

Thursday 27 September 2018

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

QUESTION UPON NOTICE

The following answer was given to a question upon notice:

5. GBE BOARD MEMBERSHIP

Ms ARMITAGE asked the Leader of Government Business in the Legislative Council -

With regard to board membership -

- (1) For each government business enterprise, what is the breakdown of board membership by region in Tasmania?
- (2) For each state-owned company, what is the breakdown of board membership by region in Tasmania?
- (3) For each additional government board, what is the breakdown of board membership by region in Tasmania?
- (4) With regard to interstate members of government business enterprises and state-owned company boards, what was the total cost of travel, meals and other expenses for board members for the last financial year?
- (5) It was noted from answers provided during the Estimates committee process that five individuals sit across multiple boards -
 - (a) Who are the five individuals?
 - (b) What boards do they sit on?

Mrs HISCUTT replied -

Mr President, as the answer to this question is lengthy and contains tables, I seek leave to table the answer and have it incorporated into *Hansard*.

Leave granted.

- (1) Breakdown of board membership by region in Tasmania for each government business enterprise as at 30 June 2018:

Business	South	North	North-West	Interstate
STT	3			2
Hydro	2	1		2
MAIB	2		1	2
PAHSMA	5			2
Public Trustee	2	1	1	1
Tascorp	1			3

- (2) Breakdown of board membership by region in Tasmania for each state-owned company as at 30 June 2018:

Business	South	North	North-West	Interstate
Aurora	1		1	2
Metro	4			1
Tas Irrigation	2	2		1
Tas Networks	4			1
Tasports	3	1		1
Tasrail	1	2		2
Tasracing	5	2		
TT-Line	4			3

- (3) Breakdown of board membership by region in Tasmania for each additional government board as at 30 June 2018*:

Business	South	North	North-West	Interstate
Board of Architects of Tasmania	5			
Board of Legal Education	6			
Criminal Injuries Compensation Commission	6	1	2	
Environment Protection Authority	6	1		
Fruit and Nut Industry (Research and Development and Extension) Trust Fund Board				
Guardianship and Administration Board	12	11	6	
Health Council of Tasmania	9	3	1	
ICT Policy Board	Under review.			
Inland Fisheries Advisory Council	7	2	1	
Legal Aid Commission of Tasmania	3	2		
Legal Profession Board	3	1	2	
Local Government Board	1	1	1	1
National Trust Board	6	1		
Non-Government Schools Registration Board	7	1		
Parole Board	5			
Police Review Board	4	1		
Poppy Advisory and Control Board	5	1		

Business	South	North	North-West	Interstate
Property Agents Board	5			
Screen Tasmania	Abolished.			
State Fire Commission	4	2	1	
Tasmanian Arts Advisory Board	Abolished.			
Tasmanian Building and Construction Industry Training Board	5	2	1	
Tasmanian Community Fund Board	2	2	1	
Tasmanian Development and Resources Board	5		1	1
Tasmanian Early Years Foundation	Abolished.			
Tasmanian Electoral Commission	2	1		
Tasmanian Library Advisory Board	8	2	3	
Tasmanian Liquor and Gaming Commission	2		1	
Tasmanian Museum and Art Gallery Board of Trustees	6			1
Tasmanian Timber Promotion Board	4		1	1
Teachers Registration Board	8	1	2	
Veterinary Board of Tasmania	4		1	
Wellington Park Management Trust	15			
WorkCover Tasmania	5			1

*Information provided consistent with previous request, does not include data from the 75 other current Government boards.

- (4) The total travel costs including flights, other transport costs, meals and other expenses for interstate members of government business enterprise boards for the last financial year were:

Business	Total Travel Costs for Interstate Members
Aurora	\$32 859
Metro	\$6300
Tas Irrigation	\$6486
Tas Networks	\$11 652
Tasports	\$12 621
Tasrail	\$13 237
Tasracing	n/a
TT-Line	\$24 216
STT	\$19 499
Hydro	\$50 416
MAIB	\$26 470
PAHSMA	\$24 171
Public Trustee	\$4356
Tascorp	\$71 392

- (5) Michael Dontschuk Public Trustee and MAIB
Evelyn Horton Tascorp and MAIB
Samantha Hogg Hydro Tasmania, Tasmanian Irrigation and Tasrail
Tracy Matthews Public Trustee and Tasports
Helen Galloway TT-Line and Tasracing

POLICE OFFENCES AMENDMENT (CONSORTING) BILL 2018 (No. 37)

Consideration of Amendments made in the Committee of the Whole Council

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

That the bill as amended in Committee of the Whole Council be now taken into consideration.

Motion agreed to.

Suspension of Standing Orders

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

That so much of standing order 284 be suspended in respect of this bill so as to allow the amended clause references only to be called without the need for the amendments to be read again in full.

[11.06 a.m.]

Ms FORREST (Murchison) - Mr President, I have some concern about this because a number of issues were picked up in the last amendment I moved. It would be better to actually have them read so we can be sure that these amendments have been picked up and made. I am happy to hear other members' suggestions on that. There are not a huge number - and I know one is quite long - but because of the issues experienced with them last night, it would be better to have the amendments read in full.

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I am assured the amendments have been made by the Clerk.

Mr DEAN (Windermere) - Mr President, my view is that the position put forward by the Leader should be accepted in this instance. When amendments are read, one has to follow them word by word and the only way we could be assured of their accuracy would be if we were given a copy of the amendments made. To simply pick mistakes in the amendments as they are verbally stated would be very difficult, so I have no difficulties accepting what has been put forward by the Leader.

Ms LOVELL (Rumney) - Mr President, I support the position of the member for Murchison. I think there was considerable confusion over some of the amendments last night and I would appreciate the opportunity to hear them one more time to be sure.

[11.08 a.m.]

Mr FINCH (Rosevears) - Mr President, I am curious. Leader, are you doing that because of the length of the amendments?

Mrs Hiscutt - Yes, I have been assured by the Clerk that the amendments have been made and this is just an easier way of shortening it a bit, but it is at the will of the House.

Mr FINCH - I would probably like to hear the amendments; that is the normal process. I can understand if your voice is affected or something like that, but I would prefer to hear them read.

Mr PRESIDENT - It is a matter for the House so if there is no speaker to the contrary, the amendments can be read. There is no motion at all.

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I seek leave to withdraw that motion and proceed as normal.

Leave granted.

Motion withdrawn.

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

That the amendments be read the first time.

Motion agreed to.

[11.13 a.m.]

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

The amendments be read the second time.

Ms LOVELL (Rumney) - Mr President, I seek your guidance, as I have some comments I would like on record related to this amended clause. Is it best to speak now to that clause or at the end of the second reading of the amendments?

Mr PRESIDENT - I have taken advice and the advice is if you wish, you can do it now.

Ms LOVELL - I want to have on record our remaining concerns around this amended clause and, in particular, the definition of family and the amendment proposed by the Government.

As I mentioned in the debate last night, it was brought to our attention over the dinner break that there is some confusion over the understanding Mr Rodney Dillon has of the operation of this amended clause and how this Government's amendment will operate in practice.

In particular there is confusion over whether the amended clause will extend the definition of family to aunts, uncles and Elders. I appreciate the Leader's clarification last night that it will only apply where those people are living with the person in question.

There was also confusion in the debate last night that arose from an incorrect explanation of the amended clause and how this would operate given by the Leader prior to the dinner break. I am concerned the confusion and the Government's statement that it had the support of Mr Dillon on their amendment may have contributed to support that amendment received from members in the Council and it was certainly the case for me. However, I have not had enough time to undertake any adequate consultation. Despite the best efforts of a number of people we have not been able to contact Mr Dillon again since that conversation. This was the point I was making in my contributions last night and the point my colleague, the member for Derwent, made when he moved that the bill be sent to a committee of inquiry. It is a real shame that was reflected on in the way that it was.

The intention behind our contributions and behind the member for Derwent's proposal was to ensure that all of us had time to properly consider the amendments and the implications of those amendments, and that those people in the community who should have been consulted in the development of this bill had the opportunity to be consulted. One phone call in the late afternoon while the bill is being debated does not, to my mind, equal adequate consultation with a community.

I want to put on record that we have considerable concerns remaining about this amended clause; however, we will be supporting the bill. As noted last night, it is the Government's responsibility to manage the operation of the bill and any unforeseen consequences that result.

[11.16 a.m.]

Ms FORREST (Murchison) - Mr President, I appreciate the comments made by the member for Rumney. In the short time we have had available I have done further consultation on this important matter as well. I was referred to the website Working with Indigenous Australians: Aboriginal and Torres Strait Islander People and their Communities, and this section related to

family and kinship. I want to read a small part of that advice because when you are working with Aboriginal people and their families, this is advice under the 'Family and Kinship' heading -

Aboriginal kinship and family structures are still cohesive forces which bind Aboriginal people together in all parts of Australia. Traditionally the Aboriginal family was a collaboration of clans composed of mothers, fathers, uncles, aunties, sisters, brothers, cousins and so on. In today's terms it is known as an extended family. For Aboriginal people their family provides psychological and emotional support which is important to their wellbeing.

Mr President, an important point with this amendment is that people who may be considered family by Aboriginal people are not excluded. I spoke to the member for Bass, Ms Houston, an Aboriginal person herself, who explained to me that Aboriginal people tend to call what we would consider closer or immediate family members brothers and sisters, aunts and uncles. They also represent the Elders in their communities. They tend to call people who are less closely related, those we might call our cousins, aunts and uncles, 'brothers and sisters'. It is almost the opposite way that we non-Aboriginal people look at it.

The questions asked last night were very relevant, about whether this includes the Aboriginal notion - I use the word 'notion' advisedly - that aunts, uncles and Elders are included as immediate family under sections (a) to (e) of that subclause. It is very important that is clarified, otherwise we are effectively excluding the people from that section of the bill that Aboriginal people see as their more immediate relatives.

In terms of that comment on the Working with Indigenous Australians website, if these people are really important to engaging with other members of their Aboriginal family or their kin for their health and wellbeing, we are trying to prevent crime, we are trying to keep people out of prison and we are trying to break that cycle. We know that Aboriginal people are over-represented in other states in being caught up in these laws, so let us not make the same mistake here.

I know Queensland has a much higher Aboriginal population than we do in Tasmania in numbers - I am not sure about percentage but in numbers they certainly do. They have a much bigger population than we do.

It is very important that is clarified so we do not inadvertently cause harm to Aboriginal community members here. I know the intention is not to do that. I fully accept that, but the member for Rumney pointed out that there has not been time to fully consult, and I have not had time to go to as many members of the Aboriginal community in my electorate as there are. They often see things slightly differently from some of the others, as we as non-Aboriginals do not always agree on everything. I wanted to make that point. If it is possible for the Leader to clarify that, it would be helpful.

Mrs HISCUTT - Mr President, this will capture any person who, under an Aboriginal tradition, may be viewed as a spouse, a partner, a child, a parent, or a sibling. If they are not such a relative biologically, this applies under this. It will capture any person under Aboriginal tradition that they view as a spouse, a partner, a child, a parent or a sibling as from (a) to (e) in the legislation.

Ms Forrest - Not aunts and uncles unless they see -

Mrs HISCUTT - No, under (a) to (e).

Amendments agreed to.

Bill read the third time.

RESIDENTIAL TENANCY AMENDMENT BILL 2018 (No. 32)

Second Reading

[11.23 a.m.]

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

That the bill now be read the second time.

The purpose of the bill is to make a number of amendments to the Residential Tenancy Act 1997 to improve the operation of that act, and to give effect to commitments made by this Government with regard to the National Disability Insurance Scheme, social housing, family violence and red tape reduction.

A number of the amendments in this bill will give effect to strategies identified at the Housing Summit and as part of the Affordable Housing Strategy to improve access to affordable private rental accommodation.

The Residential Tenancy Act provides strong protections for tenants and landlords; however, we have proactively identified situations where social housing tenants are unintentionally being excluded from the protections due to the current definitions and subleasing provisions.

Currently, the Director of Housing may subsidise rent and bond payments following arrangements entered into under the Homes Act 1935. This bill amends the Residential Tenancy Act to ensure that such contributions are not regarded as an increase in rent. Amendments to the definition of 'social housing' and 'social housing provider' also ensure there is consistency between the Residential Tenancy Act and the Homes Act. This amendment bill clarifies how the Residential Tenancy Act applies to leasing and subleasing arrangements entered into under the Homes Act.

We have listened to stakeholders in the social housing space, and therefore include amendments to allow security deposits to be paid in instalments, to expand the categories of organisations that may receive a security deposit, and to extend the time frame within which a security deposit must be paid to the Rental Deposit Authority in those circumstances. This allows a social housing provider to collect and retain the bond money until the full amount has been received, before depositing it with the Rental Deposit Authority. This is a clear benefit to social housing tenants, and a reduction in red tape for the administration of bonds.

This Government is committed to implementing the accommodation requirements of the National Disability Insurance Scheme, which will take effect in Tasmania on 1 July 2019. This bill includes an amendment to allow for a number of NDIS participants accommodated at shared premises. Individual written agreements will allow each tenant exclusive access to a bedroom, but shared access to common areas such as kitchens and living areas.

This Government is committed to ensuring that our most vulnerable citizens have access to safe and affordable housing.

Under the Family Violence Act 2004, a court may make a family violence order which directly impacts on a rental tenancy agreement. If a tenant needs to terminate a residential tenancy agreement as a result of a family violence order, this amendment removes the requirement to create a new agreement on varied terms and conditions.

These amendments to the Residential Tenancy Act will improve operability between this act and the Homes Act, improve access to social housing, prepare for the introduction of the NDIS for vulnerable adults, improve access to safe, affordable housing for those fleeing family violence, and further reduce red tape.

I commend this bill to the House.

[11.26 a.m.]

Mr GAFFNEY (Mersey) - Mr President, I rise to speak positively and encouragingly on a piece of Government legislation. Members and those listening know I am more than comfortable to raise issues of concern regarding policy procedures and legislation. Therefore it is only fair and balanced to give credit where credit is due and to recognise realistic, progressive and sound bills for the positive impact they will have.

The Residential Tenancy Amendment Bill 2018 provides a number of legislative changes to the 1977 act, which will improve the operation of the act and benefit some of the most disadvantaged groups in our community, the people who need these measures.

I note the unequivocal support the bill received in the other place and as such I am pleased to flag it is my intention to vote for the bill, pending one small amendment which I will discuss later.

The bill seeks to make some inroads in the areas of consistency with regard to definitions between the Homes Act 1935 and the Residential Tenancy Act 1997. These are logical and necessary changes, specifically with regard to the definitions for social housing and social housing provider.

Additionally, the bill provides an opportunity for tenants to pay their security deposits or bonds in instalments. It expands the types of organisations that may accept a security deposit and extends the current time frame for the payment of deposits to the Rental Deposit Authority. Again, these are sensible clauses that will support many disadvantaged Tasmanians in their efforts to secure affordable and long-term housing.

Much has been made of the challenges with the rollout of the National Disability Insurance Scheme. It must be acknowledged transition of clients to the scheme is both incredibly complex and time-consuming, involving input and interaction from state and federal governments and, of course, the providers involved. It was never going to be an easy process, but as with many things in life it is worth the effort. It impacts a number of acts that have required amendment in many states and territories to facilitate the NDIS progression.

The bill includes a provision for a number of the NDIS clients to be accommodated at a premises, with each tenant having a written agreement pertaining to that person's exclusive use of

their room and the rights and responsibilities associated with accessing the shared spaces. Once again, positive, sound and necessary legislative change.

This is where I reach the only part of the bill I wish to see slightly amended - the clauses that pertain to breaking a lease that may occur as a result of documented family violence. I have spoken at length with Ben Bartl, of the Tenants' Union of Tasmania, regarding the family violence section of the bill, and the union has kindly provided me with the following comment -

In circumstances in which both the victim and the perpetrator of family violence are listed on a residential tenancy agreement, section 17 of the *Family Violence Act 2004* [Tas], it provides the court with a power to terminate the agreement and establish a new agreement solely in the name of the victim.

In practice, the making of such an order will often mean that the victim is required to pay all of the rent. This may be problematic as the victim may not work or is working part-time due to familial responsibilities. As well, the court's limited power means the victim must continue to live in a property known to the perpetrator. In our experience, some victims are worried for their safety and/or their children's safety and want to relocate. There may also be occasions where the victim wants to relocate but the perpetrator wants to remain in the property due to work or other commitments.

We strongly believe the *Family Violence Act 2004* [Tas] should be amended so that the court is provided with broader powers including the ability to terminate the agreement or; terminate the agreement and establish a new agreement for the benefit of the victim or; terminate the agreement and establish a new agreement for the benefit of the perpetrator. This would bring the Act into line with New South Wales and the Australian Capital Territory, which provide the court/Tribunal with broad powers.

In summary, the Government's *Residential Tenancy Amendment Bill* should be supported for providing courts with the additional power to terminate a lease agreement between the tenants and the landlord. However, an option that should also be available to the court is the ability to establish a new lease agreement solely in the name of the perpetrator.

I forwarded members the background material to the amendment, as I hope it will assist them to have information early for their consideration.

I note and thank the work of the Office of Parliamentary Counsel. The amendment I provide today differs somewhat to the original draft you received, but the intent of the amendment remains.

I also acknowledge the assistance of Mandy and Jonathon from the Leader's office with the amendment. The Tenants' Union is to be congratulated on its work and efforts to bring this issue to the attention of this House.

I encourage members to support the amendment when this bill goes into the Committee stage, as I imagine it will.

This amendment should be supported on the basis that rather than the lease being terminated and the landlord being out of pocket for weeks while a new tenant is found, allowing the court to establish a new lease agreement in which the perpetrator takes over the lease is a win-win for the victim, who can move somewhere where the perpetrator cannot find the victim, the perpetrator is able to stay in the home and the landlord is not out of pocket.

In conclusion, it appears the minister has made a real effort to consider a number of concerns from stakeholders and interested community groups during the construct of this bill and it will make a tangible difference to the lives of a number of Tasmanians.

I support the bill in principle.

[11.33 a.m.]

Mr VALENTINE (Hobart) - Mr President, unlike the consorting law bill, which I voted against, I will vote for this bill. It provides fair benefits that are good, about leasing and subleasing arrangements, clarifying definitions under different acts.

I support all of that, and I support the amendment brought forward by the member for Mersey. People are in difficult circumstances living with a perpetrator. This legislation will make it possible to change lease arrangements so they can escape that situation, be dealt with fairly and not be disadvantaged.

It is clearly a good bill, but this amendment will improve it. I hope the amendment is accepted by the Government because it will assist people in family violence circumstances.

The issue of security of deposits being able to be accepted by instalments also seems to me to be fair and reasonable, although I realise the member for Windermere has some questions about that. I will be listening very carefully to those questions and the answers he is given.

[11.35 a.m.]

Mr WILLIE (Elwick) - Mr President, this is a good bill. I am not afraid to congratulate the Government when it produces a bill like this that will improve the lives of vulnerable people. It is actually an initiative I had been thinking about quite a lot myself. Even before the election I thought that if we were fortunate enough to win the election, we would have a good look at this in government and probably implement similar legislation.

On the comments about breaking a lease, I indicate the Labor Party will support the member for Mersey's amendments. It is a very good amendment that I know has had input from the Tenants' Union. We know some of these situations are very complex. This legislation will allow the court more flexibility to tailor a resolution that works for survivors of family violence. That needs to be front and centre. This amendment will improve the bill. I thank the member for Mersey for circulating that. Labor will support the amendment when the member moves it.

A number of amendments in here deal with the interface between the Residential Tenancy Act and the Homes Act. The Homes Act is longstanding legislation and is very good legislation that has served Tasmanians very well. I want that on the record. It is good we are updating the Residential Tenancy Act to reflect some of the clauses in the Homes Act and ensure consistency.

There are also provisions to support the NDIS rollout. A number of service providers are going to have to change their model of housing in the middle of next year. A number of service providers

have already done so. This amendment will reflect what is already taking place, but it will add a layer of fairness when it comes to common areas.

Currently, we were told in the briefing, if there is damage to an area that damage is paid for equally by the tenants in that share. Under this new arrangement there will be individual lease agreements for exclusive areas of the house, but if damage occurs in a common area, the person is responsible for it will have the liability.

That is a very fair change. It supports the NDIS in a good way. I also worry a bit about some of Tasmania's group homes. I have met with several service providers and I know they are working through this issue. There is probably a role for the state Government and I hope the state Government is engaging with them in a constructive way to potentially intervene. The state Government is a stakeholder in the NDIS. We have heard some rhetoric from the Government saying that it is now a federal issue and not its responsibility. I do not think that is the right approach. Some of these group homes are big assets. The service providers will have to move to this new model and that will affect their assets and also the way they can move to the new model.

The Government needs to get on the front foot with that - we are talking about the middle of next year when that will occur. I am interested as to whether the Leader has an update on what the Government is doing to engage with service providers to move to this new model.

The incremental bonds are a very good initiative. Social housing tenants are effectively the same sorts of clients that would go into a Housing Tasmania property. For a Housing Tasmania property no bond is required. Having incremental payments can reduce the barrier to a successful tenancy.

I think many community housing providers would be happy to take on that risk because they are in the business of supporting vulnerable people. They want to remove barriers and support people into tenancies, and then help them be successful in their tenancies. It is not just about providing bricks and mortar; it is about the services that go with it and we know the community housing providers do that very well. Some very good models were implemented under past Labor governments and continued by this Government that are having an impact in some communities around Tasmania. When you think about the Better Housing Futures reforms here in Hobart, in my experience they are going very well. Community development models are happening around them.

In Rokeby and Clarendon Vale, Mission is working very well. At Bridgewater, Centacare Evolve is building a whole range of new houses under Better Housing Futures reforms. I have toured some of those houses and it is exciting. They are moving to medium density models. We are not talking about low-cost housing - they are absolutely making sure the construction of these buildings is topnotch, even things like door and window trims. We are talking about Tasmanian oak trims, not MDF; we are talking about laying slabs and energy efficiencies. I am excited about some of the developments happening around these reforms.

Our community housing providers are doing a fantastic job and that incremental bond payment will help them to help some of our vulnerable people in Tasmania who are struggling to put a roof over their head. I have been quite supportive of the bill. There is just one criticism I have and there was mention of red tape in the second reading speech. That is political spin; this adds a whole lot of new provisions to the Residential Tenancy Act and also the Family Violence Act.

I am interested - and this is a direct question to the Leader: can you please provide some examples of where this legislation has removed red tape? I do not think that should be in a second reading speech at all. The second reading speech is a legal contract. It is not an opportunity to put political jargon in there just for the sake of it, so that was a mistake.

Ms Forrest - I hope you guys remember that if you are back in government at some stage. It is on the record now.

Mr WILLIE - Those words might come back to haunt me one day. Hopefully if I am aware enough at the time and responsible for a bill, I will be doing that.

Mr Valentine - You have a few people here who will be listening.

Mr WILLIE - If I could go back to the member for Mersey's amendment because I missed one area. We know that screening of tenants happens: a landlord will screen potential tenants to see if there is a family violence order in place because they are worried about damage to the property and what may happen. That is completely unfair and unfounded. Your amendment would actually prevent some of that happening because it gives the court the option when the lease is broken to either create a new lease with the victim or the perpetrator if that is what they wish and the landlord is not going to be left in that situation.

We want to prevent that screening from happening. The member for Mersey's amendment will support that because it is discrimination. It should not be occurring at all and we need to make sure we do everything we can to support victims of family violence.

I have one other question and I heard this on the radio -

Ms Forrest - It must be right then.

Mr WILLIE - It was from the Women's Legal Service, I think. They were talking about this amendment and saying it is very good, so they were supportive. They were also hoping that in the future the Government may look at ways we can support survivors of family violence where the courts are not involved because that is not always the case.

We have people suffering from these atrocious crimes who will not report and will not go through the court process, and they may be stuck in lease agreements. I hope the Government is looking at ways we can support people in those situations because it does not always get to the court situation. That is okay - people deal with these things in their own ways. I know of women who have fled really dangerous situations and the courts have not been involved. We need to look at other ways we can support women and men in that situation.

I am interested in whether the Government is looking at any further reforms for those situations. I am generally very supportive of government bills to improve the lives of Tasmanians. I am very happy to support the bill and the member for Mersey's amendment.

[11.45 a.m.]

Ms HOWLETT (Prosser) - Mr President, this is a good bill. It is designed to give commitments made by the Government with regard to the National Disability Insurance Scheme, social housing, family violence and reducing red tape -

Mr Willie - That is rubbish.

Ms HOWLETT - It is not rubbish.

Mr Willie - Give me an example of how it reduces red tape?

Ms HOWLETT - The Leader will take advice on that.

Mr Willie - You said it, so why not tell me?

Ms HOWLETT - We will provide you with the information. Can you be patient?

Mr Dean - 'I do not know'. Just say that - 'I do not know'. That is all you need to say.

Ms HOWLETT - We will find out the information for you.

The bill is a significant step towards addressing issues of homelessness and housing shortages in Tasmania. At the Housing Summit convened in March, the Government gave a number of undertakings with regard to the NDIS, social housing, family violence and red tape reduction.

The Residential Tenancy Act 1997 already provides strong protections for tenants and landlords. The Government has made these stronger by bolstering the protections for social housing tenants and for victims of family violence. There is stakeholder support from the support services to the amendments, in particular, the introduction of incremental bonds, which will be a significant benefit for Tasmanians to assist in them accessing rental properties.

The amendments in this bill enable our most vulnerable Tasmanians to have increased access to housing and this accessibility is appropriately balanced with the rights and protections of owners.

Importantly, the bill provides further protections for tenants who are experiencing family violence, by enabling a court to terminate a residential tenancy agreement without penalty, when making a family violence order.

Currently there are no powers within the Residential Tenancy Act to allow the court to issue an order of termination of a residential tenancy lease for a victim of family violence. The act currently allows a court to create a new agreement in the same property, under varied terms and conditions for the victim of family violence by virtue of section 17 of the Family Violence Act 2004.

However, there are circumstances where a person needs to break the lease and move to a new residence, rather than taking the lease on solely in their name. This includes where the victim needs to go somewhere else unknown to the perpetrator for a variety of safety reasons.

In these situations, victims of family violence are often forced to face the cost and burden of taking on a lease alone. Not only can this lead to financial hardship for the victim, but it can also make it more difficult for people facing that scenario to seek help, knowing they may have to pay additional rent.

The Safe At Home practice manager from the Legal Aid Commission of Tasmania has advised that in her experience there are circumstances in which the inability of victims of family violence

to terminate a lease without penalty as opposed to taking over a previously joint lease has caused either the victim to remain in a place where they and their children are not safe according to an assessment of risk or do not feel safe, or the victim to suffer through knowing there is a risk of further financial difficulty or loss.

This bill enables a victim of family violence to terminate their tenancy agreement without penalty in emergency situations such as these. This change will provide much-needed relief and ensure access to housing for those going through an incredibly difficult time in their lives.

I understand member of Mersey will be moving an amendment to provide the court with even greater flexibility in determining the most appropriate outcome for particular circumstances in each case. I am supportive of that amendment.

Currently tenants of rental properties are required to pay their bonds in full and up-front with no options to pay bonds in instalments. This requirement can create a financial difficulty for some members of the community and at times restrict their access to housing. In addition, the act currently precludes property owners, including Housing Tasmania and other social housing providers, from receiving bonds.

This bill addresses the issue by allowing security bonds to be paid in instalments, expanding the categories of organisations that may receive a security bond, and extending the time frame within which a security deposit must be paid to the Rental Deposit Authority in those circumstances. This will allow social housing providers to collect and retain bond money until the full amount has been received before depositing it with the Rental Deposit Authority. This is a clear benefit to social housing tenants and a reduction in red tape for the administration cost of bonds.

This bill improves the consistency between the Residential Tenancy Act 1997 and the Homes Act 1935 so that social housing tenants are not unintentionally excluded from the tenancy protections because of the current definitions and subleasing provisions. Currently, the Director of Housing may subsidise rent and bond payments following agreements entered into under the Homes Act. This bill amends the Residential Tenancy Act to ensure that such contributions are not regarded as an increase in rent.

Amendments have also been made to implement the accommodation requirements of the National Disability Insurance Scheme which will allow NDIS participants accommodated at single premises to have exclusive access bedrooms and shared access to common areas such as kitchens and living areas.

Many matters addressed in this bill to add protection to tenants are the result of the ongoing engagements between consumers, building and occupational services and industry representatives, including support services.

Consultation on the draft bill was conducted with the following key industry stakeholders: the Tenants' Union of Tasmania, Shelter Tasmania, the Tasmanian Council of Social Service, and the Director of Housing. The Real Estate Institute of Tasmania was also provided with an opportunity to comment on the draft amendments, and it did not raise any issues about the impact on the private sector.

Shelter Tasmania has come out in strong support for the changes to the Residential Tenancy Act, particularly in relation to the amendments that enable victims of domestic violence to leave a

rented property without the liability for future rental costs and allow security deposits to be paid in instalments to community housing providers. These amendments to the Residential Tenancy Act will improve operability between this act and the Homes Act, improve access to social housing, prepare for the introduction of the NDIS for vulnerable adults, improve access to safe, affordable housing for those fleeing from family violence and further reduce red tape, member for Elwick.

The bill assists and protects the most vulnerable in our community and has widespread support from key stakeholders. I am happy to add my voice to that support.

Recognition of Visitors

Mr PRESIDENT - Honourable members I would like to welcome guests of the Opposition Leader downstairs, Ms White. It is good to see the guests here and so good to see Penny here again. She and I worked together a few years ago so great to see her in the Chamber. Welcome.

Members - Hear, hear.

[11.55 a.m.]

Mr DEAN (Windermere) - Mr President, tomorrow a very important day for police, National Police Remembrance Day.

Ms Rattray - I thought you were going to talk about football. Oh no, that is Saturday.

Mr Valentine - Just keep quiet about the football.

Mr DEAN - It is far more important than Saturday. This is where police remember their colleagues, members of police services throughout Australia, who have been killed in the line of duty performing their functions and duties required of them. They take an oath to do so. Sadly an officer was recently killed on the mainland in the line of duty.

Mr Valentine - They go where most people prefer not to go.

Mr DEAN - Absolutely right. I want to recognise this important day. Some of us will be attending tomorrow. I certainly will.

In this place, about a month ago, I raised the issue of rental properties and why we are now seeing some of the landlords moving into other arrangements.

They are turning their properties into B and Bs in preference to renting out their properties long term or through extended contract rentals.

The tougher you make it for landlords to rent, the fewer properties will be on the market. That is a foregone conclusion and is impacting already. Common sense tells me that.

This is a position provided to me by a previous member of this place, who has been watching the market very closely and is involved in real estate. His information is he can see a gradual decrease in the availability of general rental properties.

Speaking to this bill, I make it known I am a landlord. I declare that position and suspect other members are landlords. I am a lucky landlord, because the people I have had in my properties have been very long-term tenants and treat my properties as their own. They are incredible people and it is great to have them.

I did not start that way. I started unfortunately like a lot of other landlords with some bad experiences. At one stage, I was looking at selling my rental properties because of the positions within the Residential Tenancy Act continually being thrown at me. I had had enough, but then things turned around and changed for me. In making changes to the tenancy act we should be considering very clearly not only the tenant, but also the landlord, who is critical in this whole process.

The demand for properties is increasing and this adds to the very first statements I made. My son has some properties and one was advertised only a few weeks ago, with 60-plus applicants over a few days. People all over the place were trying to access his property. It was interesting the lady who finished up with the property is a Queensland lady and people here were working on her behalf. They said a lot of the properties they looked at, they would not have put their dog in - the conditions were deplorable. This was the first good property they had seen at a reasonable rent so of course they jumped in on it. I do not have a problem with the tenancy act changing to ensure that these properties are maintained in good, hygienic condition; that is very important.

The department responsible should not be looking for changes in the act that will necessarily make it harder for landlords, that will give tenants more control than is reasonable, because that will work against the market. I have made that clear. Any legislative change that will improve it is great.

In the main, this bill relates to social housing and NDIS tenants, and there is a family violence issue and an animal issue as well. I want to refer to clause 9, proposed new subsection 25(2A), which will allow a security deposit, whether through a social housing provider or a council, to be paid by instalments. I referred to this in the briefing this morning - and I thank the Leader for the briefing; I appreciated the briefing, as I always do - and I have no problem with this, but I would have thought there should be a time limit on the final payments. I raised that because it can go on for ever and a day, and the inequity that is identified with that of a landlord who is not involved in social housing or in council accommodation.

In the briefing this morning we were told that it provides more security for the landlord. However, there are people who come into those rental properties who find great difficulty in paying a security bond. Again, I use myself as an example here, where I have taken people in and I have not been able to get the bond when they elected to pay the bond in instalments, and I have accepted that.

The way the act is written I am required as a landlord to deposit that bond within 10 days. The way I interpret it, that means the whole bond that is to be received is to be paid in. I do not have the position or the ability these others now have of simply paying it in as I receive it, or keeping it and paying it in when I have received it in full. I find that inequitable; it is unfair in my view, but that is the case.

I understand why it is there. I do not disagree with it being there; I support it being there, but it ought to apply across the whole area of rental properties and you should not single out some, and

not all. The social housing providers, the council properties, as landlords are able to keep the instalment moneys until the whole amount is paid; then they have to pay it into the authority.

Mr Willie - If you think it is that big an issue, don't you think the Real Estate Institute would have raised that with the Government? They represent the landlords.

Mr DEAN - Do not bring some of those people into it because I would not ever put my property with them. I can tell you now - I manage mine myself because of the controls. I do not know if they raised it or not. I suspect they were consulted over this. Were they consulted? Who was consulted in relation to this act, these amendments to this bill? Who has been involved in that process?

Mrs Hiscutt - I can answer that now if you like: the Tenants' Union of Tasmania, Shelter Tasmania, Housing Tasmania and the Tasmanian Council of Social Services.

Ms Armitage - I rang the Real Estate Institute and I had a letter back from them saying that they were made aware of both deals and had the opportunity to respond before tabling. They confirmed they have no issues with the amendments.

Mr DEAN - I have some issues there regarding that and I am speaking for landlords.

Family violence: it would be difficult for any landlord not to want to support victims of domestic violence. We have been very strong in this place. We have heard today from the member for Elwick and others talking about this issue. It is a blight on society. As I keep saying in this place, and I say it every time I talk about the police annual report, there is absolutely no evidence to show that domestic violence is on a downturn. If you look at the figures from the police annual reports, we always see them increasing or stable; the figures have been on the increase in most years over a number of years. The explanation given to us is that is good because it shows there is more reporting of it. I do not see it that way. This has been happening now for a long time. We are not doing enough. I agree with the member for Elwick that we need to look at this closer. There have to be other things we can do to address this situation.

Mr Willie - We are agreeing again.

Mr DEAN - Yes, we are. This is the second time this year. The way I look at the member for Mersey's amendment at present - and I will listen to the people - I will be supporting it. At the briefing I stated, also by way of a question, that my opinion is that these contracts should be able to be changed in this situation. I support that, but it should not be at the expense or loss of landlords. They should not be the ones who suffer the financial loss.

The sad thing is that many people see landlords as being well off and being able to afford it. Let me tell you, that is not the situation. It might be so with some, but generally that is not accurate at all. We were given an answer to that during the briefing and I will refer to that in a moment.

We received a letter from one group of people who support changes to the tenancy act in relation to the keeping of animals in properties. That letter was from Dr Chris Brown of Keep Australia Pet Friendly, who said it should be made much easier for pets to be brought into rental properties.

I do not disagree with that, but that decision, in my opinion, should be one for the property owners. They should be the ones to make that determination because it is their property; they have to maintain it structurally and maintain it at a good standard. While I accept what he is saying, I believe that ought to be a landlord's choice.

At the briefing this morning we were given three points - I think I have them right: alignment with the Homes Act and its definitions, so changes need to be made in that area; NDIS preparedness; and family violence orders. In a nutshell, that is what this bill is all about.

I asked a question, but was a little concerned about the answer I was given, about the inequity in relation to private property owners and rent, and the way they get their security deposits and that they should not miss out. The important issue I raised is that they should not miss out in family violence situations. The answer given was that the Family Violence Act provides for financial support to the landlord. I will need to look at that more closely to see how it fits in.

The Leader might be able to cover that just in case I did not get it right.

If that is the case, I am not sure how that is being used. This sort of a situation has arisen already with family violence matters and changes being made. I am not sure that too many landlords would be aware of that either unless it was pointed out to them. It is an interesting area.

I certainly support it but I reiterate: in making changes to the tenancy act, it is very important to consider all sides of it, not just the one side. We are seeing properties not being as available as they were because many landlords are getting quite sick of the situation. I will support the bill.

[12.10 p.m.]

Ms FORREST (Murchison) - Mr President, I agree with the member for Elwick and other members who said this is a good piece of legislation. I commend the Government on bringing it forward.

Some of the amendments are necessary to deal with the changes the NDIS has brought, which is fine. I understand other legislation will come forward dealing with similar aspects related to the NDIS.

The other significant change is the change in circumstances of family violence, and that is a really positive and commendable action to be taken by the Government. I commend them on that.

Personally I do not own any rental properties so I speak here completely unencumbered by that potential conflict. It is really important to remember that victims of family violence, predominantly women, often have to run, and run quickly. They have to do it at very short notice, almost with just the clothes they are standing in. They have to get to somewhere safe and they have to get somewhere where their partner cannot necessarily find them.

Very recently I have been dealing with a couple of cases, trying to assist women experiencing family violence to access secure housing or places where they can feel safe. It is frightening what some of these women are dealing with -

Mr Willie - There are often kids involved too.

Ms FORREST - Yes. These women have children, young children. I really cannot even begin to imagine the fear these women live under, when you get an actual threat to your life. We really need to do what we can to assist these women and that is what is happening out there.

It is very appropriate we assist these victims of family violence. They often come with just the clothes they are standing in and with children in tow as well. Often they have also been victims of financial abuse where they have not been provided with money. They have not been allowed to have their own money. Even if they have earned it, they have not been able to have access to it, so they are not in a position where they can pay a bond.

This is a really good move to enable them to be able to pay the bond in instalments and to assist victims of family violence into suitable housing. I acknowledge that government - previous and current - has put in mechanisms to assist women fleeing family violence in terms of counselling, access to services that can actually create a safe room in their houses they can lock themselves in if they need to. Imagine having to lock yourself in a safe room in your own home? Can you imagine what that would be like? Making sure it was close enough to where you might be in the house to get there. That is one of the circumstances I am dealing with, with one of the women I am helping. I cannot imagine how it would be to live like that.

Of course, we need to balance the rights of tenants and the rights of landlords, and it has always been a fine balance. Some will argue that there need to be more protections for landlords and some will argue there needs to be more protections for tenants.

Overall, the legislation is pretty good. There is always tweaking that may need to be done around the edges, but overall it is pretty good. We have all heard the horror stories about tenants trashing the place, not paying their rent and doing a runner. A former member for Elwick talked about his rental property: when the tenants left, they were not happy with the circumstances of their leaving, so they clogged up the sink, turned the tap on in the top floor and left; the whole place was flooded. Tenants can do some pretty bad things, but so can landlords. I have seen and heard stories from tenants of pretty shocking landlords and disgraceful conditions people are forced to live in because there is no other option.

We need to strengthen some of those requirements, but it is more about policing it as much as whether the framework is adequate or not.

The member for Mersey will speak about this more in the Committee stage, but I understand this amendment is to assist landlords in many respects as much as it to assist the victims of family violence. I will be interested to hear his comments on that. I do not think it is detrimental to landlords.

Mr Gaffney - No, not at all.

Ms FORREST - The member for Windermere was suggesting he liked it without the amendment, because he thought your amendment was detrimental to landlords, but I do not believe it is the case.

Mr Dean - I did not say that. Please read *Hansard*. What I said was that I support it because I thought it was a good amendment.

Ms FORREST - I thought you said you supported it as it was. You were talking about that amendment, sorry. I stand corrected, because I thought you were talking about the amendment bill.

Mr Dean - Thank you. If you had listened, you would have known.

Ms FORREST - I was listening, but I misunderstood what you said and I am apologising. You do not need to keep on.

Mr Dean - I support the amendment; let us hear the end of it.

Ms FORREST - You cannot accept an apology!

Mr Dean - You raised it; I did not.

Ms FORREST - I will be interested to hear more of what the member for Mersey has to say. I understand he has done a significant degree of consultation around the impacts.

It is appropriate landlords should not collect and hold bonds prior to depositing them with the RDA. This is for all the obvious reasons, as some landlords cannot be trusted to deposit the money and landlords as an individual as opposed to Housing Connect or some other provider of social housing do not have to have their accounts audited - they do not have set up trusts to deposit the money in prior to transferring to the Rental Deposit Authority.

The member for Windermere raised that this can be a barrier for some people on low incomes, victims of family violence or in challenging circumstances who may not have the wherewithal to pay a bond up-front. There are other ways to fix this: maybe the RDA can accept part-payment directly rather than having only the landlord collect the full bond.

Mr Dean - There is nothing in the act.

Ms FORREST - No. I am suggesting there could be other ways to fix it rather than suggesting it should be the same for private landlords to take the instalments and hold the money. Some landlords cannot be trusted to keep the money and they certainly do not have to set up a trust. That is the difference. When money is in a trust account, the process is you cannot use it as something else. Property agents and social housing providers have to follow this process, which is referred to in the bill. I suggest there is more than one way to fix a problem.

Overall, I do agree with the member for Elwick - the legislation does not remove red tape. I will be interested to hear how the Leader answers the question. The legislation will create other opportunities for easier access to social housing, particularly for victims of family violence. That is a good thing, but it does not reduce red tape. It just provides another opportunity.

Mr Valentine - It is more administrative work. You cannot reduce it.

Ms FORREST - It is creating an administrative burden for the social housing provider, not the Rental Deposit Authority. It is a big stretch to say it is actually reduces red tape and I will be interested in hearing the answer.

Mr Willie - Incremental bonds and also limiting rent increases are adding another layer.

Ms FORREST - Yes, that is the other thing. Overall, it is a good bill and I commend the Government for bringing it forward. I will listen to the debate on the member for Mersey's amendment. I commend the work the Government continues to do in the area of family violence in particular.

[12.20 a.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I thank members for their contributions.

Starting with the member for Elwick, his first question was: what is the Government doing to help the move towards the NDIS? That information is not available within this tenancy legislation. Having said that, you are quite welcome to request a private briefing or we can have a whole-of-Council briefing on an update if you like. The third option is to put it on the Notice Paper. If the member and the House are open to that, let me know and I am happy to provide a briefing on that.

Mr Willie - I think the minister for disability is going to brief the Council in November so perhaps it will be part of it. She has written to members.

Mrs HISCUTT - Contact my office later and we will see what we can organise with that.

Another question was about screening of tenants for family violence. No evidence was provided by support services during consultation that this is occurring or will occur. Obviously it is discriminatory for owners or property managers to engage in this type of behaviour. Property agents bound by the code of conduct need to meet professional standards regulated by the Property Agents Board. Any breach of the code of conduct will be investigated and they have the power to take disciplinary action. The board and the Residential Tenancy Commissioner will also consult with industry and embark on an education program to ensure there is no discrimination.

On reduction of red tape, clause 9 of this bill, for example, allows social housing providers to accept or hold incremental bonds. This amendment will avoid further pressure on the Rental Deposit Authority in the administration of bonds and make it easier for the authority to process bonds. Without this amendment, security deposits have to be paid in a lump sum. The removal of this requirement means there will be greater access to social housing for vulnerable Tasmanians who cannot afford the lump sum. I am informed that when the second tranche comes through, we will have a host of red tape reduction to inform you about.

Another question was asked about further support for family violence victims who do not go through the court process. The bill focuses on the ability of the court to address tenancy issues under the family violence order process. Everyone should be encouraged to utilise the protections offered through the Family Violence Act. As members will be aware, the Government has announced action on addressing family violence, including the Safe Homes, Safe Families action plan. Again, if members request a briefing of the Leader's office for an update for that, we are more than happy to provide one.

The member for Windermere asked about private landlords taking on bond instalments on their own and making up the difference. Why were private landlords not considered in this bill? The focus of this amendment is on social housing providers. The amendment allows a social housing provider or local council to accept a security deposit and further sets out the requirements for lodgement with the Rental Deposit Authority. The intention is that those accepting a security

deposit are organisations with sufficient accounting practices and systems in place to accommodate accepting instalments, are regularly audited and are accountable. The member mentioned that.

A broader range of changes that may have implications for private landlords and property owners will be considered as part of consultations on the second tranche in 2019. We will see a lot more red tape reduction.

Have time limits for lodgements been considered? As it is with social housing providers and organisations accepting the instalments, we are seeking to provide the regulatory flexibility to provide greater access for those in need. These organisations have processes in place to negotiate any agreement on payment schedules with social housing tenants. The Residential Tenancy Act is not the appropriate mechanism to impact on these processes.

We also talked about who was consulted. So we have the Women's Legal Service, Shelter Tasmania and TasCOSS. The Real Estate Institute of Tasmania also was consulted and was provided with the opportunity to comment on the draft amendments. They did not raise any issues as to the impact on the private sector.

That was the consultation process. Honourable members, I thank you for your input and finish my summing up, Mr President.

Bill read the second time.

RESIDENTIAL TENANCY AMENDMENT BILL 2018 (No. 32)

In Committee

Clauses 1 to 7 agreed to.

Clause 8 -

Section 20 amended (Increase in rent)

Mr DEAN - Madam Chair, this is simply to ensure we amend the word 'rest' where it should be 'rent'. That is a necessary amendment we can make here.

Mrs HISCUTT - I am assured that the Clerk is on to it.

Clause 8 agreed to.

Clause 9 -

Section 25 amended (Security deposits)

Mr DEAN - I know an explanation was given during the briefing but it is not in *Hansard* so I simply raise the issue in this forum. Was it considered that a time limit should be given on when instalments will need to be made to cover the whole the security deposit? It is interesting that it is open-ended and simply a matter for organisations to determine.

I accept the financial position and status of people changes. I also accept that many people in social housing are struggling. I understand that, because they are in other rental properties as well.

Many people rent because of their financial difficulties. Was it considered? I would like to know the reasons it has been left open-ended. As I said in the briefing, the security payment could go over a period of several years. What is behind that and what are the reasons for it being completely open-ended and at discretion of the social housing providers or the council providers in this situation?

Mrs HISCUTT - I thank the member for his question. In developing this bill, it was specially considered in the framework of social housing. Was there a specific time limit discussed? Not for private rental. It was discussed how a social housing recipient would go about being able to provide that bond. Social housing providers and organisations will accept instalments but we are seeking to provide the relative flexibility to provide greater access to those in need. That was directly looked at with that aspect in mind, to be able to provide a place that was accessible for people with the greatest need to be able to get some housing. Was it actually thought about? It was thought about in that context, with a time limit, so no. It is left up to the social housing provider to negotiate with the tenants on how that will be done. There are no time limits on it, otherwise it is too restrictive. Some people might be able to pay, as you know, within a month or two months while it may take others five dollars a month for as long as it takes.

Mr DEAN - We have this current inequity between these people and private landlords. Will the instalment position be considered? That would help many more people to get into private rental properties. I can assure you, it is happening out there. The member for Murchison mentioned one way in which this could be tracked and controlled. Will that be considered?

Mrs HISCUTT - This bill concentrates on social housing, not private housing. Private housing can be considered in the second tranche in 2019 as part of the consultation. The Real Estate Institute of Tasmania will be contacted for an opinion, and we will move forward from there.

Clause 9 agreed to.

Clause 10 agreed to.

Clause 11 -

Section 17 amended (Issue of replacement residential tenancy agreement)

Mr GAFFNEY - Madam Chair, I will speak about why I think clause 11 should be deleted. I will read into *Hansard* the advice from OPC because that will help. I have attached the amendment because the amendment I am proposing differs from the one sent in the draft, but after OPC had looked at it, OPC said -

I have attached the amendments for Mr Gaffney. I could not do it exactly as asked because the addition of an extra paragraph required a separate definition of 'replacement agreement'. There was also a need for a separate definition of 'original agreement'. To do this the format of the clause needed to be changed and it is simpler and easier to understand if the clause is substituted.

On the advice from OPC, I request that members accept we all agree to delete the clause.

Ms Forrest - You are asking members to vote against clause 11 - the one I moved?

Mr GAFFNEY - Yes.

Mrs HISCUTT - The Government would like to comment on this particular amendment.

The family violence amendments included in the Residential Tenancy Amendment Bill 2018 enable a court to make an order to terminate a residential tenancy agreement to enable a victim of family violence to terminate their tenancy agreement without penalty.

The member for Mersey's proposed amendment will broaden the options available to the court when making orders, allowing for a new agreement to be established for the benefit of any party who was party to the original agreement. The amendment passed in the other place as part of the bill provides for this to occur through the ability for the court to terminate the agreement.

The owner then has the ability to negotiate with the perpetrator to enter into a new agreement outside of the family violence order process if they choose to do so. However, the proposed amendment will simplify this process by providing the court with greater discretion to make a decision based on the evidence put forward.

This allows the court greater flexibility in determining the most appropriate outcome for the particular circumstances in each case. I advise there is widespread support for this amendment from key stakeholders, including the Women's Legal Service, Shelter Tasmania, TasCOSS and the Real Estate Institute of Tasmania. Accordingly, the Government will support this amendment and thanks the member for Mersey for his input into this bill.

Clause 11 negatived.

Clause 12 agreed to.

Mr GAFFNEY - Madam Chair, I move -

NEW CLAUSE A

To follow Clause 10 in Part 3

1. Section 17 amended (Issue of replacement residential tenancy agreement)

Section 17 of the Principal Act is amended as follows:

(a) by omitting subsection (1) and substituting the following subsections:

(1) In this section -

'original agreement' means a residential tenancy agreement in relation to residential premises referred to in subsection (2);

'replacement agreement' means a residential tenancy agreement established under subsection (1A) (b) or (c).

- (1A) If the person against whom an FVO is to be made is a tenant of the residential premises occupied by an affected person, the court may make an order under section 16 to -
- (a) terminate the original agreement; or
 - (b) terminate the original agreement and establish a new residential tenancy agreement for the benefit of the affected person and any other party who was a party to the terminated agreement, other than the person against whom the FVO is to be made; or
 - (c) terminate the original agreement and establish a new residential tenancy agreement for the benefit of the person against whom the FVO is to be made and any other party who was a party to the terminated agreement, other than the affected person.

I thank the Government for providing me with good information to support this amendment. I appreciate the comments made by the members in this place and also the Tenants' Union for bringing this to our attention.

There are five winners in this - and not in any order -

- The court because it allows the court greater discretion and flexibility to provide an appropriate assessment of the situation. We know there are a whole range of different family and extended family situations and they need to be able to have as much flexibility as possible.
- The victims have a greater propensity here to be treated in a fair and respectful manner in that they have more obligations, without having to worry about a financial impost about their situation.
- The perpetrator is allowed to be able to maintain the lease arrangements.
- The children - I link the perpetrator to the children because sometimes in family domestic situations the perpetrator may actually be the mainstay of the family, with the children and the victim. To actually say to the perpetrator, 'You are out' means that person goes, but they may not be able to find another house and may have to relocate the kids and all that sort of thing, even though the relationship breakdown is between the perpetrator and the victim. So it is in the interest of the children as well.
- The landlords - if the courts can decide the lease stays in favour of the victim or the perpetrator is to continue, it means the landlords are not out of pocket for the time it takes for a new lease arrangement to occur.

For those five reasons I suggest we accept the amendment proposed by OPC.

Mr DEAN - I support the amendment. I think it is a good amendment. We all received that letter from Ben Bartl, and it is great the member for Mersey took that up and has come forward with this amendment. This amendment satisfies concerns I have previously raised, which is that the continued leasing or rental of a property by the perpetrator would and could benefit the landlord.

In other words, the property does not become vacant because of the need to move people out because of the restrictions placed on them by the court as well on the circumstances to be able to do that. I think this is a good amendment that covers that.

We have talked about domestic violence. We all appreciate the seriousness of that matter and that we should be doing whatever we can to make life much easier, to provide greater security, for victims and their children. As some members have properly said, children become involved in this as well, which is a sad situation. It is great we are working towards changes in that regard. I do not think any landlord would ever question the right for a court to do this. They would have to be a pretty ordinary sort of person, I would have thought, to do so.

It is a good amendment. I support it. It will certainly alleviate and assist the situation.

Mr WILLIE - As I indicated in the second reading, Labor will support the bill. Not only is it beneficial for the reasons the member for Mersey outlined, potentially it will stop landlords screening people to see if there a family violence order is in place. That is a good thing because it is a discriminatory practice that needs to be stopped. That amendment not only benefits what the member for Mersey outlined, but it will help to stop that practice.

Mr VALENTINE - I support this amendment absolutely. I think it provides the court with more options, and if those options result in individuals, mostly women, being protected and being able to be more fairly treated then that is good. It is as simple as that.

New clause A read the second time.

New clause A agreed to and bill taken through the remainder of the Committee stage.

MOTION Deferral of Intervening Business

[12.45 p.m.]

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

That intervening business be deferred until after consideration of Notice of Motion Nos 3 and 4 and Order of the Day No. 6.

Motion agreed to.

MOTION Additional Recurrent Services Expenditure 2017-18 Section 19 Return - June Quarter 2018

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

That the Council approve, in accordance with subsections 11(7) and 12 (4) of the Public Account Act 1986, additional Recurrent Services and Works and Services

expenditure in 2017-18 for the purposes detailed in Section 19 Return for the June quarter 2018.

Mr President, this motion seeks parliamentary endorsement of additional expenditure that has previously been approved in accordance with the requirements of the Public Account Act 1986 during the June quarter 2018.

While the act provides the Treasurer with the power to approve additional expenditure during the course of a financial year, it also provides for parliament to subsequently approve this expenditure.

This requirement is stated in subsections 11(7) and 12(4) of the Public Account Act. As members would be aware, generally the majority of orders made under this provision of sections 10, 11 or 12 of the Public Account Act are made in the June quarter of a budget year. This reflects the established practice of agencies being required to seek to manage additional costs during the budget year prior to requesting additional funding towards the end of the budget year, if considered necessary.

It should be noted the Preliminary Outcomes Report released on 12 August includes estimates of these expenditures and reflected that the budget position had improved from the estimate included in the 2018-19 Budget. The net operating surplus increased to \$97.9 million, an improvement of \$22.6 million from the budget estimate of \$75.3 million.

Requests for additional funding approved in the June 2018 quarter totalled \$24.1 million. It should be noted this amount represents the lowest level of expenditure presented in the Section 19 Return for the past six years.

It should also be noted that in some circumstances the provision of additional funding under sections 11 or 12 will not impact on the overall budget position. For example, additional expenditure may reflect the receipt of Australian Government funding or funding from the proceeds of asset sales. Similarly, transfers of funding made under section 10 will not impact on the budget position. An increased expenditure in one area of an agency is matched by savings in another area of the agency.

Of the total requests for additional funds approved in the June 2018 quarter of \$24.1 million, RAFs totalling \$7.8 million have no net impact on the budget position because they are matched by offsetting amounts. The major offsetting amounts in the June 2018 quarter include \$6 million for agency asset sales proceeds; \$1.7 million to reimburse Housing Tasmania for the payment stamp duty relief to Affordable Community Housing Alliance Tasmania Limited for properties transferred in the Community Housing Stock Leverage Program; and \$69 000 from the Australian Government for the National Skills and Workforce Development Specific Purpose Payment.

Requests for additional funds approved in the June 2018 quarter that do not have offsetting funding include

- \$4.3 million for costs associated with the October 2017 fire event at St Helens and additional wild firefighting costs
- \$3.2 million for ministerial and parliamentary support costs

- \$2.5 million for the Nature Conservation Act compensation payment
- \$2 million for fire suppression activities undertaken by Parks and Wildlife Service-managed lands.

In addition to information on request for additional funds that have been approved, the June 2018 quarter Section 19 Return also includes information on transfers that have been approved under section 10(1) and 10(3) of the Public Account Act. These transfers have no impact on the overall budget position as they involve the transfer of funding between outputs within an agency.

Separate to the quarterly Section 19 Return, section 12A of the Public Account Act requires a return to be tabled annually that details supplementary estimates for all expenditure from the Consolidated Fund that is authorised under sections 10, 11 and 12 of that act during the financial year.

The motion seeks parliament's approval of the additional expenditure that was approved for the quarter ended 30 June 2018.

[12.52 p.m.]

Ms RATTRAY (McIntyre) - Mr President, as always this is an interesting exercise. Regrettably we get very little back from it when we ask questions. Perhaps this year this one might be a little different. Let us hope. We will keep trying.

A number of the output groups and changes are reasonable. As you would expect, there are some changes between departments. Some do better than others and some have had unforeseen circumstances. That is what this is about - sometimes unforeseen matters that need to be addressed through the Section 19 Return and the transfer of recurrent funding.

On page 4, is the allocation of funding for the George Town and Queenstown child and family centres to the correct output group? Was that put in the wrong place? It has no impact on the budget, but it says that its transfer reflects a movement between outputs 2.1 and 1.3. An explanation about that would be useful.

On the same page, a \$335 000 transfer reflects the movement between outputs following lower expenditure for miscellaneous ex gratia payments and to meet a higher than expected closing balance in interest-bearing Special Deposits and Trust Fund accounts. The member for Murchison will be all over that, and I am interested in the response. The member for Murchison will assure me that is the right response.

In regard to Health and Human Services, it looks as if there is a reallocation of agency overheads. I expect there is nothing too major there. Health consumes a lot of the budget and in this case it consumes quite a bit of Section 19 as well.

I am interested in pages 6 and 7 where it talks about - and I want to thank the Tasmanian Industrial Commission and the Monetary Penalties Enforcement Service - MPES - because they have obviously made the savings to cover the \$200 000 needed to assist with meeting the increased use of priority postage due to changes in Australia Post delivery time frames following the same sex marriage reforms. I need some explanation of why \$200 000 is needed -

Ms Forrest - It is \$100 000.

Ms RATTRAY - But there are two lots.

Ms Forrest - No, but if you transfer from one to the other - from the Tasmanian Industrial Commission to Births, Deaths and Marriages.

Ms RATTRAY - Well, at least it is only a 100. Thank God for that.

Ms Forrest - It is a transfer.

Ms RATTRAY - It is only 100. Thank you, I still need to understand why we needed \$100 000.

Mr Dean - They are two different organisations.

Ms RATTRAY - I should have let the member -

Ms Forrest - It is from one to the other, and in the left-hand column.

Mr Dean - Yes, \$100 000 from the Tasmanian Industrial Commission and then \$100 000 also for the enforcement of monetary penalties. Is that right?

Mr PRESIDENT - I understand the member is talking to the member at the lectern.

Mr Dean - I was.

Ms RATTRAY - I would like a clear explanation about that particular description. I would have thought Australia Post is doing very well from that and some explanation would be appreciated. Is it transferred to assist meeting the costs? Savings from MPES - it also says savings from the Tasmanian Industrial Commission. So, is it \$50 000 each to equal the \$100 000 or is it \$100 000 each? That is a good question. Answer -

Mr Dean - The way I read it, it is \$100 000 from each of those.

Ms RATTRAY - That is the way I initially read it, but it has been suggested that is not quite right so I am happy to take advice.

There is a \$500 000 saving from salary and other administrative savings generated during 2017-18 that is transferred to WorkSafe Tasmania to meet the costs of sustaining increasing prisoner numbers during 2017-18. It is the first time I have seen WorkSafe Tasmania meet the cost. How has this \$500 000 come from WorkSafe to Prisons? I am assuming that is what that is. I have not seen it before. Usually it is a direct payment to them, but I suppose it has to come from somewhere.

Ms Forrest - This section is shuffling the deckchairs.

Ms RATTRAY - I understand, but \$500 000 from salary and other administrative savings so generated.

Ms Forrest - They save money in one and give it to another.

Ms RATTRAY - And give it to another - from WorkSafe Tasmania. How is WorkSafe Tasmania involved?

Mr Valentine - Staff reductions?

Ms RATTRAY - It may well have been, but then who is doing the work? It is an important area. They are all important areas.

Savings of \$110 000 have been transferred from the Tasmanian Planning Commission to the Planning Policy Unit. Given we have had such a focus for some time on the planning structure around Tasmania, I am surprised we are taking money out of that department when we are waiting to do a lot of planning.

Ms Forrest - They are taking it from the commission to help with the planning.

Ms RATTRAY - The commission has a really important role when it is looking at the -

Ms Forrest - Maybe they need to get something to them to assess.

Mr Valentine - It may also be the transfer of a person from one place to another to assist.

Ms RATTRAY - It may well be, but it does not say 'staff'.

Mr Valentine - It is just salary savings.

Ms RATTRAY - There is quite a bit of detail, and while we appreciate the detail in the description column with this, it is still not terribly clear what it is actually doing.

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

QUESTIONS

National Disability Insurance Scheme - Issues - Guidelines and Communications

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

- (1) Is the Government aware there appears to be a number of issues with unclear operational guidelines and poor communication in the access for clients of the National Disability Insurance Scheme, including the inability to have assessments undertaken before being admitted to the scheme and a delay in accessing equipment?
- (2) If yes, what is being done to address these issues?
- (3) If the Government is not aware, what communication will be undertaken with advocacy groups to discuss apparent deficiencies in these areas of the NDIS?

ANSWER

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

- (1) The NDIS is a major social reform that represents a new way of delivering services and support to people with disability in Australia. The Government acknowledges that. Like any major reform, the transition to full scheme NDIS in Tasmania may present challenges for people with disability, their parents, carers and the specialist disability sector.

In recognition of feedback from the participants, family, carers and providers that their experience with the NDIS has not met their expectations, the NDIS completed the NDIS Pathways Review in February 2018. The participant pathway describes the experience participants have with the NDIS from first contact through to ongoing services. The NDIS Pathways Review focused on understanding those experiences, finding ideas for improvements and designing new participant pathways. The NDIS Pathways Review found participants wanted more transparency, to feel more engaged with the pathway process, to be better supported through the pathways process, and to have better access to easy-to-understand and clear communications.

As a result, the NDIS is redesigning participant pathways to include:

- Face-to-face planning meetings for all participants as a default.
 - Improved relationships with mainstream government services, including health and education.
 - Improved communications and training resources for plan management and implementation for participants, their family and carers.
 - Information that is clear, consistent and available and in accessible formats, including easy English, braille and languages other than English.
- (2) At a local level, the Department of Communities Tasmania is working with the local National Disability Insurance Agency to support the transitions of clients into the NDIS. This includes working with the agency around issues I have identified.

At a national level, work is continuing through the Disability Reform Council to improve the experience and interactions for people with disability who need to access state-funded mainstream services such as Health, Justice, Child Safety, Mental Health and Education. The focus is on developing high-level principles and defining the roles and responsibilities of the NDIS and other parties, which in turn are providing the requested clarity on the application for the applied principles and a table of support that provides operational details about the relationship between the NDIS and mainstream services.

- (3) Representatives of Communities Tasmania meet regularly with the advocacy groups where issues are raised. The Minister's Disability Advisory Committee is also a forum that provides advice to government on a range of issues affecting Tasmanians with disability, their families and carers. Membership of MDAC is balanced in terms of regional and gender representation, and includes people with disability, family members of people with disability, carers and people who work in disability services.

Members of the committee have provided the Government with information and feedback on the experience of clients and families accessing the NDIS. This is valuable information the Minister for Disability Services and Community Development takes back to Disability Reform Council meetings to represent the experience in Tasmania. The minister has also raised issues directly with the CEO of the National Disability Insurance Agency and relevant federal ministers.

Launceston - Motorcycle Noise Restrictions - Infringements

[2.37 p.m.]

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

Leader, Three years ago I posed questions about the enforcement of motorcycle noise restrictions in Launceston. Excessive noise is still an annoying problem in central Launceston. How many infringement notices have police issued since my original questions in September 2015?

ANSWER

Mr President, I thank the member for Rosevears for his question. Noisy vehicles understandably cause common community concern, not only for its nuisance value, but in some cases for the safety concerns posed by these vehicles. The issue of infringement notices is one of a number of options available to police in response to noisy vehicles. Tasmania Police have a range of measures available, including infringement notices, defect notices, warnings and official cautions issued to the drivers of the noisy vehicles.

A vehicle operated in such a manner as to cause excessive noise may also be committing other traffic offences that people may associate with hooning. In those cases, the vehicle may be seized.

Police have issued the following numbers of infringement notices for the traffic offences involving unlawful noise committed by motorcycle riders in the Launceston local government area since 24 September 2015: from 25 September 2015 to 24 September 2016, four infringement notices were issued; from 25 September 2016 to 24 September 2017, seven notices were issued; and from 25 September 2017 to 24 September 2018, one notice was issued.

The source of these figures comes from the Fines and Infringement Notices Database dated 24 September 2018. There are three notes I should read with these -

- (1) Statistics for 2018 may be incomplete because the data has not had time to settle.
- (2) All noise-related offences on traffic infringement notices were considered for the query. Only one offence type accounted for all the infringement notices listed above: start vehicle or drive causing unnecessary noise/smoke, section 291 of the Road Rules 2009. Note that this offence may pertain to smoke rather than noise and it is not possible to make this distinction statistically.
- (3) Motorcycles were separated from other vehicles using the vehicle type recorded in the system.

MOTION
Additional Recurrent Services Expenditure 2017-18
Section 19 Return - June Quarter 2018

Resumed from above.

[2.40 p.m.]

Ms RATTRAY (McIntyre) - Mr President, before the adjournment I was discussing Corrective Services, which has been very frugal and saved \$250 000. However, that saving has come at the expense of a delay in implementing the home detention and electronic monitoring system. That money went to Supreme Court Services because it collected a lower amount of fees than budgeted for. Where is the home detention and electronic monitoring system at, given that the money has been transferred? I am sure the member for Windermere will also be extremely interested in that.

Mr Dean - I was annoyed and upset when I read that.

Ms RATTRAY - I thought you might have been.

The next one is \$40 000 of savings by the Anti-Discrimination Commissioner, which has been passed on to legislation development and review to support the Government in implementing its legislative reforms. If one department has a saving, it helps out the other. I am always concerned, though, whether the Anti-Discrimination Commissioner has enough resources to fully undertake the commission's work. Some assurance from the Leader that this is the case would be most welcome.

In the return an amount \$770 000 has been taken away from the home detention and electronic monitoring program and put into Supreme Court Services and one magistrate. That is quite a significant amount of money.

Ms Forrest - It has not been taken out of the program as such; the program has not been implemented yet.

Ms RATTRAY - It has not been implemented but where is the program? That is the question. It obviously has not been implemented.

It is interesting that \$150 000 has been taken from the Metropolitan general access services area and put into passenger transport. It is to meet unforeseen costs for the relocation of the Hobart bus mall. Would Metro not look after that? Who looks after the relocation of the Hobart bus mall? It must be passenger transport because they have the money for it.

Mr Valentine - To my knowledge, it would be a council issue in conjunction with the Government because Metro is -

Ms RATTRAY - Perhaps the question is: did Hobart City Council request support of \$150 000 to assist with that? I would be interested in the answer.

Some of these are quite reasonable, as you would expect. I am mindful I need to leave something for somebody else. I notice the Legislative Council is very frugal when it undertakes works to establish Legislative Council members' offices and the like; it has done that in a very frugal and reasonable manner - three offices, \$54 000. When you work down a bit further, there were

additional funds to reflect \$210 000 to meet increased security. There is a \$3.2 million request for additional funds relating to ministerial offices, opposition and electorate offices. Is that Henty House as well? That was a significant relocation and refurbishment which has brought the office space into a contemporary space, a really workable space.

Ms Forrest - Wasn't that budgeted for? This is in addition to what was budgeted.

Ms RATTRAY - I am not sure; I am just interested.

Mr Willie - I thought that \$3.2 million was for staff, not offices.

Ms RATTRAY - It says that it relates to ministerial offices and opposition and electorate offices. So it might be support for ministers and certain parliamentary officeholders. How many offices? Did it include Henty House? It probably did not because it is ministers' and other parliamentary offices, so I will cross that question off. I thought it was excessive, and I noticed the Legislative Council is quite frugal when they do their redevelopments or refurbishments.

I have a question about the \$200 000 under 2.1, Management of executive government processes, which says 'reflects funding to develop and implement the Tasmanian housing initiatives campaign'. Is that the HomeShare and the Private Rental Incentives scheme? I am interested in what that relates to under Output group 2.2. There was quite a bit of television advertising but I hope not all of it was for that because there was a television advertising campaign around the Rental Incentives Scheme.

My next question relates to 6.1, Community development. There is a \$33 000 one-off payment to assist the operations of COTA. My understanding is COTA is funded on an annual basis, so I was interested in what the \$33 000 was for. Was it some special initiative the Council on the Ageing was rolling out? They have a COTA week, but it says it is a one-off. I know they get ongoing funding, and rightly so.

I have to be careful with this one - the Latrobe Speedway, a corporate training centre at Latrobe Speedway. It is a contribution of \$275 000: is that because it is a grant or has it gone over budget? I would appreciate an explanation about that. I notice the Tasmanian Golf Club received funding of \$30 000 to remove damaged trees -

Mr Willie - Apparently they cut 100 trees out.

Ms RATTRAY - One hundred trees, \$30 000?

Mr Valentine - It was actually more than that.

Ms RATTRAY - The last one I am going to ask about is 6.1, Biosecurity. There was a request for additional funds of \$145 000 reflecting action taken to respond to the blueberry rust incursion. Was that related to the ex gratia payments made or was it something to do with what else was undertaken by Biosecurity in response to the blueberry rust incursion?

Parks and Wildlife Service Tasmania has an extra \$2 million for fire suppression. We know how important that is, though I would have expected it to be budgeted for. I know how important it is so I will not argue with that. If we can, let us pay it - it will save at the other end.

Then there is 3.1, Energy policy and advice, which is a request for additional funds of \$885 000, reflecting consulting expenses to provide independent legal advice to the Energy Security Cabinet Committee relating to Basslink. I have written down 'OMG'.

Mr Dean - Meaning 'outdoor motor guidance'?

Ms RATTRAY - It is something like, 'Oh, my gosh', 'Oh, my goodness'. Is Tasmania on the winning end of this legal advice progress?

Ms Forrest - If you read the media, Basslink will take us to court.

Ms RATTRAY - So this is to support a legal challenge?

Ms Forrest - There are going to be more costs.

Ms RATTRAY - If this needs a briefing, Leader, at another time, it would be reasonable for members of the parliament to understand what on earth is going on. This has gone on and on. We should know and have some understanding of why we are still expecting to pay almost \$1 million for consulting expenses.

Mrs Hiscutt - Is that a formal request for a briefing?

Ms RATTRAY - If that is what it takes - a formal request. Because you might not have the information today, so a formal request.

The last is 3.1, Resource management and conservation. I know how important conservation is. I can tell by her voice that the member for Launceston is also surprised at the cost.

Ms Armitage - When I have been trying to get compensation for some of my constituents -

Ms RATTRAY - Yes. A request for additional funds of \$2.504 million, to be precise, to a landowner. I am presuming that is one landowner. One. I imagine they are putting a nature conservation area on their property that is most of Tasmania at \$2.504 million. How many hectares and what are the management obligations that sit alongside a quantum of \$2.5 million-worth of compensation? I would expect they would want to be looking at every tree on a daily basis.

Ms Forrest - And speak nicely to it.

Ms RATTRAY - And speak nicely to it, because that is a lot of dollars.

Mr Valentine - It could have something to do with acquiring land for highways.

Ms RATTRAY - No. It would not come under that. Look, I may be wrong and have been before -

Mr PRESIDENT - I notice under Standing Orders that I have to give the call to the first person I see rising, and that first person was the closest to me: so, member for Windermere.

[2.53 p.m.]

Mr DEAN (Windermere) - Mr President, the member for McIntyre has done a good job again, as she always does, in going through these issues. A couple of things I want to recap on and know

more about. The first is the increase in prisoner numbers during 2017-18 with a further half a million dollars.

Mr Valentine - What page are you on?

Mr DEAN - On page 6, it says that savings of \$500 000 resulted from WorkSafe Tasmania - which is great - and were transferred from WorkSafe Tasmania 'to meet the cost of a sustained increase in prisoner numbers during 2017-18'.

How much actually went to overtime? Where did it go to with these extra prisoners? I am not quite sure whether the current situation at the prison has seen prisoner numbers drop off. When prisoner numbers drop off - and they have dropped off previously - there are never any real savings, but if they are increased, there are further costs. Could I have some more detail on whether any of it went into overtime and, if it did, how much? It has been a perennial problem trying to keep a cap on this, because it has blown out of all proportion on a number of occasions, as the member for Rosevears and other members in this place have often referred to. We are now up to \$5 million in extra overtime. We are not just talking about overtime; we are talking about the extra money available to overtime over and above what has already been programmed and provided. We need to know more about that.

The electronic monitoring question concerns me. I am glad the member for McIntyre raised this. We in this Chamber have been fighting for this for a long time. The courts also have been calling for the electronic monitoring technology to be advanced. Here we have \$250 000 in this one case being taken out to go to the increased maintenance salaries for the additional judges coming into the Supreme Court. That has been at high cost as well.

This is obviously over and above the cost set to cover those additional judges. I would like to know whether we have had increased sittings for those judges over and above what was originally programmed for them for the year. Is that the cause of this blowout? I would like some more detail around that.

We then go to the next page and we have more money coming for Corrective Services for the home detention electronic monitoring and another \$520 000 going to increased demand for services in the Magistrates Court. It is all very well to bring it across - and I am not saying it is not a worthy cause - but I query at times where it is coming from and why. What is the increased demand for services in the Magistrates Court that was not foreseen at the time of the budget being drawn up? That is what this is all about - these extra unforeseen costs. You wonder how that can happen. We are talking about large amounts of money.

We have another: \$520 000 for the Magistrates Court's increased demand; when we go down further, we have another \$100 000 for the Tasmanian Planning Commission, so that is \$620 000, again to meet the increased demand for services in the Magistrates Courts. We are talking about large amounts of money, Leader.

On page 11, this transfer reflects the timing of projects. Overall funding for projects has not changed. That will not change and I accept that. The Mowbray Connector has been seen as very important infrastructure to get right. There have been road deaths at the Mowbray Interconnector. I wonder how much more important these other infrastructure matters are; where it has been transferred to; how much more important they are to the Mowbray Connector. Why is that the case? Is it because there has been a slowdown in the planning to get the Mowbray Connector right?

Or is there another reason the planning and construction of the Mowbray Connector cannot proceed as originally planned? What are the reasons for that? How far back will the Mowbray Connector works be put? When will works start on that?

We were given a time during the Estimates. I do not remember exactly what was said; perhaps somebody else does; the member for Launceston might recall the time it was given during Estimates. I thought the planning would be underway by the end of this year, but I might have that wrong. I want to know how far that has blown out. It is important infrastructure to get right. I am not saying these others are not important, but there have been road deaths there and, I would suspect, a number of crashes since this matter was raised in the Estimates as well. You see constantly many minor crashes on this connector; it just needs doing.

The Legislative Council extra moneys: I commend the Treasurer and the previous treasurer in the Labor government as well. We have always said the extra money would be made available to prop up the committees that are proceeding because we are always of the view that a committee should not be hampered or stopped simply because of insufficient funds. It is great that treasurers from different governments - the Labor Party and the Liberal Party - are doing exactly what they said they would do.

Ms Rattray - All we need now is for the government of the day to action the recommendations from the committee.

Mr DEAN - I think the member for Mersey raised that on Tuesday, if I remember rightly.

There is a large amount of money for ministerial offices - \$3.2 million. One could ask questions there as to exactly what - and this again was unforeseen at one stage. This request for funds of \$3.2 million includes additional costs relating to ministerial offices, opposition and electorate offices. I would like to know a little more about that and exactly where these changes occurred.

Mr Willie - Not a lot of it was ours.

Mr DEAN - There might be, after some comments the other day. You have the Speaker on your side.

The member for Rosevears will be very happy as an amount of \$54 000 extra was made available for Tasmania's wombat population to deal with the impact of mange.

Ms Forrest - He only asked for the money this morning.

Mr DEAN - He did. He asked for the money and he has it.

Ms Forrest - Are you going to ask him in a notice of motion? He should have really good information from this to say they are already onto it.

Mr DEAN - You are absolutely right.

The member for McIntyre has mentioned the blueberry rust funding; that is good.

Ms Armitage - To answer the question from the member for Windermere about the Mowbray Connector - now with the new design, because it is a revised design, once the revised design is complete, construction on the new design is expected to start in 2019-20.

Mr DEAN - Thank you for that. I have to accept some responsibility for that, as you do as well. We were not pleased with traffic lights going in there and we put a position forward to the Government, which we are pleased was taken on board. We accept some responsibility. I think it is worthwhile that is going to happen, so perhaps that answers that question about the connector.

The Basslink matter was referred to; I do not need to go into that any more.

The one I want to refer to is the management of government processes, which refers to the bonus payment made for the cheque sent out to pension concession cardholders - age pension, disability and DVA. What was the total cost of that? You could go back through the previous budgets and work it out, but this is an additional \$98 000 so obviously it was over and above what was first forecast in this area. There might be something there for the overall cost of that to the state - it would be of interest.

I also refer to the \$2.5 million in compensation payment made available to a landowner. That indicates it is to one person - one person only. With that amount of money, it must have involved a huge presence of threatened species or threatened native vegetation on their property.

Ms Forrest - The landowner can be the state, not necessarily a person.

Mr DEAN - Of course it can. That is why it is important to have more information. I would like to know who the landowner is, where the property is, and more about it.

It is not good enough to have an extra amount of money put into these documents under the Section 19 Return for this amount without some reasonable explanation. If it is not going to come in these documents, it is going to come from us and needs more explanation.

My last issue is with the auditing processes through all this. It might be most auditing is done by the Auditor-General's office. How much independent auditing is done of each of these amounts? I assume it is done within the department so it will be all right and all very well for the Treasurer's office when he receives requests for further funds.

I suppose they have to be satisfied this meets all the criteria and the necessary evidence is available to support extra funding being requested. How big is the office, to be able to take on all of this work?

[3.06 p.m.]

Mr WILLIE (Elwick) - Mr President, this is one of more interesting Section 19 Return debates I have heard for a little while - it is like choosing your own adventure. It is for the June quarter, and there are some necessary transfers. One that has not been raised is the -

Ms Rattray - I left some.

Mr WILLIE - The transfer on page 4 reflects the movement between outputs 2.1 and 1.3 to allocate funding for the George Town and Queenstown child and family centres to the correct outputs. Why was it in the incorrect output and how was it missed in the budget process?

Mr Dean - The member for McIntyre mentioned it.

Ms Rattray - I did not go further because I know you are interested in child and family centres.

Mr WILLIE - I am very interested, as I am in my role as shadow corrections minister now. I am interested in the same things as the member for McIntyre and the member for Windermere were with the line item.

My question is a little different. This time last year the Legislative Council passed a suspended sentencing bill. It has been nearly 12 months since the sentencing options bill passed and I vaguely remember - and you may correct me, Leader - that there was some haste in passing that.

A review provision was put into the bill to look at suspended sentencing, and Labor was supportive of options. Why is it the case that after 12 months they have not been progressed? We are seeing money being transferred from some of those sentencing options because they have been delayed.

The \$150 000 for the Metropolitan general access services, as a result of a lower than expected growth in fuel costs has been transferred to passenger transport to assist in meeting unforeseen costs with the relocation of the Hobart bus mall. So \$150 000 is there for the relocation of the Hobart bus mall. Can you rule out there will be any future transfers in the Section 19 Return when you start building the underground bus mall?

Ms Forrest - There will not be because the Financial Management Act will come in and it will be section 24.

Mr WILLIE - The Government might start digging a hole for the underground bus mall and it might have already started the process. I am concerned there may be some transfers here for extra labour costs because you are onto a good thing digging a hole in the middle of Hobart and might want to keep going.

Mr Dean - As long as it is not a black hole.

Mr WILLIE - Well, they have those issues, too, I have heard. I digress.

One issue that has not been raised in Section 19 is the Bellerive kindergarten site sale. I asked a number of questions about that in Estimates. I think it was a missed opportunity. I wrote to the Premier about it, and he clarified that the site was offered to Housing Tasmania and there was a 21-day process for them to look at it. I also understand that, if they were interested in it, they would have to purchase it from the Education department.

I still feel that was a missed opportunity. The Government needs to look at that because those sorts of crown land sites are rare, where they are close to services such as that. It was a prime piece of real estate. It could have been a wonderful development with social housing in the mix.

It says here in Section 19 that, 'money is now being transferred to the Education Department to be expended on maintenance at a number of school sites'. Nobody could argue with maintenance of school sites. But should not the Government just fund the maintenance of school sites, given that these crown land opportunities do not come up for housing all that often in urbanised areas like

Bellerive? The Government could have funded the maintenance for the school sites and then had that development opportunity for Housing Tasmania.

Mrs Hiscutt - I will have to have to take some of that as comments because I do not think they are true questions.

Mr WILLIE - Yes, and you do not have the expertise there. I tried to get those answers in other forums. You may be able to answer my next Housing question though, Leader, which is about the Community Housing Stock Leverage Program. It is at the bottom of page 12 as well -

This Request was for Additional Funds of \$1.7 million is to reimburse Housing Tasmania for the payment of Stamp Duty Relief to a community housing provider for properties transferred under the Community Housing Stock Leverage Program. There is a zero dollar impact to the Budget.

Am I reading this right? That the Government handed over the titles to a community housing provider, and then it has paid \$1.7 million in stamp duty relief? Not only have you handed over the titles of properties, but you then also copped a \$1.7 million additional expense for doing that. Is that correct?

Mrs Hiscutt - I will answer that when the time comes.

Mr WILLIE - If that is the case, I think that is really questionable.

Ms Rattray - That is probably why we have not enough affordable housing, or one of the reasons.

Mr WILLIE - Just giving them away. Labor has been on the record about that initiative - that we did not support handing over public assets - and then another \$1.7 million is on top of that as a sweetener. You could fund public housing properly, too.

The member for Mersey is not in the Chamber at the moment, but I really enjoyed his speech the other night about the committee process. On page 13, there was \$40 000 for additional funds to the Joint Select Committee Inquiry into Future Gaming Markets in Tasmania. The member for Mersey made some very valid points the other night about the respect -

Ms Forrest - I am sure he is watching.

Mr WILLIE - Yes, he was talking about the respect of the committee process from the Government, to take that seriously. That whole process, do not forget, was set up by the Treasurer in the lower House; he started that process, and both Houses of parliament went through that for almost a year, I think.

Ms Rattray - I can assure the member there was a lot of work in that.

Mr WILLIE - There was a lot of work put in by members. Then the Government, on the eve of an election campaign, completely ignored all that work and all the resources that went into it and let the gaming industry write its policy. Was that value for money for the taxpayer? Probably not.

Mrs Hiscutt - I will take that as a comment also. Is there a question?

Mr WILLIE - I am just making a point.

Mr Dean - That committee had to do a fair bit of travel as well.

Ms Rattray - We had to have some expertise when it came to the taxation component of the gaming inquiry.

Mr WILLIE - I am not questioning the work of the committee. There was a lot of hard work put in by members in this place, in particular. There were some good recommendations. The member for Mersey did a fantastic job chairing that. I am just highlighting the same points that the member for Mersey did the other night. What was the point when, on the eve of the election, the Government just completely ignored the recommendations, completely ignored the findings, and basically followed what the industry wanted it to do.

Mrs Hiscutt - I will take that as a comment.

Mr WILLIE - The \$3.2 million in ministerial offices, the opposition and the electorate offices, are you able to provide a breakdown of those costs, Leader?

Mrs Hiscutt - Yes.

Mr WILLIE - I am also interested in the one-off payment to COTA, if that could be answered please. Skills development on page 16: the request for additional funds, the \$534 000 reflects additional funding for TasTAFE to implement actions arising from the Wise Lord and Ferguson audit and unforeseen costs relating to accreditation costs for the Kangaroo Bay project. Could we also have a breakdown of the costs for that audit? Is that for an independent consultant? When I was still the shadow minister for skills and training, I understood that process was going to be done internally. Is that extra staffing costs to implement that audit?

The request for additional funds of \$98 000 to reflect the funding for a bonus payment for energy costs to all pension concession cardholders: I was very critical of that scheme, not in its intent - I thought relieving cost-of-living pressures for pensioners was a good thing. It was the way the Government went about doing that. There was no reason they could not have credited accounts; that would have had minimal cost.

It was a political exercise in the end. A letter went from the Premier and the minister to every eligible household - a very political letter with some information from the GBE at the time attached - and there is an additional cost for that, \$98 000. I am interested in knowing: was that for the letter sent to households, Leader? At the time the Minister for Energy said Westpac was going to incur some of the costs. There was a debacle around the timing; promises were made that it would be there for Christmas, and it did not turn up for a lot of households. I think it backfired on the Government in the end.

Yes, let us relieve the cost-of-living pressures for pensioners, but let us not turn it into a political exercise.

Mrs Hiscutt - I will take the question.

Mr WILLIE - What exactly was that \$98 000 for? It is my hunch it was for that letter that was sent to households.

Mrs Hiscutt - I will take the rest as a political comment.

Mr WILLIE - Yes, the rest is a political comment. As I said, it is a 'choose your own adventure'. I will leave what is left to other members. I have enjoyed myself, so thank you very much.

[3.18 p.m.]

Ms FORREST (Murchison) - Mr President, it is good to see a number of other members engaging in this debate because often we do not see that.

Ms Armitage - But it has already been done.

Ms FORREST - No, on other occasions I am talking about when many things are not questioned. I am making the point that it is good members engage in this process.

I want to talk about the overall process before I reiterate a couple of comments that have been made, but make my own observations on a couple of them as well. This is something we see every year and it will change once the Financial Management Act comes into place. It will be the same sort of process, or similar, but a different section so it will be called something else. A similar process will still unfold.

The majority of this Section 19 Report relates to money being shifted around within departments to meet shortfalls where savings have been made and that is by far the majority of it - the financial shuffling of the deckchairs. There is nothing wrong with that - it is quite a reasonable thing to do, but that is what it is: it is not something that should not be done, it is a sensible use of money that is not being spent for whatever reason. We always see it in Infrastructure to an extent because some projects are delayed and sometimes that is completely inevitable.

There is also unforeseen expenditure on events that occur that cannot be budgeted for that, like natural disasters. There are always legitimate reasons why these additional expenses are made and requested immediately after the event, but it still seeks parliament's approval effectively retrospectively.

I note the Leader's comment here -

It should be noted this amount represents the lowest level of expenditure presented in the Section 19 Report for the past six years.

Well, so it damn well ought to. We had a massive supplementary appropriation bill not long ago, when millions of dollars of additional money were not budgeted forward and which we supported. I made the point at the time, and again in the most recent Section 19 Report, that I hoped this one was not going to be big, otherwise we are not managing our budgets very well. The fact the Leader made the point is interesting, because if it had been anything but a fairly small amount of money in comparison to previous years, you would have to question what is going on.

Mr Gaffney - If they had provided a bit more information, people would not be asking the same questions.

Ms FORREST - I am going to stand here and commend Treasury, because it was not long ago we basically got nothing; and we have asked and asked, and I believe they have come through with

the goods. There are still questions unanswered. I take on board the member for Mersey's comment. It is so much better than what it used to be. There is a balance with how much is put in here and we have not ended up with a 50-plus page document when there is a lot of additional expenditure. I thank Treasury for the seriousness with which it has taken our repeated requests over a number of years to get to this point. Yes, we could ask for more. There are many ways we could get the information and one is through this. I would be very surprised, with all due respect to the Treasury officials who assist the Leader, if they would have fresh answers to all these questions. We are all proud of them. Well done! If we do not, any of these questions that have been asked can be put on the Notice Paper, can be put without notice; there are many ways.

Mrs Hiscutt - We have committed to going through *Hansard* and delivering the questions later.

Ms FORREST - That happened in the past.

Mr Gaffney - For example, the \$3.2 million for offices.

Ms FORREST - I am getting to that. There are some areas where more detail could have been provided as it is not consistent. I want to commend Treasury first, because it really has done a good job. I am going to make a few recommendations.

I do not want to go back over all the matters other members have, because most of them have covered it well and we have different takes on some of the aspects.

The member for McIntyre asked about the two lots of \$100 000 transferred with the priority postage changes in Australia Post.

The money is going to Births, Deaths and Marriages. Why does it go there? Obviously, it was needed. What was the Australia Post requirement that Births, Deaths and Marriages needed to spend the extra money on?

I do not have problems with money being transferred within various departments to meet shortfalls where there are genuine savings because if there are not savings, they cannot do it and they have to come for a RAF.

Why did it go to Births, Deaths and Marriages, and what is their role is in that?

The other question raised by the members for Windermere, McIntyre and Elwick was with regard to the home detention electronic monitoring. It is important we understand where the program is at. It is something the police want to be able to use, particularly for some victims of family violence. It could be a valuable tool in protecting them. For some, it would drive them insane knowing where the perpetrator is all the time so it is not a fix-all solution for everybody. They are the ones where the victim can be aware of the location of that person. There is nothing wrong with the police knowing where they are, if that is the point.

It is important we understand why that has been delayed and where it is at. It has been raised by other members. Assuming this money has been transferred from one program to another, the money is still there to do it. The money has not been spent on that particular program now; it has been shifted to another area to be used. Will we still see it funded? That is the question to the Leader.

A question was raised by a couple of members about the RAFs in relation to the Legislative Council and additional funds required for members' offices. This was not of their choosing but because the electoral boundaries moved. There is a very clear explanation as to why that was necessary; that was a side effect of another process. It makes it very clear how much was spent, at which office and the reason for it.

We then go to support for ministers and certain parliamentary officeholders - probably the largest RAF. There is no detail of this except to say that it was for 'ministerial offices, the opposition and electorate offices'. It may well be additional expenditure was required at Henty House. This is money above what was budgeted.

Ms Armitage - There are no ministerial offices in Henty House.

Ms FORREST - No, but there are electorate offices.

Ms Armitage - You are talking about ministerial offices.

Ms FORREST - No, it says 'ministerial offices, the opposition and electorate offices'. It does not say ministers' electorate offices.

Ms Armitage - I am sure ours didn't go over budget.

Ms FORREST - The point is that there is very little information about what it relates to. Regardless of whether it was for Henty House or not, there would have been funding for the Henty House refurbishment - those members' offices and the space used there by the Government.

This is \$3.2 million above budgeted expenditure. This is not budgeted, this is above budget. It is a significantly greater amount of money than what was expected - for whatever it was. That is the point. For the Legislative Council, we get quite a bit of detail about the relatively small amounts - \$20 000, \$14 000 and \$20 000. The \$14 000 was for a committee, and there are two amounts of \$20 000 - but about the \$3.2 million, we are told nothing. Treasury has done a really good job but in some areas it has fallen down; it has put a very big number with no clarity or explanation as to why that has been spent that way.

The member for Rosevears is not in the Chamber, but I also note the additional funds of \$54 000 reflecting a program to secure the recovery of Tasmania's wombat population from the impact of mange. It is a serious problem, as he will no doubt prosecute when he debates the motion he put on notice today. I believe it will take more than \$54 000. This is additional funding to what may have already been put into the program. I will be interested to hear the Government's comments - not now; this is for a later time when that matter is debated - about the overall program put in place to support the protection of wombats.

The member for McIntyre noted the \$885 000 for independent legal advice regarding the Energy Security Cabinet Committee relating to Basslink. Basslink and Hydro are in court more often than you have hot dinners. You only have to turn around and they are back in court. I am happy to have a briefing on this. Having sat through hours and hours of Public Accounts Committee inquiries - and the member for Windermere will back me up on this - you really do not get anything: as soon as it becomes a legal issue between Basslink and Hydro, the wall goes up, and we cannot talk about it. I am not sure how effective a briefing is going to be for understanding this.

Mrs Hiscutt - That may be the advice that comes back, but I will certainly ask.

Ms FORREST - I am saying that while a matter is before the court, you can talk about how much they are spending in legal fees. That will be in their annual report when it comes out - how much Hydro paid will be in there. I expected a big sum, but this is additional funding. Effectively this must be through the Minister for Energy's office, which is where energy policy and advice sits in the minister's office, and the role that it had to play in the Energy Security Cabinet Committee.

It is a massive issue. Basslink is now warning Hydro to cough up all the money they did not pay when Basslink was down because Hydro said they did not have to. Basslink said, 'Yes, you did' and there you are. I do not think it will be resolved anytime soon. I would say it definitely is not the end of it; there has been another outage since, not as long and not quite as damaging because the dams have more water in them and we are not in the middle of a once-in-a-whatever-number year drought.

Those are the questions members have asked. I will be interested in the answers to those questions as well if they are available today. If not, I know the Leader has committed, as the Government has in the past, to go through *Hansard* and respond to these questions. It is not unreasonable to expect us to put some of these on the Notice Paper if it is not possible to get answers in a short time. We have an obligation to do that as well. I am happy to do that either way, but I note it is a process we go through every year. Yes, we do approve it in retrospect, and I do not think we would ever consider not doing that, but it is a good opportunity to see where the additional money is being expended. The shifting around in sections 10.1, 10.3 and 11 of the Public Accounts Act are not so much the issue as the ones that are the requests for additional funding, the unbudgeted expenses. That is what we need to keep a close eye on.

[3.32 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, that was a fairly hectic moment for the Treasury but it has done a wonderful job here. We cannot provide some answers today and we make the undertaking to go through *Hansard* and answer those that remain. So members could listen to make sure I have looked at everything.

The member for McIntyre talked about educational information services and community learning and early learning. The movement of \$750 000 between outputs is due to the centres being reflected against the wrong outputs. The variation has a nil impact on the net operating balance.

The member for McIntyre also talked about the Finance General miscellaneous \$335 000 debt-servicing interest on sundry deposits. The lower expenditure for miscellaneous ex gratia payments was due to lower than expected funding requirements. Interest is paid on some Special Deposits and Trust Fund accounts and the increased cost reflects higher balances in these accounts and the resulting impact on the interest cost. This cost is partially offset by increased interest revenue for the Government from its investments.

The member for McIntyre went down the Department of Justice's page so I will call them out. The Tasmanian Industrial Commission to Births, Deaths and Marriages: due to the same-sex marriage reforms in addition to the changes in Australia Post delivery time frames and the need to increase the use of priority postage, the operating costs of Births, Deaths and Marriages significantly increased in 2017-18. There was a budget overrun of \$200 000 as a result, which was funded by two transfers. Savings of \$100 000 from the Tasmanian Industrial Commission were applied to assist with the budget shortfall. The majority of these savings arose from the need to utilise Fair Work Australia commissioners for appeals being less than anticipated.

Ms Rattray - Leader, that does not make sense.

Mrs HISCUTT - I will get to the births section in a minute. It is not actually births - it is birth certificate issues. You might be getting married and want a birth certificate. Following on from what I have said savings of \$100 000 from the Monetary Penalties Enforcement Service resulted from salary and other administrative savings generated during the year.

WorkSafe Tasmania and the Prison Services -

Savings of \$500 000 resulting from salary and other administrative savings generated during 2017-18 have been transferred from WorkSafe Tasmania to meet the cost of a sustained increase in prisoner numbers during 2017-18.

A further \$4.3 million was included in the supplementary appropriation bill of 2018.

The Tasmanian Planning Commission and the Planning Policy Unit: salary savings of \$110 000 generated during 2017-18 will be transferred from the Tasmanian Planning Commission in addition to savings in commissioner costs due to the use of in-house expertise. These salary savings have resulted from the commission changing its staffing structure for the reduction in funding from 2017-18 onwards.

Justice was for the member for McIntyre and some others. The Anti-Discrimination Commissioner to Legislation Development and Review: salary savings of \$40 000 in the Anti-Discrimination Commissioner output have resulted in a minor decrease in the projected deficit funded in the supplementary appropriation bill sufficient to cover the deficit in Legislation Development and Review.

The Community Corrective Services to the Magisterial Courts Services - where is it at? We will have to seek some further advice.

State Growth - still the member for McIntyre. Metropolitan general access services and down to passenger transport from State Growth: the reallocation of the Hobart Bus Mall was a one-off unforeseen expense during 2017-18. The Minister for Infrastructure endorsed the transfer of funds from output 6.2 to address this additional expenditure. The costs associated with the relocation included the reprinting and replacement of bus stop and customer timetables and a customer information campaign alerting passengers to changes and service planning costs.

The member for McIntyre asked: was the \$3.2 million for ministerial and parliamentary support related to Henty House? The answer is no.

The member for McIntyre also asked whether additional funding for the Latrobe Speedway was the Government's contribution to that project. Funding of \$200 000 for the Housing Initiatives campaign related to promotion through a number of mediums. Funding of \$33 000 was for COTA. We will need to seek some further information on that one. There was \$885 000 for Basslink; we also need to seek further information on that. There was \$145 000 for blueberry rust and this cost related to the identification of further incursions.

Parks and Wildlife Service - a couple of members asked about this one, the \$2 504 000. The Forest Practices Authority refused certification of a property near Marrawah in the north-west of the state on the basis the proposed forestry activities would impact on undifferentiated wetland

community listed as threatened under Schedule 3A of the Tasmanian Nature Conservation Act 2002 and potential habitat for the dwarf galaxias listed as Vulnerable under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999. The dwarf galaxias is a tiny freshwater fish endemic to south-eastern Australia, where it occurs in Tasmania, South Australia and Victoria. In Tasmania, it is classified as Vulnerable under the Tasmanian Threatened Species Protection Act 1995 and is considered a priority species requiring consideration under the Tasmanian Regional Forestry Agreement 1997.

The member for Windermere asked about ministerial and parliamentary support. Background: the request for additional funds of \$3.2 million reflects additional funds for the Opposition Leader of \$150 000; additional funds for the Leader of the Tasmanian Greens, \$20 000; estimated termination payments, \$1 250 000; additional funds for ministerial offices, \$1 680 000; and additional funds for electorate offices, \$100 000.

Also for the member for Windermere, about prison service costs: I need to seek further information.

On the Magistrates Court's increased costs, the increase in demand is driven by an increase in matters brought before the court. Exact reasons are not known, but significant work is being undertaken to develop a criminal justice model to assist in understanding of the system.

On overall costs of the Special Energy Bonus, we will need to seek more information.

On the auditing process, all RAFs are provided to the Auditor-General for their information and review.

Mr Dean - That is for every one that comes in?

Mrs HISCUTT - All RAFs.

Mr Dean - What about the answers to the \$2.5 million payout made to the landowner?

Ms Forrest - She answered that one; it was about the nature conservation.

Mrs HISCUTT - It is the same one I went through. You can read it on *Hansard*.

On housing services and affordable housing schemes stamp duty support, the request for additional funds of \$1.7 million is to reimburse Housing Tasmania for the payment of stamp duty relief to a community housing provider for properties transferred in the Community Housing Stock Leverage Program. The stamp duty relief was passed on to the State Revenue Office by the community housing provider.

Under the Community Housing Stock Leverage Program, some public housing assets were transferred to community housing organisations. Community organisations are able to borrow against the value of these assets to build additional homes, thus delivering additional benefits to Tasmanians. Rather than requiring community housing organisations to incur stamp duty costs on the transfer of title of these properties, Housing Tasmania has provided the organisations with the funds to meet the costs.

For the member for Elwick, the transfer involving the George Town and Queenstown child and family centres was a result of an administrative error in relation to the original allocation within the department. The cost of the TAFE audit was \$297 440.

Mr Willie - How was that allocated to staffing? Was it for extra internal staffing to oversee the audit?

Mrs HISCUTT - Sorry, I thought you had originally asked about the TasTAFE audit and how much that cost.

Mr Willie - No, I do not have my section notes.

Mrs HISCUTT - If it is already on the *Hansard*, member for Elwick, we will address it.

Mr Willie - I can follow up.

Mrs HISCUTT - If you have already asked it on *Hansard*, we will address it. The additional expenditure for the Special Energy Bonus: due to higher than expected returns from the Government energy businesses, the Government decided to pay a bonus to all pension concession cardholders, including age pension, disability support pension, parenting payments, carer payments, wife pension and DVA pension concessions and Commonwealth health cardholders. This bonus was to help support cost-of-living increases. The Government decided payments will be made directly from Aurora Energy for Aurora Energy account holders and from government for non-Aurora Energy customers. Each eligible customer received \$125.

For the member for Murchison: Births, Deaths and Marriages was faced with having to issue a greatly increased number of births. This is what I wanted to address with you.

Ms Forrest - Birth certificates you are talking about?

Mrs HISCUTT - Yes, it is not because the member for Elwick is overdoing his job; it is birth certificates required to do other things. Birth certificates and other information to members of the public - this was in addition to the change in Australia Post costs, which also impacted on the office's expenditure.

Why was home detention monitoring delayed? Another question from the member from Murchison; we will have to seek further information.

Ms Rattray - The \$200 000 for postage; I know stamps went up in cost.

Mr Dean - They are cheaper as against several million dollars.

Mrs HISCUTT - We have answered as many questions as we could. We will go through *Hansard* to address any missed questions. I am pleased we have three weeks to do this before we come back again. If we do this again next time - and only if you would like to - would it be easier to present a list of questions beforehand so we may be able to sort some out? It is up to members if they wish to do that, otherwise we will stay with this process where we go through *Hansard* and address questions. I am happy to take questions earlier.

Mr Dean - Thank you to the departmental staff for what they have done. Well done.

Mrs HISCUTT - Excellent effort, thank you.

Motion agreed to.

PUBLIC HEALTH AMENDMENT (PREVENTION OF SALE OF SMOKING PRODUCTS TO UNDER-AGE PERSONS) BILL 2018 (No. 45)

First Reading

Bill presented by **Mr Dean** and read a first time.

MOTION

Consideration and Noting - Select Committee on Firearms Law Reform - Report

Resumed from 25 September 2018 (page 64)

[3.49 p.m.]

Ms RATTRAY (McIntyre) - Mr President, my contribution on this motion will be brief because the member for Windermere and Chair of the committee has certainly been through its major aspects. The member for Mersey has also made a significant contribution.

I put on the record my disappointment at how the committee ended up having to reassess its work, and the fact that our terms of reference did not fit with what the committee was doing once the Government had withdrawn its policy - particularly when the terms of reference specifically related to the policy document that the Government had brought in on 9 February.

Like the member for Windermere, a number of people with an interest in this made representations to me; as you do, I encouraged them to make a submission. For some people, it is quite a daunting task to have to do that, so they really took the time. Receiving 111 submissions to any inquiry is substantial. I certainly want to place on the record my appreciation for the time and the effort those people went to, to make sure that the committee had a very good understanding of where they sat in regard to firearms and the policy the Government had initiated, hence the establishment of the inquiry. They were quite keen to be part of the inquiry process. Many of the authors of those 111 submissions indicated they would like to present to the inquiry, not just provide their submission, but come and speak on their submission. They either felt that they had more to offer or that they could provide some clarification or additional information, which is always useful. In that regard, it was very disappointing.

While I am on that, it would be useful to read from a document that we received -

We would like to thank them [the Legislative Council Select Committee on Firearms Law Reforms for their hard work so far in this extremely important matter. Some of the submissions that the committee members will have had to consider will undoubtedly have contained gruelling material that will have been all the more difficult to read because it concerns people within our own community, not unknown people on the other side of the world.

It goes on to say -

We are very disappointed that the Tasmanian Government has reneged so quickly on last week's announcement that it was dropping attempts to loosen the Tasmanian gun laws. This flip flop has occurred with breathtaking speed. It would appear that either the announcement last week was just a political ploy or it was meant to be genuine but the gun lobby pressure has been swift and strong enough to make the Tasmanian Government buckle. It now appears the Tasmanian Government will continue to show selfish, arrogant disregard of people's desires for their families to be safe at work, school and home.

As you can see, people did not hold back in their thoughts about what transpired with the Government's decision to remove the policy. I was extremely surprised to hear there is a firearms inquiry in the other place. I am not entirely sure whether the Government felt that the Legislative Council inquiry was not up to the task of doing the work.

Mr Dean - What do you mean, at the same time?

Ms RATTRAY - No. I mean, why take away the committee that we had and then establish another committee?

Mrs Hiscutt - It was not the intention of the Government to do that. We had hoped the committee would continue, but as soon as it did not, or could not, see its way forward, there was another one established because it was needed and wanted.

Ms RATTRAY - The question back to the Government at this stage is, why did they not speak up when the terms of reference were put forward? Why did they not say, 'Look, we do not agree - we have some concerns about our policy, perhaps you'd better not refer to the terms of policy in your terms'? There may have been other ways of doing it - I am not sure - but I am interested to know why they wanted to set up another inquiry.

Mr Gaffney - Because we closed our inquiry down they then wanted to have an inquiry and they will have new terms of reference because those were not included in ours.

Ms RATTRAY - I understand that, but I cannot understand why they pulled the policy, walked away from the policy document, while the committee was still functioning or about to get serious about the work. Effectively this committee has a similar set of terms of reference. That is what I do not quite understand. The Leader may well have the answers I am looking for here.

Ms Hiscutt - It is addressed in here.

Mr Gaffney - In the minister's letter he said he wanted to wait for recommendations to come back from our report before they could decide on their policy position. He was saying, 'Go and do the work for us. Come back with some recommendations and we will look at the recommendations to see which ones we like'.

Ms RATTRAY - We had already used the policy document as part of the terms of reference; the Government and the minister knew that. That is what puzzles me as much as anything: the minister is a smart person who knows exactly how the functions of parliament works. It would have been difficult when the terms of reference were no longer valid because we had no policy to tie it back to.

Mr Dean - Their advisers would have been all over this as well.

Ms RATTRAY - At another time I suggested there had been some concerns about the Government putting in a submission. There have been times in this place when a government of the day has chosen not to make a submission to a committee of inquiry but then has come along once invited by the committee - often on more than one occasion - to answer questions.

We had a policy document in front of us that related to the terms of reference, and so had the Government. If the minister had said that the Government had decided not to put in a submission to the inquiry, I would have accepted it, as a member of the committee. Others may not have, but I would have. I would have said, 'There will be a chance possibly at the beginning and then at the end of the inquiry to have the Government representatives, the minister and whoever else to come to the inquiry and we can pose the question and then information will be shared and become part of the report.'

Again, I am not quite sure whether it was because they did not want to put in a submission and decided, 'We will just pull the policy and we will let them go and do whatever'. I still do not understand the rationale behind it.

Mr Dean - I am the same as you. I am still confused.

Ms RATTRAY - I am still confused. We do not know. Again, I fully support the direction of the committee not to proceed because it would have been inappropriate with the terms of reference we had because they referred directly to the policy that had been withdrawn, the Government's policy.

My heartfelt thanks to everyone, and my apologies to those people who were very disappointed. I encourage them to take the opportunity to put their views forward. They may ask that their original submission to the Legislative Council firearms inquiry be used or they may decide to go along and speak to it; however, they might want to make representation to the new inquiry, and I encourage them to do so. Some very sound and reasonable suggestions were put forward that would assist, particularly in the area of landowners and browsing animals, to address some of those issues. They were very valid concerns and good suggestions on how they might be dealt with in the future. I would like to see those suggestions progressed, if possible.

That is my offering to the noting of the final report, as brief as it is. I said yesterday I have never seen a short, sharp inquiry in this place, but, unfortunately, this was the shortest and perhaps not the sharpest I have seen.

[4.01 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, This is a weird situation, because I was on the committee and was looking forward to it, but here I am delivering the Government's message on this motion.

I am placing on the record the views of the Government in this somewhat contentious matter. The Government has a lengthy contribution on this motion, because it wanted to set some background and history and what has happened, so I hope members bear with me while I deliver this.

On behalf of the Government, I thank the members who participated in this inquiry, particularly the member for Windermere, in establishing the inquiry and taking on the substantial task of consulting with the community on firearms law reform. As all members here are aware, since the conclusion of this inquiry the Government has established a somewhat equivalent committee in the other place to inquire upon firearms law and policy.

In establishing this inquiry, this is an approach supported by a wide cross-section of stakeholders from across the community. The Government sees it as sensible to continue with a committee inquiry to ensure everyone who wants to have their say on Tasmanian firearms laws, which are, and should remain, the strongest, can do so.

I reiterate: the submissions that were put in - all 111 of them, those now publicly available - were not in vain, not a waste of time and will not be lost.

I will touch on some of the background. The Firearms Act 1996 and the Firearms Regulations 2016 established the legislative framework for the regulation, registration and control of firearms in Tasmania. The Firearms Act was introduced after the tragic Port Arthur massacre, replacing the Guns Act 1991.

The new legislative framework implemented and agreed to minimum standards of the National Firearms Agreement signed by the Australian Government and all states and territory governments. To possess and use a firearm, a person is required to hold a firearms licence. To be granted a firearms licence, a person must satisfy the eligibility criteria, which includes that they: must be over 18 years of age, be a fit and proper person, have a genuine reason for wanting a firearm, have satisfactorily completed an approved firearms safety course, and must comply with certain safety and storage requirements

A person must also register every firearm in their possession. The Firearms Act also provides the current requirements for the renewal of licences. The process requires a licence holder to apply to the Commissioner of Police for renewal of the licence before the expiration of a licence or within a period of 14 days after the expiration. The term of a licence ranges from 12 months up to five years depending on the licence category as prescribed in section 15 of the regulations. The regulations also prescribe the storage requirements for firearms, firearm parts and ammunition. The requirements include storing firearms and ammunition separately when not in use.

In relation to the provision of training, Tasmania Police has a formal agreement with TasTAFE to provide firearms safety training courses to firearm licence applicants. Upon being granted approval to obtain a firearms licence, the applicant receives written approval from Tasmania Police to enrol and attend an approved training course. Once the applicant has received written approval, they must complete the course within six months in order to be granted a licence.

The Firearms Safety Training course is a two-part course covering theoretical knowledge of the Firearms Act, requirements imposed on firearm owners and a practical component giving the applicant an opportunity to learn about safe handling practices, loading and unloading of firearms and shooting of firearms on an approved range under the supervision of an instructor.

The Firearms Act and regulations also provide for a series of firearm-related offences in Tasmania. The offences include selling, acquiring, possessing or using unregistered firearms, possessing or using firearms without a licence, shortening or altering a firearm, and failing to comply with storage requirements.

Mr President, the Firearms Act has been amended 14 times since it commenced in 1996, with the most significant of these amendments via the Firearms (Miscellaneous Amendments) Act 2015.

The amendments were in response to a review commenced in 2009 by the then Labor government and brought to completion in the previous term of the Hodgman Liberal Government. Both governments were assisted during the review by the then Firearms Consultative Committee. The amendments created a number of new firearms offences, including possession of a stolen firearm, and clarified key terms as well as licensing, storage, search, seizure and disposal requirements. The Tasmanian Government implemented the amendments in three tranches, including the proclamation of various sections and development of the new Firearms Regulations of 2016. These reforms were informed by extensive public consultation, including advice from the then Firearms Consultative Committee and over 150 submissions from the public.

Mr President, Tasmania Police is responsible for enforcing and regulating the use of firearms in Tasmania. Tasmania Police undertakes a range of measures to address firearms crime and enforces the rules surrounding the possession and use of firearms. Tasmania Police investigates incidents involving firearms crimes, which consist of offences involving firearms, including firearms used in the commission of an offence or being the target of a burglary, robbery or theft.

There are also specific offences relating to firearm discharge and possession as well as offences relating to firearms licensing and storage.

Tasmania Police works in collaboration with state and territory police services, the Australian Federal Police, Australian Criminal Intelligence Commission, Australian Border Force and the Australian Taxation Office to intercept and disrupt organised crime activity, including firearms crime.

Tasmania Police is also an active participant in the national task force Operation Athena, an advisory group formed under the auspices of the National Illicit Firearms Strategy, targeting the illicit use of, and trade in, firearms by serious and organised crime gangs.

Tasmania Police runs permanent and mobile firearms amnesties encouraging individuals to surrender unwanted, unregistered and illegal firearms and ammunition for destruction. The firearms can be handed in at any police station in Tasmania without fear of prosecution. Tasmania Police then manages the safe destruction of firearms. During 2017, in excess of 3000 firearms were handed in to Tasmania Police for destruction as part of a national amnesty - an increase from an average of 2000 a year.

Firearms Services is an administrative division within Tasmania Police's Operations Support. It is located in Hobart and the division is responsible for the administration of the Firearms Act, including the following important roles:

- determining the suitability of applicants wishing to hold firearms licences
- determining permits to acquire firearms
- registering firearms
- disposing of seized firearms, ammunition and related articles
- registering firearms dealers
- investigating serious firearms offences such as firearms trafficking
- maintaining a record of registered firearms and their location
- approving firing ranges and galleries
- coordinating police inspections of firearms storage

- monitoring firearms related to risk of public safety and responding to these risks
- further suspension or cancellation of licences or the seizure of firearms in high-risk situations.

Some examples would be domestic violence situations, reckless or erratic behaviour - threats of suicide and so on. It continues -

- providing advice on Firearms Act-related matters, including requirements for ownership, storage and dealing in firearms to licence holders, Tasmania Police staff, including officers with active investigations, ministerial staff and other state government and Commonwealth government staff.
- contributing to firearms policy development through the national firearms policy framework working group which provides advice on any revision on the National Firearms Agreement and other related policy working groups both locally and nationally.

FAS experienced an increase in the number of renewal applications for licences and permits every five years following the commencement of the Firearms Act in 1996. In response to these pressures, a range of measures have been introduced in recent years. In 2017, a civilian manager of FAS was appointed and extra staff employed to handle the increase in activity, and a new FAS website was launched with a large range of information available to firearms owners.

FAS continues to take steps to enhance its service delivery to firearms owners and users. The firearms service policy enhancement project is underway to develop a high-level document for FAS to support a contemporary, consistent approach to the administration of the Firearms Act. This includes practical information to the community, operational frontline police and other stakeholders.

FAS recently introduced SMS and email reminders to expired licence holders to provide time to lodge renewal documentation before the legislation requires a reapplication with the 14-day rule. FAS continues to maintain the new website to provide licence holders, dealers and interested people with updated and current information on legislative requirements, application and renewal processes and other services.

As of the 30 July 2018, 37 019 firearms licences were managed by FAS. This includes active, on hold and suspended licenses. There are 137 712 firearms registered in Tasmanian. Between 1 July 2013 and the 30 June 2018, 16 569 new registration of firearms and 6100 dealer acquisitions from interstate or overseas were processed.

The agriculture sector is a key pillar of the Tasmania economy. In undertaking their work, primary produces and farmers need to use a range of tools and that includes firearms -

Mr Gaffney - This could have been a submission.

Mrs HISCUTT - Primary produces and farmers use a variety of tools to control wildlife and meet animal welfare obligations, including the use of firearms, captive bolts and permitted poisons; they are required to comply with a range of legislative requirements, in addition to the Firearms Act. Primary producers and farmers require access to effective devices such as firearms and captive bolts to comply with animal welfare obligations as provided under the Animal Welfare Act 1993

Tasmanian animal welfare legislation and departmental guidelines are outcome-focused, rather than prescribing particular euthanasia methods. Farmers should have access to effective devices that render the animal unconscious immediately, such as firearms and captive bolts.

The Firearms Act regulates the use of firearms for primary producers. Obtaining ammunition for captive bolts still requires a firearm licence under Firearms Services unless Firearms Services grants an exemption. The captive bolt device system does not require a licence. Tasmania is the only jurisdiction that requires a licence for ammunition, not the captive bolt device itself.

Farmers and hunters also need to comply with the provisions of the Nature Conservation Act 2002 and the Wildlife (General) Regulations 2010. The Nature Conservation Act makes provision in respect of the conservation and protection of the flora, fauna and geological diversity of the state, to provide for the declaration of the national parks, other reserve land and related purposes.

If a person is convicted of an offence against the Nature Conservation Act and the behaviour constituting the offence involved the use of a firearm, the court may, in addition to imposing any other penalty, make an order cancelling or suspending a firearms licence and/or prohibiting the person from applying for, being granted or issued a firearms licence during the period specified in the order.

In addition, the provisions provide for the forfeiting of hunting materials to the Crown if used in connection with an offence under the Nature Conservation Act. Further, the Wildlife (General) Regulations 2010 provide for regulatory controls for the taking and trading of wildlife and wildlife products.

In relation to firearms, the regulations prohibit methods of hunting wildlife, discharging a firearm for taking any partly protected wildlife, organised shooting without permission as well as special provisions as to deer.

Farmers and hunters can access game licences and wildlife permits for the purposes of crop protection, commercial, cultural and recreational purposes.

Mr President, that was the history of the current act and how it all works.

Prior to the state election in March 2018, the former police minister developed a firearms policy, after much consultation, for the Tasmanian Firearms Consultative Committee. The firearms policy reflected strong input from farmers and other primary producers as well as sporting shooters, hunters and collectors. Firearms are legal tools of the trade for farmers and hunters and equipment for sporting shooters like those who competed this year in the Commonwealth Games.

The policy the Government took to the election was about practical improvements of the law to support the work of legitimate firearm users, including farmers, who produce the food we eat. The changes are intended to strike a contemporary middle ground that balances public safety with the changing needs of firearm users.

The intent, I note, was similar as to that taken by the Opposition, which committed to take immediate action to consult with the TFGA and other stakeholders regarding regulatory issues encountered by farmers and others. They committed to addressing the legitimate concerns that have been highlighted, and also committed to a range of other changes the same as, or similar to, elements of the Government's policy.

While the Government believes the policy taken to the election would provide practical improvements for firearm users while having no impact on the safety of Tasmanians, we accept there are deeply held concerns about making any changes to firearms laws and we respect the views of Tasmanians on this issue. It is for that reason that the Government announced it would not progress the previously announced firearms law proposals and would review firearms policy after consideration of recommendations from the parliamentary committee that had already been commenced in the Legislative Council.

While the Government was very disappointed the committee did not proceed, attention was instead turned to how to progress the matter. In keeping faith with those many Tasmanians - there were 111 Tasmanians and organisations - who made submissions to the inquiry, the Government has since established an equivalent committee of the House of Assembly to inquire into firearms laws and inform future policy.

This parliamentary committee has the expressed ability to consider all the public submissions made to this inquiry, with the exception of the confidential submissions we do not have access to.

The Government hopes the committee of the other place will explore each individual element of the policy released earlier this year, as well as the policies of other political parties or other stakeholder groups.

The Government believes that inquiring into these issues and providing considered analysis will only serve to better inform public discussion and guide future policy.

The Government remains committed to making practical improvements to firearms laws as has occurred more than a dozen times since 1996, but we agree there needs to be widespread community understanding and support for any changes. The Government's overriding principle in relation to any proposed changes to the law continues to be that we will not do anything to undermine the National Firearms Agreement.

The work of the other committee, in picking up where this committee left off, is the Government's best endeavour to keep faith with Tasmanians so that Tasmanians can participate.

It is an opportunity for the committee to consider the law, to consider an act that is 22 years old which has served Tasmania extremely well but suffers from some issues in places where it is difficult for legitimate firearm users to be able to use firearms practically as tools of their trade.

Mr President, once again, the Government thanks the members who participated in this inquiry and the many Tasmanians who made submissions to the inquiry. We would like you to know your work has not been in vain and will form the basis of the continuing inquiry into this matter in the other place.

[4.20 p.m.]

Mr DEAN (Windermere) - Mr President, I thank members for their contributions and, as the Leader said, the Government's response was a reasonably lengthy one. Trying to follow it as it was spoken was not easy.

Mr President, this matter is still being followed very closely by a number of people. I do not know about other members, but since this process started this week, I have had some further contact as well.

To close today would probably see me not doing justice to summarising all the matters that have been raised, particularly the matters raised by the Government. I need some time to look at that. Mr President, having regard to the position that we have reached, I seek leave to resume my reply at the next sitting of this Chamber.

Leave granted.

Debate adjourned.

POLICE OFFENCES AMENDMENT (CONSORTING) BILL 2018 (No. 37)

ANZAC DAY OBSERVANCE AMENDMENT BILL 2018 (No. 23)

The House of Assembly advised that it had agreed to the Legislative Council amendments.

**JUSTICE AND RELATED LEGISLATION (MISCELLANEOUS
AMENDMENTS) BILL 2018 (No. 35)**

First Reading

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

ADJOURNMENT

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

That at its rising the Council adjourn until 9.30 a.m. on Friday 19 October 2018.

The Council adjourned at 4.28 p.m.