPM would have the requisite resourcing to carry out the role.

TasCOSS made similar comments and noted that the current office is already under-resourced, even before another significant responsibility is added to the role. It noted that the Australian Human Rights Commission Report implementing the Optional Protocol to the Convention Against Torture (OPCAT) in Australia recommended that Australia's federal, state and territory governments should agree to provide sufficient resources to ensure NPM bodies can meet the initial costs of undertaking new NPM responsibilities, so that all NPM bodies can comply with OPCAT.

They further recommended that each NPM adopts mechanisms and processes to identify and prevent ill-treatment of vulnerable detainees, such as establishing thematic committees and accessing the views of detainees, for example, by directly surveying people with lived experience of detention. In light of those two AHRC recommendations, TasCOSS noted that it is clear the current resourcing means that it is wholly inadequate to perform the role of a robust NPM or, in fact, the role of an NPM in anything other than name only. TasCOSS, therefore, endorses the AHRCs recommendations.

I understand there will be extra funding for staff but, even with the extra funding that has been provided across some of those jurisdictions, the ombudsman himself has noted that staffing and resourcing issues have been a significant problem for his office for a long time.

In the most recent annual report, the Ombudsman's Annual Report 2020-21, he said, for example, that no training was delivered in that financial reporting year, primarily as a result of staffing and resourcing issues. Requests for training were received, including a request for regular training from the Right to Information Officers Working Group. We know there are massive backlogs, particularly in the RTI jurisdiction.

In his annual report under the Custodial Inspector jurisdiction, he said that he has consistently reported, having now completed a three-year cycle of inspections, that it is overwhelmingly apparent that additional staff are required and that the inadequacy of staffing is reflected in the long delays between on-site inspections and the publication of reports, as well as the need to cancel the scheduled inspection of the Mary Hutchinson Women's Prison.

In the Health Complaints Commissioner jurisdiction, he said that it is 25 years next year since that jurisdiction was established and almost every annual report since then has testified to the importance of the role of the office, coupled with the inability to properly perform its functions due to inadequate resourcing. He said he has reported in every annual report since his appointment to the Health Complaints Commissioner role in 2014 that this lack of resourcing has been particularly acute during the last seven years when, despite ever-increasing complaint activity, staffing levels have been as low as two or three FTEs.

They are not my words. Those are the words of Mr Connock in just three of the many jurisdictions that he holds. The Attorney-General has said he needs to employ the staff. I understand there is funding for staff but, as those quotes just from those three reports show us, there is under-resourcing and there is under-staffing in each of those existing jurisdictions.

As I said in my earlier comments, it is also going to be increasingly unworkable for the final statutory office decision-maker role to be held by one person as these jurisdictions continue to pile up. Even if there were 15 staff in every jurisdiction, they could do more complaint handling, they could do more report writing, they could do more self-instigated work, I am sure. Ultimately, it is still one statutory officer at the top who is required to sign off on all of that work. I believe that poses a risk for the implementation of our obligations under OPCAT.

To move on from resourcing for a moment, I wanted to raise two other final things that were part of some of the submissions made. Most notably, the joint submission made by the Tasmanian Aboriginal Legal Service (TALS) along with Change the Record and Human Rights Law Centre noted - as others did - the extremely disturbing fact that Aboriginal and Torres Strait Islander people are incarcerated at a disturbingly higher proportion than non-Aboriginal people. Sadly, we are no different in Tasmania and not immune to this worrying fact.

They recognise the many pressures that lead to that disproportionate incarceration rate. They see the implementation of OPCAT as a crucial tool in addressing the mass incarceration of Aboriginal peoples, preventing the unacceptable number of First Nation deaths in custody and in reducing the egregious number of human rights abuses within places of detention.

They made a number of recommendations similar to those made by others about resourcing and other issues, reprisals, and so on. Additionally, they said that they wanted to see an amendment to this bill to explicitly include Aboriginal and Torres Strait Islander peoples and people with disability as groups to be adequately represented within the NPM staffing profile. In developing the NPM, they would like to see the Government commit to serious and appropriate engagement with Aboriginal and Torres Strait Islander peoples as well as representative bodies and legal services, as well as people with lived experience and families and community consultation and co-design processes.

I know from the briefing that some work was done in this area in the consultation phase of the bill but I would like to ask the Attorney-General specifically to reflect on these recommendations as well, if possible.

The last issue I wanted to raise was that raised by James Kwok who is the team leader of the Human Rights Team at Justice Action. He made the important point that people, especially detainees but anyone who may be deprived of their liberty, should be educated about their rights and entitlements under the Optional Protocol. He said that the provision of information and of communication means to the NPM will empower detainees and people deprived of their liberty to better understand and protect their own rights while detained or incarcerated.

He recommended that the bill should implement education structures such as internal education programs to ensure detainees are aware of their rights under OPCAT and the methods to engage with NPMs as well as clear mechanisms for detainees to communicate with and contact NPMs. I believe those comments were made more specifically in relation to formal places of detention but I think there is always a very important role to play in informing people of their rights when legislation changes, particularly when it comes to people's rights who are deprived of their liberty.

People do have rights. They have rights to complain, for example, through disability, through elder abuse and through aged care complaint mechanisms that exist at a Commonwealth and state level. Often people do not realise that they have the right to raise concerns or they might not realise that they have the right to make formal complaints. Indeed, making formal complaints can be a very daunting process for many people and that is amplified, of course, when there are issues such as disability. They are amplified as well when people are deprived of their liberty and they are not free, particularly when allegations arise as serious as those covered by the OPCAT. It is really important to know what the Government has planned to educate people who are detained or people who are deprived of their liberty through other non-formal detention to ensure they are aware of their rights, and aware of the existence of the NPM and how they can make representations or contact the NPM.

I think I have covered most of the questions that I wanted to raise and I did rattle through them quite quickly because I was not planning on going into committee but if I did it was only just to clarify some of those questions.

**Ms Archer** - We have an amendment.

**Ms HADDAD** - In that case, I might still ask some of those questions in committee if that is easier than trying to address them all in summing up comments.

**Ms Archer** - It is easier in summing up because we get the lunch hour.

**Ms HADDAD** - I did put a lot of questions on the record in my second reading contribution. I wanted to recognise that this is an important step for Australia to have ratified the Optional Protocol and it is incumbent on states and territories as well as the Commonwealth to do this work in implementing our obligations, making our obligations and meeting our obligations. It is really encouraging that Tasmania is one of the first states - if not the first state - to be discussing legislation and, as I said in my opening comments, I think the larger states are probably going to take the longest. They will probably be the ones responsible for us as a country potentially not meeting our international obligations. With those comments and the foreshadowed potential other questions in committee, I will conclude my comments and indicate again that we will be supporting the bill.

[12.50 p.m.]

**Dr WOODRUFF** (Franklin) - Mr Deputy Speaker, I want to give the Greens' strong support to this OPCAT implementation bill. It is extremely important legislation. It brings us along the pathway towards taking concrete steps to doing everything that we can to prevent the torture and the cruel and inhuman and degrading treatment or punishment of people in Tasmania.

This bill before us today has had a very long history indeed. It has been the work and passionate advocacy of people campaigning for justice and campaigning for an end to cruelty for many decades. It is important to understand the history of OPCAT which is a really difficult and complex acronym to explain to people. I acknowledge that many Tasmanians would find this very obscure but it is really important to understand why we are standing here today. It came about in part from the development of international human rights law after the Second World War when the prohibition of slavery and torture, including cruel, inhuman and degrading treatment or punishment, emerged as two human rights that were established after that grotesque period in the Second World War. They were formulated to be absolute and

non-derogable rights which means they could not be suspended even in times of war or declared states of emergency that might threaten the life of a nation. They are essential to being a human being and there is no way that we can put them aside.

This absolute prohibition is found in Article 5 of the Universal Declaration of Human Rights in 1948 of the four Geneva Conventions on humanitarian law. The United Nations standard minimum rules for the treatment of prisoners - that was in 1955- the so-called revised Mandela Rules in 2015, the International Convention for Civil and Political Rights which was signed in 1966 and other conventions, such as the American Convention on Human Rights which was adopted by some countries in the western hemisphere in 1966.

Despite all of these conventions and despite all these international agreements, torture continued to be systematically practised in many parts of the world. This was well known and well documented; the appalling instances of torture, such as in Algeria with the French government there, the Portuguese practises in its former African colonies, the practises by the Greek military junta and those in the Latin American military dictatorships. Increasing reports occurred of torture and massive ill-treatment from many parts of the world that were documented by civil rights bodies, such as Amnesty International. These culminated in a worldwide campaign against torture on Human Rights Day in 1972.

In November 1973 the General Assembly of the United Nations expressed our collective serious concerns about these torture practises and put the question of having a torture and cruel inhuman and degrading treatment or punishment as a standing item on its agenda. Nonetheless, in December 1977 the General Assembly of the UN formally requested more strength. The Commission of Human Rights was tasked with drafting a binding convention against torture. That work was finally done. The Convention Against Torture was unanimously adopted by the General Assembly of the UN on 10 December 1984. That was work done by hundreds and hundreds of people from countries around the world, people who have been continuing to fight for justice and liberty and an end to cruelty.

However, the necessary support for this Optional Protocol took a long time to be forthcoming. As a consequence, the Committee Against Torture and prevention against cruelty and inhumane and degrading treatment and punishment had at its disposal only very weak instruments that could be used to, for example, analyse and discuss the self-reports of governments and to try to create an institution for the special rapporteur on torture. Neither the convention or the special rapporteur had the power to visit countries, however, let alone to inspect prisons or other places of detention without a government giving its permission.

In 1987, the Council of Europe realised that we needed to have a prevention against torture ability to conduct regular visits and reports from government. That has led through many long, difficult conversations until on 18 December 2002 the United Nations Optional Protocol on the Convention was finally signed.

The Australian Government took some time to ratify the OPCAT. It took until December 2017, 15 years later. We were one of the slower countries to come on board with the Optional Protocol. Nonetheless, in February 2017 we got there. The Commonwealth Attorney-General asked the Commission to conduct consultations with civil societies in order to advise the Australian Government on how the OPCAT should be implemented in Australia. That was five years ago.

What we have then is OPCAT, which is a human rights treaty that assists in the implementation of this United Nations Convention Against Torture and other cruel, inhuman and degrading treatment. It helped states - Australia being a state to the UN - to meet our obligations under the convention, with the purpose, of course, of preventing mistreatment, not documenting it, not recording it, but preventing the mistreatment of people in detention.

Under OPCAT, we in Australia, and we in Tasmania, do agree to establish an independent, national preventative mechanism to conduct inspections of all places of detention and closed environments. We also agree to the international inspection of places of detention by the United Nations Subcommittee on the Prevention of Torture, which is called the SPT, or the subcommittee. The subcommittee will engage with us on a confidential basis. It cannot publish reports and recommendations unless they have been agreed to by us as a state party.

Australia has signed and ratified the convention. We have been going through the process now of establishing the OPCAT legislation in each jurisdiction. I want to say at this point how welcome the approach that the Attorney-General has taken in Tasmania has been to people who have been long-time advocates of this. Tasmania is one of the first jurisdictions now to have a bill progressing through parliament. I understand it is in the upper House in South Australia. I think, we are the second jurisdiction to have a bill tabled and being debated.

**Ms Archer** - The ACT and Northern Territory have done a framework, but we are the first state.

**Dr WOODRUFF** - The ACT and Northern Territory have done a framework.

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

## RECOGNITION OF VISITORS

**Mr DEPUTY SPEAKER** - Honourable members, I welcome the year 5 and 6 students from South George Town Primary School in the public gallery to Parliament House.

**Members** - Hear, hear.

## OPCAT IMPLEMENTATION BILL 2021 (No. 49)

### Second Reading

**Resumed from above.**

**Dr WOODRUFF** (Franklin) - Mr Deputy Speaker, where I finished, I was commending the minister for the well-conducted and open consultation. There has been a good level of listening and redrafting of this legislation. The first draft in October last year was for a bill that would have been about an amendment to the Custodial Inspector Act, with OPCAT as a sort of appendage term. That was widely considered to be inadequate and inappropriate. I am pleased to say the department and minister listened to that and there will be a stand-alone act, the OPCAT Implementation Act, when the bill passes. That is very welcome.

I was pleased to attend a special webinar, *Island of Ideas*, on 20 October last week, hosted by the University of Tasmania. It had eminent contributions from people who have long been involved in the prevention of torture and cruelty, including Ms Aisha Shujune Muhammad, a Supreme Court judge from the Maldives who is a member of the UN Subcommittee on the Prevention of Torture. There were also people from the Australian OPCAT network and Tas OPCAT advocates, who spoke about the situation in Australia and the implementation of the OPCAT in different Australian jurisdictions.

I acknowledge the work of people like Mr Steve Caruana, Dr Mike Guerzoni, Mr Ben Elijah, Professor Penelope Weller and the Tasmanian Institute of Law Enforcement Studies' Professor Nicole Asquith and Dr Valmae Kitchener. These are just some of the people who have been strong, passionate advocates on this issue for years.

Ms Muhammad described this bill before us as a once-in-a-generation opportunity to provide our citizens with the rights they should have in places of detention as well as in social care. Its aim is to stop problems before they reach a crisis point.

In my preliminary remarks, I talked about the history of OPCAT. It has had a long genesis, from the end of the Second World War to where we are today. In that lofty realm of the United Nations it is easy to forget that the purpose of this bill will be to protect our families and loved ones. It has a real life. Everyone in Tasmania should be additionally protected by the National Preventive Mechanism we will bring into being through this bill. We can be more confident that the people we love will be protected if they are deprived of their liberty. It is important to have that enshrined as a right of a citizen of Tasmania.

The United Nations has made some very strong criticisms about Australia that show very clearly why an NPM is required for our country. We have had criticisms about the appalling treatment of refugees and asylum-seekers in this country, where hundreds of people are deprived of their liberty and kept in cruel and inhumane conditions on Manus Island. That continues today.

There were the documented atrocities in the Don Dale prison in the Northern Territory. We have had four royal commissions in Australia into Aboriginal deaths in custody. Shame, on us, as a nation that we continue to fail to put the effort we need into solving those problems, which are absolutely solvable.

We have had royal commissions into aged care quality and safety; violence, abuse neglect and exploitation of people with disability; and, very much a topic of conversation in Tasmania at the moment, the institutional responses to child sex abuse. All of these are evidence, if we need it, that Australia and each jurisdiction within the country, Tasmania included, has failed to sufficiently protect people with disabilities, people in aged care, children, Aboriginal and Torres Strait Islanders, refugees; the most vulnerable people in the community.

That is why it is important for us to look at this bill and understand that it will provide additional protections for people at Risdon Prison, the soon-to-be-defunct Ashley Youth Detention Centre and, potentially, for mental health in-patients at the Royal Hobart Hospital, at aged-care homes, for schoolchildren, at support homes for people with disabilities and even in quarantine hotels, which is obviously a current example.

The reach of the NPM will be appropriately extensive. It is important to underline again that the NPM's role is not to act as a complaints portal. It is not a complaints investigation mechanism. It is a prevention mechanism.

There is a three-way relationship between the NPM, the Tasmanian government and the UN Subcommittee for the Prevention of Torture. The NPM must function as an autonomous body and must have staff with diverse expertise who are independent. It must be able to choose its own staff. It must have terms of office that mean it can function as an independent body and be appropriately resourced with a sense of longevity of the office secured so that the work of the NPM can be done.

I will turn to the range of concerns that were discussed in the various stages of the bill, the drafting of the bill. There were two submission periods to two draft exposure bills. I acknowledge, minister, that some of the concerns I might raise, many of them have been addressed in the drafting of the bill that we have before us.

However, because there has been quite a lot of backwards and forwards and because the bill changed substantially in the form, initially the first draft was the Custodial Inspector amendment, OPCAT bill, and now we have a standalone OPCAT implementation bill. What that means is that some of the comments in the first submission process were about quite a different structure of the bill.

I will ask a number of questions on behalf of stakeholders and I believe some of these things are outstanding and some of them may have been covered. The bill that we have creates a National Prevention Mechanism. It does not specify who that will be. The minister is on record saying the intention is for it to be the Ombudsman in his duties as the Custodial Inspector.

**Ms Archer -** No, separate. Not as his duties, as Custodial. It will be completely separate again.

**Dr WOODRUFF** - The Ombudsman's separate duties?

**Ms Archer** - Each of those roles is separate.

**Dr WOODRUFF** - Each of them. Okay. Thank you. The Ombudsman's separate duty now, in addition to the other duties, are as the National Prevention Mechanism. Then, as the Custodial Inspectorate has an office with staff, the NPM will have staff. The Government has taken the concerns raised amongst a number of submitters about making sure that the NPM can be a person or persons.

The consistent concerns were that it is important for the NPM to undertake the range of activities in the different areas, that it will be required that it be a multi-body. The NPM is a multi-body agency or has a multi-body role. My question in relation to that, minister, is that as I understand it, this can be down the track and you have indicated that you expect that that may be done down the track.

Initially, this will be a role for the Ombudsman to be the NPM but down the track that the NPM may decide to undertake some formal engagement or arrangements or, indeed, feel that some of their duties need to be delegated to or administered by another body. That other

body could be, for example, the Equal Opportunity Commission or it could be the Commissioner for Children and Young People. Both of those bodies or similar types of bodies have been involved in the creation of the NPM in other places like, I think it was in Denmark, for example.

The relationship between these bodies and the NPM is different in different jurisdictions. It could be via an MOU or it could be that the other jurisdictions are formally brought into function together but - the other body. In Denmark their NPM is with the Ombudsman who has signed an MOU with other bodies to perform functions outside of the Ombudsman's expertise. I understand that is with the Human Rights Commission and with an NGO, a health NGO in Denmark.

I believe that the ACT is looking at a model that has the police, the Human Rights Commission, and the Custodial Inspectorate in the ACT. In Western Australia I understand it is also Ombudsman, the Inspector of Custodial Services.

Minister, you have said that the NPM will have autonomy, indeed they must have autonomy to fill the requirement under OPCAT. If the NPM decides in future that there is a requirement to bring in another body, for example, the Equal Opportunity Commission (EOC), or the Commissioner for Children and Young People (CCYP) in Tasmania, if the Ombudsman asked for that, would you agree to that occurring? Do you agree, in principle, that you would try to make that work?

While this bill does not and it is not appropriate for it to stipulate specific resourcing that should go to the NPM, everything hangs on the capacity of the NPM to fulfil its work properly. Even to undertake an MOU with an agency like the EOC or the CCYP would require those agencies to have additional staff. It does require an extra level of resourcing so it is not just as simple as signing a piece of paper that says, we agree that you are going to undertake these activities. These would be an extension of activities. It would require additional resourcing to do that. Obviously, you cannot speak for the specifics of any funding arrangement, but would you in principle agree that you or your government would try to make that arrangement work if the NPM requested it down the track?

Another issue which was raised as a serious concern was the lack of Commonwealth legislation. It is critical that we have Commonwealth legislation around the framework for jurisdictions, in particular aged care. In Tasmania we will have people who are potentially detained or potentially being exposed to inhuman or degrading treatment, and we sadly have seen examples of this in the royal commission. However, without the Commonwealth establishing a legislative framework we will have in the state of Tasmania our Tasmanian NPM which has no jurisdiction to go into an aged care setting, as I understand it, and to investigate those settings to see what needs to change in those settings to make sure that people are not exposed to cruel and degrading treatment or indeed to punishment.

I understand we are still in this process of waiting to hear what the Commonwealth is committing to. I believe that they have committed to implementation funding. I do not know whether they have committed to ongoing funding for NPMs across Australian jurisdictions. There is the question of the legislative framework and there is the very important question for Tasmanians about aged care and what is going to be happening in our aged care system.

The formal involvement of civil society was something which was discussed quite clearly by the University of Tasmania Institute of Law Enforcement Studies in their submission made in September this year. They make the point that the work of the Commonwealth Ombudsman has noted the work NPM network is likely to be informed by the views of civil society and by the lived experience of detention. NPMs may seek to apply civil society's knowledge and expertise. The Australian Human Rights Commission has also pointed out that the Subcommittee on the Prevention of Torture has recommended strong and formal relationships be established with the NPM and civil society organisations. Some jurisdictions have established formal agreements between NPM bodies and civil society organisations.

I flag that we will be introducing an amendment in the Committee stage. I will talk about these matters more at that point.

**Time expired.**

[2.51 p.m.]

**Mr TUCKER** (Lyons) - Mr Deputy Speaker, I rise to speak in support of the OPCAT Implementation Bill 2021. This is an important bill and I can see from your face that you understand how important this bill is.

**Mr DEPUTY CHAIR** - I am sure you are not reflecting on the Chair, Mr Tucker.

**Mr TUCKER** - This is a bill that will ensure that Tasmania is in compliance with our international obligations to OPCAT. It demonstrates that our Government is committed to ensuring that people in places of detention are treated humanely, appropriately and in accordance with international law.

Very pleasingly, Tasmania is at the front of the pack in introducing this bill. We are only the third state or territory to have taken this step to date. In doing so, Tasmania will ensure that we are compliant with the requirements of OPCAT in time of the mid-January date that legislation needs to take place by.

The bill has gone through extensive periods of consultation with a wide range of stakeholders within government, within Tasmania, across Australia and internationally. Because of the consultation of the bill, it is now significantly different from the one that was first put out for public consultation. We believe we have been able to incorporate much of the feedback that was received on the original bill.

I would like to reflect on the changes that have been made from the draft bill to the bill tabled before parliament. This stand-alone bill closely mirrors much of the Custodial Inspectors Act 2016. When that act was developed, it was drafted with OPCAT in mind.

The first initiation of Tasmania's OPCAT legislation was developed through a detailed interagency and interjurisdictional working group process. Last year, when the bill was presented for targeted and public stakeholder consultation, Tasmania was the first jurisdiction in Australia to have released NPM, the national preventative mechanism legislation.

The intention under the bill was to integrate the NPM under the Custodial Inspectors Act 2016 framework. Stakeholders observed that it was unclear what the role and the functions of

the NPM were versus those of the Custodial Inspector and its relationship with the articles in OPCAT.

The Government has listened to stakeholders and responded accordingly by providing for the establishment of the NPM under stand-alone legislation with the functions of the NPM and related provisions provided for in the bill directly, an inclusion of OPCAT text in the bill or by direct reference where relevant.

The framework of the bill was structured in a similar fashion to the custodial inspector act with amendments made for compliance with OPCAT. It includes subcommittee visits. The updated bill also allows for the appointment of more than one NPM in the future. It is considered that for Tasmania's current purposes that one NPM will be sufficient to undertake the various functions of the NPM. However, we have futureproofed this bill by allowing for the appointment of another NPM, if and when required.

The larger jurisdictions which have oversight of many places of detention are likely to make arrangements to have more than one NPM and assign them differing functions. Substantive provisions and functions of the NPM have also been expanded under this new framework to reflect terminology in OPCAT and provide greater clarity.

The meaning of place of detention has been broadened and now links directly to the definition at article 4 of OPCAT with an illustrative list of places provided for assistance temporal limitations, 24 hours or more, have also been removed, including the definition of 'forensic disability facility'.

The removal of the word 'reasonable' from the NPMs, power to inspect places of detention has been made, noting that this word was originally adopted from the Custodial Inspectors Act for consistency, but has been removed to better reflect the wording in OPCAT. This now means that the NPM can inspect a place of detention at any time and without any notice and is now more closely aligned with the OPCAT wording.

The updated bill provides in greater clarity the persons and its bodies that may communicate with and provide information to the NPM despite any provision of the law that may operate to restrict or prohibit the communication. It also includes an offence for protection from the reprisal for people who communicate with the NPM or express an intention to do so.

Aboriginal and Torres Strait Islanders and people with disability are now specified in the appointment of staff considerations that the NPM should take into consideration when appointing staff. This should allow for a broadly representative group of staff working for the NPM.

The updated bill provides process to facilitate subcommittee visits. The UN Subcommittee on Prevention of Torture and other inhumane or degrading treatment or punishment is a United Nations mechanism directed at the prevention of torture and other forms of ill treatment. It started its work in February 2007.

The protocol gives the SPT the right to visit all places of detention in states party to the protocol and examine the treatment of people held there. The SPT examines the way in which detainees are treated whilst in detention as well as looking at the conditions of detention. SPT members talk in private with people in custody and without the presence of prison or other staff or of governmental representatives.

During its country visits, SPT members also talk with government officials, custodial staff, lawyers, doctors et cetera, and can recommend immediate changes intended to improve the situation of detainees. Their work is governed by strict confidentiality and they do not reveal to whom they have spoken or what they have been told. People who provide information to the SPT may not be subject to the sanctions or reprisals for having provided information to the SPT.

The final bill makes a number of other amendments, including staff employed by the NPM. Delegates are not required to be existing state servants. The independence requirement at clause 10 has been amended to include reference to delegates. In the subsequent provision on delegation has been expanded to provide the NPM with greater discretion in who it appoints to assist in the exercise of its functions.

A conflict of interest closure laws has been added for the NPM itself. It clarifies that the NPM may release reports and table them in parliament. The definition of 'responsible secretary' has been expanded to include the Commissioner for Police. Finally, it provides that the NPM will issue its own identification card rather than from the Secretary of the Department of Justice.

I support bill.

[2.59 p.m.]

**Ms ARCHER** (Clark - Minister for Justice) - Mr Deputy Speaker, I thank members for their considered contributions to this really important bill. I also thank them for their generous comments in relation to how advanced Tasmania is with respect to the OPCAT compliance, which needs to occur by January 2022. Originally it was thought to be, I think, January 2021, but of course we had COVID-19 and a few other matters and, aside from the ACT and the Northern Territory also compliant with the framework that is required, we are the first state to move with others I am sure to follow, but we are certainly in a good place and the reason for bringing it this week is so that we can also get this bill through the other place.

I will move straight to responses to questions. I know that we will be going into Committee for an amendment that Dr Woodruff has foreshadowed that she will require and I know that we have some other business that we would like to get to. I would, for the purpose of *Hansard*, draw anyone that may need to look at the contribution for Acts Interpretation Act purposes for the member for Lyons, who just spoke, Mr Tucker's contribution addressed a lot of the things that have been changed from our original public consultation to be included in this new stand-alone bill. I draw the House's attention, and anyone reading this, to those points so I am not repetitive. He is correct in the points that he makes. What a good speech that was, Mr Tucker, on behalf of the Government.

If I can move to Ms Haddad, her first question was how do the reporting arrangements work back to the SPT, so when I say, 'SPT' it's interchangeable with the sub-committee, yes. Each state NPM, or NPM's report annually to the Commonwealth NPM, who will prepare a collated report which is provided to the Commonwealth Attorney-General, who in accordance with Article 23 of OPCAT, will publish and disseminate it, including to the UN subcommittee on prevention of torture, so that is the SPT and other cruel, inhumane or degrading treatment or punishment, known as the SPT.

Second question was, what facilities can the SPT inspect, compared to the NPM? The SPT, or subcommittee will visit places of detention, as defined under Article 4 of OPCAT. Under clause 5 of the bill the NPM can visit these same places. In effect, they can both visit the same places. Consistent with OPCAT, clause 13(1) of the bill provides that the NPM may visit any place where persons are, or may be deprived of their liberty at any time. OPCAT does not contain any lists of places of deprivation of liberty and purposefully adopts a broad, open-texted approach. Accordingly, clause 5 of the bill provides an illustrative list of places for clarity but does not intend to limit the NPM's independence or discretion.

Third question: does OPCAT apply to private places of detention, such as home detention or disability? I note you also gave an example of where the state may contract certain premises as well. The bill provides, at clause 5 a definition of place of detention, that appropriately reflects Article 4 of the protocol, which is broad in nature, while providing an illustrative list of primary places of detention, as I said. Under this framework, the NPM is to consider places of detention for inspection independent of government so it would be inappropriate for the government to pre-judge a decision of the NPM, but note that there is that discretion and flexible approach that they can take.

The fourth question: does OPCAT cover vehicles transporting a person to a place of detention, including pre-conviction? Yes, that is the intention of the bill. For the purposes of OPCAT the vehicle becomes the place of detention. Clause 5(3) provides that the meaning of place of detention includes a vehicle used or operated to convey detainees. The definition of 'detainee' in the bill is, 'A person in a place of detention who is deprived of their liberty'. As would be the case to someone being transported to, or from detention. Again, it is a fairly flexible approach.

Number five: will the Government adequately fund the NPM? I know that the funding has been raised by both Ms Haddad and Dr Woodruff this afternoon. The Government is committed to ensuring compliance with OPCAT by 20 January 2022. In order to scope the resourcing requirements, the Department of Justice has engaged with the nominated NPM to discuss funding requirements. As we have said, our nominated NPM will be Mr Richard Connock who currently holds the office of Ombudsman and Custodial Inspector and Health Complaints Commissioner.

In addition to this, the department is also working with the Australian Government to consider the recent announcement for Commonwealth funding to support jurisdictional implementation. It took some years to secure that arrangement so I wholeheartedly welcome the Australian Government's advice on that. States and territories held out for a long time signing up to this so that we could have some certainty in relation to funding. As the bill outlines, the NPM will have powers to delegate functions and, as such, it will be a matter for the nominated NPM to consider what resourcing is required to carry out its functions.

Once resource requirements have been scoped, the Government will consider a request for additional funding put up by either department or the nominated NPM because it is going to fall mid-cycle in terms of the budget. If funding is required prior to the next budget, I will support a request for additional funding to the Treasurer to seek release of funds outside of the budget process.

I also want to address an issue - and I did raise it by way of interjection, trying not to be too unruly - when Ms Haddad was talking. It is a bit of a concern of mine in relation to recent

reports of the Ombudsman and the Custodial Inspector. I know it is certainly not his intention to misrepresent the situation but he has received significant funding now in a number of budgets. I want to clarify the funding that we have provided.

From the discussions I have had - and I have regular discussions with him - it has been a staffing issue in terms of filling vacancies, COVID-19, and, without going into any issues or staffing issues within that office, it is certainly not the monetary value of the resourcing that is now the issue. In 2019 the Office of the Ombudsman was provided with additional funding of $245 000 per year to address matters raised in relation to difficulties experienced by his office in recruiting staff members to review right to information matters referred to the office. That RTI resourcing has been an issue for a number of years and we remedied that. From discussion with the office at the time it was understood that this funding would enable the office to undertake reviews of RTI decisions made by public authorities referred to the office in a more timely manner. I have confirmed that that is the case but, again, there has been a problem filling some vacancies.

It is not for me to go into detail but I also want to confirm to the House that in the recent 2021-22 state Budget we are also providing even further additional funding towards the Office of Ombudsman with $500 000 in additional resourcing. This will increase to $750 000 in 2022-23 and $1 million across 2023-24 and 2024-25 forward Estimates.

It is important also to note - and members in this House may not be aware because this year in budget Estimates before the Legislative Council Committee B hearing, both I and the Ombudsman answered a number of direct questions about his office's resourcing. Mr Connock was able to confirm that our Government has provided this significant additional funding for his functions and operational priorities across all of his areas, including funding to create a position of Deputy Ombudsman which he put in as a budget request so that he has that delegated authority. I know that that is probably an indirect issue that Ms Haddad raised so that it is not just left up to one person and that he can delegate some of his functions.

This funding announcement followed very constructive meetings between the Premier, me and the Ombudsman to discuss a number of matters, including the resourcing of the Ombudsman, Custodial Inspector, Health Complaints Commissioner and the roles that he has. The Ombudsman was clearly able to outline his resourcing requirements to ensure that the office has sufficient resources in order to undertake all of its functions and, as I said, he has been able to confirm at Budget Estimates before the other place that we have addressed that. I confirm that on the record in this House, and I refer members to the *Hansard* of the other place if they want to confirm that even more. That was in relation to Ms Haddad's questions and comments.

In relation to Dr Woodruff's question: if the NPM asks others to assist with their work - and I note that I have partly answered this in response to Ms Haddad's question - the bill allows the NPM to consult and engage with stakeholders as it pleases and to delegate its powers to appropriate people or bodies.

Regarding appointing others as an NPM in the future, that is a hypothetical situation, as you have acknowledged, and it would be a question for a future government. At this stage I do not want to deal with hypothetical situations. This bill is before the House; the framework is before the House; that is what we are committed to as a government. I certainly cannot talk or

speak on behalf of any future government in relation to that question. However, I can confirm, and the members have recognised this, it does allow for multiple NPMs to be appointed.

**Dr Woodruff** - But in principle?

**Ms ARCHER** - I am not going to deal with hypothetical situations because you are asking for something outside of what this bill currently sets up. We are wholeheartedly supportive of the framework that this bill sets up.

I will come back to Ms Haddad because I have apparently missed a few of her questions. Sorry.

**Ms Haddad** - Thank you. I was not sure whether to interject or come to them in Committee.

**Ms ARCHER** - It was not intentional. There was another question from Dr Woodruff. As Dr Woodruff acknowledged, aged care facilities fall under the jurisdiction and control of the Australian Government. Monitoring of these facilities will be undertaken by the Commonwealth Ombudsman. It is envisaged under Australia's NPM framework the jurisdictions' NPMs will maintain active engagement with the Commonwealth Ombudsman in its capacity of NPM Coordinator. This would include inspections completed by the Commonwealth Ombudsman in jurisdictions. It is also expected that the results of these inspections will be published in the Commonwealth NPM's Annual Report.

There was also a question from Dr Woodruff in relation to civil society, but Ms Haddad asked a similar question so I will address it shortly.

Going back to Ms Haddad's other questions. I am sorry I have mixed it up. We are up to the sixth question.

How does the NPM report to the Tasmanian Parliament? OPCAT does not provide for compulsory reporting beyond that which is necessary for the purposes of dissemination of the NPM's annual report by the state party, which is Australia. As such, it will be the Commonwealth Ombudsman as NPM Coordinator who will provide the Commonwealth Government with its Annual Report to disseminate. It is expected that the annual report will comprise reports provided by counterparts in each jurisdiction. In view of the requirements of OPCAT the bill does not include a requirement for the NPM to report to either the state government or parliament. Under clause 19 of the bill, it is open for the NPM to table a report in each House of parliament.

**Ms Haddad** - Commonwealth Parliament or the state parliament?

**Ms ARCHER** - The state.

For the avoidance of doubt, nothing in OPCAT precludes the NPM from releasing inspection reports outside of what is required for the purposes of publishing an annual report. It remains open for the NPM to do so. Consistent with OPCAT, the bill provides at clause 9(1)(k) that it is a function of the NPM to publish reports, recommendations, advice or findings in relation to detainees or places of detention.

In addition, OPCAT contemplates that the NPM will submit proposals and observations to government concerning existing or draft legislation, detainees and engage in dialogue on the implementation of recommendations. This function is reflected at clauses 9(1)(j) and 9(1)(l) of the bill.

The next question - did you contemplate having multiple NPMs? Article 3 of OPCAT provides that one of several NPMs may be appointed. It is observed that countries have differed in their approach in having one or multiple NPMs appointed. As a small jurisdiction, it was not considered necessary that Tasmania appoint more than one NPM at this stage. However, clause 8 of the bill provides for multiple NPMs to be appointed, which will futureproof the bill. I understand we inserted that as a result of stakeholder consultation.

Clause 11 of the bill, dealing with delegation, also provides that the NPM may delegate any of his or her functions to any person or body that in the opinion of the Tasmanian NPM is competent to perform that function. This will allow the NPM to delegate certain functions to appropriate persons where appropriate, in addition to the staff of the office as necessary. This is similar to the process with the Custodial Inspector who can, and does, engage experts to undertake various assessments and reports on his behalf. I know that he does that quite frequently, with other people's expertise.

The next question - involvement of stakeholders including civil society with the NPMs. Both Ms Haddad and Dr Woodruff asked questions on it. OPCAT does not expressly require the establishment of formal partnerships with civil society during ratification. The Government is required to establish a framework that is compatible with OPCAT. It is observed, generally, that other NPMs and the SPT have expressed support for civil society collaboration.

The Government is aware that certain states' NPMs - and when I say 'states', that is countries - have implemented a so-called Ombudsman or NPM-plus model that formalises civil society collaboration, and it acknowledges that certain stakeholders recommended this approach for Tasmania.

The Government observes that, for example, in Denmark where this model has been implemented it was the Danish NPM that concluded stakeholder agreements with two stakeholder groups: Dignity, an NGO, and the Danish Institute for Human Rights, which I understand they call the National Human Rights Institution. The bill does not preclude the NPM from engaging with civil society, or from establishing collaborative arrangements similar to that found in Denmark. It is open for them to do so, acting independently of Government, and to decide on the modalities of that engagement. It is a very important point to highlight that, again, it is at arms-length; it is independent of Government, and it is for them to determine that.

The bill does not mandate civil society collaboration or prescribe a particular mode of civil society engagement. It is considered that doing so prior to the NPM's establishment would amount to the Government making a decision on its behalf, impacting its functional independence to make such a decision itself.

Moving to another question from Ms Haddad in relation to the involvement of Aboriginal and Torres Strait Islander people as stakeholders. As I have just said in relation to civil society, it is up to the NPM to engage with stakeholders as they see fit. It is expected that this will include Aboriginal and Torres Strait Islander peoples and representative groups. In the

development of this bill, the department undertook targeted consultation with the Tasmanian Aboriginal Legal Service, the Tasmanian Aboriginal Centre and Change the Record.

In response to the consultation with those groups within the bill clause 13(4) relevantly requires that the NPM, when appointing or employing staff, take into consideration whether the staff adequately represent a balance of gender and of people identifying as belonging to diverse groups which includes cultural and ethnic groups which also includes people who identify as Aboriginal or Torres Strait Islander.

Now to what I think is the last question - education and engagement - the NPM is able to engage and provide information and education as it sees fit. I think your question related to making sure that - I think it was Dr Woodruff who asked that as well -

**Ms Haddad** - No, it was me about people being aware of their rights.

**Ms ARCHER** - Yes. The NPM is able to engage and provide information and education as it sees fit. Clause 9(1) of the bill provides that the NPMs functions include to develop and publish guidelines and standards, and to publish reports, recommendations, advice or findings. It is anticipated that this will include an educative, public and stakeholder engagement process. Similar to the Custodial Inspector, for example, prisoners are well aware of the existence of the Office of the Custodial Inspector and regularly visit with him and his staff. They have an approach to ensure that they are aware of those rights and I imagine that this will be no different.

**Ms Haddad** - By interjection, I put on the record that it will not just be people formally detained in prisons but other places where people could be deprived of their liberty, such as disability group homes and supported accommodation.

**Ms ARCHER** - We do not want to limit the NPM's ability to work out themselves how they are going to do it, but I imagine it would be through the usual channels of website and having manuals, standards and guidelines readily available online, and however else they wish to disseminate that to the public. We are certainly not saying anything in this debate that restricts the NPM's ability to do so.

I will make clear the Commonwealth's jurisdiction in all of this. I addressed the issue about aged-care facilities, but it was the jurisdictions that agreed that each state and territory would ratify OPCAT independently to have jurisdiction over places under their respective jurisdiction and control, coordinated by the Commonwealth NPM, which is the Commonwealth Ombudsman. That was an agreement so that every facility would be covered either at a state and territory or Commonwealth level.

By way of interjection, I clarified for Dr Woodruff that the NPM sits outside of the Custodial Inspector, as the Custodial Inspector sits outside the Ombudsman role. Although a person may hold some of those functions, when they are carrying out those duties for each, it is quite separate and distinct.

With money in the Budget for setting up a deputy ombudsman, it may well be that the Ombudsman chooses to structure his office in a certain way as to how he will operate and, obviously, have silos. It is not unusual for him to deal with multiple matters.

**Dr Woodruff** - Would that mean that it is the Office of the Ombudsman that has the NPM as a subset of the duties of the office?

**Ms ARCHER** - No, it is not going to be a subset. This legislation is in and of itself separate, as when the Ombudsman is administering the Right to Information Act. The only commonality is that there is a person who holds that office at the same time as holding another office. When they are carrying out those functions, it is quite separate and distinct, and their staff will be as well.

I commend the bill to the House as I know we have to go into Committee to deal with this amendment.

---

**Recognition of Visitors**

**Mr DEPUTY SPEAKER** - Honourable members, before I put the second reading, I welcome another small group of South George Town Primary School students in the public gallery. Welcome to Parliament House this afternoon.

**Members** - Hear, hear.

---

**Bill read the second time.**

**OPCAT IMPLEMENTATION BILL 2021 (No. 49)**

**In Committee**

**Clauses 1 to 3 agreed to.**

**Clause 4 -**
Interpretation

[3.27 p.m.]

**Dr WOODRUFF** - Mr Deputy Chair, I come to the definition of 'detainee' and, following that, 'place of detention'. I have raised these points in the second reading speech. These were questions asked by a number of people who made submissions.

There is an outstanding question I would like you to clarify. I believe it has been dealt with. The concern was that we should not refer to 'detainees' in this context but refer to persons who are, or may be, deprived of their liberty. We have a definition in clause 4:

***detainee*** means a person in a place of detention who is deprived of his or her liberty;

as distinct from 'may be deprived of his or her liberty'. Staying with Interpretation, in clause 4, we also have 'place of detention', which is defined in section 5 as meaning a 'closed, psychiatric facility':

(1) In this section -

***closed psychiatric facility*** means the following facilities within the meaning of the *Mental Health Act 2013*:

(a) an approved facility;

(b) a secure institution.

Clause 5(2) reads:

> In this Act, a place of detention is any place, subject to the jurisdiction and control of Tasmania, that the Subcommittee must be allowed to visit under Article 4 of the Optional Protocol.

I understand, therefore, that it is not just people deprived of their liberty, because it provides the opportunity for any place to be visited, in relation to Article 4 of the Optional Protocol. Article 4 says:

> Each state party shall allow visits … to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence …

The definition of 'detainee,' says, 'a person in a place of detention who is deprived of his or her liberty'. At the point that the NPM's consideration is being given to a situation, the place of detention, as defined in section 5, allows for the NPM to look at any place where a person 'may' be deprived of their liberty because of us signing up and including Article 4 from the protocol in that 'place of detention' definition.

So, it is both the present where it is occurring and the potential future where it may occur.

**Ms ARCHER** - Article 4 at paragraph 2 states:

> For the purposes of the present Protocol, deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.

As I said in response to one of the questions - and I acknowledge that Dr Woodruff said that I had covered it mostly in my contribution in answers - clause 5, as you have referred to, has the definition of 'place of detention'. That appropriately reflects Article 4 of the Protocol that I have just read out, which is broad in nature, while also providing an illustrative list of primary places of detention.

Under this framework the NPM is to consider places of detention for inspection independent of government. As I said, it would be inappropriate for government to prejudge a decision of the NPM. That is broad enough in nature to cover a wide range of places of detention. We are certainly not intending to be restrictive or prescriptive by way of the definition in this bill but relying on the reference to Article 4 for that further definition of a place of detention.

**Dr WOODRUFF** - Okay. I think that is clear.

**Clause 4 agreed to.**

**Clause 5 -**
Meaning of *place of detention*

**Dr WOODRUFF** - Just to be clear on clause 5, there was a concern that there might be some real or perceived constraint on the NPM to be fully compliant with the Protocol because of the NPM's potential inability to fully access places where children and young people are detained or potentially punished.

I notice we do not have the Commissioner for Children and Young People as a designated NPM person or persons. It is a question of whether the NPM would have any impediment in law or practicality in Tasmania of being able to access the sorts of facilities that, for example, the Commissioner for Children and Young People can access in order to be able to make sure that children and young people are fully captured by the protocol.

**Ms ARCHER** - I can confirm that they are fully captured because they are obviously detainees and would be in a place of detention. It is the intention they are captured by not only that definition in clause 5 but also by Article 4 of the Protocol.

**Dr Woodruff** - Okay. Regardless of age?

**Ms ARCHER** - Regardless of age.

**Dr Woodruff** - Okay. Thank you.

**Clause 5 agreed to.**

**Clauses 6 and 7 agreed to.**

**Clause 8 -**
Tasmanian national preventive mechanism

**Dr WOODRUFF** - I would like to understand a little more about why we landed where we did with the role of civil society in a formal sense in being engaged in a formal manner.

Under clause 8(1), the Governor may appoint a person or more than one person as a Tasmanian national preventative mechanism. In other jurisdictions, civil society has been involved in some formal way. Norway's OPCAT act specifies that the NPM is required to choose 15 NGOs to form an advisory board and that still allows the NPM to have an independent hands-length approach. While acknowledging that the contributions of civil society and the breadth of expertise of civil society could be beneficial, it does not in any way hamper or control the Norwegian NPM.

I want to understand why that was not considered and whether it can be adopted by the NPM in our legislation. We have other examples where we can bring in civil society in Tasmania. We do with the Tasmanian Law Reform Institute and the Sentencing Advisory Counsel. These are all fantastic bodies. We have people with expertise in a number of areas, especially people at UTAS who have a lot of expertise in this area relevant to OPCAT. Is the potential remaining for the NPM itself, as the Ombudsman, to be able to do that? Why was it not formally put into the bill?

**Ms ARCHER** - As I said in response to questions throughout the second reading, the bill does not preclude the NPM from engaging with civil society or from establishing collaborative arrangements similar to those found in Denmark which is the model that members have referred to. It is open for them to do so, acting independently of government and to decide on the modalities of that engagement. That is how we have framed that. We think it best, if it is done, that it is determined by the NPM itself and that it is independent of government.

The bill does not mandate civil society collaboration or prescribe a particular mode of civil society engagement. It is considered that doing so prior to the NPM's establishment would amount to the Government making a decision on its behalf, impacting its functional independence to make such a decision itself.

**Clause 8 agreed to.**

**Clause 9 -**
Functions

**Ms HADDAD** - Attorney-General, you went to this a little in your summing up comments but I want to revisit the role of the Tasmanian state parliament in receiving reports. You covered that and explained that it is a possibility but it is not explicitly in the legislation.

I want to note that one of the recommendations for an amendment made by the Law Reform Institute was to amend clause 9(1)(k) to add the words:

> 'and report from time to time, and, as necessary to parliament and its committees on matters relevant to this act and compliance of state authorities with the provisions of OPCAT', after the words 'to publish'.

In other words, the clause would read, 'To publish and provide to parliament', and so on, as I have just read, 'reports, recommendations, advice or findings in relation to detainees or places of detention'.

I will not go in the Committee stage to all of the other places where they suggested to add in the words 'and parliament' but, for the record, they were clause 18(4), clause 23, and clause 24(3). I will not come back to them all individually because the question is the same, whether there was thought given to putting in an explicit instruction for the Tasmanian parliament to receive copies of those reports as a routine matter.

I will add in the question to save us having another conversation on clause 18(4) - sorry, that is not parliament, that is different.

It was just those three where they suggested adding in the requirement that reports be provided to the Tasmanian State Parliament.

**Ms ARCHER** - As Ms Haddad has observed, no amendment was made in relation to that suggestion. The act does provide an option for the NPM to table its report in parliament. The NPM is not mandated to table its reports because this would not be in compliance with OPCAT, which does not provide such a requirement. That is basically why.

**Dr WOODRUFF** - In relation to the functions of the NPM, this goes back to the conversation about the aged care and the disability sectors. The legislative framework for the

Commonwealth is still - I cannot remember if you said; I am sorry if I did not hear you, minister - but did you give a time frame or can you provide any light on the subject of whether the Commonwealth has legislation that it is framing or has drafted around the federal obligations for an NPM? How is that going to intersect with our Tasmanian NPM?

In addition to that, assuming it is hopefully 'when' the federal government does establish that legislative framework, how will that affect the work of the Tasmanian NPM? How will the disability and aged care accommodation sectors be covered by the federal NPM and intersect with the work of the Tasmanian NPM and will there need to be a future amendment bill to the OPCAT implementation for that work to occur? There ought to be, I hope, some intersection between the activities of a federal NPM. Is there going to be a federal NPM or is it just each state? I am not quite clear where the responsibilities are.

**Ms ARCHER** - I am advised the Commonwealth passed regulations to implement their obligations, which have commenced. As I said at the outset - and I am trying to remember where I was reading it from - each state and territory, you will recall I said, agreed - I want to get the correct wording. In relation to why Tasmania or every other state and territory is ratifying OPCAT and not the Commonwealth, as I have just clarified, the Commonwealth has done theirs through a regulation and they have commenced.

Under our federation, the state and territories have retained jurisdiction and control over certain matters, as members of this House well know, where in other areas they have been referred to the Commonwealth. In relation to Commonwealth powers they are set out principally in the Constitution.

In relation to this area, jurisdictions agreed that each state and territory would ratify OPCAT independently to have jurisdiction over the places under their respective jurisdiction and control, so our prisons and places of detention that the Commonwealth does not have control over, and they would be coordinated by the Commonwealth NPM, which is the Commonwealth Ombudsman.

**Dr Woodruff** - Coordinated, and so -

**Ms ARCHER** - I confirmed in my contribution today the reporting mechanism and requirement that we have in relation to the Commonwealth NPM, which is the Commonwealth Ombudsman.

**Dr WOODRUFF** - My understanding, and correct me if it is not true, is that those federal ombudsman's regulations do not include coverage of aged care and disability service. They only apply to immigration detention, federal custody and military detention.

**Ms Archer** - What are you referring to. Can I clarify?

**Dr WOODRUFF** - You just talked about federal regulations, is that right, that have been already prepared?

**Ms Archer** - They have been passed to implement the Commonwealth's obligations under OPCAT.

**Dr WOODRUFF** - Correct. My understanding is that those regulations do not go to the jurisdictions of aged care and disability services. They go to the jurisdictions of immigration detention, federal custody and military detention. The Commonwealth's position to date is that aged care and disability services may be considered in the future so they are not currently covered.

**Ms Archer** - Are you reading from something?

**Dr WOODRUFF** - I am reading from a stakeholder's comments who has been involved with the process from the Australian OPCAT Network. I am guessing that he is following this closely. This was following up on the webinar I went to of the Australian OPCAT Network last week. This is a serious gap for every state. It sounds like you are not aware of that, not yet anyway.

**Ms Archer** - I need to wait for you finish before I can answer.

**Dr WOODRUFF** - This is my last chance of standing. If that is true, or if you are not sure if it is true, can you find out if it is true? Will you be advocating on behalf of those sectors in Tasmania to push the federal government to create regulations for those sectors? Otherwise we will have a two-speed justice situation in Tasmania.

**Ms ARCHER** - Ultimately, it is a question for the Commonwealth. I cannot answer on their behalf. We are trying to get an answer specifically in relation to aged care. You appreciate I cannot respond on behalf of the Commonwealth. We have gone through what our intention is in relation to facilities that are under our control and do fall within the definition that is in this stand-alone act, and specifically in relation to matters or people that it detains subject to various orders, for example, mental health and areas like that. In relation to aged care, I am not sure.

We are going off the Commonwealth regulations, to which I referred, which implement their obligations. They are very broad. Under part 4, National Preventive Mechanism Functions, under their functions, and we have referred to our functions, Division 1(16) under National Preventive Mechanism body function, it basically sets out the Commonwealth obligations under the Optional Protocol. Obviously, we do not include the obligations of each of the states and territories under the optional protocol because that is a matter for us:

> The National Preventive Mechanism Body is to be performed for the purposes of giving effect to the Commonwealth's obligations under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment so far as those obligations relate to places of detention under the control of the Commonwealth.

Then there is a note:

> The Optional Protocol to the convention … is an Australian treaty.

So, it just refers to it being a treaty, sorry. I am just reading out aloud as I am going along.

The point I am making is that it is very broad. It would be a matter for the Commonwealth NPM, that is, the Commonwealth Ombudsman to determine what gets included under their definition, but I certainly cannot and nor do I have jurisdiction.

You asked me if I would advocate. If someone is detained in the truest sense of that word as defined, then I would expect that the Commonwealth NPM has, in their mind, to interpret how they see it. Again I cannot force that. I cannot direct that, nor can I bind the Commonwealth on anything. What I can say with respect to our own places of detention, as I have confirmed in this place today, it is certainly not our intention, as a government, to bind, or be prescriptive, or restrictive of our own NPM in determining the nature of that definition.

Our definition is quite broad and quite deliberately so to ensure that anyone who is deprived of their liberty does fall within that definition.

**Dr WOODRUFF** - Through you, Chair, could you ask the question of the Commonwealth? We will have a situation where people may want to know if detention, or a lack of free will, people detained in these settings, whether there would be a Commonwealth NPM -

**Ms ARCHER** - I appreciate your use of the word in the generic and general term of being 'detained', but it is whether or not; it is at their own will or not.

**Dr Woodruff** - I agree.

**Ms ARCHER** - Not all aged care settings will be where people are deprived of their liberty.

**Dr Woodruff** - Of course not.

**Ms ARCHER** - That is where there is a bit of a difference and a need for flexibility. Again, I cannot talk on behalf of the Commonwealth. There will be situations, largely and broadly, in aged care facilities where they are not detained.

**Dr Woodruff** - We hope not.

**Ms ARCHER** - They are there of their own free will. We need to really only talk about and confine it to circumstances where they might be subject to certain orders. Again, I cannot bind the Commonwealth. I can certainly have discussions and all sorts of things but for the purpose of answering your question today, I cannot answer that question on behalf of the Commonwealth.

**Dr Woodruff** - No, but I think the aged care sector might have questions of you as the minister, or of the NPM, as this unfolds about where the Commonwealth jurisdiction stops and where ours starts.

**Clause 9 agreed to.**

**Clauses 10 and 11 agreed to.**

**Clause 12 -**
Staff

**Dr WOODRUFF** - I note that from the earlier draft the Government has taken up the recommendations for changes to this clause, which are welcome, including providing under subsection (4)(b)(1) for the inclusion of a balance of gender, culture and diversity. That is really great.

My question is in relation to (4)(c), whether in employment of staff, the Tasmanian NPM is to take account of whether the staff have a conflict of interest in relation to the purposes of this act. The submission from the Tasmanian Institute of Law Enforcement Studies, from Professor Asquith, Dr Kitchener and Mr Steve Caruana, was quite specific in its recommendations for what should be included in a disclosure of interest section in the act.

They recommended that if states were under conflict of interest that the NPM would inform the minister in writing of any direct or indirect interest that the NPM has and that the NPM would take steps to resolve all conflict of interest possible between a direct or indirect interest and the NPM's functions in relation to a particular matter. Unless the conflict is resolved to the minister's satisfaction, the NPM is disqualified from acting and relating to the matter.

They are quite specific recommendations. This is in their submission from 15 September 2021. They also make a recommendation about a disclosure of interest where they propose the inspector must be the executive:

> … a written statement of the inspector's personal and financial interests within 7 days after -
>
> (a) the day the inspector is appointed; and
>
> (b) the first day of each financial year; and
>
> (c) the day there is a change in the interest

This is in recognition of the privileged and highly important role that the NPM plays and the need to have a real separation of any conflict of interest in the undertaking of the role. Recognising that it is a level of specificity and detail that is not in this bill, probably appropriately so, will the preparation of the regulations look at the recommendations and suggestions that were made in the TILES submission? I think they seem quite useful. They came from the ACT's legislation, which is the inspector of correctional services legislation which they obviously found to be a useful model, as well as the South Australia OPCAT implementation bill which has the conflict of interest regulation.

**Ms ARCHER** - As Dr Woodruff has pointed out, I can confirm that we have made a number of changes to that clause already in line with the suggested recommendations, both in the diversity of staff members and also in ensuring that the bill includes the conflict of interest provision itself. While it is not specified in OPCAT, it is acknowledged that this provision pertains to the requirement that the NPM be independent. There was an amendment made to direct the NPM to consider potential conflicts in their assessment of a person's eligibility for a staff appointment.

As I have said in relation to other matters, we, as a Government, think it is important the NPM maintains its independence from government and there are certain things in this act that we have deliberately not been prescriptive or restrictive of. I am sure, in relation to your contribution, and some of the submissions and suggestions that have been made, if the NPM himself or herself, obviously if our recommendation is taken up, if it is Mr Connock himself to start with, he might wish to take on board those suggestions in relation to a register and what he, as NPM, considers to be best practice.

I do not think it is appropriate that this legislation stipulates that but I have every faith that the NPM will operate and adopt best practice in relation to how they deal with perceived, potential or actual conflicts of interest of staff members or potential staff members.

**Clause 12 agreed to.**

**Clauses 13 to 40 agreed to.**

**Schedule 1 agreed to.**

**New Schedule A -**

**Dr WOODRUFF** - We have circulated this amendment previously to the minister, Labor and Ms Johnston. I understand, minister, that you do not think there is a need to introduce this amendment but we disagree. We think it is very important, although NPM will and should undertake a level of review of its activities in a time frame it decides on.

The NPM is being established across jurisdictions in Australia for the first time and there is no precedent in Australia for the actions of the NPM. We need, as a parliament, to have a process for reviewing whether or not we have landed on the best possible legislation to guide our obligations under the international convention. With that in mind, we have drafted an amendment. I will read that in, Mr Deputy Chair.

The amendment is, page 52 after Schedule 1, to insert the following new schedule -

**A. Review of Act**

(1) The Minister is to commission an independent review of the operation of this Act on a day before 1 November, 2023.

(2) The review is to -

(a) examine the extent to which the Tasmanian national preventive mechanism is fulfilling the purpose and functions of the national preventive mechanism under the Optional Protocol; and

(b) examine the extent to which the purpose of this Act under section 3 is being met; and

(c) consider whether or not any appointment, or appointments, as a Tasmanian national preventive

mechanism under section 8 is the most desirable approach for the purposes outlined in paragraphs (a) and (b); and

(d) examine the extent to which engagement between the Tasmanian national preventive mechanism and civil society has occurred; and

(e) examine such other matters as the Minister may consider relevant to a review of this Act; and

(f) provide recommendations for the amendment of this, or any other, Act, or in regard to the administration of this Act with respect to the matters contained in paragraphs (a), (b), (c), (d) and (e).

(3) The Minister is to take reasonable steps to ensure that the review is carried out in consultation with -

(a) any Tasmanian national preventive mechanism appointed under section 8; and

(b) advocacy organisatons with an interest in the functions of the national preventive mechanism; and

(c) any relevant authority with an interest in the functions of the national preventive mechanism; and

(d) the subcommittee; and

(e) The University of Tasmania; and

(f) The Tasmanian Council of Social Service; and

(g) such other persons as the minister sees fit.

(4) The persons who carry out the review are to give the Minister a written report on its outcome.

(5) The Minister is to cause a copy of the report to be tabled in each House of Parliament within 10 sitting-days after it is given to the Minister.

Commissioning a review in two years' time is a useful and important part of the completeness of this legislation. There are some open questions about the appropriate role of the NPM in its relationship with other bodies. It is a new area of legislative oversight and different jurisdictions are, at this moment, undertakening different approaches.

We have an NPM acting as a person or acting in concert with other persons. They may or may not be the equal opportunity commission or the Commissioner for Children and Young

People, they may or may not be the engagement of civil society in a broader way, as other jurisdictions and the intent of the Optional Protocol would suggest is a good direction ahead of us.

Without prescribing the work of the NPM and without interfering with its work, an independent review of the act would give us the opportunity, as a parliament, to examine the extent to which the purpose of this act has been met by two years' functioning of the NPM.

[4.09 p.m.]

**Ms HADDAD** - Mr Chair, I am generally inclined to support review clauses in legislation, particularly with something as new as this to the Tasmanian system, and also in light of the substantial concerns we will put on the record during the second reading contribution. Generally, legislative reviews should be welcomed and because this is quite a new jurisdiction, it would be prudent to include a review clause to know that it is operating as intended. There may be improvements that can be made to the legislation or to the operations of the NPM. A review would uncover those things for the Attorney-General's and parliament's satisfaction.

I have a few comments. The first is a question for the Attorney-General, even though I know it is Dr Woodruff's amendment. The year 2023 seems quite soon in terms of whether the NPM would be up and established. First of all my question -

**Ms Archer** - Two years is very short for a review, yes.

**Ms HADDAD** - Two years probably is quite short. However, the reason I ask that is specifically because there is international obligations under the OPCAT. What happens if Tasmania is compliant - which we will be after this legislation is proclaimed - but Australia is not yet compliant? Will our NPM actually start operating as soon as Tasmania's legislation is up and running, or will we have to wait until all the other states and territories are also compliant with the OPCAT before our NPM starts its work? If that is the case, I am not sure when it would be up and running.

I want to support having a review, but I wonder whether 2023 might not be long enough in terms of when the NPM actually starts working-

**Dr Woodruff** - Would you be open to having an amendment to that?

**Ms HADDAD** - Yes, I think so - if it was four years. Five years is usually quite standard but this is very new, so maybe four years. I thought I would ask the Attorney-General as well, because after my second reading contribution I thought about what happens if we are compliant, but Australia is not yet compliant. Would our NPM get to start its work, or would they have to sit around waiting until Australia is compliant? You went to it a little bit, Dr Woodruff, in your comments on your amendment, about subsection (3). I had some thoughts about that, and I did draft an amendment to the amendment. I have not circulated that yet because I thought I would speak to it first.

I basically agree with specifying that a public review is needed. It needs to be clear that parliament expects there will be an independent review, with public consultation - not an internal review. I was concerned about singling out UTAS and TasCOSS, notwithstanding I have enormous respect for both organisations. I intended to suggest that list be expanded, to

the organisations that made submissions to this bill and the consultation draft. That would mean potentially keeping in UTAS and TasCOSS but adding: the Australian Human Rights Commission; the Law Reform Institute; Equal Opportunities Tasmania; Tasmanian Aboriginal Legal Service; Community Legal Service Centres (Tasmania); Human Rights Justice Australia; Change the Record; Amnesty International Australia (Tasmania); Prisoners' Legal Service; Australian Lawyers Alliance; Civil Liberties Australia (Tasmania); and Advocacy Tasmania. The Commonwealth NPM should also be on the list, if we are making a list, and then to continue with what is listed as (g) at the moment which is:

> such other persons as the minister sees fit.

As we are in the Committee stage, the Children and Young Persons Commission and the National Aged Care Regulator also sprang to mind.

**Ms Archer** - You are heading on the very point I am going to make.

**Ms HADDAD** - That was my worry, in starting to list organisations. I also drafted an alternative amendment to the amendment, taking take out UTAS and TasCOSS - that is not by any means to suggest they should not be consulted; but rather, to replace it with something as broad as possible range of civil society organisations as possible, and the public. That sounded very convoluted now that I read it out; but to make it clear that the expectation is that there is an independent review that has public consultation as a part of it.

**Ms ARCHER** - I note that the amendment proposed by Dr Woodruff, seeks to introduce a statutory review of the NPM's operations after a period of two years, which, at the outset, I will say is a very short period, with the review to be conducted in accordance with a number of conditions and terms of reference. I can indicate that the Government does not support the amendment and I will state reasons why. I suggest we also need to come back to the fact that this legislation is to be compliant with OPCAT. These are international obligations. This is not just a policy that the Tasmanian Government is implementing off our own bat.

Although review provisions are included in legislation from time-to-time, the amendment proposed by the Greens provides a model and level of detail that does not feature in other legislation. In particular, it would set out in legislation the review's terms of reference which, in any event, go well beyond the operation of the legislative framework and external consultation requirements.

In the context of OPCAT, I consider that a review of the kind proposed in this amendment would conflict with the protocol's operation in Tasmania and the Government's obligations to guarantee the NPM's functional independence.

Regarding the contribution made by Ms Haddad - and I do not mean this as a criticism - the very fact you were coming up with a long list that was very prescriptive, goes against that principle of maintaining the independence of the NPM and our overall obligation to be OPCAT compliant. The review mechanism proposed will require the Government to appraise the NPM's performance, and only two years after its commencement. In particular, it asks the Government to evaluate whether the NPM is fulfilling its purpose and functions under OPCAT, consider whether the NPM should be reformed and assess its interaction with civil society, with a view to amending legislation to address these matters.

Such a review would, in our view, inappropriately infringe on the NPM's independence, its discretion to decide whether to disclose its interactions and reports, potentially its duty of confidentiality and the operation of OPCAT in Tasmania. It would be difficult for the NPM to operate effectively if it, and the public, were aware that its activities would be probed in the near future.

It is further observed that NPMs around the world would operate differently and therefore the entity most appropriate to provide feedback on Tasmania's NPM would be the subcommittee. This is a function that the subcommittee already performs. It is pertinent to note that OPCAT builds in a process of ongoing feedback and dialogue between the NPM and Government on the operation of legislation, including its own, and other matters of policy relevant to the NPMs functions.

This features in the bill at clauses 18 and 19 which enables dialogue on recommendations between the NPM and Government to occur in private and, should it wish to do so, in public through the publication of its reports which includes the NPM tabling these reports in parliament. The subcommittee provides, in its guidelines of national preventative mechanisms, that the NPM, its members and its staff should be required to regularly review their working methods.

Under Australia's OPCAT framework, ongoing review will also occur between Government and the Commonwealth Ombudsman acting in its capacity as NPM Coordinator. The Tasmanian Government will continue to work with the Australian Government and other jurisdictions on the implementation of Australia's NPM network, while internationally the NPM framework has oversight and review built in through the subcommittee and its institutional expertise.

Similar to the NPM, the subcommittee may enter into discussion with Australian NPMs and the Government to propose legislative amendment. It is anticipated that recommendations of this nature may be raised during or following its visits to Australia.

I note that the subcommittee also publishes reports. For example, the subcommittee relevantly provides on its website that, reflecting the spirit of cooperation which underpins the OPCAT and mandates it gives to the SPT and NPMs, the SPT - that is the subcommittee - is to make itself available for ongoing dialogue concerning the work of NPM, both with the state party and the NPM itself. Advising states in the development of effective national mechanisms is a key element in the work of the SPT and forms an important part of each visit, as is the SPTs continuous contact with the NPM once it is established.

The website also states the SPT advises states' - that is, countries - parties where it is desirable to reinforce the powers, independence and capacity of NPMs. The SPT also provides NPMs with advice on, and assistance to reinforce, their independence and capacities, and to assist them in strengthening safeguards against ill-treatment of persons deprived of their liberty.

The SPT works in close collaboration with the NPMs, in order to ensure that there is ongoing visiting to all places of detention within each state party. Following each of its visits, the SPT communicates its recommendations and observations to the state and, if necessary, to the National Preventive Mechanism in a confidential report. The SPT will publish its report and recommendations whenever requested to do so by the State Party. However, if the State Party makes part of the report public, the SPT may publish all or part of the report. Moreover,

if a country refuses to cooperate or fails to take steps to improve the situation in light of the SPT's recommendations, the SPT may request the Committee Against Torture to make a public statement or to publish the SPT report.

The Government will maintain ongoing dialogue with the NPM, the subcommittee or the SPT and the Commonwealth Ombudsman to ensure that our legislation is operating as intended and in accordance with OPCAT.

Although I respect the intention behind this amendment, we need to ensure that we are not building into this something that sits outside of the requirements of OPCAT. Therefore, the Government cannot support this amendment. I note that when I was getting to an important point, Ms Haddad and Dr Woodruff were having a discussion so I want to reinforce something: the NPMs around the world operate differently. Therefore, the entity most appropriate to provide feedback on Tasmania's NPM would be the subcommittee itself. The subcommittee are the people who will be doing the inspections, so the Government cannot agree to a review mechanism that conflicts with the state's obligation to uphold the NPM's independence.

**Dr WOODRUFF** - I am not sure that you are right. I think it is the opposite. I think we are in conflict with our obligations to OPCAT by not having this review. It is important to make sure that anybody who is established does not have unassessed powers and unassessed value in terms of how it is delivering on its requirements under the OPCAT and the SPT guidelines. The Subcommittee on the Prevention of Torture Guidelines for National Preventive Mechanisms which are the guidelines for the CAT/OP/12 Guidelines state at paragraph 15 that:

> The effective operation of the NPM is a continuing obligation. The effectiveness of the NPM should be subject to regular appraisal by both the State and the NPM itself, taking into account the views of the SPT, with a view to its being reinforced and strengthened as and when necessary.

That is the point we are trying to make. It is about strengthening the NPM in its new role in Tasmania.

You mentioned that two years was not long enough because OPCAT would hardly be in place by then. We have an obligation to have the OPCAT up and functioning on 21 or 22 January. I also understand that the SPT was supposed to visit all Australian jurisdictions in 2020. The SPT will likely visit when COVID-19 allows which hopefully should be next year, by which time we should have an effective NPM in place. Regardless of what other states and territories are doing, in Tasmania we will be doing that. A review in two years' time will provide us with an opportunity to implement any suggestions that the SPT might make in enabling the NPM to undertake its duties.

**Ms ARCHER** - I do not agree with Dr Woodruff. I think she is getting the word 'state' confused. The 'state' in the context to which I have been referring does not refer to the State of Tasmania; it is 'state' as in Australia as a signatory to this to be OPCAT compliant. This is not a normal piece of legislation. My observation of two years being a short time frame was just a general observation in relation to review of any legislation. I do not agree with any review whatsoever in relation to this legislation. As I said in my response to this amendment, NPMs around the world would operate differently and, therefore, the entity most appropriate to provide feedback on Tasmania's NPM would be the subcommittee. I take you back to my second reading speech:

> The subcommittee itself comprises 25 experts from countries, a party to OPCAT elected for four-year terms and visits to Australia by the subcommittee will typically comprise at least two members, depending on the nature of the visit.
>
> They may be accompanied by experts selected from a roster maintained by the United Nations. After a visit, the subcommittee will report to the relevant government on action to be taken to improve the treatment of detainees, including conditions of detention.

It is not for us to have a review of that function; it is the subcommittee. Again, when I refer to a state party, that is Australia, not Tasmania. For that reason I am not going to agree to the review clause that we would typically have in legislation because this is a different type of legislation. It is for us to be OPCAT compliant and it is an international obligation.

**Ms HADDAD** - It was very informative to have extra information from the Attorney-General and also from Dr Woodruff. Obviously, there is a difference in their views. I understand the difference between a state party being Australia being a state party to an international protocol, and Tasmania being a state.

A review of our domestic legislation might not be required by OPCAT but I am not convinced that it would not be, nonetheless, potentially beneficial to Tasmania just to ensure that our NPM, after a significant period of time, that our implementation of our obligations under OPCAT are the absolute best that they can be.

I understand the subcommittee has a role potentially in advising on that. Potentially they could advise if they did an inspection here and they believed that there needed to be amendments made to our Tasmanian-based laws, but I cannot really see a danger to the operations of our NPM in having a review after, I would prefer, more than two years just to make sure we are getting it right. This is important law reform. It is an important international obligation and there will be a lot of people, particularly vulnerable people, who are detained or have their liberty deprived in other ways who will be relying on it to protect their rights.

I have listened very carefully to the debate on this amendment. I am still inclined to support the idea of an independent review with public consultation, because we always have more to learn when we have regimes like this in place and have always room to grow and improve.

I have had a chat to Dr Woodruff about subclause (3) of her amendment and potentially looking at changing that part.

**Dr Woodruff** - Were you going to move that amendment?

**Ms HADDAD** - I can do. Are you going to move an amendment about the date?

**Dr Woodruff** - No.

**Ms HADDAD** - I have not typed an amendment about the date, but I have typed an amendment to subclause (3). I will read it into the record and pass it around.

I move the following amendments to the amendment -

**First amendment**

*Leave out* paragraph (3)(e) and (f)

*Insert instead* "(e) as broad a range of civil society organisations as possible."

**Second amendment**

In subclause (1)

Leave out "2023"

Insert instead "2025"

**Ms ARCHER** - I can confirm the Government opposes for the same reasons I have outlined. We are not prepared to amend this legislation and fiddle with international obligations we have to be OPCAT compliant.

**Amendment to the amendment negatived.**

**Mr DEPUTY CHAIR** - The question is that the proposed new Schedule A be agreed to.

**The Committee divided -**

| **AYES 12** | **NOES 12** |
|---|---|
| Dr Broad | Ms Archer |
| Ms Butler | Mr Barnett |
| Ms Dow | Ms Courtney |
| Ms Finlay | Mr Ferguson |
| Ms Haddad | Mr Gutwein |
| Ms Johnston | Mr Jaensch |
| Mr O'Byrne | Ms Ogilvie (Teller) |
| Ms O'Byrne | Mrs Petrusma |
| Ms O'Connor | Mr Rockliff |
| Ms White | Mr Shelton |
| Mr Winter | Mr Street |
| Dr Woodruff (Teller) | Mr Tucker |

**Mr DEPUTY CHAIR** - The result of the division is Ayes 12, Noes 12, therefore in accordance with the Standing Order 257, I cast my vote with the Noes.

**Amendment negatived.**

**Title agreed to.**

**Bill reported without amendment.**

**Bill read the third time.**

## POISONS AMENDMENT BILL 2021 (No. 35)

## MUTUAL RECOGNITION (TASMANIA) AMENDMENT BILL 2021 (No. 42)

## VALIDATION BILL 2021 (No. 39)

## TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (CONSEQUENTIAL AMENDMENTS) BILL 2021 (No. 47)

## TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT BILL 2021 (No. 46)

**Bills agreed to by the Legislative Council without amendment.**

## SITTING TIMES

[4.41 p.m.]

**Mr FERGUSON** (Bass - Leader of the House) - Mr Speaker, I move -

> That for this day's sitting the House shall not stand adjourned at 6 o'clock and that the House continue to sit past 6 o'clock.

Consistent with my earlier comments today, the Government will not bring forward the Order of the Day No. 19, but Orders of the Day 17, 21 and 16 are important and time-sensitive.

In a moment the Minister for Children and Youth will deal with the amendments from the Legislative Council. To assist the debate this afternoon, Liberal members will be confining their remarks on bills to a minimum. Nonetheless, others will want to scrutinise and debate those pieces of legislation. Mindful of time, we will all do our best to move through these bills and the Government will move that the House adjourn after the Housing Land Supply Amendment Bill and Stadiums Tasmania.

**Motion agreed to.**

## CHILDREN, YOUNG PERSONS AND THEIR FAMILIES AMENDMENT BILL 2021 (No. 28)

### In Committee

### Consideration of Council Amendments

**Council amendments to clause 5 -**

**Ms COURTNEY** - I am sure I will be able to deal with this one very swiftly. In the upper House, as members would be aware, they moved within the definition of participating jurisdiction, leaving out the Commonwealth. We accept the amendment that has been made by the upper House. The provision for the Commonwealth to be included as a participating

jurisdiction was made to allow for future states scenario where the Commonwealth government may take over a hosting responsibility for the national data base, known as Connect for Safety. This is not planned or anticipated at this stage and in the future if this occurs the government may need to progress a further amendment anyway.

However, in the interests of ensuring that Tasmanian children and young people receive the benefits of this important national information-sharing initiative as soon as possible. The Government supports the proposed amendments and the amendments will in no way affect Tasmania's ability to fully participate in the national information sharing systems known as Connect for Safety.

**Ms O'CONNOR** - We also support the amendment. Perhaps, before I sit down I could ask the minister -

**CHAIR** - Apologies to the Leader of the Greens. Minister, you still need to formally move the amendments.

**Ms COURTNEY** - Sorry, Mr Chair. I move both the amendments. They will be agreed to.

**Ms O'CONNOR** - Are you happy, Ms White, for your statement of support to stand? I make the observation that we are talking about a national database. Logic tells us that the Commonwealth would be a participating jurisdiction. This is obviously the majority view of the Legislative Council although it is not needed. Minister, as you are comfortable with it we support the amendments.

**Ms COURTNEY** - Thank you, Ms O'Connor. While the Government did not view that this amendment was a necessity, we do not believe it is going to impede our participation. Members agreed in the original second reading debate that our participation, as quickly as possible, would be helpful, particularly around the safety of our children.

**Amendments agreed to.**

**Resolution to be reported.**

**Reported the Committee had resolved to agree to the Council amendments.**

## HOUSING LAND SUPPLY AMENDMENT BILL 2021 (No. 51)

### Second Reading

[4.47 p.m.]

**Mr JAENSCH** (Braddon - Minister for State Growth) - Mr Deputy Speaker, I move -

That the bill be now read the second time.

This bill makes a number of amendments to the Housing Land Supply Act 2018. The Housing Land Supply Act was developed following the then Premier's Housing Summit in 2018. The introduction of the act was unanimously supported by both Houses of parliament as

a more direct process for rezoning and modifying planning scheme requirements for eligible government land to facilitate housing, particularly for affordable and social housing developments.

The Housing Land Supply Act targets under-utilised or vacant land that is suitable for residential purposes and the provision of social and affordable housing through the making of Housing Land Supply Orders. It replaces the standard planning scheme amendment processes under the Land Use Planning and Approvals Act 1993 and provides shorter timeframes for the rezoning of land, whilst still maintaining the same rigorous assessment criteria.

To date, five Housing Land Supply Orders have been made under the act for land at Rokeby, West Moonah, Devonport, Newnham and Huntingfield. A total of around 40 hectares has now been rezoned for housing purposes and transferred to the Director of Housing under the Homes Act 1935. This land will deliver around 600 new lots for residential development. More draft orders are currently being progressed to further assist with the Director of Housing's work program for providing more affordable and social housing options around our state.

When the Housing Land Supply Act was introduced, there was a strong demand for housing and across Tasmania we are continuing to see significant rises in the cost of housing, private rental and increased demand for housing in general. The impacts of the COVID-19 pandemic have also driven increased demand for housing in our regional areas.

The Housing Land Supply Act in conjunction with the Homes Act 1935 provides an important mechanism for delivering social and affordable housing in Tasmania. In effect, it provides a form of inclusionary zoning through the planning scheme, ensuring that a share of new housing construction is allocated to people in need of housing.

Responding to the continued demand for housing requires action across a number of sectors, including our planning system. The aim of this amendment bill is to make more government land eligible for consideration. The draft bill aims to achieve this in four ways.

First, the amendments expand the scope of eligible government land to include land owned by Tasmania Development and Resources, as well as land obtained by the Director of Housing since the Housing Land Supply Act came into effect.

Currently, the Housing Land Supply Act only allows certain government land to be considered for a Housing Land Supply Order. This is limited to land that was owned, vested in or held by the Director of Housing under the Homes Act 1935, or was Crown land before the act commenced in 2018.

The Housing Land Supply Act was originally intended for surplus government land or land already owned or managed by the Director of Housing. However, with a number of orders now made, the availability of eligible government land suitable for social and affordable housing has become limited and more needs to be done to assist with Tasmania's acute housing shortage. Having a broader range of government land eligible for consideration under the act will further assist the Director of Housing's work program by delivering more land for affordable housing sooner.

Land owned by Tasmania Development and Resources, a Tasmanian government entity, was unintentionally excluded from the original Housing Land Supply Act. While it is

government land, it is not technically Crown land and so could not be considered under the act. Including this land allows previously identified land within the Launceston Technopark in Kings Meadows, for example, to be considered.

In addition, the bill expands the Housing Land Supply Act to include land obtained by the Director of Housing after the act came into effect. This is proposed in response to submissions that requested greater promotion of affordable housing within planning schemes. This change allows the Director of Housing to more strategically identify opportunities to deliver social and affordable housing development, rather than being constrained by existing government-owned sites.

Second, the amendments allow for the consideration of Housing Land Supply Orders within the municipality of Flinders. A lack of public transport and reticulated services in Flinders municipality limit the consideration of orders under the current Housing Land Supply Act criteria. The proposed changes allow for the consideration of land on Flinders Island by removing the need for such land to be proximate to public transport and creating flexibility in the zone requirements, provided the land can be adequately serviced. These changes will further ensure we can provide for the specific housing and support needs of the Flinders community, given the unique circumstances acknowledged in the Northern Tasmania Regional Land Use Strategy.

Third, the amendments provide a more inclusive consultation process and improved transparency in the decision-making process for proposed housing land supply orders. It is important that the Housing Land Supply Act provides both meaningful and inclusive consultation. While the act was approved by both Houses of parliament with a requirement for targeted consultation only with defined interested persons, with the experience of operating the act and the expanded scope of eligible land, it is considered that the consultation process for proposed orders should be improved and broadened.

The bill proposes amendments to the current consultation process under the Housing Land Supply Act to require a 28-day public consultation period for all proposed orders processed after this bill comes into effect. This aligns the consultation process with the normal planning scheme amendment process under the Land Use Planning and Approvals Act 1993.

Written notice will still be provided to all defined interested persons announcing the commencement of the public consultation period. Importantly, the revised consultation processes will not erode the significant time savings afforded by this process and by ensuring broader input on all future proposed orders, they are expected to increase public confidence in the process.

The amendments also specifically require the minister, when consulting on or tabling a proposed order in parliament, to provide a clear statement outlining their opinion on how it satisfies the relevant criteria under the Housing Land Supply Act. The bill also provides a clear process for the minister to follow if it is determined to not progress a proposed order after consultation. Notice must be given to all interested persons and each person who made a submission on the proposed order.

The notice must give reasons why the minister has made this decision, and the minister's reasons and each submission made available on the department's website for a period of at

least six months. We have listened to the community and made these very important changes to the bill.

Finally, the amendments make the rezoning assessment criteria of the Housing Land Supply Act consistent with those of the Land Use Planning and Approvals Act 1993. Currently, the Housing Land Supply Act requires the rezoning of land for a Housing Land Supply Order to be consistent with the Regional Land Use Strategy. However, the Land Use Planning and Approvals Act currently only requires the rezoning of land to be 'as far as practicable' consistent with the Regional Land Use Strategy. This was suggested by the independent Tasmanian Planning Commission as a more practical requirement for the assessment of planning scheme amendments. It is unnecessary for the rezoning criterion to differ between the two acts. This amendment provides consistency.

The bill also adds an additional criterion: to require an order to align with the requirements of the Tasmanian Planning Policies, when in effect. The Housing Land Supply Act pre-dates the amendment of the Land Use Planning and Approvals Act which established the framework for the Tasmanian Planning Policies. It is important that the Housing Land Supply Act is now updated.

Mr Speaker, this bill furthers the purposes of the Housing Land Supply Act and provides further opportunities for delivering social and affordable housing in Tasmania. Importantly, it also improves the current act by providing more inclusive and transparent decision-making processes. I acknowledge the comprehensive and invaluable feedback received on the bill across two consultation periods and from a broad range of stakeholders. This has helped to shape the bill and further improve the processes under the Housing Land Supply Act.

I commend this bill to the House.

[4.57 p.m.]

**Ms DOW** (Braddon - Deputy Leader of the Opposition) - Mr Speaker, I rise to speak on the Housing Land Supply Amendment Bill. Thank you to the housing and planning team for the briefing we had yesterday and the good discussions we had about this amendment bill, about the original piece of legislation and the issues we have with it.

While there might have been two rounds of public consultation on this bill, I put on the record the fact that we have only had a couple of days to look at it. The Government was scrabbling for business in this place a couple of weeks ago. This could have been brought forward, or at least more time given to consider an important amendment bill of this nature.

The Housing Land Supply Order strategy was before this place a number of years ago. I understand it has a life of about five years. As the orders have been rolled, significant concerns have been conveyed to me about the current act and that process. Those concerns have been raised by local communities as they receive notice of Housing Land Supply Orders, by planning professionals and, of course, by local councils, who really should have more of a role in this process. There should be more consultation with local councils.

I understand that there have been five orders rolled out so far as part of the housing land supply legislation. Some of those have been easy to facilitate across communities. Others have been more difficult, Huntingfield being the example that comes to mind. That has been anything but a fast-track process. Many issues have arisen with local councils about planning for infrastructure and the master planning process itself for sites identified through Housing

Land Supply Orders. My colleague, Mr Winter, may have much more to say about that during his contribution on this bill this afternoon, through his experiences as the previous mayor of Kingborough.

This legislation came about as the result of the housing summit in 2018, as the minister said, and this Government's response to the housing crisis across Tasmania. Once again, instead of there being a focus on strategic land use planning, and planning appropriately with communities and councils for growth, this Government has had a laissez-faire approach to planning across Tasmania. Nowhere is that more evident than in the housing crisis across the state. Right now, on any given day in Tasmania, there are over 4000 Tasmanian families on the housing waiting list. That is absolutely disgraceful.

This bill was born out of this crisis summit convened by the Premier. Its impetus was to override ordinary land use planning processes which is clearly outlined again in the Communities Tasmania submission which accompanies this bill. I think their comments have been born out of frustration with the planning system in Tasmania and it is fair to say that they would not be alone in this frustration.

The rezoning process is the one aspect of addressing the housing crisis and there are many other important initiatives and investments that the Government could be making right now.

I remember the housing crisis and the Housing Summit vividly as it was during the first week of the new parliament when I was elected to the parliament. It was quite evident at that time in the housing crisis, through the many people who were sleeping rough in tents on the parliament lawns, this is what prompted the then-premier, Will Hodgman, to convene a housing summit. It is fair to say that those tents do not remain on the Parliament lawns but the issue has not gone away and not much has really changed for Tasmanians when it comes to getting a secure roof over their head.

When it comes to accessing housing across Tasmania on all fronts this Government is failing, whether it be the diminishing dream of owning your own home in Tasmania, getting maxed out of the rental market or being turned away from emergency accommodation on any given night, this Government continues to let Tasmanians down when it comes to having a secure roof over their head.

The Housing Summit was nearly four years ago and that is an important point and, as I said, we still have a housing crisis right now across Tasmania, which is perhaps worse in many instances.

The Government has had nearly eight years to address the inequities which exist for people right across Tasmania when it comes to getting a secure roof over their head and they have failed to do so.

It is also interesting to note that the minister who introduced the original bill was then the housing minister and planning minister at the time and this is no longer the case. We now have a new Housing minister in Mr Michael Ferguson whose track record speaks for itself. He has not been able to fix the health system, he has not built much infrastructure in his role as Infrastructure minister so how can we expect him to build more houses? Let us see. Let us offer him a challenge and see if he can indeed do that. I think we will be left waiting,

unfortunately, for him to deliver on the objectives of the Government's agenda when it comes to housing.

Nobody in this place would argue against more housing for Tasmanians and the dire need for more housing options across Tasmania and that is why we supported the original bill and that is why we will support the amended bill. It is fair to say that this bill has not delivered after three years and I put on the record my question to the minister, actually how many houses have been built through this land supply order process?

There is no doubt, like other key essential service provision across Tasmania including health, that supply is simply not meeting demand. Housing is one of those and this is a constant challenge for this Government.

Then there is the Government's track record on planning reform which is why we are here today with this bill being brought forward by the Planning minster.

If the Government had a focus on strategic planning in the first place, then maybe we would not have needed legislation like this.

I want to put on the record some comments that the Local Government Association of Tasmania (LGAT) made because they are really important in their submission. They say:

> Tasmanian councils are concerned with proposals that seek to bypass strategic planning and good development practice. It is this mode of development that often leaves a long-term and intergenerational legacy of poor social, economic and environmental outcomes in local communities.
>
> It is for this reason and learning from the development mistakes of the past that land use planning exists today.
>
> We know that the bill maintains consultation with planning authorities to ensure some connection with the strategic planning undertaken and in development at councils.

The other point that they make is that:

> Ultimately, it is the firm conviction of LGAT and Tasmania's councils that the real way to answer land use planning and development regulations rolling housing supply is not to bypass or to override it but to adequately resource the timely, strategic planning needed to ensure a dynamic and responsive system of development regulation.
>
> There is only so much that the localised rezoning of the Housing Land Supply Act 2018 can achieve. That is why we are maintaining our call on the Tasmanian Government to update Tasmania's regional land use strategies without delay as they have the potential to improve suitable land supply without compromising good development practice.

That is a very important point.

> It is unfortunate that land use planning in the housing supply discourse has been used as an over-simplified and politically-target for attack rather than building a holistic picture of all the causes of housing insecurity, unaffordability and supply constraints and addressing these meaningfully.

I could not agree more, minister.

Let us look now at your track record on planning reform, minister. You are a government that prides yourself on less red tape. You have even got a red tape reduction coordinator. We do not know what he does and we do not know how much he is paid because you will not tell us that you have one. Yet your planning reform has made planning much more complex and costly across Tasmania and has actually had a sole focus on regulation rather than strategic planning. That is the key piece of the planning component right across this state which is currently missing.

The only part of the planning process that this process shortens is the community consultation process. When it takes two years to get to a DA point with Huntingfield, you have hardly made this process quicker and faster. Your planning reform is not faster, it is not simpler, it is not fairer and it is not cheaper. You have not updated the Regional Land Use Strategy, you have not made the investment in it and you have not made the time and dedication to actually deal with them that would start to address some of these issues across Tasmania.

There has been no strategic coordination of planning across Tasmania by this government when it comes to any area of growth, service delivery or community development. The local provision schedules - you say that you will deliver those by the end of the year, but will you? We remain waiting, minister. They have been significantly delayed.

The other point I want to make is about the Tasmanian planning policies which Communities Tasmania makes reference to in their submission, quite rightly, I think, in saying that they are not even being developed yet and yet we are asking for there to be assessment against them as part of this housing land supply order. That, in itself, highlights again how far behind this government is when it comes to strategic planning across Tasmania.

I want to look at a couple of submissions and share those with the House in addition to the Local Government Association one which I just reflected upon. I thought it was quite remarkable really that the two government departments that should be working collaboratively together to address an issue such as housing seem to be at odds with one another in their submission.

I make note of the Communities Tasmania submission which talks about the public consultation period and not wanting to extend that. That is concerning to me because one of the biggest concerns that has been fed back to me about this process is that people get a letter in their mailbox and have a very short period of time - I think 11 working days was the example that was provided to me - to provide their feedback against a whole heap of information. It is very hard for them to digest and understand. They are not given any advice about that.

The very people who want to increase housing stock and supply across Tasmania think that we should not be giving people more time to understand what is actually going to be happening close by in their local community, over their back fence, and how that might impact on the characteristics and shape and the people who will be living within their community in

years to come. That is a significant part of this process that is missing. It is really interesting that that was pointed out in their submission. They state quite clearly at the end of their submission that:

> Fundamentally, the act was created to increase the rate of land supply to address a shortage of housing and the associated challenges which this places on communities. The proposed changes, whilst well-intended, will only stymie process and will offset any benefit already realised through this legislation.

I thought that was quite interesting in that it would appear they were not supportive of some of the additions that were included as amendments. The public consultation one is the one that rings alarm bells for me and I will talk more about that in my contribution now.

The part of this bill which was always missing was that upfront consultation and communication with the local community where these developments will be, about what those proposed developments will look like. That should be upfront. It happens down the track but people are not aware that that is what is going to happen. That is a clear piece of the puzzle and an important part of this process that is missing.

I mentioned that during the briefing yesterday and I want to put it on the record again today. I ask the minister to give consideration to that because there really does need to be more information provided to people at the outset of this process rather than right in the midst of it or towards the end.

That also translates to the information that could be provided to local government at that time as well so that they can be well informed about what is being proposed, what the composition of that housing will look like, and how that will be integrated with current service provision or infrastructure that is in that local area.

These are all important things that local councils should be taking into consideration. There seems to be a disconnect between the importance of those and about the Government and government departments working strategically with councils planning for that future investment on those sites but also the investment that is being made in their community through the provision of additional housing.

More information needs to be provided to communities. It will be important when facilitating a housing land supply order in areas where there are small numbers of social and affordable housing dwellings. I have one particular order in mind which I mentioned before and which I have written to the minister about. It is in Burnie, where I have had a number of representations from local community members. It is unfortunate at this time that this order has been made in this local area when they are currently already dealing with the changes which have been imposed through the relocation of the court from the Burnie CBD to that closely located site. There has been no information provided to the local community about what the court site plan will be, nothing about what will be provided there. There has been a real void of information. This is just another instance where there has been a poor process of communication with that part of the community about something that is going to change dramatically in their local community.

Minister, I wrote to you and asked you to extend the consultation period for those people, which I hope you were able to do. The changes we are looking at today do not extend to those orders that have already been issued. If that time period has been identified as an issue, it warrants being changed in an amendment bill, then it should warrant that those people should be given that opportunity as well. I put that on the record today.

This also highlights the importance of strategic planning with councils and working closely together on housing land supplies. A number of the submissions have outlined that. Councils already have existing settlement strategies. They have strategic plans for their communities. It is important that these two things talk to one another.

Current arrangements around notification and consultation are inadequate, as I said. That part of the process needs to improve. People want more information and they think because the order mentions fast-tracking there will be no consultation with local communities. That information should be provided right at the start and it should be done by the Department of Communities Tasmania in partnership with the PPU or the Department of Justice.

Overall, there needs to be more attention given by the Government on informing communities about the need for more housing options in local communities and the dire need that exists right across our state, providing examples of people who would benefit from different types of accommodation offerings across our communities. It is really important that we start talking about that as we look at more parcels of land across communities and integrating different accommodation options across communities so that people become more accepting of that. We need to remove some of the stigma that exists in our community currently around social and affordable housing. It is about making people aware.

I do not think anyone who has raised their concerns with me has denied the need for more accommodation. No one has done that. They state that quite frankly in our discussions. They want to understand what those developments will look like in their community and who will be benefiting from them. That is information that our communities could benefit from.

In summing up, we will be supporting the amendment bill. We think that this Government has not done enough when it comes to building houses or undertaking planning reform. Nothing is happening quickly. Once again this fast-tracking notion is another slogan from the Government that means nothing and has delivered little for people. It continues to divide communities, as we have seen on a number of our projects that this Government continues to progress, despite this.

The questions I have are around the size of the land that is considered as part of a housing/land supply order, whether consideration was given to limiting it, given the experiences of the Huntingfield development and the learnings from that. There needs to be greater transparency as to the nature of the new land that has been included. When this legislation first came to us it was simply about using excess land. That has changed a bit now. There are different categories of land that would be used and brought in under these housing land supply orders. We think it is important that is a transparent process and people understand what those parcels of land will be and where they will be, particularly those that would be acquired by the Director of Housing. I want to understand how this work is fitting with the Housing Strategy, if you could provide an update on that.

There was some mention in the previous information given about the bill and some of the submissions about there being two time frames for consultation. I want you to put on the record that it is 28 days, regardless, not 28 and 14, as may have been intended previously.

There is a typo in the bill on page 17, 13A(b), I think it should be 'these' instead of 'there'.

Finally, I want to understand how the Department of Communities Tasmania intends to work more closely with the Policy Planning Unit on some of these issues. Rather than being opposed to one another, perhaps you could work better together to try to address this problem. I would like to understand how you intend to do that.

[5.16 p.m.]

**Mr O'BYRNE** (Franklin) - Mr Deputy Speaker, I will keep my comments brief. We have had a couple of long days, there are others who want to speak as well and I know the minister will reply to a number of questions.

Bills such as this do not happen in isolation of the context in which we are living. We know that there has been a housing crisis in Tasmania for a number of years. Prior to the 2018 election, it was becoming acute. It became a significant media issue; it was a contentious issue in the 2018 election. The response from the Government after the 2018 election was to call for a crisis meeting. The premier at the time, Mr Hodgman, attended some of the meetings. It was with much fanfare that they talked about their immediate action, about how they would respond to the needs of the Tasmanian community.

Here we are, towards the end of 2021, and the situation has become worse. If it was a crisis in 2018 and the Government committed to direct action and emergency response and this is where we are at, goodness me, that is an indictment on this Government, their lack of action, their lack of approach and urgency on this issue.

There is a massive human cost. There is a toll that is being weighed on the Tasmanian community because this Government has been asleep at the wheel in terms of the importance of public housing since being elected in 2014. This is the situation we now find ourselves in. We have a public housing waiting list with more than 4300 people and families languishing on that list. The Budget papers predict that will blow out to over 5000. That is completely unacceptable in Tasmania.

In 2014, when this Government came to power, there was a 26-week waiting period for access for priority public housing. That timeline has now blown out to 68 weeks. We have seen massive rental increases. We have seen massive value increases. That is a benefit for those people who are in the housing market but too many people are missing out. That is because there has been a lack of a coherent strategy and focus on public and affordable housing. What do we get? We get the result of panic legislation such as this.

I sympathise with the minister because the inaction over the last seven years has meant that this type of legislation will need to come back here in an attempt to plug the holes and to respond to a significant issue facing our community.

The member for Braddon, who spoke before me, spoke about the Housing Land Supply Bill and the circumstances we have found ourselves in, particularly in Huntingfield. Not one sod has been turned and not one brick has been laid in Huntingfield three years later - although

the Government trumpeted that this was the solution to affordable and public housing and housing, particularly in the south of the state.

This is a tough set of circumstances, and it is an indictment on the Government that they have to bring on these kinds of bills to clutch at opportunities to try to resolve at the fringes of this debate.

This is a Government that does not see public housing as a mainstream issue and an important issue for Tasmanians. Clearly by their demonstrated track record -

**Mr Winter** - Clearly because they don't build any homes.

**Mr O'BYRNE** - They do not. I am not sure how many but it is a very small number of homes that have been put in the Housing Register since 2014. There has been lots of movement on and off that register, but there has not been a significant increase in public housing since they came to government in 2014.

This is a significant crisis facing our community, and there is a massive human cost. We have seen the lack of action and the lack of a strategy; but it is in regard to the words as well. In a debate during the budget sessions, in answer to a question, the Housing minister referred to, 'people seeking access to housing as being on the margins of society'. It is not only their actions or lack of actions since 2014, it is their attitude. When a Housing minister in this environment and in this crisis, refers to people on the margins of society seeking public housing, he does not get it. He does not understand, and this Government does not understand, that this is a mainstream issue. People are struggling to get a roof over their head. People are in dire sets of circumstances.

You cannot blame the previous government. It is 2021, and you have been in government since 2014. This is on your watch and it is your responsibility. Taking credit for Senator Lambie getting the federal housing debt waived as part of your achievements in this policy area, is absolutely appalling. You should not hang your hat on that.

This bill, in particular, is probably the most comprehensive - but by its existence, not very comprehensive - response to the housing crisis. A number of questions about this bill have been raised by the member for Braddon, and I echo some of those questions. I did not have the benefit of getting a briefing, and that is on me. I should have reached out. In my changed circumstances I only have an extra staff member to start to schedule those in and get the time to manage the briefings.

However, a number of stakeholders have raised issues with me and I will put them on the record for the debate. The 14-day consultation period is inadequate. Full public consultation should be undertaken, to ensure that there is a rigorous process. Only having that consultation in some circumstances, for interested persons, is a selective consultation. It is inadequate, and raises questions not only around the process itself, but potentially there will either be outcomes that will not be satisfactory or acceptable to the community and create issues in the medium and longer-term.

These are not 12-month or 18-month investments. Once you build a house, or you create a subdivision in a community, it is there forever. In the understandable haste to try and get more homes built in Tasmania, we do not think it is appropriate that people and communities

should be slugged with a development which is not optimum, which does not add to the people who live in that community or to their lifestyle, and creates bigger issues. We have seen housing policy and house subdivisions built over the last three of four generations, not only in Australia but across the world, where they have created bigger social issues and have created sub-optimal outcomes for those communities.

Other key issues that have been raised with me is that there is no obligation to dedicate a proportion of land to social and/or affordable housing development, which is one of the key issues that our community is facing. There is no indication of how much land the Government intends to apply land supply orders to. There is no upper limit to the size of land that can have a land supply order applied to it.

Obviously, there is standard planning scheme amendment processes and other rezoning processes that have been circumvented. There is no requirement for public consultation for the TDR land, or indeed, land within the Flinders municipality. In these situations, we understand that the government - based on our reading of the bill - can choose who they consult with. That is not appropriate. We understand there is an acute need, but that does not mean you suspend proper process. That does not mean you go through a process where local communities are not consulted. We saw, particularly at Huntingfield, the concerns about proper process. I am not sure if all those concerns could be resolved purely by a consultation process; but at least people in that local community feel like they have a say. At least they can have a conversation with someone and explain some of the concerns.

I know from talking to local people in Huntingfield, the versions of the plan and the number of changes that are being made to the plan; some people were not aware of them, and there is a new version - that kind of confusion does not give people confidence and faith that the development in their community will be appropriate or positive. We know that no process is prefect. However, if you circumvent a consultation process, if you do not engage with the people in that community in a constructive way, you create bigger issues than the ones you are trying to solve.

In saying those few words, I have some questions I will put on the record for the minister: how much land does the Government intend to apply land supply orders to; and how will the bypassing of the critical role of the TPC and local councils lead to better planning and zoning outcomes for Tasmania? I would like to hear his justification for that.

The 14-day consultation process on the Huntingfield land supply order, as I have said, was needlessly stressful and did not allow the community to properly consider such a significant land order supply, because it is significantly intense in that community; much more than what was envisaged.

There is the infrastructure, not only the road infrastructure but the broader community infrastructure in terms of schools, childcare centres, medical facilities and retail outlets, particularly in that area. I know there has been lots of debate around the various roundabouts - how many are there going to be; where are they going to be? I tell you what, it will take more than a three-lane expansion on the Southern Outlet to cope with the kind of traffic that you are pushing into the community.

Why is a 14-day consultation period considered adequate for land supply orders in this bill? Why not the standard 28 days?

How can critical housing needs be addressed if social and/or affordable housing is not directly allocated a proportion of all land supply orders? That has been raised with us. I would like to hear your perspective on that. To simply say that the more you build the better it will be - in some cases that is true; the market does not always respond to the needs of the community. However, just because you build more does not mean you solve the housing crisis.

It is a complex, layered challenge for Tasmanians and getting access, particularly in the first home buyers' area, particularly with social and affordable housing that is where it is most acute and people have less choices in terms of their houses. People already in the market and people able to buy and sell within the market to have more choices and options, it is the first home buyers, the people on low incomes, the people on fixed incomes really bearing the brunt of this housing crisis. Therefore, we bring in amendment bills such as this dealing with land supply and housing. You need to talk about how best you maximise social and affordable housing. With those few words it will be interesting to hear the debate and the responses from the minister.

[5.30 p.m.]

**Mr WINTER** (Franklin) - Mr Deputy Speaker, I am quite passionate about this issue. For the record, this was tabled on Tuesday and I have been in the House entirely since then so I would prefer to be much better prepared than I am to make a contribution on the topic, but I will do my best.

This all started in 2018 as mentioned in the minister's speech through the housing summit. That is where it started from the minister's perspective, but it started a lot earlier than that in terms of people's frustration with the planning system and the planning scheme. The Minister for Housing decided the standard planning scheme rezoning processes that needed to take place were too difficult and onerous for him to go through. He decided to go ahead with the Housing and Land Supply Bill 2018 to circumvent the standard processes any other subdivision developer or builder would have to go through.

The weird thing was he was also the Minister for Planning. The Minister for Planning, who was also the Minister for Housing, was having such difficulty with the planning scheme reform process that he was not able to provide a process for the Minister for Housing to go through, who was the same person. Therefore, we got this new process, which was designed according to the second reading speech at the time, to fast-track zoning changes for identified surplus government land to accelerate the supply of affordable housing.

I am not sure whether I was at the forum that has been mentioned, but there was quite a few at the time - it was mentioned by Mr O'Byrne. There were many forums and it was a significant topic at the time and still is. At that time the discussion was around what we could do in the very short term to fix as many things as we could.

My perception of the debate was of single blocks inappropriately zoned and this legislation being able to be used to quickly rezone land so we could get on, make necessary improvements to the property in question, and put roofs over people's heads. That was how it was pitched. I note again in the minister's speech that it was unanimously carried through both Houses of parliament. In fact, since that time he has said that publicly quite a few times. He has pointed out it was unanimously supported through both Houses. It was because we are in a housing crisis and I believe both the parliament and anyone in the community at that time

would have jumped at anything to try to resolve the housing crisis, and it has not. A couple of things have improved, if at all, since that time.

Here we had the Minister for Planning unable to resolve the issues in the planning system who created his own process to go ahead and rezone what we thought was fast-track zoning changes to identify surplus Government land to accelerate the supply of affordable housing. Unless I am mistaken, Huntingfield was not mentioned at the time. It was not talking about large subdivisions of almost 500 dwellings. As I said, it was talking about much smaller parcels of land inappropriately zoned so we could get roofs over people's heads in a timely manner.

After the bill went through both Houses, unanimously, it was announced this process would be used for the Huntingfield subdivision. Our Huntingfield subdivision has a hugely long history and the minister will be pleased, and I will not blame him for this, because the Government has owned Huntingfield for around 50 years. It was purchased by the state with funding from the Australian Government to build homes at that time. I think it was the Whitlam Government that funded the purchase.

It has a long history. Before that it was farming land and it has been used for farming for decades even whilst under Government ownership, but it was always intended for this area to have homes on it. No government had ever been able to fully develop the land.

We know there is already a suburb called Huntingfield there and there has been development more recently. In terms of this process, not a sod has been turned, as Mr O'Byrne said, not a brick, nothing has happened despite the ambition of the Minister for Housing who is also the Minister for Planning to build homes quickly and fast track the process.

I will digress shortly back to planning reform. On 17 May 2014, the then Minister for Planning and Local Government, Peter Gutwein, issued a media release. He said:

> A single Statewide Planning Scheme is a key component of the Liberal Government's long-term plan to make Tasmania a more attractive place for investment and to create jobs.

He announced the Tasmanian Planning Reform Taskforce, and note at this stage he was talking about a single statewide planning scheme. The last time we asked during Estimates only seven of the 29 councils are now signed up and using the new statewide planning scheme and there will never be a single statewide planning scheme. They have walked away from that commitment at the 2014 election -

**Mr Jaensch** - What did you say?

**Mr WINTER** - There will not be a single statewide planning scheme. You are going to have 29 or 30 planning schemes?

**Mr Jaensch** - No, a single statewide planning scheme.

**Mr WINTER** - A single statewide planning scheme. The minister is making the point I was about to make. A year later, the same minister, Peter Gutwein, issued a media release and at some stage between 24 September in the earlier statement I read from it changed a little

bit. They were still saying they were going to make the planning system faster, fairer, simpler and cheaper. They have achieved none of that.

They stopped saying that they were going to have a single statewide planning scheme. They said they were going to have a single statewide planning system. They now have a single system - we have always had a single system - except for this one time when we now have two systems. We have the one the Minister for Housing wanted to use and we have the one for everyone else - the developers, the people building their own homes - they have to use one system while the Minister for Housing, who was also the Minister for Planning, could not use his own system and had to create one just for himself.

So incompetent was this minister that he created one that has not built - the Deputy Leader of the Opposition has asked this question and I will be interested in the answer; perhaps I am wrong and misinterpreted the briefing - but I am sure the briefing said not a single home has been built from the 2018 Housing Land Supply process created. The process that was created, it was a fast track, zoning changes for identified surplus government land to accelerate the supply of affordable housing, has not delivered a single home. What a disgrace.

The minister's plan has not delivered anything except his own personal planning system that only he can use. It has slowed down developers. It slowed down the one at Huntingfield. That should have gone through the standard planning process. That could easily have been done at any point during the last seven and a half years that this Government has been in office.

In fact they have had multiple plans. The former minister is in the Chamber, Mrs Petrusma, who I have to say had a much better plan for Huntingfield. It was quite a good plan. It was a reasonable plan that fitted in with the existing planning, with existing plans, without too many expectations, I think, of the local community at the time. Instead we got what we have.

The zoning that the minister put onto the Huntingfield site is zoning that in my experience, the Kingborough Council, or any planning authority would never have agreed to. The inner residential zoning that the minister placed onto the Huntingfield site was, and is, completely inappropriate. It is more dense than suburbs like Sandy Bay, Taroona, and inner-city Hobart. The most dense zoning that you can get in Tasmania is 14 kilometres to 15 kilometres away from the Hobart CBD. You do not put that zoning on that site.

To pre-empt the minister, he runs this argument about Spring Farm. He says, 'Oh, but you put a little sliver at Spring Farm, a few kilometres down the road, we did, before my time, a small amount down the road'. This minister decided that he would put inner residential almost - over 50 per cent of the entire site, from memory - into residential. When we asked him about it, he said, 'It is to provide flexibility.' He wanted flexibility for himself. So, if the Minister for Housing wanted flexibility from the Minster for Planning, and they were the same person, he just did it. That was the process. When asked by the media about this issue, he said, 'It still has to go through the development application process from Kingborough Council', but of course he set the planning rules. The minister set the planning rules under this process. He set the zoning. When you set the zoning, you set the rules. He set the council up for the public debate that ensued.

I attended the public forum at that time and I recall leaving a meeting in town, it might have been with Mr Ferguson, and I saw Mr Jaensch just as I was on the way to meet with well

over 200 people-plus at that public meeting that Mr Jaensch was invited to. Dr Woodruff might have been there, Mr O'Byrne might have been there, and the empty seat for Mr Jaensch who did not arrive, who would not front people and talk to them about the proposal at that time. I know he was in Hobart. He might have been busy, I do not know, but he did not front. I have never seen any media of him on the site. That is extraordinary in itself.

This is supposed to be the crown jewel of housing affordability for the minister, but he would not front up. He would not face - he went to a stage-managed consultation, as I understand it, where people were invited to come for a period of time, sit around a table just to keep everyone in line and, as I understand, almost no changes were made as a result of that consultation.

While I think about consultation, I want to go back to the original land supply order for Huntingfield, and where it is during the normal planning process that people well understand in Tasmania because they use it and they are well aware. They see the ads. This is what one constituent received on 5 June 2019, a letter that said:

> Housing Land Supply Act 2018
>
> Proposed housing land supply order, 1287 Channel Highway, Huntingfield.
>
> Following from the Housing Summit, hosted by the Premier, in March 2018 the Tasmanian Government announced that it would introduce legislation to fast-track re-zoning of land to enable the building of more affordable homes in Tasmania. The legislation became effective in July 2018 allowing individual parcels of land to be re-zoned under this new fast-track process.

Individual parcels of land, this is a very big individual parcel of land, I must say.

> Under section 12 of the act, I am consulting you as an interested person.

This is the neighbour of the property:

> The act provides under section 13 for a minimum 14-day consultation period.

So he said:

> I am consulting. I believe -

The minister might correct me but, as I understand it, fewer than 12 people received this letter. Only the immediate neighbours were eligible to receive this wonderful letter from the minister that informed them that he was consulting, to tell them that he was going to rezone the land. Council at the time could not believe the arrogance of the minister to just roll in and tell us this is what he was going to do.

I could not believe the ignorance: that this process he was about to embark upon would upset local people, would make this more controversial than it needed to be, more controversial than would have been Mrs Petrusma's proposal through the standard process, much more. People did not trust it. They could see that something was up. They could see that their local

council was being bypassed in the decision-making process, that the rules were being set by the minister for Planning, who is also the minister for Housing. It stank. It still stinks.

The local community, in my experience, speaking to people there, their major issue is not homes, they have always known, the council has always known. As I said, it has been known for 50 years housing is going to go on this site. Everyone knows housing is going to go on that site. The question is how dense is it going to be and what infrastructure is going to be in place to support those new homes?

The first test: what is the zoning going to be? Well, the minister put zoning over that site that is inappropriate and would never have been approved through the standard process. He used this process to put zoning there that would not otherwise have ever been able to go there without the support of local government. Then, when council talked to the state about infrastructure multiple times, we could never get the proper commitment to infrastructure that we would have expected from a government that was also a developer.

Yes, I know private sector developers will often times do the minimum in terms of the infrastructure. They want it, they will do it. The reason we have legislation and regulation about what infrastructure is required is so that private sector developers are required to put infrastructure in place to support those developments.

We would have expected, and the people in that community would have expected, that the state government, being the developer, would have had a more supportive, more proactive view about the infrastructure requirements for that community. It is a community that has been the fastest-growing community, or one of the fastest-growing communities anywhere in Tasmania for the last 20 years at least, maybe longer. That area in particular has had Whitewater Creek, Spring Farm, and a smaller subdivision at Huntingfield, already developed there. All they wanted was a process that they could understand, feel like they were listened to, a minister they actually saw in the area, who came and listened to their concerns, and infrastructure that would support the growing development.

With the DA process for Huntingfield, the roundabout went through the council. The council added a condition that added a slip lane to the roundabout. That was as a result of feedback from the community south of Huntingfield. They said we can see that the housing is needed, but we would like not to be impeded as we commute into the city every day. The council provided that condition and put the condition on the DA in a public meeting. That was very well received. As I said, all people wanted to know was that the infrastructure requirements were properly being dealt with.

The state was not very happy with that and outlined all the reasons. In fact, it went to the resource management and planning appeals tribunal, or went down that path. I do not know if it ever actually reached that final stage. Then, during a closed meeting at Kingborough Council presumably - because we do not know - the council decided that given the legal threats, it would drop the condition. Now, the roundabout at Huntingfield, despite the fact that you would expect the state, who was also the developer, to be an exemplary example of a developer who wants to do what is -

**Dr Woodruff** - You would think so.

**Mr WINTER** - You would think so - who wants to do what is best for that local community, does not want to build the slip lane straight away so it will build the roundabout and then at some stage later they will build the slip lane. The Budget this year shows that the upgrades to the Algona Road roundabout, which were promised at the state election, will not occur until it is 2025. It might be later than that but I will be generous. You would expect, given the DA has been approved for 200 dwellings, there would be at least 200 extra people there plus the continuation of development of the other two subdivisions.

People are happy for more housing. They understand there is a housing crisis. They understand that more development creates jobs for a building sector, for local people. They understand all that. All they want to know is that it is properly planned and that there is infrastructure available. That is not too much to ask.

I will listen to other contributions on whether this Housing Land Supply Act is being enhanced by the bill that is in front of us. I hope that improvements happen so that it might provide some hope for the huge number of Tasmanians who are doing it tough, who are under incredible rental stress, who are homeless in that they do not have a permanent place to sleep or who are actually sleeping rough. They need that. The housing crisis that we described many years ago has not ended. It is harder than ever to get into the housing market. It is important that we finally get this right.

[5.52 p.m.]

**Dr WOODRUFF** (Franklin) - Mr Speaker, I want to add some comments that have been made in a similar vein to other members about the process around this Housing Land Supply Amendment Bill.

This Government has been in office for seven years. There have been endless conversations about taking strategic action on trying to reverse some of the extreme situations Tasmania finds itself in with the property undersupply. There has been a recognised and documented appalling lack of buildings created for people to live in under the Liberals in government and this minister has not covered himself with glory in this area at all.

There is a lot of big talk. Meanwhile, we have a really intolerable situation in Tasmania, for people who either rent or own houses. No-one is in a happy situation unless you are one of the very privileged and small group of people who have a large superannuation nest egg and a substantial asset base and you are speculating on multiple houses. Some people do that. I sometimes think that they are the group that this Government listens to the most, compared to the other vast majority of Tasmanians who live in constant housing insecurity and a real fear of housing prices going up even more and being completely priced out of the opportunity to purchase a home for the first time or to shift between properties when they need to for family or work reasons or because they live in a rental property where prices are going up inexorably. Month on month we see rises in the rental property prices in Tasmania.

We are in a dire place in Tasmania. It is not different from where other states find themselves, not that that is any consolation. It is different from our history. That is why it is so harsh and so cruel in Tasmania. We, of all states in Australia have had not only the continual and enormous increases in rental property prices and in house sale prices, but we have had the biggest jump from the lowest base in Australia for both the price of rents and the price of properties in Tasmania.

Core Logic's quarterly rental review report that was released yesterday showed that there has been a 12.8 per cent increase in the median rent price in Hobart. That is enormous. It puts us in a position relative to where we were 10 years ago, substantially increasing the median rental price. The change over the last 10 years has been a 53 per cent increase in rental rates in Hobart for houses and a 50 per cent increase in rental rates for units. These are off-the-chart increases, unprecedented in Tasmania, unprecedented probably in Australia. These are not only affecting people in rental properties. Quarterly figures for the rise in house prices for suburbs in Hobart such as Montrose have gone up 11.4 per cent in the last three months, Chigwell 11.3 per cent and Rosetta has gone up 13.8 per cent.

These are eye-watering figures. For everyone who is scratching out a living with wages that have not substantially risen at all for it seems like decades, this is such a concerning situation. It is the main concern for so many people in Tasmania.

We have had a government who for years now has been talking big about their plan to provide more housing for people in need and more housing for people, especially in social and affordable housing. That has been the argument at the core of the Housing Land Supply Bill that came to parliament in 2018. The argument for that fast-tracking legislation was that it would open up tracts of land around the highest population density and fastest growing parts of the state and enable this bountiful construction boom to happen around Tasmania, providing this wonderful large increase in the number of houses.

As other members have already noted, it has led to nothing substantial. I find that harsh for people who have been waiting for years to enter the housing market, or people who are desperate to be able to relocate to a place that suits their changing family needs because they are caring for children and they need to change their schools, moving from regional areas closer to Hobart, Launceston, Devonport or Burnie, or changing employment or caring for a member of the family or a friend, or ageing. These are all circumstances that require us to shift out of houses or to buy another one or to rent another one. But what we find is that people are stuck, congealed into their current circumstances as poorly fitting as they are because there are no other options. It is critical we do everything we can to provide housing, no doubt about that.

This amendment bill and the original act in 2018 come on the back of a history of terrible planning reform under the Liberals: the joke, the nonsense, the façade, the sham of the Tasmanian Planning Scheme, which has never manifested itself. It does not exist. Even were it to exist in the form the Liberals have created is a bastardised version of what a good planning process ought to be, of what community engagement with their character, the liveability, the substance, the amenity of their local area - it provides almost no meaningful opportunities for communities and their local representatives on local council to have that conversation. It locks.

Once everyone was on board - Labor, Liberals and Greens - with consistency in planning in Tasmania, no one disagrees with that but what the Liberals have gestated, still to give birth, to, is a really mangled version of what that could have been. What it has left out in the mangle has been the voice of the community, the opportunity for challenging through appeals and fundamentally the opportunity for really strategic, thoughtful, locally relevant, biodiversity-generating, environmentally sustainable, community liveability plans for local areas in Tasmania. Difference, character - these are things we really relish in Tasmania. We love that. We want consistency in the big rules. Of course, we want councils to have the same general processes so people, developers can move between areas and have the same rules but we do

not want to be bound by living in ticky-tacky suburbs in grey, cardboard, monochrome suburbs which is what is rolling out under the Liberals with their planning scheme.

Into this space, it is not surprising when we have the Housing Land Supply Amendment Bill, we get quite a lot of concern, outrage, frustration in the submissions I am reading to this amendment bill. That is because there is a lack of trust with the Liberals providing planning processing that do provide for really good strategic thinking, that provide the community a meaningful opportunity and do reduce the paperwork which makes it so impossible for communities to grapple with complex planning legislation. That was one of the criticisms with what is being proposed here. We will have a Housing Land Supply order that would come to parliament for a parcel of land and then that will also have to go to council with development applications and there will be a number of stages, at least three stages.

I know the minister might think this is small stuff but people need to be able to keep up with complex planning law, when we have the re-zoning through a Housing Land Supply Order that comes to parliament, to which to minister in the second reading speech comments or responds in Committee, and makes agreements about what will be carried through with in the master plan. This happened with the Huntingfield land supply order. Agreements were made in parliament by the minister, statements were made about what would or would not be in the master plan in response to the serious concerns people in that community had about infrastructure, density, environmental impacts, impacts on other businesses, the local schools, public transport, movement of people, and access to employment. The minister made statements about all these things.

Then, the master plan process, which was undertaken by the Department of Housing, should have included an automatic transfer of the concerns people had raised in the submissions to the Housing Land Supply Order. However, it was started as a new process and the submissions, as I understand it, we asked for as part of a - I think the term is - pinpoint submission process. That is the term I heard, I do not know that myself. People could make their own submissions, one-on-one.

Then, there was a council process. In Huntingfield, there have been the Kingborough Council processes, multiple processes with the development application. There have probably been four, five times the community has had to keep eyes on things and make responses. On behalf of the community, I plead with the minister to give some real attention with his department as to how that process can be as simplified and clarified for people, including down to the maps released. The map made available in the Huntingfield supply order was very hard for people to interpret. What goes to council? Different maps. Obviously, when there is a change to a development application that has to happen. It is the ability for the community to understand what is happening.

Maybe a good gesture to the community, on the back of this, would be for the minister to invite consultation, a one-on-one, face-to-face meeting - dare I say it - actually talk to people in the community, to some of the bodies like Planning Matters Alliance Tasmania, which represents 70 groups and find out how the consultation process could be improved, how the materials provided by the department on complex planning legislation could be simplified.

In everything this Government does in Tasmania, we have a commitment to 26TEN to provide everything in a very simple form of language. There is no doubt that planning legislation is extremely complex. It needs to be simplified, it is as simple as that. The planning

language needs to be simplified, so people who have a reasonable concern they want to express can get started because a lot of people just throw up their hands. This means you end up with a biased sample of people who are making comments. To be fair, there is a range of people who would like to have a say in an easier format.

That was a bit of a digression. What I wanted to get on with in my comments was to speak about some of the comments made by the Local Government Association of Tasmania. They made some good points about the need for long-term planning, that the zoning and development regulations are really only the first step in the development pathway of a habitable house, they have said. At the moment the Government has this housing land supply focus but it is a stop-gap measure at the end of the problem. In order to get people into houses, in order to step up the supply of homes in Tasmania, there are many other critical steps and barriers which, in the Local Government Association of Tasmania's mind, are not being undertaken by this Government. They need to be prioritised.

Those extra steps to securing housing for Tasmanians include: accessing financing; coordinating construction industry capacity and delivery in a timely fashion; developing workforce challenges approvals; having an infrastructure network capacity and delivery that is timely.

The land banking of buy-development businesses is also a barrier. It is a huge barrier in regional areas but in Hobart, I am aware of it in the electorate of Franklin. The land banking occurring around Tasmania for speculation, for the commercial advantage of individual businesses or landowners has to have a time limit on it. We cannot have land being held without buildings put on it for more than a period of time. We need a formal conversation with Tasmanians to end land banking.

We cannot do that when we have the population increase the minister is talking about, which seems to be a narrative he is building as a justification for no action on climate-change sectoral targets in Tasmania. If we are having the population increase he is predicting, we need to release as much land as possible and we need to put pressure on people to either build on their spare blocks of land or make them available to sell so other people can build on them. It is as simple as that.

We cannot keep sprawling out across the parts of Tasmania we must retain for natural values and agricultural uses. We have to densify and that means we have to look at every parcel of land, not just government-owned land, and everyone has to do some heavy lifting in this area.

The LGAT also talk about the lack of diversity in housing products to cater for the varying needs of Tasmanians who have different levels of wealth. They made the point that unless we deal with these things in a strategic and systematic fashion, we will not be able to deal with the spiralling housing crisis we find ourselves in.

The Planning Matters Alliance Tasmania had made a number of points in its submission. The first is a very good point - the fact that there are no provisions in this Housing Land Supply Amendment Bill for a particular proportion of land to be devoted to social and affordable housing. That is a fundamental problem the Greens have raised. We raised it in 2018 and with the Huntingfield supply order.

We cannot have fast-tracking of land for housing supply, ostensibly, to make these houses available for some of the most disadvantaged in Tasmania without having a mandated percentage of that land made available for social and affordable housing. We have so many people in housing distress and insecurity that we have to stop the nonsense that we will just let all ships rise in an open market, because it is not possible.

There are also no provisions within the Tasmanian Planning Scheme that encourage the provision of social and affordable housing. That is something else that has to be fixed.

A review of the state planning provisions is going to be conducted in March 2022 and the minister should consider including provisions within the SPPs to encourage social and affordable housing, instead of simply resorting to a Housing Lands Supply Act. Part of that pressure could be ameliorated by having a provision for a level of social and affordable housing in the planning scheme.

The Planning Matters Alliance Tasmania also says that Housing Land Supply Orders should be consistent with the Residential Development Strategy from 2013. This was a strategy developed by the State Architect, in consultation with the Minister for Human Services, Housing Tasmania, the Planning Commission, the Property Council, Housing Industry Association, the MBA and others. It was developed to ensure that the Government subsidise social and affordable housing developments, and that those developments do not repeat the mistakes of the past, where disadvantage has been entrenched by high-density suburban-fringe developments.

It is also the case that in 2020 the Department of Communities Tasmania released a design policy for social housing. I would like to ask the minister whether the design policy for social housing is what governs the sorts of housing designed in the master plan and outlined by the Department of Housing for developments such as the Huntingfield development. There seems to be a lot of things in there which go to the location of housing, the efficient use of land and water, the design, the liveability, the amenity, energy efficiency. Do all of these things have to be adhered to in the Huntingfield and other developments being designed and constructed under the Housing Land Supply Order?

We do not know where and how much land, and how many parcels of land, could be subject to land supply orders in the future. I do not know if the minister has any information he can share with us about this. This amendment bill removes the effective exclusion of some parcels of land in Tasmania from being able to be included in a housing supply order in future. Can the minister talk about whether there is a kind of list with a hectarage or a number of allotments waiting to be deployed for the building of houses through a Housing Land Supply Order?

We do not have any amendments proposed for this bill but we have quite a few questions that I would like to speak to in the committee stage of the bill. I do not intend to drag this out but there are some important questions that have to be asked on this really important bill, so I think -

**Mr Jaensch** - I am happy to take them now.

**Dr WOODRUFF** - I only have two minutes left and there are quite a few. The question about the increase in public consultation this bill provides, yes, this is good as it increases the

public consultations from 14 days to 28 days. It is not something to get excited about. It is just taking us up to the same standard already required by the Tasmanian Planning Commission. We would be much more excited on behalf of the community if there was something more substantial here about the meaningful engagement with communities. We recognise on their behalf the way they are often dealt with, picking people off one on one without group conversations can be very difficult for people who do not understand planning legislations. You have heard me say that before and I will say it again until maybe the department changes its practice.

I have a question which I can ask you now, minister. It is about the Homes Act, section 5(a). The bill expands the eligible land under the principal act to include land acquired under the Homes Act after the introduction of the principal act. I want to confirm that the Homes Act land can only be used for public housing. In other words, the Housing Land Supply Act can rezone Homes Act land, but is it the case that Homes Act land, the Housing Land Supply Act, provides no prescription for the percentage of land to be set aside for social and affordable housing? Is it the case that Homes Act land even after rezoning will still be Homes Act land which only allows for that to be used for social housing? Do you understand? I am happy to go into Committee to discuss that. I think my time is up. I will follow these up in Committee.

[6.22 p.m.]

**Mr JAENSCH** (Braddon - Minister for Local Government and Planning) - Mr Deputy Speaker, I will attempt to work through the issues raised as I have recorded them and I will seek further advice from my advisers here as I go. There was some repetition of matters as we went through and so some of the answers will hopefully be able to satisfy a number of speaker's questions.

Ms Dow at the outset asked how many houses - and a lot of the issues raised in questions are not directly relevant to clauses in the bill in front of us, but a context to it. I will attempt to answer where I can. In terms of houses built or activity on land that has been rezoned under Housing Land Supply Act orders so far, I am advised that around 40 hectares has been rezoned which is the equivalent overall capacity for about 600 standard residential lots. Of those lots, at the moment, DA has been approved for 15 units in West Moonah, 218 lots at Huntingfield, 48 lots at Rokeby and there are development applications currently with Devonport City Council and a development application about to be lodged with the council for the Newnham Housing Land Supply Order lot there.

Ms Dow made a wide-ranging commentary on her views of planning and the Government. The issue a number of speakers have raised is housing land supply orders are a stopgap measure; by themselves are not going to fix the housing shortage. We need to do a lot more. We agree. That is why there is a whole range of reforms in planning and in housing underway right now across Tasmania and more underway now than ever before.

Since coming to government, we have provided 1180 more homes as at early October. Supported accommodation: we have assisted 497 low-income families into home ownership the first time, released 358 affordable land lots for low-income buyers and helped 305 families into private rentals. Right now, there are 538 new homes under construction. We are on track to build 1500 new public houses by June 2023. There are currently 1170 long-term homes and units of homeless accommodation in the pipeline.

Our record investment of $615 million into public and affordable housing and homelessness initiatives, including our election commitment of $280 million to extend our building program of new public housing for Tasmanians in need is the biggest in this state for decades. That means we will build an extra 2000 new homes by 2027, on top of the 1500 already being built over the next three years, bringing the total to three and a half thousand new homes by 2027, to help our most vulnerable.

I congratulate the minister, Michael Ferguson and his team, Housing Tasmania, Peter White and his crew for their excellent work, as they have brought the level of building of new accommodation to people in need, be it stand-alone social housing dwellings, homeless accommodation, transitional housing, crisis housing, or youth housing. The program is bigger, fuller and longer than it ever has been in the past. I congratulate my colleagues and our department on the excellent work they continue to do.

However, there is a need as there was in 2018, to pull every lever we can to get more housing on to the ground for people who need it to address the shortage. That was the context in which then premier, Mr Hodgman at the time and our Government ever since has remained committed to the Housing Land Supply Act as one of those solutions. This is one of those break-glass emergency responses we need. If members here are going to keep talking about housing emergency or a housing crisis, it is somewhat disingenuous for them to turn around and criticise the Government for having a stopgap measure to respond at the same time as having a record investment program and a series of planning reforms looking to demand in the future.

I make no apology for this Government being absolutely committed to doing everything we can to get more housing on the ground and to release more land. When it comes to the Housing Land Supply Act, what that recognises is in amongst all this need and in this tight market with the shortage of housing, right across the state Government owns bits of land it does not need any more. Some may be suitable for housing because of where they are located near shops, services and public transport, near other housing for example. If it owns that land and it is suitable for housing, and not needed for other things and needs to be rezoned to be able to be activated and built on, we have to do it. It makes perfect sense. Everybody agreed on that at the time. Everybody agreed on that when we passed the bill through this House.

It still remains the case. It is immoral for the Government to be sitting on land that it is not using, that could be used for housing, if it is perfectly located for housing. That is what this act does. That is what this bill improves. It may not be that this is something we want to have to do for ever because our supply and demand will be in better balance, because we will have updated our planning and forecasts and long-term supply to account for a new prosperous Tasmania, where more people are coming to live, more people are staying, fewer people are fleeing, fewer people need to leave to get work and to look after their families than there was 10 years ago; but in the meantime, we are going to do everything we can to scoop up the land that we own, that could be used for housing, and get it to work providing homes for Tasmanians who need them. We remain committed to that. Everybody else has lost that sense of urgency, since 2018, but we remain committed and we will continue to do that, and we see that we will be able to do more of that as part of the expansion of the scope of this act.

There has been a lot of discussion on Huntingfield and I know that there was a very useful speech and vehicle for Mr Winter, Mayor Winter at the time; he worked that case pretty hard.

People have talked about the time taken for the Huntingfield project to get underway, and that somehow that made the proposition of our fast-track process look a little underwhelming.

The Housing Land Supply Act and the housing land supply order process is only about rezoning. I am advised, for the Huntingfield development, that rezoning went through in about three months. That process would normally take over a year. All the time since the rezoning, has been spent in argy-bargy with the Kingborough Council on their requirements for that development - many of which are off-site and many of which have been different from the rules applied to other similar developments in the vicinity.

The point is, and it sits behind many of the other questions here, the Housing Land Supply Act and housing land supply orders are only for the rezoning. The subdivision that follows that is subject to the normal council process. Every subdivision is subject to a discretionary development assessment process, which includes a public process, and is the normal business. For Huntingfield, we did a rezoning that might normally have taken a year or more, in three months. The other process since then has been down to the normal development assessment process and the way that has been conducted by that particular council, under its discretion, including, in this case, a fair bit of leverage sought to try and get several other commitments and investments out of government that were not part of that development's own requirements and there had not been expectations on a range of other similar sub-divisions previously approved in that vicinity. I want to put that on the record, to counter some of the claims that have been made. However, I need to move on, because time is marching on.

Ms Dow also asked for there to be more information in the process, and referred to some housing land supply orders currently in process in the Burnie area. I can confirm the department has advised me that additional information has been provided to the council at its request to assist their decision-making process, and I understand that more time has also been in the process granted to them to process that. We are awaiting their consideration of the additional information.

Also, in response to that and the experience of working on other sites, we have taken the feedback about the need for more time, for more people with an interest in these developments to be included in the consultation - hence the extension of the 28-day period, public consultation for all new orders. That is a component of the amendment that we have in front of us today. It will come again in other questions, but I need to be clear and put on the record, as I said in the second reading speech, 28-days public consultation on every new order under the Act, post this amendment going through.

Ms Dow also referenced that the Government should better inform communities about the need for more housing. I consider that we are doing this, because of an acute awareness of need for more housing across the state. It was a summit in 2018 that the Government responded to and informed that. I do not consider anyone could be under any illusion that at the moment, more housing and more housing land is a top priority. I do not consider we need to educate the community that it is a need to be addressed.

A couple of speakers, starting with Ms Dow, raised the issue of the size of land parcels. This comes from the PMAT submission or email that was circulated. The question again is, if the government owned land that was suitably located and met all planning requirements for housing and there was demand for it, why would we seek to limit the amount of that land that we brought into the correct zoning to build housing on.

I do not think that there is a likelihood that we will end up with too much new land specifically rezoned and held for purposes including affordable and social housing - which is what any land parcels held under the Homes Act would be. I do not understand the PMAT requirement or suggestion that there should be a limit on the size or amount of land and the matter there is that where you do have a block of land which is larger than a single lot and there is a requirement for subdivision, there is an established, existing, normal assessment process, with a public process embedded in it for getting approval of that subdivision. That is where the community is informed, and the council manages that process.

There was a question about links to the broader housing strategy that the Government is undertaking. Certainly, feeding in projections of demand by area for housing of different kinds is very much a part of that broader project. However, I would defer to Mr Ferguson in the first instance on further reporting on the details of that.

Ms Dow asked whether there are two time frames for consultation. No. I think an earlier proposal was that there be two sets; but for simplicity all orders will be publicly advertised - 28 days. Thank you for pointing out the typo - I guess that has been dealt with. It is inconsequential here, but thank you for bringing it to my attention.

There was also a comment that the Department of Communities and Planning need to be able to work together -

**Ms White** - It is good to understand how they do work together, minister.

**Mr JAENSCH** - They do work very closely together on the development of these housing land supply orders; but in that case we have Housing Tasmania, Communities Tasmania as the developer. I suppose what you have seen in evidence of the submission was with the proposition of changes to things like requirements for consultation.

We had a submission from the department, that is working under the current arrangements under a lot of pressure to deliver things very quickly, because we urgently need to get more housing out on the ground. They expressed through that, their opinion that if we were going to get more housing on the ground, adding time and process to something which they could already do under the existing arrangements is not going to help them meet their targets. I am quite happy for there to be that tension. I believe it is quite appropriate. I love that we have as a part of our Government our housing developer, which is pushing hard to build more houses as quickly as possible and asking us to really test where we need additional time in those processes. That tension works well for Tasmania getting a good outcome which is going to be as quick as we can but also giving people a fair chance to have their say. We have certainly heard both sides of that and I believe we have come to a reasonable accommodation.

Certainly, housing and planning are both part of this broader, longer-term strategic approach to developing the housing that we need and that longer-term over the horizon strategy that Mr Ferguson has carriage of.

I will move to Mr O'Byrne's contribution. Again, the nexus there, between talking about a housing emergency and then being critical of government taking emergency measures like this time limited act to get more housing built sooner. We make no apology for doing that but it is not the only tool. There is a whole range of work underway. Mr O'Byrne referred to the 14-day consultation being inadequate. Yes, that has been amended in this amendment to

28 days public process for all, noting again that many of these rezonings will be followed by a DA process for subdivision which will include public processes through the local council.

He asked a question about whether there is public consultation required for the TDR land and the land on Flinders Island. Yes, there is, the same as for all orders, 28 days public process there.

**Mr O'Byrne** - Is that only the interested persons?

**Mr JAENSCH** - No, the public. Interested persons as defined in the legislation now will still be notified directly because their interest is more immediate as neighbours, et cetera, and as people who provide services into those areas, but they will be alerted to the public process so that they do not miss the advertisement, if you like.

Mr O'Byrne also asked how much land will go into housing land supply orders and this is a topic that Dr Woodruff picked up on herself and Planning Matters Alliance Tasmania (PMAT) raised it again. What I will do here, is read in what land can be used.

The act applies to land owned, vested in or held by the director of Housing or Crown Land under the Crown Lands Act before the act commenced in 2018. We want to add to that -

> Land owned by the TDR board prior to the act coming into effect and land acquired by the Director of Housing after the act came into effect.

Importantly, land that is excluded includes land reserved under the nature conservation act that is managed under the National Parks and Reserves Management Act, managed under the Wellington Park Act, permanent timber production zone land and future potential production forest land under the Forestry Act.

The other thing is there is a set of planning assessment criteria that must be used to determine the suitability of land and the intended zoning. I need to be satisfied that the relevant land parcels meet those requirements. Those criteria are that -

- there is a need for land to be made available for housing;
- that the land is suitable for residential use and appropriately located in proximity to public and commercial services, public transport and employment opportunities;
- that the intended zoning is consistent with state policies, the relevant regional land use strategy, future Tasmanian planning policies and it furthers the objectives of LUPAA;
- that the use and development of the land for residential purposes would not be significantly restricted by any codes that apply to the land;
- that the development has regard to any guidelines issued under 8A of LUPAA;
- that the environmental economic and social effects and the effect on Aboriginal and cultural heritage have been adequately considered, including advice on advice from the Tasmanian Heritage Council, the Aboriginal Heritage Council, the Department of Primary Industries, Parks, Water and the Environment; and

- the intended zoning would not be likely to create any significant land use conflicts and enables the land to be developed at least to a suburban density.

That defines the window of types of land. You have that land, those types of land that meet those requirements and it is owned by government. That is not masses of land, but it is going to occur in little pockets across the state, or it could be acquired. It may be acquired through things like land swaps or trades or acquisition from local government. In many cases, local councils have asked us if they could transfer to the government a parcel of land they have that is a former school site, a former sportsground or something that they think would be ideal for development.

Without this amendment, we cannot bring that in and apply the Housing Land Supply Act to rezone that, to rapidly bring it to market for use under this act. The question is, how much land are you going to develop under Housing Land Supply Orders? Of those types of land, where it exists in government ownership, it will be as much of it as we need to solve the problem that not enough of that land is available for housing. All of it, if we can, if there is still a need for it. Where this goes is very much defined by those criteria, the eligibility and the need. At the moment, I do not think we are in any danger of oversupply of those types of land zoned for housing, for social and affordable housing.

How does the Housing Land Supply Act Order intersect with good planning principles and strategic planning? I think Mr O'Byrne asked that question. The quick answer to that is the planning assessment uses all the same criteria that would be used by the Tasmanian Planning Commission. We have to make statements warranting those strategic planning requirements are addressed and assessed during the normal process. That is what goes in the order, which is tabled in parliament as a disallowable instrument.

We talked about 14 days, and the comment also that social and affordable housing needs to be part of all Housing Land Supply Orders. In effect, it is. This is an issue also raised by Dr Woodruff. It comes down to the use of the Homes Act 1935 in conjunction with this act. The Housing Land Supply Act provides benefits for the delivery of social and affordable housing. The declaration of a housing land supply order vests the land with the director of Housing to deliver housing outcomes under the Homes Act 1935. This is what we went through when we put the substantive act through. This guarantees that affordable housing outcomes will be delivered.

That is what the Homes Act is for; the Homes Act specifically governs how housing assistance and housing support services are provided to eligible persons. This includes people who are homeless or at risk of being homeless, who live in housing that is unsafe or unsuitable, that are a safety risk to themselves or others or there is a third-party threat to them, are living in housing that does not meet or makes worse their health or mobility, or do not have the financial capacity to meet their housing needs.

In essence, the Housing Land Supply Act in conjunction with the Homes Act effectively provides a form of inclusionary zoning through the Planning Scheme, ensuring there is a share of new housing construction allocated to those in need. Where you have a larger development like Huntingfield, what you will have in that is not wall-to-wall social housing but a blend.

**Dr Woodruff** - It is only about 5 per cent, is it not?

**Mr JAENSCH** - I think 15 per cent is the indicative -

At Huntingfield where you have a large area and you do not want to create a broadacre social housing estate, it needs to be a mix. There is a proportion. In the case of Huntingfield the best practice that is worked to is 15 per cent social and affordable. However, if you have a parcel of land that may have been a former school site or sportsground in a neighbourhood with otherwise very low levels of social and affordable housing, the percentage of that land that is used for social and affordable housing might be significantly higher because you are using the proportion of that neighbourhood as your guide. Whilst 15 per cent would be in a large subdivision in a new or greenfield area like a Huntingfield development, if you were landing this in a suburban area with very little social housing in your order you might have a relatively higher concentration because you are achieving your 15 per cent for that postcode.

That is the flex that there needs to be in this and that is the judgment that is applied. It also shows how far we have come since the notion of whole suburbs dedicated to social and affordable housing, which has a whole range of other social benefits longer term for residents of those areas.

Dr Woodruff, that goes to a number of the questions that you had about that issue and the inclusionary issue as well.

I will see if there is anything else in Mr Winter's contribution that I have not covered. Much of it was his story about Huntingfield and how it helped him get elected.

**Mr Winter** - What?

**Mr JAENSCH** - You are welcome.

You referred to a council slip lane process and the Government challenged that. I do not have a detailed briefing but I understand that there was a point there where the council proposed a condition on the development of the roundabout which it did not have the power to provide. Therefore, there needed to be an amendment and an agreement was reached with the council on how to proceed.

Through the Housing Land Supply order process the rezoning of the Huntingfield project, which is what the Housing Land Supply Act is for, was achieved in about three months. Everything since then has been about the ability to get that project through the normal development application process with the council. It has been terrific to see that under the new mayor things have really moved along nicely and a development application has been approved there. It has been great and very gratifying. I think everyone here would be happy to see that at long last there is a development approval for Huntingfield.

The Residential Development Strategy was the other question that Dr Woodruff raised. That also goes to the distinction between the Housing Land Supply orders being for rezoning, whereas the Residential Development Strategy relates to the detailed design of the residential developments that happens subsequently to the rezoning.

**Dr Woodruff** - I do understand that.

**Mr JAENSCH** - There is some crossover. The relevant considerations from the Residential Development Strategy for suitably locating housing are embedded in the assessment criteria in the Housing Land Supply Act, including that consideration of proximity to services and transport and so on.

The other matter you raised had to do with design principles and standards. The Department of Communities Tasmania's current design policy for social housing does incorporate design principles from the Residential Development Strategy in addition to the Liveable Housing Design Guidelines and the Victorian Universal Design and Sustainability Guidelines. This ensures that all new social housing is appropriately designed, if it is delivered under this act. The identification of the land itself and the bits that are outside this act but downstream in the development that takes place are guided by those principles.

We do not know how many parcels of land; I think I have answered that one. You said the increase in public consultation which is nothing to get excited about. It is exactly what PMAT asked for.

**Dr Woodruff** - I still think it is a low bar myself. There are many more things that we could be doing to increase community engagement.

**Mr JAENSCH** - That is the increase that they recommended. We have done that and made it consistent. I think I have already dealt with the Homes Act question regarding that inclusionary concept, inclusionary percentage.

**Dr Woodruff** - Through you, Chair, I just was not clear whether you said that the housing land supply order will prescribe a percentage of land to be used for social and affordable housing. Does the Housing Land Supply Act require that to be prescribed in an order?

**Mr JAENSCH** - The fact of the land being land under the Homes Act means that it is acquired and is developed with the needs of those people in mind. I read through as a set of categories - It does not mean that it is all used for that.

**Dr Woodruff** - Some of it comes - through you, Chair.

**Mr DEPUTY SPEAKER** - Dr Woodruff, we are going into Committee, aren't we?

**Mr JAENSCH** - That 15 per cent is the benchmark that is used for those large developments, but it can be higher, given the context that you might be in, as I already said.

**Bill read the second time.**

## HOUSING LAND SUPPLY AMENDMENT BILL 2021 (No. 51)

### In Committee

**Clauses 1 to 4 agreed to.**

**Clause 5**
Section 5 amended (Land that may be declared to be housing supply land)

**Dr WOODRUFF -** We nearly finished my questions on the clause 5 but the Deputy Speaker did not want any further interjection. Minister -

**Mr Street** - If we could just play by the rules, Dr Woodruff.

**Dr WOODRUFF -** That was not a slight. I know we have had a few late nights but -

**Mr Street** - It was a reflection on the Chair.

**Dr WOODRUFF -** Actually, Mr Street, it was not a slight or a reflection on the Chair. It was a statement of the fact that we had come to the extension of your limits for allowing interjections.

Here we are now at clause 5. Minister, the question I have is that not all land that would be declared under a Housing Land Supply Order for rezoning for the housing land supply is Homes Act land, is it? Some of it is from the Tasmanian Resource Development Board. Some of it comes from Crown land. Some of it comes from a number of places. Those parcels that are not from the Homes Act do not have any stipulations about the percentage of social and affordable housing. Will the Home Land Supply Order stipulate in the order what the percentage of social and affordable housing must be?

**Mr JAENSCH** - My understanding and advice is that when an order is prepared, regardless of whether the land has been previously owned by the director, is TDR land or from one of these other sources, when it is rezoned it is then vested in the Director of Housing under the Homes Act. The Homes Act is for those specified purposes which includes delivery of housing for people with housing needs as I have read in earlier on. All land that has been rezoned and is developed for housing is held by the director under the Homes Act as housing land.

**Dr WOODRUFF** - Is there an actual standard percentage required to be set aside for affordable housing or social housing within that? For Huntingfield, the amount for affordable housing was up to 5 per cent. Is that right? There is no standard in the Housing Land Supply Act that details this. It is really a subject of each instance as an order comes before parliament. The proportion for social and affordable housing will be determined on a case by case basis.

**Mr JAENSCH** - Dr Woodruff, section 6B of the Homes Act -

> **Purposes to be taken into account by Director**
>
> In performing a function, or exercising a power or duty, under this Act, the Director must, to the extent practicable given the financial and other constraints on the performance or exercise of those functions, powers or duties, take into account the following purposes of this Act:
>
> (a) to enable persons to reside in residential accommodation that is safe, secure, appropriate and affordable;

(b) to promote, and enable, the provision of safe, secure, appropriate and affordable residential accommodation;

(c) to provide housing assistance, and enable the provision of housing support services, so as to assist in the economic and social participation of persons who, without such provision, may be restricted, in whole or in part, from economic or social participation in society;

(d) to encourage and enable the integration, into existing and new housing communities, of -

(i) persons with diverse characteristics and diverse financial, social and personal circumstances; and
(ii) residential accommodation that is owned or leased by such persons who reside in it or that is provided to such persons by way of housing assistance;

(e) to ensure that housing assistance is, and that housing support services are, able to be, provided -

(i) to the persons most in need of such assistance and services; and

(ii) for the period that such assistance and services are required to be provided to those persons;

There are others to do with financing and other matters.

The point is under this act, the Director of Housing as the developer is obliged to provide for those needs. In some cases that will be by developing a small block in a normal suburb specifically for a group of people who are not provided for there. All of it. Where there is a greenfield development there will be a need to provide a mix that provides for the needs of people in need of assistance with their housing catered for first in the design, rather than an afterthought.

To me this is the equivalent of what others have talked about as inclusion rezoning and all land that is rezoned and held and developed under the Housing Land Supply Act is subject to these requirements of the director.

**Clause 5 agreed to.**

**Clause 6 -**
Section 6 amended (Inclusion of intended zones in housing land supply orders)

**Dr WOODRUFF** - This a very good question posed by the Local Government Association of Tasmania in the submission Dion Lester made. It was in relation to the subsection 61A of the Housing Land Supply Act that has been amended to align the assessment criteria from the rezoning land with the assessment criteria in the LUPA Act specifically, the criteria relating to regional land use strategies and the Tasmanian planning policies.

In clause 6, section 6 of the principal act is amended by:

(a) by omitting paragraph (a) from subsection (1) and substituting the following paragraph:

(a) the Minister is satisfied that to assign the intended zone to the area of land or part -

(i) would be consistent with the State Policies; and

(ii) would be, as far as practicable, consistent with the regional land use strategy in relation to the area of land or part;

Minister, the question is about the use of the words 'as far as practicable'. Can you provide some clarification around what a rezoning that 'as far as practicable consistent with the regional land use strategy' would mean? What sort of boundaries would you have on practicable in something like in terms of consistency? That is required in order to provide rigor to that assessment criteria.

**Mr JAENSCH** - The change in language proposed in the Housing Land Supply Act is intended to bring it into alignment with relevant parts of the Land Use Planning and Approvals Act that deal with normal planning scheme amendments. As I understand it, this is a housekeeping matter largely because the Land Use and Approvals Act has undergone some changes recently to introduce the term 'as far as practicable' and we are bringing the Housing Land Supply Act up-to-date so that it is consistent, and the same language applies.

The need to be 'as far as practicable,' consistent with the relevant, regional land use strategy acknowledges that the strategy outlines the broad, regional planning strategies and policies. In many cases it is not possible for a localised rezoning to be fully consistent with the regional land use strategy as it does not delve into the localised detail and how each parcel of land in the state should be zoned.

The assessment criteria provides the ability to make appropriate, professional planning judgment on the suitability of the land for rezoning under a housing land supply order, in the same way that the independent Tasmanian Planning Commission has used in the criteria over a number of years in determining the suitability of planning scheme amendments.

This means that these decisions are made in the same way as they are made by the Tasmanian Planning Commission for normal planning scheme amendments. This should give confidence that there is an equivalent process used under a housing land supply assessment, as there would be under the Tasmanian Planning Commission, under a normal rezoning assessment. It is for equivalence and consistency.

**Dr WOODRUFF** - The problem I have with that - and I think the problem that LGAT might have with it - although I cannot put words in their mouth - is that you are talking about making it consistent with the Tasmanian Planning Commission - sorry, did you say?

**Mr Jaensch** - LUPAA.

**Dr WOODRUFF** - With LUPAA, that is right. LUPAA has very tight, inflexible assessment criteria. Although there is some controversy about those words 'as far as practicable', I understand that it makes sense when you are talking about LUPAA. However, when you are talking about the regional land use strategy, it is a strategy and as you said, does not have tight boundaries. How does 'as far as practicable' work, with the boundaries of the language that the regional land use scheme has? This is LGAT's point. They cannot understand, I suppose, how you can move from something which is quite black and white detail to something which is strategic and has more flex in its interpretation.

**Mr JAENSCH** - I suggest that the amendment recognises the issue that you raise and has adopted, for the Housing Land Supply Act, the same way of dealing with it as is adopted under LUPAA. That means there is a point where there is a requirement to make appropriate, professional planning judgment to interpret the regional land use strategy as it applies to a particular parcel of land.

**Dr Woodruff** - Through you, Chair, who will do that interpretation?

**Mr JAENSCH** - In the case of?

**Dr Woodruff** - Housing Land Supply Act.

**Mr JAENSCH** - In terms of a Housing Land Supply Act - that judgment is applied by the minister, based on professional planning advice from the department, taking into account also the content of submissions made through the public process and then the result tabled in two Houses of parliament for the elected representatives of Tasmania to scrutinise.

**Clause 6 agreed to.**

**Clauses 7 and 8 agreed to.**

**Clause 9 -**
Section 12 substituted

**Dr WOODRUFF** - This amendment bill removes from section 12 the giving of notice to interested person in the principal act, and puts in an extensive amount of detail about exhibition notices, exhibition documents and exhibition periods. That is great. Proposed section 12(1)(c), says -

> ***exhibition documents***, in relation to a proposed order, means -
>
> …
>
> (c) such other information, if any, in relation to the proposed order, that the Minister thinks fit;

I turn again to the question of the land supply order maps that were attached to the housing land supply order for Huntingfield, that could not be understood by the general public. Very wide comments were made in response to that order, that people could not understand what was being proposed by the housing land supply order. PMAT made the point that the maps had to be reproduced by a mapping expert who was financed by the community, so that

people could understand it. It goes back to making things available for people, taking it out of the planning jargon, to a place for the community to understand.

I am asking you, minister, whether you will make a commitment to investigating how the process could be improved. You have, as this amendment bill enables, the power to provide any other information in relation to a proposed order that you see fit. It would be a fantastic contribution you could make to the community, to get to the bottom about this information about communication and planning. I am asking you to make a commitment to meet with PMAT as a key stakeholder, and others as you see fit, to see what could be done in future, so that people can really get their head around what is being proposed when these communications are made.

**Mr JAENSCH** - That is more of a statement or asking me to make an undertaking. We certainly learn from each order and that is why we have brought some of the amendments we have here today. They have all been based on our experience of the orders that have passed through so far.

Certainly, Huntingfield was large and complex. One of the difficulties there - which we are unlikely to face many of, because there are not that many Huntingfield-scale greenfield orders anticipated - was that the maps that were proposed for the rezoning did not provide the level of information people may have been seeking about what the development was going to be because it was not a map of the development - it was a map of the zoning.

That was an issue of managing expectations, and being able to explain to people what was likely to follow in terms of the master planning, and the development application, that there would be further process on. That comes down to the ability to lay out a complex planning process to ordinary citizens who simply want to know what is going to happen. That is not all included in a zoning map. In every case, we will learn and we do have regular meetings with PMAT.

**Dr Woodruff** - Do you?

**Mr JAENSCH** - Yes. We are overdue for one but we have had a number of productive discussions with them. I am sure we can keep finessing this.

**Clause 9 agreed to.**

**Clause 10 agreed to and bill taken through the remaining Committee stages.**

**Title agreed to.**

**Bill to reported without amendment.**

**Bill read the third time.**

## ADJOURNMENT

[7.20 p.m.]

**Mr JAENSCH** (Braddon - Minister for Local Government and Planning) - Mr Deputy Speaker, I move -

That the House do now adjourn.

### Aunty Phyllis Pitchford - Tribute

**Mr JAENSCH** (Braddon - Minister for Aboriginal Affairs) - Mr Deputy Speaker, I rise tonight to reflect on the sad passing of Aunty Phyllis Pitchford who passed away earlier this month. Aunty Phyllis was a trailblazer for Tasmanian Aboriginal people and is highly regarded as a passionate and proud advocate for her community, their identity, culture and traditions.

A respected Aboriginal elder, Aunty Phyllis worked tirelessly on behalf of her community on a wide range of issues including youth justice, child care, education, housing, family violence and Aboriginal women's health and wellbeing. Aunty Phyllis achieved so much in her lifetime, always in the name of her people, the Tasmanian Aboriginal people.

She was a founding member of the Flinders Island Aboriginal Association, now one of the biggest Tasmanian Aboriginal community organisations in the state as well as the Babel Island Aboriginal Corporation and the Tasmanian Aboriginal Child Care Association. She was a published poet, author and academic which included time as the elder in residence and a board member for Riawunna, the University of Tasmania's Centre for Aboriginal Education.

As a prominent elder in her community, Phyllis took great pride in mentoring the next generation and worked closely with young Aboriginal people in the youth justice system and at the Ashley Youth Detention Centre. Aunty Phyllis also held a number of government advisory roles including the Tasmanian government's State Strategic Planning Committee, the *ya pulingina kani* Indigenous Family Violence Working Group and the Tasmanian Women's Consultative Council.

Her contributions to her community have been recognised on the national stage. In 1992 Aunty Phyllis received a NAIDOC award in recognition of her contribution to the communities of Tasmania, Flinders Island and Cape Barren Islands. Locally, in 2008, she was entered onto the Tasmanian Honour Roll of Women for her service to Aboriginal Affairs and the arts.

Aunty Phyllis' passing would be deeply felt by the Tasmanian Aboriginal community and the broader Tasmanian community as a whole. Over the last few months when I have seen her and met with her at events on the north-west coast at Ulverstone and Devonport, regardless of the room, she has been surrounded by children - her own and others, grandchildren, many of them. Anybody who came into the room has found themselves drawn into her orbit, queueing up for a hug, a chat, even people she was meeting for the very first time, including me.

When I first met her, I was introduced to Nan and received not a handshake, not a nod, but a great big hug and sat down for a very long conversation. Glinting eyes, a great big heart, a wonderful lifetime of service to her people and her state. She will be greatly missed and on behalf of the Government, I extend my deepest sympathies to her family and her community.

## Aunty Phyllis Pitchford - Tribute

[7.25 p.m.]

**Ms O'BYRNE** (Bass) - Mr Deputy Speaker, I thank the House for its understanding in allowing these three contributions to be heard together and read into the *Hansard* together, as we honour the life and community service of Aunty Phyllis Pitchford who passed away on 19 October.

I extend my particular sympathy and appreciation to her children, Chris, Guy, Greg and Sharon who have given permission for us to speak of Aunty Phyllis today in this place. I pay my respects to her children passed away, Grant and Marilyn, and her many grandchildren and great-grandchildren, and extended family and friends who grieve the loss of a truly lovely human being.

We all mourn the passing of one of our most beloved community members, a respected Elder, an advocate for children, for women, for education, for youth justice and housing and for indigenous rights, a celebrated poet and one of the loveliest people I have ever had the pleasure to know.

She had a great sense of humour and a voice and a heart capable of the soundest advice and kindness and there is no way to describe the restorative nature of being enveloped in one Aunty Phyllis' hugs. I had one of those hugs at lunch during NAIDOC week and it is hard to imagine to not get another one.

I and my family have known Aunty Phyllis for a very long time and we will all miss her and the Labor Party extends our sympathy today.

Aunty Phyllis and her twin sister were born at the QV Hospital - as many of us were in Launceston - back in 1937 to Jane, or Jenny, Beaton and George Brown and then her mother returned to the family's home on Cape Barren Island. When she was young, Phyllis' mother moved between mainland Tasmania and Aunty Phyllis and her five brothers were then dividing their time equally between their father who remained on Island and her mum in Launceston.

Phyllis remembers her childhood as a happy one and she said it did not feature any conflict between the children on Cape Barren. It was in fact, not until she left the Island that she remembers her first direct experience of racism. She would say her childhood was happy and she had many fond memories of mutton birding with her parents.

She attended Charles Street Primary School and Brooks High School. She always said that she loved school and her love of her learning stayed with her. After school, Phyllis got married, as she would say, too young but I do not regret it, and moved to Flinders Island. Her marriage did not last but she had her three eldest children, Marilyn, Grant and Guy, a big gap before Greg and an even bigger gap before Christopher, the baby was born.

She went to university, studied biology, geography and geology. That lasted two years but the death of her brother in prison had a profound impact on her and she felt that she could not continue. So, of course, Aunty Phyllis increased her activism and worked for the Tasmanian Aboriginal community. She became a passionate advocate for young people, particularly those in the justice system and was a regular visitor and counsellor to Aboriginal children in the Ashley Detention Centre.

She was the Chair, and in the fact the driving force behind a wonderful project called *meenah mienne* and I remember her showing me through it and the great pride that she had in it. *meenah mienne* translates to 'my dream' and she used the arts as a mechanism to engage with children in the justice system and it had a real effect and many positive outcomes. Aunty Phyllis summed it up by saying that 'there is nothing better than seeing a smile in the eyes of a child'.

Aunty Phyllis was passionate about all children but especially her own, whom she loved very much. The loss of Grant hit her hard and she struggled for some time with depression but I think writing helped, as did the love of her remaining children, her family and community. In an interview with Danielle Blewett, she said that writing gave her a place 'to look at me from the inside'. The loss of her daughter, Marilyn, earlier this year was devastating.

Aunty Phyllis wrote academic papers for state and national Aboriginal education programs, was an Elder-in-Residence speaker and board member of Riawunna. She worked and served on so many Aboriginal organisations, usually on the boards and committees as a volunteer. She was a founding member of the Flinders Island Aboriginal Association, the Babel Island Aboriginal Corporation, and was very passionate about TACA, the Tasmanian Aboriginal Childcare Association. She was heavily involved with the TAC and she loved the Elders.

Aunty Phyllis was on the Tasmanian Government's State Strategic Planning Committee *ya pulingina kani*, which means 'it is good to see you talk', which was the Indigenous Family Violence Working Group. I was privileged as minister, to work with her. She served on the Tasmanian Women's Consultative Council. She received a NAIDOC award in 1992 and was inducted onto the Tasmanian Women's Honour Roll in 2008. Her very cheeky grin that day will stay with me forever.

Her writing was powerful and her poetry explored Aboriginal history, culture and identity. I will read one of her poems because I would like to leave the parliament with her words in her poem's sad memories. It is a poem of sadness, but also of great strength and inspiration and the power of a strong Aboriginal woman.

Sad Memories

I'm an Aboriginal Woman so proud of my race
But I carry sad memories which I cannot erase
Of so many things from back in the past
Though some are forgotten, there are others that last.

When I was a small girl at my mother's knee
I heard 'Old Ones' talking of what used to be.
At times there was laughter but then they'd grow sad
As they dredged up old memories of times that were bad.

I was too young to know then, so could not relate
To the blows that were dealt by the cruel hand of fate
The shame, degradation, the anger and scorn
That was heaped on my people, long before I was born.

Now today I still question, which was the worst kind?
The rape of the body, or that of the mind?
They never told all that was hidden inside
And though deeply wounded, they salvaged their pride.

And as they passed on, where it's proven today
In the pride that we carry as we pave the way
For our children, our future, we must try and erase
Those sad bitter memories of long bygone days.

Recognition is happening though advancement is slow
And we all are aware there's a long way to go.
In the move to step forward, away from the past
Give us back our Identity to walk free at last.

As I think of the 'Old Ones' I now understand
The pain that they carried for the loss of their Land.
Though I live with their memories of things that were wrong
As an Aboriginal Woman, I am, I am strong.

Vale, Aunty Phyllis Pitchford. Rest easy in the arms of your old people. We honour your life, we mourn your passing. We are greater for your being.

## Aunty Phyllis Pitchford - Tribute

[7.31 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Mr Deputy Speaker, what beautiful contributions. We have just heard about the life and legacy of Aunty Phyllis Pitchford from Mr Jaensch and the member for Bass, Ms O'Byrne.

I rise to pay tribute to Aunty Phyllis Pitchford, Elder, teacher, mentor, historian, poet, academic, author, mother, grandmother, great-grandmother and great-great-grandmother. Aunty Phyllis Pitchford, what an extraordinary Tasmanian and what a wonderful legacy of love she has left behind.

Aunty Phyllis is what my mother would call 'one of life's rare happenings'. She was fierce in her determination to speak up for her people and be a voice for her people and recognition of her people's struggle and identity but she did this with such gentleness and love. An extraordinary human being.

The first time I really met Aunty Phyllis was when I was the minister for Aboriginal affairs and we went to a community cabinet in Launceston. It was about 2010 or 2011. Aunty Phyllis came along to, I think it was the Royal Oak, where we had dinner. I had only just met this amazing person and instantly felt this connection because Aunty Phyllis had a way of looking you deep in the eyes and reaching right into your heart.

Aunty Phyllis was one of those people who was absolutely full of love. I agree with what Mr Jaensch said before about the twinkle. She was one of those people who could make your heart smile. That enveloping hug; there was no feeling quite like it. It was such a privilege as

a newly minted minister for Aboriginal affairs to have Aunty Phyllis there offering her hand and her heart in friendship to help me understand some of the issues affecting her people.

We have heard from the minister and Ms O'Byrne about Aunty Phyllis' amazing contribution to the wellbeing of Aboriginal people but also to civic life and to arts and academia. On another occasion I remember going to Riawunna when Aunty Phyllis was the Academic in Residence. You could tell that everyone who worked there basked in her love. In the half a day I was there she took me around, introduced me to everyone, made sure we had a lovely sit-down lunch together and her delight in being with people and just sharing time was really quite rare. She was deeply beloved.

I will read now from an *Examiner* article from October this year, not long after Aunty Phyllis passed away on the 19 October. The article says:

> In an interview with *The Examiner* last year Aunty Phyllis said she had not experienced racism while being taught on Cape Barren and first experienced discrimination when she took a trip with her father to Flinders Island. She said, 'Growing up and going to school on Cape Barren there was no conflict between the kids', she said. 'We were all different skin colour, some were darker and some were fairer but we never thought about anything like that, we were all just a bunch of kids and we were happy kids.'
>
> Her parents often went mutton birding on Mount Chappell Island and Aunty Phyllis often shared memories of that time with the generations below her. Michael Mansell said, 'Not only did she have a lot of knowledge on the generations before but she was passing that on to a lot of people who would listen. She was the bearer of cultural history and someone who passed it on. That's why she was such a prominent figure in the community.'

As a poet and an author, Aunty Phyllis's work has been widely recognised. Her poem 'We're Here' has been exhibited by the National Museum of Australia. As a member of the Tasmanian Aboriginal Elders Council and the Tasmanian Aboriginal Centre she spoke out against injustice in the community.

TASC secretary, Trudy Maluga, made particular note of Aunty Phyllis' work as an Elder and a mentor for the *meenah mienne* project that Ms O'Byrne referred to which encourages artistic expression for Aboriginal youth in the justice system. She said:

> She gave them a place that incorporated their artistic talents as a therapeutic way to deal with their past demons and the racism that Aboriginal children still endure today. She believed that art, culture and the connection to country was the key to making our community strong.

The beautiful poem 'We're Here' is in the National Museum and was written many years ago in 1984:

> They tell us we're not here, we don't exist
> As though we're phantom shadows from the mist.
> 'The last one went when Truganinni died,'
> Or so they say. What is there left to hide?

The more we prove, the more they disagree,
'They're just not here.' Won't listen to our plea
And come to grips, accept us as we are
On equal terms, forget the colour-bar.
We know we're here, let's get one story straight
The government helped choose our present fate
When they dropped the word half-caste so long ago
And 'Aborigine' became the YES or NO
On forms that help some people to survive.
The census count tells us we're still alive.
So try to acknowledge we are living here
On an even scale, not bringing up the rear.
To prove ourselves we cannot live a lie
We're equal born, and equally we die.

What a beautiful poem. Aunty Phyllis was luna mangena, which in palawa kani is warrior woman, but she was a warrior woman with a gentle heart. For a long time on the wall of the eleventh floor of the Executive Building was an extraordinary painting which was part of the State Collection by Bridport artist, Wendy McLennan. It is a picture of Aunty Phyllis. It is a large painting. It is such a beautiful painting of Aunty Phyllis standing at wybalenna, proud and strong for her people and in her people's identity. As we know, her image in that painting will endure and remind us of her kindness and strength as will her extraordinary and generous legacy.

On behalf of the Greens I wish most heartfelt condolences to Aunty Phyllis's large family, her community and the Tasmanian Aboriginal people. Vale gentle, loving, grand, generous and wise, Aunty Phyllis. I am sure the old people will greet you well.

## School Strike for Climate

[7.39.p.m.]

**Dr WOODRUFF** (Franklin) - Mr Deputy Speaker, I rise a few days before the Glasgow COP26 summit which is a truly grave and pretentious meeting of leaders of countries around the planet to decide collectively our fates. I want to speak into the *Hansard* the words of a couple of speakers who spoke at the school strike for climate which was held on Friday 15 October just two weeks ago on a very wet and wild day. I have to say, I pay great praise and tribute to the young people who organised that. Sam Eccleston was one of the leaders, but there were many other organisers of the School Strike for Climate.

This was an enormous group of people who turned up. Well over 1000 people were there. There was a rally that went from the Domain to Parliament Lawns, an enormous logistical exercise given it rained and given the COVID-19 requirements. This was all run by the children. They did not have any adults in there organising it for them. They do not have anyone working in the background. This is not a front group. This is students who took time off school to do an amazing logistics exercise to speak to young people and it was young people's voices I want to read in today.

One of those young people was Lucian Beattie. These are abridged statements from people. Too often, he said, I hear people saying that striking is useless, that it is a waste of time. We strike, so that they will act.

It was only this week that Scott Morrisons buddies in the Murdoch Press began promoting net zero by 2050. This may sound like an amazing step forward, but truly it is just a greenwashed election scheme, hidden behind demands from the Nationals for $250 billion in subsidies to the billionaire owners of the fossil fuel industries. And not to mention the fact that net zero by 2050 is 20 years too late.

Unfortunately, he said it is not only the federal government that needs to act. I am utterly shocked that our Premier, Peter Gutwein can target net zero emissions by 2030 but still ignores pushes to declare a climate emergency saying that it will frighten the children. Well look at us now, Lucian said, frighten children, but we are not frightened the way Premier Gutwein said we would be. We are frightened because we have a government that won't take up their full responsibility and act. We are frightened because we have a government that will not declare a climate crisis, a crisis that our government, being the 'climate leaders of the country' are doing their best to fight, but still will not even acknowledge its existence.

This is truly the turning point, Lucian said, if our government and world do not act on climate change to the best we can, we are doomed. It is hurtful to know that we have a government that chooses to care more about money than they care about the health and safety of their own citizens. For them not to act or care about the state of our planet's climate, is the equivalent of digging our future children's graves before they can even have a chance to see the beauty of earths nature.

These are hard words. This is spoken by a young man to a group of children. Children who know the reality. Who are not afraid to talk about their future, because this is the future they are coming into. Also, there was the young woman, Panina Egossi, from National Climate Justice.

**Members** interjecting.

**Dr WOODRUFF** - I did not write those words, Mr Ferguson. I speak those words of Lucian Beattie. While we are here, I have before me - and I did promise the children at the rally that I would table these statements from the children to the House. So, with your indulgence, Chair -

**Mr Ferguson** - No, not when you have not circulated them and provided -

**Dr WOODRUFF** - I am circulating them now. But if you -

**Mr Ferguson** - No. Members need time to have read it because it attaches privilege, which you should know about.

**Ms O'Connor** - That is interesting, isn't it?

**Mr Ferguson** - It doesn't work like that.

**Dr WOODRUFF** - This is the first. We have never had an adjournment. I have never seen this.

**Mr Ferguson** - You have to do your work properly.

**Dr WOODRUFF** - Okay.

**Mr DEPUTY SPEAKER** - The question is that leave be granted for the member to table the documents.

**Mr FERGUSON** - No. Unfortunately, if I have to rise to explain this. This is a serious process that attaches privilege to a document. You cannot just drop it on the Table and expect the House to attach that privilege which amongst other things is the defence on defamation lawful claims. It just does not work like that. I invite the member to reconsider her actions and ask for it to be tabled at a future sitting.

**Ms O'BYRNE** - I absolutely understand the desire to table this and the commitment that you gave to young people, but it is form to normally circulate. Having a quick scan, I cannot see anything there that would cause any concern for Government.

**Dr Woodruff** - They were just speeches made on the lawn outside. There has been a lot on.

**Ms O'BYRNE** - I am happy to talk for a little while if Mr Ferguson wants to read it, but it is not the normal process to do it without having tabled, at least, to allow us to read them. I cannot see anything in them that would cause any distress, Mr Ferguson, if you have a moment to cast your eye over them.

**Mr Ferguson** - I will commend you to ask to have that tabled at the next sitting. You just do not do that to other colleagues in the Chamber.

**Dr WOODRUFF** - I will move to have them tabled at the next opportunity because these are the words of young people. Penina Ygossi from Oceania Climate Justice is a Samoan woman whose island is disappearing in front of her and her family's eyes. She is here in Tasmania learning to be a nurse, but she is deeply concerned at the changes she is seeing that will mean her island and her home town of Apia will be two metres below sea level in the near future and within the lifetime of her family.

These are our young people. They are looking for leadership. They are looking to Glasgow but, importantly, they are looking to our Premier, Peter Gutwein, to take this seriously and do everything he can.

**Time expired.**

**The House adjourned at 7.46 p.m.**