PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF DEBATES

Thursday 27 August 2020

REVISED EDITION

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

QUESTIONS

Hobart Airport Roundabout - Planning Dispute

Ms WHITE question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr FERGUSON

[10.02 a.m.]

On Tuesday you dishonestly attempted to distance yourself from the messy planning dispute that is holding up the Hobart Airport roundabout development. You claimed that you did not know that the State Government had joined the appeal action until yesterday morning. This is completely unbelievable. The Solicitor-General would have lodged the application for the State of Tasmania to join the dispute weeks ago.

On whose authority did the Solicitor-General take this action? Are you seriously claiming that you, as minister, were not aware that this was happening, or did you wilfully mislead this House because you were embarrassed by your failure to deliver yet another signature infrastructure project?

ANSWER

Madam Speaker, I thank the member for her question. The Labor Party continue with their mischief-making around an important infrastructure project for our state. The Government stands by its commitments to maintain access to the developer's property that was the subject of questions earlier this week. The developer, for its own reasons, has chosen to take Hazell Bros' approved DA to planning appeal as is its right. I note that the developers have chosen to pursue this matter through the media. That is their right too, but I will not be drawn into commenting on the matter.

The appeal process is a matter between the parties involved, being: the developer; Clarence City Council; Hazell Bros; and as of Tuesday afternoon, the Department of State Growth. This needs to be allowed to run its course without the interference of this place.

The claim that has been made by the member is completely false. At no stage have I or the Government stated that the Government is not involved. As the owner and responsible authority -

Mr O'Byrne - You said, and I quote, 'without interference'.

Madam SPEAKER - Order, Mr O'Byrne.

Mr FERGUSON - for the Tasman Highway and as a joint funder of the project it is patently obvious that the State Government through the Department of State Growth is involved in this project and this matter. The point that has been made was that the appeal

process currently before RMPAT should run its course without interference from other parties, including Dr Broad. It is not appropriate for the Government or anyone else in this place to provide a running commentary on a matter that is subject to review by an independent tribunal. On Tuesday, when I referred to the process and the parties involved in the appeal, the State Government was not yet a party to the appeal.

Ms O'Byrne - You must have known it was going to happen.

Madam SPEAKER - Order, please.

Mr FERGUSON - The parties to the appeal at that time were the landowner and the developer as the appellant; Clarence City Council as first respondent; and Hazell Bros as second respondent. Late on Tuesday afternoon RMPAT advised all parties that it would allow the State Government to join as a party to this matter.

Mr O'Byrne - When did you authorise the application?

Madam SPEAKER - Order, Mr O'Byrne.

Mr FERGUSON - I updated the House on this development yesterday morning. This is not an intervention, and it is how the planning system is intended to operate.

Mr O'Byrne - It is not an individual, so the State of Tasmania intervenes.

Madam SPEAKER - Order, Mr O'Byrne, please.

Mr FERGUSON - The state has an obvious interest in seeing that the works are performed in a timely way and that they conform with the design, permit and other statutory approvals. The department has requested to be joined as a party to the appeal on the basis that the Hobart Airport interchange project is a significant infrastructure project to the state and is jointly funded by the state and Commonwealth governments.

The tribunal has made a decision to allow the department to run as a party to the appeal. While Hazell Bros is responsible for obtaining approvals to enable the project to proceed, the department has a significant interest in the outcome of the appeal and ensuring the project is able to be delivered. One of the grounds of appeal, as I said yesterday, is the claim that the interchange is unsafe and will impact on the efficiency of the network. The department is responsible for the safe and efficient operation of the state road network and it makes sense for the department to participate in the proceedings.

This side of the House has been consistent and truthful in all of its statements to this House.

Ms O'Byrne - Did you tell the truth on Tuesday?

Madam SPEAKER - Order, Ms O'Byrne.

Mr FERGUSON - The Labor Party has tried to be involved only in mischief-making and wanting to frustrate an important project in this state. We will not be distracted, despite whatever stunts the policy-free Leader of the Opposition may have for the House today.

Hobart Airport Roundabout - Actions of Minister for Infrastructure and Transport

Ms WHITE question to the PREMIER, Mr GUTWEIN.

[10.07 a.m.]

The failures of your Infrastructure minister, Michael Ferguson, have become legendary and are regularly ridiculed by cartoonists in the newspaper. You have pledged to build the state out of recession but, in reality, your Government cannot build anything. Michael Ferguson has resorted to misleading the parliament to cover up his incompetent handling of the Hobart Airport roundabout project. This dispute has become very messy with full page ads today, outlining why adjoining landowners have resorted to legal action. I quote -

> All we are asking for is to be treated fairly and for negotiations to resume so this whole mess can be sorted without costly and potentially hugely delaying legal action.

Further delays will hurt commuters and threaten jobs at Hazell Bros. Will you do what Michael Ferguson cannot, and fix this mess?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for that question and her interest in this matter.

First, your claims with regard to Mr Ferguson this morning are completely false. He has provided information to the parliament that was accurate and will continue to do so.

Ms O'Byrne interjecting.

Madam SPEAKER - Order, Ms O'Byrne.

Mr GUTWEIN - This is a planning process. The project is before RMPAT and the process should be able to take its course. I find it extraordinary that you would want us to reach in and somehow subvert that process.

Mr O'Byrne - This is about the incompetence of your minister.

Mr GUTWEIN - No, this is about you wanting the Government to reach in and subvert a planning process and we will not do that. This will take its course and the Government will allow it to take its course -

Mr O'Byrne - Cabinet signed off on the SG intervening?

Madam SPEAKER - Order, Mr O'Byrne. Warning number one.

Mr GUTWEIN - as it rightfully should.

With regard to Mr Ferguson and his stewardship of what is a significant infrastructure program, I make the point that nearly 20 years ago you received money to build the Bridgewater bridge.

Mr Ferguson - It was 22 years ago.

Mr GUTWEIN - Thank you - and Michael Ferguson is the minister who will deliver that. I also point to the other side who wasted $10 million on a jaunt looking at a waterfront hospital. As I have said in here on many occasions regarding the Royal Hobart Hospital, that side of the House never laid a brick. Mr Ferguson oversaw the role as Health minister for six years and delivered that hospital. That is a minister who is delivering. He will be a responsible steward of our $1.8 billion infrastructure over the next two years -

Ms O'Byrne interjecting.

Madam SPEAKER - Order, Ms O'Byrne, warning number one.

Mr GUTWEIN - which will underpin the creation of 15 000 new jobs. That is what this Infrastructure minister is doing. On that side of the House they failed on the hospital, they gave away the money on the bridge and, on top of that, if you look at the other things they have done, they shut down the forestry industry. Just about everything they touch is proof positive as to why the Tasmanian people punted them out in 2014.

Major Projects Legislation - Possible Negative Consequences

Ms O'CONNOR question to PREMIER, Mr GUTWEIN

[10.12 a.m.]

Late last night this House passed the major projects legislation with only the Greens voting against it. A point that has been made by Tasmanians concerned about the negative consequences of this bill is the potential for corruption and improper dealings between developers and government. To add to this concern, your Government has failed to strengthen political donations laws. CPSU secretary Tom Lynch said this morning:

> It is a recipe for corruption. Political parties taking donations from developers while refusing to make donation laws transparent and then passing legislation to take development decisions out of the hands of democratically elected councils.

What is your response to this statement? How is the major projects legislation not a recipe for corruption and improper dealings between developers and governments?

ANSWER

Madam Speaker, I thank the member for her question and her interest in this matter.

I put firmly on the record my sincere congratulations to Roger Jaensch. Six years ago we started on this process to try to find a suitable legislative framework that would deal with major projects, not to fast-track major projects but to ensure major projects were properly

assessed by the relevant assessment agencies and authorities, that would provide some clarity to developers early in the piece so they did not go through a two-, three- or four-year process whilst they were waiting for a linear set of assessments to be undertaken.

In terms of the comments raised by the Leader of the Tasmanian Greens with respect to Mr Lynch, I am not certain he has built anything, to be frank. He was not part of this debate last night that I carefully listened to.

I thought the minister responsible dealt with all the concerns and issues that were raised very confidently and fulsomely. I must admit that I hope this bill passes through the upper House because it will be a key part of providing certainty to those who want to invest in major projects in Tasmania and create jobs in Tasmania as we rebuild.

Ms O'CONNOR - Point of order, Madam Speaker, under standing order 45. The question was asked through the prism of the potential for corruption and improper dealings. Would you be able to address that question please, Premier?

Madam SPEAKER - That is not a point of order.

Mr GUTWEIN - Thank you, Madam Speaker. It sounds if you are slurring the independent TPC.

Ms O'Connor - No, we're talking about a relationship between developers and the minister.

Mr GUTWEIN - The TPC will put together the panel. It is at arm's length from the Government. I can understand your desire to not want things to be built; that is part of your DNA. On this side of the House we want things to be built, but more importantly we want to be able to provide certainty at an early part of the process so that money is not wasted and people understand very clearly whether there is a process that can be entered into to meet all of the necessary approvals. Nothing is taken away.

This bill will help us to rebuild Tasmania. It will provide confidence and it will provide jobs. I thought the Leader of the Greens would support that.

Travel Voucher Initiative

Mr STREET question to MINISTER for TOURISM, Mr GUTWEIN

[10.16 a.m.]

Can you please update the House on the Government's support for Tasmanian families and businesses through its travel voucher initiative?

ANSWER

Madam Speaker, I thank the member for Franklin for his keen interest in this matter. I understand there is very keen interest in this in our community. From day one, our number one priority has been the health, safety and wellbeing of Tasmanians. We have worked very hard

to ensure that we can keep them safe. We have extended our border restrictions until 1 December so we can provide certainty to Tasmanians in what the future holds for them.

It is important that we do more to ensure that we underpin out tourism and hospitality industry in that period because they have been the hardest hit. I thank them for the work they have done in trying to pivot their business models and providing some great experiences, and the service they provide to Tasmanians. However, we need to do more and that is exactly what we are going to do.

The voucher incentive scheme I am announcing today will encourage intrastate visitation and support and encourage Tasmanians to get out and experience their home state, the most unique and beautiful place in the world. The scheme will be called the Make Yourself at Home voucher system. It is a model that has been built around overnight stays from Sunday to Thursday of each week, with visits to attractions and touring experiences able to be taken any day of the week.

The $7.5 million initiative will run between 7 September and 1 December 2020 including during school holidays on that Sunday through to Thursday period as well. It aims to benefit tourism businesses across the state. Subsequently, other businesses that benefit from people staying in a region or travelling for a longer period of time will benefit as well.

Registration will open on the Make Yourself at Home website from 9 a.m. on Monday 7 September. Through this system Tasmanians can register for accommodation vouchers and tourism experience vouchers. They will be available for either one adult, two adults, or for a family, with vouchers available for up to three children.

Under this initiative, Tasmanians will pay and undertake their travel activity and can then claim the value of their vouchers for eligible accommodation or an eligible tour experience. They will be able to do this through the provision of valid receipts for the eligible travel activity and will be reimbursed the value of their voucher directly into their nominated bank account. This will provide for the appropriate checks and balances to be in place.

The amount we will reimburse for valid travel activity is as follows:

- one adult or single person over the age of 18 can register for one $100 accommodation voucher and one $50 experience voucher.

- a couple will be able to access up to two $100 accommodation vouchers but they must be used on separate nights, and they will be able to access two $50 experience vouchers.

- we recognise that it can be costly for families, so we have created a package that can be worth up to $550 for each family. They can register for up to two adults and they will be able to access a voucher of up to $150 in accommodation for up to two nights, if used on different nights. They will also, as adults, be able to receive a $50 voucher each for a tourism experience. Up to three children can also receive a $50 voucher as well.

For example, you might be a family of five from Launceston who chooses to stay three nights on the west coast. You can potentially claim up to $300 for your stay at a bed and

breakfast or hotel in the region, and $250 towards a boat cruise or a ride on the West Coast Wilderness Railway.

Likewise, if you are a couple from Hobart, you can claim up to $200 for a hotel stay, and up to $100 for a food and wine tour as well. You can spend $50 towards a Pennicott tour, or a round of golf at Barnbougle, or on King Island.

Madam Speaker, once the redemption of vouchers is complete, Tasmanians can then apply for additional vouchers, if they are available.

To be clear, eligible accommodation relates to establishments allowing short stays. This may include apartments, backpackers, hostels, bed and breakfasts, cabins, caravans and holiday parks, cottages, farm stays, holiday houses, motels, hotels, resorts, and retreats and lodges.

Regarding tourism experiences, this relates to tour operators that offer regularly organised tours with a leisure tour focus, organised by experienced guides - for example, boat cruises, guided walks, bus tours, air tours, agritourism, food and wine tours, and outdoor and adventure tours.

Attractions relates to places and areas of interest that offer a distinct visitor experience to the leisure tourist, and have a fee for entry - for example, the Tahune AirWalk, zoos, golf tourism and adventure tourism.

Businesses providing the eligible travel activity must be able to provide a valid tax receipt or other type of proof of purchase for the customer in order for them to redeem their vouchers.

The Make Yourself At Home vouchers are only available to Tasmanian residents, and applicants must be aged over 18 years,

Over the past week, the Department of State Growth has been undertaking direct engagement with key stakeholders. A marketing campaign will be unleashed to promote the program, given we want to ensure the success of the voucher system to support local businesses during these difficult times.

The Make Yourself At Home voucher system is an addition to our new school excursion grant scheme, which will go a long way to enabling students to enjoy enriching educational experiences at Tasmanian tourism parks and heritage sites statewide.

Ms O'Connor - It is riveting. We have heard this before. You made a statement about it last week.

Madam SPEAKER - Ms O'Connor, through the Chair, please.

Mr GUTWEIN - Excursions will be supportive of the Australian curriculum, and made available to schools during September until the end of term 4 this year, with an additional $1.5 million being made available to support all Tasmanian schools to engage students in authentic learning experiences outside the classroom.

Madam Speaker, we know that 2020 has been a year like no other. We continue to provide as much support as we can to assist our state's social and economic recovery. Here in

Tasmania, we do have world class tourism experiences, and I encourage Tasmanians to get out and enjoy this beautiful state, support our businesses, support jobs, and have a good time while you are doing it.

COVID-19 - Dancing at End-of-Year Formals

Ms OGILVIE question to PREMIER, Mr GUTWEIN

[10.23 a.m.]

Yesterday I proposed we put some energy into community wellbeing. One area that we could address with minimal safety issues, as far as I can see, is dancing at end-of-year school formals. These kids have had a really hard year. Every day they bowl up to school with each other, sitting next to each other on the bus, sitting next to each other in the classroom, sitting next to each other in assembly, playing netball and football together.

Tasmania is currently COVID-19 free, and the kids want to dance. This is our very own *Footloose* moment, Premier. Will you please urgently reassess the risk to see if there is any way we can let the kids dance at their end-of-year formal?

ANSWER

Madam Speaker, I thank the member for Clark for this question, and her interest in it.

Last week, my daughter attended her school social, with no dancing, and students seated at individual tables. I have never felt safer as a parent, to be honest.

My only response to this is that I understand the sentiment with which the suggestion is brought forward but, again, we have relied on Public Health advice. I am certain that dancing - not just at school socials, but at other venues - is something that they consider.

I was asked a question earlier in the week about Dr Veitch's comments on Monday, and I think it was portrayed by the press that there would be no dancing for 12 months. I do not think he said that. This will continually remain under review as matters progress. The decisions that are being made are to keep people safe. They are to look after people's health and, as I have said, we have relied on their advice right through this, and it has us in a good place.

We will continue to rely on that advice, but I am certain they are aware of this issue and others relating to dancing.

Derwent River Ferry Service

Dr BROAD question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr FERGUSON

[10.26 a.m.]

Yesterday you tried to give the impression of progress in the delivery of the Derwent River ferry service. You launched an expressions of interest process - when you should have

actually been launching a boat. The Liberal Party's 2018 election promise was for a commuter ferry service between Bellerive and the City of Hobart, operated by Metro Tasmania. Your Government passed legislation with the sole purpose to enable Metro to run ferries.

In May last year, a report commissioned by Metro warned that more funding would be needed to make the Derwent ferry service a success. The consultant report advised -

> Service frequency is a key influence on customer satisfaction and use, with limited frequency of historical services run on the Bellerive/Hobart routes cited as a contributing factor for not using the ferry.

The announcement you made yesterday was for a limited-hour service, not operated by Metro, and with no additional money or infrastructure. It is not what your Government promised. You have deliberately set this service up to fail.

Why have you announced a ferry service that ignores Metro's advice and your own expert reports?

ANSWER

Madam Speaker, I thank the member for his question. It is a rather disappointing question, because his shadow treasurer friend yesterday said that you would celebrate when the service actually gets stood up. There is such a truth about the Labor Party that they cannot stick with a project. The next thing I expect to hear from the member for Braddon is that these ferries should come from another side of the world.

Yesterday's announcement was welcomed by key stakeholders. It was welcomed by local government. It was welcomed by the RACT. We are committed to deliver the ferry service on the Derwent River this term, exactly as we promised. We are delivering on that. It did not take long for the Labor Party to fall overboard.

The register of expressions of interest process that was announced here yesterday is an important step in getting the ferry service up and running. It provides the opportunity to test the market and the capacity to deliver the service.

We are seeking to partner with a private operator to run a one-year trial between the eastern shore and Hobart, with the potential for a further one-year extension. The new service will operate during weekday peak periods when demand is expected to be the greatest - as would be obvious - and is intended to use existing infrastructure, as you know from yesterday. It will provide a fast, convenient and comfortable travel option, helping to play its part in reducing congestion, particularly during those peak periods.

It would be good if the Labor Party could support something that the people of Hobart and the eastern shore are aspiring to and are exciting about.

The member also asked me about the role of Metro and, yes, that is certainly in the long-term vision. I made that clear yesterday as well, when I was asked questions by the press. Metro is very experienced at running passenger transport services on buses, but does not have experience in running ferries, so for the trial service we feel it is appropriate that a ferry provider be involved.

Mr O'Byrne - Jeremy Rockliff, when he was minister, announced it was Metro.

Madam SPEAKER - Order, Mr O'Byrne.

Mr FERGUSON - You know I am a big supporter of Metro, and it certainly is the case that Metro has undertaken a significant body of work in service planning, a constraint on previous -

Ms O'Byrne - What did the report tell you?

Madam SPEAKER - Order, Ms O'Byrne.

Mr FERGUSON - Have a listen to the answer. The constraint on previous development planning has been the emphasis on integration in future with Metro Tasmania services. The approach we are taking quite prudently - and I hope you would give a chance to - is designed to simplify design and delivery to give a ferry service its best opportunity to get up and running from an experienced provider. What unfortunately is the case, is that every time the Government does something good to support the people of Tasmania with regard to infrastructure and passenger transport, the moaner, Dr Doom in the corner over there, who has a reputation for complaining, looks to undermine it. Dr Broad and the Labor Party would be wise to give this an encouragement, and wise to support the early expression of interest process. We will go to tender later this year.

Members interjecting.

Madam SPEAKER - Order, please.

Mr FERGUSON - It is also worth noting that we got strong support yesterday from Tasmania's peak mobility body, the RACT. Its CEO Mark Mugnaioni gave it a big thumbs up and supported, and indeed applauded, the notion of engaging a private provider. If Dr Broad is asking me to say Metro should be involved in the future, I applaud that. That is where we want to go, but our first step is to see people enjoying a ferry service. I hope the people of Hobart and the Eastern Shore will vote with their feet when the service is up and running and give it the chance that Dr Broad is obviously unwilling to provide.

Offence of Non-fatal Strangulation - Law Reform

Dr WOODRUFF question to ATTORNEY-GENERAL, Ms ARCHER

[10.31 a.m.]

It has been well over a year since coroner Olivia McTaggart recommended the creation of a new standalone offence for non-fatal strangulation to protect survivors of family violence. Tasmania is lagging the nation on this important reform. The Tasmanian Law Reform Institute and the Women's Legal Service have also called for this law reform. Your identical responses to all media inquiries on this particular matter, including in a story today, seem to be carefully crafted to avoid addressing the real issue. So far you have not made a commitment to introducing a standalone offence or given a time line for making a decision.

Last month a woman experiencing family violence called our office, after reading comments raised by us on this reform issue in the newspaper. She said she had given up thinking anything would ever happen but now she had a sliver of hope. We wrote to you on 10 August seeking clarity on exactly what is happening with this matter but have not received a response yet. Will you commit to enacting this reform and will you do so as a matter of priority?

ANSWER

Madam Speaker, I thank the member for her question, which is an important question. It is true that I have had a consistent position. The reason I have had a consistent position is because this is an important area of law reform and I have referred it to the Sentencing Advisory Council to give it the appropriate, proper and detailed analysis that we require in Tasmania.

To explain that, Tasmania has a different set of laws with regard to our Criminal Code. As members will know, when we are looking at law reform that impacts particularly in relation to the Criminal Code and the Evidence Act, I take that very seriously and we need to ensure that we do not impact on other areas within that framework. In this case, it is an appropriate matter to refer to the Sentencing Advisory Council.

It is true that in non-fatal strangulation, other states have standalone offences and that is the difference between our systems. At the moment there are varying offences that can be used within our Criminal Code and the maximum penalty for that is 20 years, which is more than five to 10 years in relation to standalone offences. That is the reason why I have referred it to the Sentencing Advisory Council.

I do not want a situation to occur where what we might do is actually not as good as what we currently have.

I thank the member for her question. I reconfirm our commitment as a government to the action we have taken to prevent and respond to family violence. I know with the Premier being the Minister for the Prevention of Family Violence, we take this issue very seriously, as I take the issue very seriously as Attorney-General. I also hear the Minister for Human Services and the Minister for Women. Across portfolio areas and across government departments we have worked for a number of years in relation to our strong response to the issue of family violence, particularly our investment of over $60 million toward the prevention of family violence. This is a very important issue.

Dr WOODRUFF - Point of order, Madam Speaker. Could I seek a clarification from the minister that you are saying you will commit to this reform, and you are waiting for the advice of the Sentencing Advisory Council about the form in which it could be introduced?

Ms ARCHER - What I have done is refer the matter to the Sentencing Advisory Council for it to consider how we could strengthen our laws in relation to the issues of strangulation and choking. I do not want to pre-empt their advice so I am leaving that analysis in their hands as to what they might recommend back to us. As you know I make those recommendations public. I have expressed a desire that it is matter of priority. I do not have a definite time frame but I can undertake to ask about their workload and when they expect to be in that position.

Social Housing Stock - Upgrades and Maintenance

Mr TUCKER question to MINISTER for HOUSING, Mr JAENSCH

[10.37 a.m.]

Can you please update the House on the Government's delivery of upgrades and maintenance to social housing stock especially since COVID-19?

ANSWER

Madam Speaker, I thank the member, Mr Tucker, for his question and his support for better housing and more jobs for Tasmanians. I am happy to report that the Government has made significant progress in delivering upgrades to Tasmania's housing stock particularly in the last quarter of the 2019-20 financial year. As part of our COVID-19 response the Premier announced the allocation of a total of $70 million additional funding for maintenance of public buildings including social housing.

In his own words the Premier stated that we need 'screwdriver- and paintbrush-ready' projects that can start right away to stimulate our economy. I am pleased to share that, in the last quarter of the last financial year, Housing Tasmania was able to identify and deliver $5 million-worth of additional maintenance and upgrades to our social housing stock. This extra $5 million investment has been delivered quickly and efficiently on a range of internal, external and landscaping projects right around the state.

External works include upgrading gutters, fences, sheds and windows, and even included installing CCTV in some cases to keep people safe. Our internal works program has seen more than $1 million spent to upgrade kitchens and bathrooms, interior painting and new stoves. We are also able to spend $400 000 delivering significant external upgrades to the Oakley Court unit complex in Glenorchy. The money spent has been distributed around the state, with $1.17 million in the north, $1.51 million in the north-west, and $2.36 million spent in the south.

That is $5 million out the door to smaller contractors right around the state, money going back into the local Tasmanian economy. Importantly these works will continue with another $6.3 million allocated for further upgrades over the next 18 months. These investments follow five years of delivering upgrades and maintenance to Tasmania's public housing across the state.

The Labor/Greens government left us a $90 million maintenance backlog bill when we came to government. As at the budget in May 2019 this has been reduced by one-third to $60 million and we are keen to keep up the momentum. This Government is continuing to improve the quality of social housing for Tasmanians. As I have previously advised, this is on top of all the work we are doing under our affordable housing action plans and our debt waiver and stimulus programs to deliver new housing and homelessness services for Tasmanians.

Overall, this Government has delivered and committed almost $400 million in additional funding for new housing and homelessness services for Tasmanians in need, in addition to the hundreds of applicants supported with their housing needs each month, and more than 12 500 households currently in social housing dwellings around our state.

This is our track record of delivering and supporting Tasmanians in need. Our increased upgrade and maintenance programs are supporting Tasmanian businesses and Tasmanian jobs, not Russian roofers, not Polish plasterers, not Czechoslovakian chippies or Spanish sparkies, not German glaziers or Belgian bricklayers, maybe the occasional Lithuanian plumber, but certainly no outsourcing to overseas operators to give things a fancy finish, Dr Broad. Just Tasmanian businesses supporting Tasmanian jobs in the Tasmanian economy. It can be done, Dr Broad. Get with the program and back Tasmanian jobs.

HomeBuilder Grant - Problems with Access

Ms BUTLER question to PREMIER, Mr GUTWEIN

[10.41 a.m.]

Yesterday your minister was dismissive of problems with the HomeBuilder Grant. Michael Ferguson appeared oblivious to the issues that mean many potential applicants cannot access the scheme. To be clear, these problems have not been fixed by the minor changes the Government has made to the eligibility criteria. This has been explained by Jonathon Coleman at One Stone Finance, who has said:

> The feedback from the banks is that although the SRO has slightly changed, the approval and payment process guidelines for HomeBuilder is still not enough. They simply need to be able to apply the grant via the same system as the First Home Owner Grant.

Samuel and Maggie are another example of potential applicants who have been disappointed to find that they cannot access or use the part as a deposit. Without the grant they will be liable to pay an extra $8959 in mortgage insurance. Samuel and Maggie have decided to wait to avoid this and will defer building for two or more years. Clearly this scheme is not working as it was intended. Will you step in and fix the problems that have been ignored by your incompetent minister?

ANSWER

Madam Speaker, I thank the member for Lyons for her question and her interest in this. I am presuming that as a result of yesterday when you were given the offer to write to the minister and provide him with some detail you did that? No? Madam Speaker, that really surprises me because I thought that -

Opposition members interjecting.

Mr GUTWEIN - Seriously, what is wrong with you? This matter was raised yesterday.

My recollection is that the minister explained that there had been some changes made by the SRO and, through interjection, the member for Lyons made a point that that did not go far enough. The minister then offered the member for Lyons the opportunity to write and we would look at those issues. Here we are, 24 hours later, Groundhog Day. You can only be characterised as a failure on behalf of your constituents in seeking nothing other than political gain. That is what is happening here. Ms Butler, if you were interested in this matter, as you professed to be yesterday, when provided with the opportunity to provide the detail that you

raised yesterday, which you said needed to go further than the SRO had already changed, you would not have failed to do so. You come back in here today with some sort of stunt. I say to Tasmanians, understand what is going on here -

Ms Butler - You can't answer the question, Premier.

Madam SPEAKER - Order.

Mr GUTWEIN - Would you provide me with the information you said you would provide the minister yesterday?

Ms Butler - I have. Answer the question, Premier.

Mr GUTWEIN - Have you done what the minister asked you to do yesterday?

Ms Butler - Are you going to answer the question, Premier?

Madam SPEAKER - Order. We were going along so well. Please, I urge you to be calm, cool and collected and stop interfering.

Mr GUTWEIN - I repeat what the minister said to the member yesterday. If you have a real interest in this, provide those details and he will take it on board and have a look at it. That is what he said yesterday.

Mr Ferguson - I offered in good faith and you are here again the next day.

Madam SPEAKER - Mr Ferguson, through the Chair, please.

Mr GUTWEIN - All I can think is that there is some stunt going on here in that this is the Labor Party's 'Michael Ferguson Day'. Keep bowling them up. It really surprises me that the member for Lyons, who I think generally does have an interest in her constituents, would bother to fall into the trap of Labor this morning saying, 'Let us get on with this and let us just target Mr Ferguson'. Why don't you do your job properly and provide the information?

If you were not happy with the answer provided yesterday and were of the view that the changes the SRO had made did not go far enough, simply provide that information to the minister and, as he said yesterday, he will look at it.

Ambulance Infrastructure Investment

Mr STREET question to MINISTER for HEALTH, Ms COURTNEY

[10.46 a.m.]

Can you please provide an update on investments being made by Government into critical ambulance infrastructure to support our hardworking staff?

ANSWER

Madam Speaker, I thank the member for his question. I thank the hardworking staff across the THS, the Department of Health and the broader health system for the work they do, not only every day but this year as it has been a very challenging time. I thank each and every

one of them. I also extend my thanks to the paramedics who have gone above and beyond during this difficult time.

This Government has had a clear record of investing in our staff and our equipment for our ambulance service. I am delighted to announce today that Ambulance Tasmania will be progressively rolling out 15 new emergency ambulances over the next 12 months as part of our ongoing fleet replacement. These new ambulances feature fresh livery to make them even more visible, improving the safety of our staff and on the roads. Not only are these new ambulances for our fleet but they have been fitted out by a local Tasmanian company, Mader, in the north-west. Mader is a market leader in its field producing high-quality products and delivering important manufacturing capability right here in Tasmania.

This investment is indicative of what this Government is all about, supporting local jobs in our community and providing vital equipment to local services. Ambulance Tasmania now has close to 100 frontline ambulances as well as more than 50 light vehicles and other specialist vehicles and non-emergency patient transport ambulances.

With regard to capital works, I can advise that over the next six months we are expecting to complete the Smithton ambulance upgrade, a $1.1 million election commitment that will deliver more space and new facilities for our staff and volunteers. The new $3 million Campbell Town ambulance station is also well underway. Construction commenced this year and will deliver a contemporary station on a greenfield site at the southern end of Campbell Town. Importantly, this new station includes accommodation so our hardworking paramedics and volunteers can have somewhere comfortable to rest on shift when it is required.

We have also recently completed nearly $700 000 in refurbishments of upgrades at New Norfolk, St Helens, Huonville and George Town. These projects are being delivered locally, supporting local jobs in our communities and investing in our regional facilities.

I have previously detailed other recent investments within Ambulance Services Tasmania. There have been 33 new interns across the state since May: 12 in the north-west, 10 in the south and 11 in the north and new branch station officer paramedics at Longford, George Town and Beaconsfield. We have bolstered air medical coverage, including an additional helicopter, and the recruitment of additional intensive care flight paramedics.

More resources have been provided for ambulance cleaning, and this has been raised with me before by hard-working staff. This frees them up to be able to do what they want to be doing - caring for patients. Importantly, we have also recruited more than 20 paramedics this year, with more to come.

This has been a very challenging time for our paramedics and volunteers, but we are committed to investing in them, and their facilities, to ensure they can deliver safe services for Tasmanians and continue building on our health system.

HomeBuilder Grant - Applications

Ms BUTLER question to MINISTER for FINANCE, Mr FERGUSON

[10.50 a.m.]

You appear oblivious to problems with the HomeBuilder Grant. You have clearly not been speaking to mortgage brokers and lenders about their concerns about the scheme. As at

4 August, 90 applications have been made to access the grants. As of today, how many applications have been made, and how many have been approved?

ANSWER

Madam Speaker, I thank the member for Lyons for her question. The answer to the question is that 140 HomeBuilder Grant applications have been received, 25 applications have already been conditionally approved by the State Revenue Office, and we expect many more to come as couples and individuals move through the process with their builder and through the SRO with their application.

That is the answer to the question, and the numbers are effective as of yesterday. If the member would like, the Government is happy to provide an ongoing update on that.

We are excited about the scheme. We are excited about the promise it holds for people who were already looking at building their first home, or who may find they could be eligible for the scheme and want to take advantage of it. We want to create jobs in this state. We want to create jobs for Tasmanians -

Ms BUTLER - Point of order, Madam Speaker. Standing Order 45. Minister, how many actual applications have been made, and how many actual applications have been approved?

Madam SPEAKER - That is not a point of order.

Mr FERGUSON - This is a case of the Labor Party asking a question, getting the answer and not liking the answer. It is as simple as that.

Ms BUTLER - Point of order, Madam Speaker. The minister is not providing an answer to the question.

Madam SPEAKER - We have heard the question. Are you after a clarification on conditional?

Ms BUTLER - Our question was not around conditional, minister. Can you please answer the question?

Madam SPEAKER - I believe the minister has answered the question. I will allow him to continue.

Mr FERGUSON - Thank you, Madam Speaker. Plainly the member does not like the answer. We are helping people to build their first homes. We all know where this is leading during other formal business. The Labor Party wants to be negative about an initiative that they supported through this House, that they supported when it was announced by Scott Morrison. When the Premier announced Tasmania's very generous matching grant of $20 000 - equal to the most generous in the country - and the Opposition supported it then, supported it through the debate in this House -

Ms O'BYRNE - Point of order, Madam Speaker. Standing Order 45. The minister is giving an answer, but it is simply not the answer to the question, which was, 'How many have actually been approved?'.

Madam SPEAKER - I do not think that is a point of order, and I do not think it is correct.

Mr FERGUSON - Thank you, Madam Speaker. They are clearly not interested in the early success of the program. That is a theme from the whingeing, moaning, negative Opposition led by a Leader with no policies.

I reiterate what was stated yesterday. We want to be as flexible as we can in the delivery of this scheme. There are some strictures, one of which is the NPA with the Commonwealth. We have done a very good job of negotiating with the Commonwealth for more generous time frames to support people, because the time frames were very tight.

Initially the HIA, in their submission to Government, said they wanted this startup scheme to be supportive of people building their home, not even necessarily their first home. They said they would be happy if it was for new commencements by 31 December. We were pleased that our Premier, in negotiating that, stretched it to 31 March - a really good outcome. We are grateful for that, Premier, as are many Tasmanians.

We went even further than that. Madam Speaker, to be very clear, that question has been answered, and now I am adding to the answer. Very clearly, we were also able to negotiate with the Commonwealth a further three months for that start if, for a person who was building their home, there were some circumstances outside their control.

Since then there has been feedback from financial institutions and some mortgage brokers. I discussed this with the State Revenue Office and we were able to get an improvement in favour of consumers, and the revised process which Ms Butler seemed completely unaware of yesterday.

Members interjecting.

Madam SPEAKER - Order, Ms Butler, that is a warning.

Mr FERGUSON - If you would care to listen, the revised process enables grants to be paid direct to the bank, direct to the financial institution, at - or even prior to - the first drawdown of finance. This was made clear yesterday. It is the case that the Government cannot force a bank to lend to an applicant, and I do not think that is what Ms Butler is proposing. I am not sure if she is.

Financial institutions have their own lending criteria, but the HomeBuilder Grant is available with those more generous terms of when the finance will be provided, including in advance of the drawdown. If a home builder meets the grant criteria, but has been unable to have success with their bank or lending institution, they should consider applying to another bank, or another mortgage broker.

Madam Speaker, yesterday in this House I offered to Ms Butler that if in good faith -and I am not sure that it was in good faith - the question was raised, my office would be more than happy to see what we can do in providing informal advice to any of her constituents around banks we might be aware of that may be more willing to support their individual circumstances.

I cannot promise that, but we would be only too happy to help your constituent, Ms Butler, and I still encourage you to write.

COVID-19 - Payroll Tax Relief for Businesses

Mr O'BYRNE question to PREMIER, Mr GUTWEIN

[10.57 a.m.]

The extension of border restrictions until at least 1 December means the pain felt by Tasmanian businesses is going to last for a long time to come. The looming windback of JobKeeper payments is also going to put increased pressure on businesses, and is likely to result in more people losing their jobs. Total employment is still down 5 per cent since March, which equates to just under 13 000 job losses - the third worst result in the country, behind only Victoria and the ACT.

Given these factors, will you commit to a new round of payroll tax relief to ensure that your Government is doing everything it can to protect jobs and stimulate new job creation?

ANSWER

Madam Speaker, I thank the member for that question and his interest in this matter.

As a Government, we have already provided the largest social and economic support package out of all the state and territory jurisdictions. That is widely understood, and has been publicised by media columnists. Even the federal government has acknowledged the heavy lifting we have done as a state.

We have discussed, in this place, the fact that as a Government we have provided for businesses with payrolls up to $5 million, and also businesses involved in tourism, hospitality and the fishing industry, with tax relief for the entirety of the 2019-20 financial year, in terms of payroll tax. That is substantial, and it is a step further than any other jurisdiction has gone.

In terms of payroll tax relief moving forward, we currently offer payroll tax relief for young people, if they are employed up until the end of December 2020. We also have in place a program of support for apprentices in terms of payroll tax relief - and unlike many other jurisdictions, we have also provided payroll tax relief to businesses that are receiving JobKeeper payments.

I am not sure about New South Wales or other jurisdictions. I think we have been the most generous in terms of what we have done regarding payroll tax relief.

The other point I make to the shadow treasurer is that I believe there is a cautious optimism in our community at the moment. Rather than causing an issue in terms of the border arrangements until 1 December, I think that has provided certainty. People can now plan ahead with some certainty of the fact that risk levels for the state and for people moving around the state is reduced. I think people are cautiously optimistic and are confident to move around and spend in our businesses to support them.

As to jobs, you might have overlooked it but we lead the country in having a 6 per cent unemployment rate, which is extraordinary compared to what is occurring across the country. At our peak, and I think it is well understood by the shadow treasurer, we lost around 20 000 jobs in March and April this year. The ABS has informed us that 13 400 of those jobs have already come back. In fact in July we had significant jobs growth.

Regarding support measures for business moving forward, the support we have put in place is unprecedented. For commercial property owners who have had an impact on business, land tax relief has been made available. At a local government level there has been rates relief as well and other packages that have been provided.

I encourage the shadow treasurer to support the initiative I announced this morning of $7.5 million-worth of travel vouchers to encourage people to move around the state and spend in businesses, whether it be accommodation or other tourism experiences, and support those businesses that have been affected as a result of the border closures here and in terms of international visitation into the country.

I believe Tasmania is in a good place. I have always said that we will do more as we see the need, but at this point in time I encourage the shadow treasurer to focus on those things that are being done, support Tasmanians and encourage them to get out and enjoy. Tasmania at the moment is a gem. We stand alone in the world in where we are in respect of our outcomes regarding the virus.

We have provided the most significant social and economic package in the country to support our businesses. We will always look to do more and I encourage those on the other side to avert their gaze from the politics and focus on what is important to Tasmanians. Rather than supporting a Finnish business to build our ships, focus on what you can do to support Tasmanians getting jobs and having more investment occur here and more jobs created.

I was appalled earlier in the week when I saw the front page of one of the northern newspapers professing we should buy European. Just extraordinary.

Mr O'Byrne - Have you read it today?

Madam SPEAKER - Order, Mr O'Byrne.

Mr GUTWEIN - Get on board, stop playing politics and support Tasmanians. That is my message to you. I find it extraordinary that I have to explain this to you, but jobs in Finland will assist Finnish people, not Tasmanians. I encourage the Labor Opposition to stop focusing on politics and start focusing on Tasmanians, on what the opportunity could be for Tasmania and stop whingeing and harping from the sidelines. It is extraordinary. For someone from the north-west coast, Dr Broad, it was a throwaway quip the other day that you were 'Dr Abroad', but quite frankly, Dr Broad, focus on what is good for Tasmanians.

Opposition members interjecting.

Madam SPEAKER - Order.

Mr GUTWEIN - Surely getting nearly $1 billion-worth of state spending into the state has to be something we should look closely at. What about all of those advanced manufacturers on the north-west coast, those little businesses that have toiled for decades to build their skills and their employees? This side of the House says that before we spend money in Europe, before we spend money overseas, before we support workers in other countries -

Opposition members interjecting.

Madam SPEAKER - I don't want to interrupt you, Premier, because the noisier they get the more powerful you get, but I ask you please to be calmer and quieter, otherwise there will be a coffee on the way.

Mr GUTWEIN - Madam Speaker, I was going to finish. Surely the Labor Party is smart enough to work out that if we spend nearly $1 billion in a European country, that will support Europeans, that will support Finland. At the end of the day that will support Finnish workers.

On this side of the House we want to fully explore how much of that investment can come to Tasmania and support Tasmanian jobs. Right now, when the world and the country is facing a recession, when we have the shadow treasurer raising the issue of jobs in this place, even he could put politics aside and focus on Tasmanian jobs at this point.

Department of Education - Protecting Students from Sexual Abuse

Mr TUCKER question to MINISTER for EDUCATION and TRAINING, Mr ROCKLIFF

[11.07 a.m.]

Can you please advise the House of what measures are in place to protect Tasmanian students from sexual abuse and any future action the Government is taking?

ANSWER

Madam Speaker, I thank the member for Lyons for his question. The safety of our children and young people is of utmost importance to the Tasmanian Government and all in this parliament. People such as teachers are in a position of trust and it is critical that checks are in place to ensure that trust is not abused in any way.

Over a number of years, we have seen significant systems put in place to protect our children and young people in Tasmanian government schools, including introducing the working with vulnerable people registration process and requiring all Department of Education staff to hold a valid registration; introducing amendments to child safety legislation that provides all Department of Education employees with mandatory reporting obligations; and reporting all allegations of inappropriate sexual activity with children and young people in Tasmanian government schools to the police, with staff under investigation being suspended from duty pending the outcome.

In addition, we are continuing to implement the recommendations made by the Royal Commission into Institutional Reponses to Child Sexual Abuse. The Department of Education has already implemented 23 department-specific recommendations. I believe, however, that we need an assurance that the systems we have in place today are the best they can be.

To provide this assurance I have asked for the establishment of an independent inquiry to examine whether the legislation, policies, practices and procedures utilised by the Department of Education now operate in a way that minimises the risk of child sexual abuse within Tasmanian government schools. The inquiry will take into account past and current systems and the recommendations of the royal commission which the Government has committed to implementing.

To undertake the inquiry, an appropriately experienced and independent reviewer will be appointed shortly. I would like to see this inquiry occurring as soon as possible. The independent reviewer will inquire into the following matter: the past systems applicable to the Department of Education that may not have encouraged the reporting of investigation of child sexual abuse in Tasmanian Government schools; the past systems applicable to the Department of Education that may not have alleviated the risk of repeated child sexual abuse by an employee; the current systems applicable to the Department of Education that may have been introduced to encourage reporting and investigation of child sexual abuse in Tasmanian Government schools and the current systems applicable to the Department of Education that have been introduced that are likely to alleviate the risk of the repetition of child abuse by an employee.

It is important to note that the inquiry will complement, not replicate, the work of the royal commission. Our intent is to ensure that we are doing everything possible to protect young people in government schools, today and into the future. The commitment to establishing an inquiry has been facilitated through the Attorney-General, the Department of Education and the Department of Justice. I thank the Attorney-General for her support.

Madam Speaker, our thoughts are with the people who have been harmed by sexual abuse. I acknowledge that this inquiry will be distressing for some. There are safeguards in our education system that are in place to protect children. I reassure Tasmanians that we take this duty of care very seriously but we should never think that the job is done. This inquiry will be a way of testing if there is further work that needs to be undertaken on the systems in place to protect children and young people in Tasmanian Government schools. If there is, we will undertake that work as a matter of priority. Nothing is more important than the safety of our young people in our care.

Mersey Community Hospital - Emergency Department Contact Procedure

Ms DOW question to MINISTER for HEALTH, Ms COURTNEY

[11.12 a.m.]

Currently if someone presents to the Mersey Community Hospital outside of emergency department operating hours there is a buzzer they can use to call a staff member to the door if they are in desperate need of medical attention. Can you confirm that in addition to your decision to further downgrade services at the Mersey Community Hospital, you are planning to replace the buzzer with a public phone?

Patients who arrive at the Mersey Community Hospital in need of medical attention will be required to call the Public Health hotline or triple zero and wait for an ambulance to take them to another hospital.

How can you justify the risk this poses to patients requiring urgent medical attention who may present to the hospital but will instead be directed to use a public phone to call triple zero?

ANSWER

Madam Speaker, I thank the member for her question. I know that she has a keen interest in the Mersey Community Hospital, as do I, and as does this Government.

The Government, based on local advice, is ensuring that we are putting in additional safeguards. There has been a doorbell installed at the emergency department entrance since it reopened on 31 May for people to be able to alert staff to their presence when the ED is closed. This remains in place and is responded to by a nurse and security when ED is closed.

Persons presenting outside operating hours will then be provided first responder care if the condition is life threatening. Persons presenting out of hours with non-life threatening conditions will be advised to present to the LGH or North West Regional Hospital, or call triple zero in an emergency.

Through consultation with ED staff it was suggested and supported that a phone also be placed at the entrance to the ED so that persons presenting out of hours may use that phone to contact Health Direct or triple zero. The phone is considered an additional safety measure to ensure the public has access to call for assistance when the ED is closed. I assure the member that this was put in place based on advice from local leadership and engagement with staff at the Mersey Community Hospital.

This is an additional safeguard and I can assure the member that the Government remains absolutely committed to that emergency department returning to 24/7.

ANSWER TO QUESTION

Child Safety Services - Serious Events Review Team

[11.15 a.m.]

Mr JAENSCH (Braddon - Minister for Human Services) - Madam Speaker, in response to Leader of the Opposition's question yesterday regarding serious event reviews, I am advised that three serious event reviews team reviews have been initiated since June of last year and that two serious events review team reviews have been referred to the Coroner since June last year.

ANZAC DAY TRUST WINDING-UP BILL 2020 (No. 33)

First Reading

Bill presented by **Mr Barnett** and read the first time.

SITTING DATES

[11.18 a.m.]

Mr FERGUSON (Bass - Leader of Government Business) - Madam Speaker, I move -

> That the House at its rising adjourn until Tuesday 15 September next at 10 a.m.

Motion agreed to.

MATTER OF PUBLIC IMPORTANCE

Buy Local

[11.18 a.m.]

Mr ELLIS (Braddon) Madam Deputy Speaker, I move -

That the House takes not of the following matter: buy local.

Buy local is absolutely critical for our economy and for jobs in Tasmania, particularly in my area of north-west Tasmania. There are a couple of reasons for this. It is about jobs for Tasmania, it is building our economy and it is about sovereign capability. We have incredible capacity in Tasmania. We sell wasabi to the Japanese, we sell truffles to the French, we sell steak to the Texans. We can do absolutely anything. That is the capacity of this place and that is why it is so important that we as Tasmanians support Tasmania, because the rest of the world wants to do it. We have what the rest of the world wants here in Tasmania and we have the capacity to deliver. That is why it is so important to buy local.

In my electorate we know of the Fair Dinkum Food Campaign where Tasmanians and Australians were encouraged to buy local food that was grown in our area. We have some of the freshest produce and some of the most nutritious food and yet too much of that is being consumed by people overseas and not enough here.

It is staggering that there would be those who would say we should not buy local. There are those who are barracking for people not in Tasmania, not in Australia, who want a policy that would direct large government procurements overseas. It simply does not make sense. We should be buying local.

The *Spirit of Tasmania* refurbishment that was done lifted the standard of the Bass Strait ferry crossings. That was done in Tasmania and in Australia and that was a great thing because it allowed local businesses to get a slice of the pie and we know in the construction sector just how critical that is. I have worked on some projects that are government tenders that have gone to local businesses, whether they are a little plumbing company in Strahan, plasterers on the north-west coast or roofers from the rest of the state. Why should we be doing that with people from overseas? We should be bringing work here. We should not be offshoring our jobs to China or Finland or wherever else. We should be onshoring them to Tasmania, to Australia.

In this place one of the members who went before me, Mr Adam Brooks, did fantastic work as the shadow small business minister in pushing the then Labor-Greens government that nearly destroyed our economy to buy more local content, and the reason for that was because when he was in this place and there was a Labor-Greens government they were the ones talking down Tasmanians and Tasmanian businesses. They said that it could not be done here or elsewhere in Australia. It was at a time when most Tasmanian businesses felt as though the Labor-Greens government was working against them.

Now only six years later we have a government that has some of the strongest support anywhere in the country for our business-friendly policies and the reason for that is because it is about growing jobs. It is about buying local. It is about supporting our people and giving them a fair go, giving them the opportunity to do it here, to make it here and to supply Tasmanians.

There are other governments around Australia that are similarly supportive of their local people. In Western Australia the Labor state government, supported by the Australian Manufacturing Union, is going to build one of their major pedestrian footbridges across the Swan River with Western Australian and Australian content. To say that that should be built in Finland is absolutely staggering -

Opposition members interjecting.

Madam DEPUTY SPEAKER - Order. I ask that you let the member complete his speech in silence.

Mr ELLIS - Thank you, Madam Deputy Speaker. We have a similar program with building our naval ships and we should be bringing as much of that content into Australia. We could have bought them cheaper off the shelf but the reality is that the most important thing at this time is to support Tasmanian and Australian jobs.

There are so many little businesses all over this state that can plug into supply chains, particularly for larger projects. There are steel fabricators, lifeboat manufacturers and there are people doing sensors. These are complex technical builds and it is about bringing as much of that supply chain onshore rather than sending it 100 per cent away. We should be buying local wherever we can. That is the principle Tasmanian families live by when they go into their local shop. They look for Australian and Tasmanian produce. They know what is in their home when they are buying Australian and Tasmanian furniture and they are looking for that timber.

That is the spirit people bring towards their own personal shopping and it speaks to a bigger thing. It speaks to supporting our economy, supporting jobs, supporting our young people to have a future on the island rather than having to leave to who knows where, potentially Finland, to try and get a job. Why should we be supporting them to leave? We should be bringing as much of that work back home as we can. We should be buying local. It is a similar thing with Tasmanian tourism -

Time expired.

[11.25 a.m.]

Ms OGILVIE (Clark) - Madam Deputy Speaker, we need to cool our jets on bagging out Finland. It is a great island. Of course, buying local and doing what we can to make sure our government procurement spend is spent here is absolutely essential. Nowhere is better to spend government money than in my electorate of Clark, particularly Prince of Wales Bay.

Mr O'Byrne interjecting.

Ms OGILVIE - I would not be laughing. You probably agree with me because you know the manufacturing capacity there is enormous.

I would like to focus on some areas we do not normally talk about or think about in this House when we are talking about government procurement spend. We think a lot about fantastic major projects such as Marinus - just get it started - roadworks, bridge building. All those things are fantastic, but let us step back a little bit and think about the roles and jobs of people who are not working in the construction industry.

I happen to be one. I am thinking about the working mums and the types of roles and jobs that family people have where the mum might be trying to get a job in between school hours. Traditionally, we have been able to bring to Tasmania secure roles that make sense and work for people like me, and no more so than in the ICT and tech sector. Our ability to deliver amazing world-class research in marine sciences, technology, astrophysics, space, tech, data centres and engineering is incredible. Our university is top-notch, we have IMAS, we have CCAMLR and now we have this amazing opportunity with Macquarie Point. I share the energy on that and really want to see it delivered.

It is very hard to sell an idea. Americans are very good at selling the concept but the vision is great. The vision is to create a world-class point of entry for our science, marine and Antarctic research centre there.

I know the minister and others in this place would also be in deep conversation with the ICT industry and the captains of that industry and the big businesses, parts of which are in Tasmania. I say to the private sector: bring parts of your businesses here, bring your divisions here, bring some back-office functions. I say to the federal government: bring APS jobs here, let us look at decentralisation. I know that conversation is underway and I have been part of those.

I have been very fortunate in my career to have worked with some really great people who I still consider mentors. I have been in conversation with David Thodey around the review on APS jobs and decentralisation. What more can we do with CSIRO to grow the footprint? I know some people do not want to move, so let us see what we can do to augment that. I am thinking about these roles - the researchers, the academics, the lawyers, the professionals, services people - everybody who is a substrata of making sure we can deliver these major projects and can do the accounting, the conveyancing, the planning and the draftsmanship work on these things.

I put on the record for the women of Tasmania that we have had a hard year this year. We have all doubled down on the work we have had to do. Some of us have had to tap into our superannuation which was meagre to begin with because we have been out of the workforce looking after children. That is another area where government, both state and federal, can have a good hard look at how we are looking after women in retirement and setting up women to make sure we are on an even footing with the blokes as we retire. If I had a chequebook, I would give every working woman in Tasmania a cheque for $20 000 into their superannuation to catch them up. I am unashamedly pro-working women, because I am one, and my sisters and everybody else in my family have worked all the way through.

That is a contribution I would like to make to 'buy local'. Just one more restrained comment of moderation: while we are all feeling so proud of being Tasmanian, we are also Australian. We need to reach out to our cousins in other states and territories, particularly as they are having awful times and to call out - and we have done well in this state - to our migrant community, particularly those who have been on visas. Unlike other states and territories in Australia, we stepped up and looked after them. I called for it and you responded. I was impressed and pleased. My friends who run restaurants and other businesses have continued to stay in touch with those people and look after them, providing meals and food and reaching out.

One particular fellow who was the cold larder filler in my local café, on a visa, lived in Claremont, with his wife and newborn baby, lost his job: no JobSeeker, no JobKeeper, desperate times. He rang me because he had seen me in the café and said, 'please, what can you do?' I visited him, took him some Coles vouchers and saw the situation. It really made me feel super-proud of being a good Tasmanian and a good Australian when the Government stepped up and put that money in.

We are for the migrants, for sticking together, and for the government spend staying here but we also must keep a little balance and an eye on the supply-chain issue. I have a bill on the Notice Paper called the Supply Chains (Modern Slavery) Bill and it is about taking this opportunity to clean-up our supply chains. Major companies are already doing it but we can do more at a state level and the state government can certainly do more. Let us eradicate that from the products and services that we are buying in this state. That is a globally good thing to do, a good human rights approach to the procurement of goods and services.

Time expired.

[11.32 a.m.]

Mr O'BYRNE (Franklin) - Madam Deputy Speaker, it gives me great pleasure to come to this Chamber to debate this issue. It is a matter of public importance and it is a matter that all parliamentarians should be concerned about. Creating a stronger Tasmanian economy and a more diversified economy is in everyone's interest, particularly at this time with the COVID-19 restrictions and the impact of COVID-19. Trying to maximise Tasmanian jobs should be at the front of everyone's mind. We support the concept behind it.

The role of the Tasmanian Government as a procurer of goods and services, comparatively to other states, is much stronger. We have a stronger responsibility. The new member for Braddon, Mr Ellis, referred to some of the activities on the north-west coast. I remember when I was Police minister and we upgraded the Devonport Police Station with a great local building company, Mead Constructions. It was a pleasure to support them in making sure that they were able to get access to that job and complete it. It is a credit to that company and a credit to businesses like Mead Constructions on the north-west coast that they were able to access good government procurement opportunities and produce a great product that continues to serve your local community and electorate.

It is those kinds of examples across the state where a government has an assertive role to play. Unfortunately, in some of the examples you gave, Mr Ellis, with regard with the TT-Line fit-out, it is important that whilst the rhetoric is there, that we actually follow it up with some facts. While there was a view that the fit-out of the TT-Line should have maximised local Tasmanian jobs, the bulk of the work was done in Sydney Harbour in New South Wales. Also we became aware, and the union that you quoted - the Australian Manufacturing Workers Union - called out TT-Line for bringing in 100 mainland workers to do the bulk of that fit-out. If you are going to use that as an example, if you are going to talk about the rhetoric of your Government supporting Tasmanians jobs, you need to follow up with facts.

There are many references to Finland. That is the plan that the sub-committee of Cabinet and the minister, Premier and Treasurer signed-off multiple times over the last 12 months, to support jobs in Finland, and the strategy of the TT-Line, the experts and the crowd that you have entrusted with a strategy to replace those vessels. We know that what is afoot is a proposal to build a hull in the Philippines - no Tasmanian jobs in that - and the bulk of the fit-out to be

completed in Western Australia. This is a company that you seem to be backing, that in around 2007 or 2008 bought the shipyard in Margate and within three years closed that up, and 140 Tasmanian jobs were gone. Be careful who you sign your barrow up to in terms of who you support.

We support the opportunity of getting Tasmanian jobs and ensuring the Government and our GBEs procure activities for Tasmanians. Let us have some recent examples of your Government not buying local. The Bridgewater bridge: five contracts have gone to consultants since mid-March, none of which are Tasmanian businesses - four in New South Wales, one in Queensland.

Mr Ferguson - You do not like proof of life do you? You do not like the progress.

Mr O'BYRNE - By interjection, I understand why the minister for Infrastructure is sensitive about this.

Mr Ferguson - No, we are proud of it. Progress.

Mr O'BYRNE - On the record, the minister has just said he is proud he has given a number of consulting contracts on a big Tasmanian job to mainland firms. I am sorry, that is what you said.

Mr FERGUSON - Point of order, Madam Deputy Speaker. I really hate to do this but the member is wilfully misleading. We are very proud of the progress being made on the Bridgewater bridge.

Madam DEPUTY SPEAKER - That is not a point of order, thank you.

Mr O'BYRNE - In his own portfolio of IT, an IT contract went to a mainland business in May when three Tasmanian businesses put in a bid for the job. Also in May over $400 000 was spent on a consultant for the underground bus mall. The Government tender website lists the business as a Tasmanian business, but the company's own website does not list a Tasmanian office. If you are going to walk the walk, if you are going to follow through with your commitment, you have to prove it with substance.

This has been one of the key brag points of this Government from the election in 2014 and over the last six years, that this would be a Government that will maximise Tasmanian contact for the State Government procurement of services and goods. But when we look at the Premier's Economic and Social Recovery Advisory Council report, they have called you out. They have called you out on your lack of support for Tasmanian businesses and that your Treasury department and your procurement departments need to do more. Multiple times in that report it calls you out to do more. If this is what you want to be measured by, if this is the point of reference to say 'we have achieved something in Government', you have your own economic recovery council calling you out for a lack of activity and asking you to do more than what you are doing.

We know that those people on that council, and particularly the chair who is the former secretary of the Department of Treasury, knows the understandings and the multilateral arrangements that we have signed in terms of trade across Australasia, across Australia and New Zealand but also globally. He understands the restrictions and he has called you out. If

you say up here with your mantra that you support Tasmanian jobs and Tasmania's opportunities you have to walk the walk. When your own economic and recovery council has called you out that is a damning assessment of your activity.

We know Tasmania, whilst we are an island, we are not an island economically. We are an export-orientated econom -

Mr Ellis - What do we export? Boats.

Madam DEPUTY SPEAKER - Order.

Mr O'BYRNE - We do and that is why Labor governments over many years have supported shipbuilders like Incat. You seem to be picking a Western Australian company.

We know that if you have trade and if you want to close the economy we lose opportunities for Tasmanian jobs. When you talk about the TT-Line, let us not just look at the narrow TT-Line in terms of just the jobs and the builds and the fit out. What about the time-sensitive freight industry as it relies on getting it off site? What about the tourism businesses that were relying on increased capacity in two years and now it will be 10 years before it arrives? If you are going to do it, do it properly.

Time expired.

[11.40 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Deputy Speaker, when I saw the subject for the matter of public importance debate today and that it was brought on by our newest member, the member for Braddon, Mr Ellis, I was looking forward to having a debate about something everyone in the House could, in large measure, agree on. That is, it is really important we buy local and support local businesses. While I am on my feet, Mr Ellis, your inaugural speech yesterday was the finest I have witnessed, so well done and welcome to the House.

Mr Ferguson - Hear, hear.

Ms O'CONNOR - The Greens absolutely support the Buy Local policy. I think Mr Ellis said we send truffles to France. We also send tulips to Amsterdam. There is no question that Tasmania has what the world wants and we need to look after this place. Much of what it is about Tasmania that the world wants comes down to our brand - the fact that we are clean, green, clever, creative and connected. It is part of who we are.

It is increasingly important in this time of COVID-19 that we all do everything we can to support local businesses, local enterprises, restaurants, and visit parts of the state some of us have never been to before, although most of us have seen much of this beautiful island.

We have an enormous capacity locally in products, innovation and advanced manufacturing on the north-west coast. As we come out of the pandemic it is not going to be a rapid return to social and economic health, so the more we can invest in local businesses, the better off we will all be and the better off our children will be.

As we have said in here before, we have twin crises coming at Tasmania. We have the pandemic, which we are in the middle of, and we have a climate emergency happening. We need to turn our lemons into lemonade and have a look at the future through the lens of resilience and self-sufficiency.

We cannot continue to be an island that brings so much on island. It is important that we export but we need to be an island that makes stuff and supports local manufacturing. We need to be an island that to the greatest extent possible is self-sufficient. I noted in Mr Ellis' speech yesterday that he started to sound a bit like a secessionist towards the end. I got a flutter in my heart because I think there is a little bit of the secessionist in us all as proud Tasmanians.

I took the opportunity this morning to find some of the paperwork on the Government's Buy Local policy. Points to Government for introducing a Buy Local policy in 2014, but there have been some shifts in the application of the policy. The first Treasurer's Instruction that we can find, which is the Buy Local Policy for Goods and Services on 20 August 2018, which was the date it became effective, says it provides for the application of mandatory procurement planning requirements as well as the introduction of a local benefits test and industry participation plans in government purchasing. This is for all procurement processes in relation to the purchase of goods and/or services with a value of more than $50 000. It also says an agency must complete a pre-procurement local impact assessment to ensure local suppliers are given every opportunity. It has to be approved by the head of agency or a duly authorised delegate for procurements valued less than $250 000.

That Treasurer's Instruction was withdrawn on 1 July last year. This Treasurer's Instruction, which came into effect on 25 March 2019 for the Buy Local Policy for Building and Construction of Roads and Bridges, says that for all procurement processes in relation to building and construction of roads and bridges projects with a value of $250 000 or more for building and construction works, $500 000 or more for roads and bridges works, or more than $50 000 for building and construction consultancies. That Treasurer's Instruction was withdrawn on 1 July last year.

Now we have the Treasurer's Instruction under the Financial Management Act which came into effect on 21 February this year which requires agencies to undertake government procurement in a manner that is consistent with the following four principles: value for money - and that is where sometimes it can become a bit tricky to have a hard-line Buy Local policy; open, impartial and effective communication; providing local suppliers that wish to do business with government with the opportunity to do so through the adoption of the Buy Local policy requirements; and now we have the Buy Local policy which has been put out by the Department of Treasury and Finance. The policy applies to agencies required to comply with the Treasurer's Instructions issued under section 51 of the Financial Management Act.

The Buy Local policy is, in significant measure, less prescriptive than the original Treasurer's Instructions. I suspect what has happened here is that, with the best of intention, government delivered Treasurer's Instructions to guide agencies about how they procure goods and services but also capital works, construction works and roads and bridges. It is quite prescriptive and it became very difficult for agencies to adhere to the Treasurer's Instructions for Buy Local so they were withdrawn. There has been a more expansive approach to Buy Local, and less prescriptive, which possibly gives agencies more flexibility in buying local or not. I thought that was an interesting move away from hard-line Buy Local procurement requirements into something far less prescriptive.

Madam Deputy Speaker, in closing, I reinforce the importance of making sure that our young people have the skills of the future. We are looking at an employment scenario in which there will be a whole lot of jobs we have not even foreseen and we need to teach our kids to take the jobs robots cannot.

Time expired.

[11.47 a.m.]

Mr TUCKER (Lyons) - Madam Deputy Speaker, when I think about Buy Local, I think about pride and I think about the Cripps Bakery and the oath of allegiance. The other thing that comes to mind when I stand up here is a movie by the name of *Pretty Woman*. Richard Gere played the lead role in that. He met up with a female in that movie, and he was in the business of buying up companies and he was buying the shipyard. He was going to strip it down and completely sell it all off. Then the power of the female, Madam Deputy Speaker -

Ms O'Connor - The woman.

Mr TUCKER - Woman, female, however you like to say it - she got him to take his shoes off, from memory, and to walk on the grass and she changed his viewpoint on the company. I remember he said, 'I am going to go and build big ships'. That was pride, Madam Deputy Speaker. It is pride when you build something.

I think back to something that happened in St Helens before my time but it is still brought up, and is very close to my heart, because it was actually my grandfather. In 1947, just after the war, they launched the biggest boat in Tasmania to be built at that time and it was built in St Helens. We can do things here in Tasmania and we can build big boats. I commend the Infrastructure minister and the Premier for being gutsy. It is the gutsy Gutwein Government that is looking locally to build these ships here.

As Liberals, this side of the House has the strongest record with respect to making it easy for Tasmanian businesses to benefit from government tenders. The introduction of the Buy Local policy with a local benefits test was a strong Liberal election policy at the 2014 state election. That election commitment was delivered. It has provided more opportunities for Tasmanian businesses to win more government contracts and in turn support more Tasmanian jobs. It is one of the best examples of the practical ways that this majority Liberal Government, gutsy, Gutwein Government has helped support Tasmanian businesses especially, many of them small or family businesses.

The hypocrisy of Mr O'Byrne on his policy area is astounding. I remind the House of when the Labor-Greens government voted against the Liberals, but local legislation you voted against it, Mr O'Byrne. The height of this embarrassment came when the then minister for economic development, Mr O'Byrne, awarded a tender for a buy local campaign for Tasmanian food and beverage branding promotion to an interstate company at the end of 2011. It was a prime example of the then Labor-Greens government warped priorities claiming that the best business to market Tasmania was not even Tasmanian.

With that sort of shameful record, it made absolute sense that we Liberals should support a strong buy local policy with a local benefits test to support Tasmania's businesses and Tasmanian jobs. We will fast forward to 2020 and guess what? Labor is still anti-Tasmanian jobs. This Government is backing Tasmanians and doing everything we can do to support

Tasmanian businesses and Tasmanian jobs. That is why last week we announced measures to attract Tasmanians to our seasonal harvest work. It is the reason why, with such a significant investment at stake, it makes sense to have a look at any way we can maximise Tasmanian jobs

In the replacement of the *Spirit of Tasmanian* vessels - yes Dr Broad, they are not the spirit of Finland they are the *Spirit of Tasmania* - this approach makes sense to Tasmanians except it appears to Ms White and Labor -

Members interjecting.

Madam DEPUTY SPEAKER - Order.

Mr TUCKER - Why are Ms White and Dr Broad out there flying the flag for Finland in the media? You have given up on Tasmanian businesses and jobs. Your own Labor colleague, Senator Helen Polley -

Dr Broad interjecting.

Madam DEPUTY SPEAKER - Order, Dr Broad, thank you.

Mr TUCKER - Federal Labor gets it but not Ms White or Dr Abroad. The Tasmanian State Secretary of the Australian Manufacturing Workers Union, Mr John Short gets it. He said in a letter to the Premier: we welcome the Tasmanian Government's decision to investigate options in finding a local manufacturer for the *Spirit of Tasmania* ferries. No mention of spirit of Finland, Dr Broad. Even the AMU is against you.

It is now nearly a week since you mentioned your shameful anti-Tasmanian job policies. You have doubled down on it every day. When are you going to flip on it? You should abandon it right now. We are left with no other conclusion except that they are anti-Tasmanian jobs over there. Unlike Labor, we are pro Tasmanian businesses, pro Tasmanian jobs and pro Tasmanian.

Time expired.

Matter noted.

COVID-19 DISEASE EMERGENCY (MISCELLANEOUS PROVISIONS) AMENDMENT (QUARANTINE DEBT RECOVERY) Bill 2020 (No. 29)

Bill agreed to by the Legislative Council without amendment.

TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL BILL 2020 (No. 25)

Second Reading

[11.56 a.m.]

Ms ARCHER (Clark - Minister for Justice - 2R) - Madam Deputy Speaker, I move -

That the bill now be read a second time.

I am proud to be the minister introducing this bill which is the first legislative step in establishing a Tasmanian Civil and Administrative Tribunal, to be called TasCAT, and to be part of the Government that is bringing in this new era for Tasmania's tribunals.

Tasmania is currently the only state that does not yet have a single tribunal, noting the concept of a single Civil and Administrative Tribunal for Tasmania has been discussed and considered by governments for over almost two decades. As Attorney-General and Minister for Justice, I am pleased to have prioritised this significant reform to establish the TasCAT.

As someone who has practised in protective jurisdictions, I am particularly pleased to pursue reform in this area as TasCAT will bring about improved access to justice for all Tasmanians. It will also allow for the better utilisation of administrative support and resources for tribunal matters in Tasmania. TasCAT will also assist to promote alternative dispute resolution programs and provide greater consistency in decision-making, while enabling seamless and sensitive service delivery to a diverse range of clients.

A significant amount of work has been undertaken in 2020 to deliver a new single tribunal for Tasmania. It is particularly exciting because this journey is now coming to life with the new and very modern, purpose-built co-location facility, which I was pleased to recently open, at 38 Barrack Street in Hobart.

In July this year, the following nine tribunals and boards co-located at the new tribunal premises:

- the Anti-Discrimination Tribunal;
- the Asbestos Compensation Tribunal;
- the Forest Practices Tribunal;
- the Guardianship and Administration Board;
- the Health Practitioners Tribunal;
- the Mental Health Tribunal;
- the Motor Accidents Compensation Tribunal;
- the Resource Management and Planning Appeal Tribunal; and
- the Workers Rehabilitation and Compensation Tribunal.

Much of the work done on the facility was completed during the height of the COVID-19 pandemic and I am pleased that this project was able to support jobs in our building and construction industry during these difficult times.

The Tasmanian businesses and their employees involved with the project are to be congratulated for their hard work. They have done an excellent job completing work to tight

deadlines for the building, despite the extraordinary circumstances and obstacles that arose due to the COVID-19 pandemic. There has been a focus on using Tasmanian materials and products throughout this building and a strong emphasis on ensuring the building caters for the different needs of the clients who will be using the facility.

With the bill now before the House, I move to introduce the legislative framework that will establish and underpin TasCAT. The establishment of TasCAT is a large undertaking. In order to ensure that the transition from multiple tribunals and boards to a single civil and administrative tribunal occurs in an appropriate way, TasCAT will be established in three stages.

Stage one will establish TasCAT legislatively, but will allow those tribunals and boards that will amalgamate to continue functioning as independent bodies co-located at Barrack Street in Hobart. This bill is part of stage one of the establishment of TasCAT. It is important to note that this bill, in and of itself, will not allow TasCAT to function. A stage-two bill will be needed before TasCAT can formally commence.

Stage two of the establishment of TasCAT will include the formal transfer of powers and staff from co-located tribunals and boards to TasCAT. During stage two, the relevant tribunals and boards will be disestablished. Substantive processes, powers and procedures for TasCAT will be included in a second bill, which I expect to table early next year.

Stage three will occur after the commencement of TasCAT, and will involve the transfer of further powers and functions to TasCAT.

One of the benefits of taking a staged approach to the establishment of TasCAT is that this will allow the Government to carefully consult during each stage of the establishment process.

I acknowledge that there may be some concerns about the effects of amalgamation of existing boards and tribunals into TasCAT. Reform can be challenging and we are certainly in challenging times. In order to ensure a smooth transition from separate boards and tribunals to TasCAT, the Government will make minimal changes to existing provisions in legislation that will confer jurisdiction on TasCAT.

In particular, we will ensure that any consequential amendments in our stage-two legislation make the minimum necessary changes to provisions relating to expert membership, costs and legal representation.

I will now turn to several specific aspects of this bill.

Part 3 of the bill covers the membership and staffing of TasCAT. It provides for the appointment, suspension and revocation of appointment of members. The members of TasCAT will comprise a president, deputy presidents, senior members and ordinary members. The bill also allows for the appointment of acting presidents and deputy presidents as well as supplementary deputy presidents and members.

In addition to members, the bill provides for a registrar, deputy registrars and other State Service officers and employees to be part of TasCAT. These staff will perform vital registry, administrative and other tasks.

The bill also sets out the structure of TasCAT, which is mainly dealt with in Part 5 and in Schedules 2 and 3. TasCAT will be organised into two divisions; a general division and a protective division. Underneath these divisions, streams will deal with specialised proceedings such as mental health, antidiscrimination and guardianship matters. This structure will allow for appropriate and specialised procedures and practices to be adopted and implemented within each division and stream of TasCAT.

As I have indicated, nine tribunals and boards have co-located at the new premises and these bodies will operate separately until TasCAT formally commences on the establishment day, set as 1 July 2021 in clause 4 of the bill.

In order to facilitate effective and efficient co-location, Part 6 of the bill sets out provisions relating to confidentiality and use of facilities that apply prior to the establishment day. These provisions will ensure that information can be shared, that staff of the co-locating boards and tribunals will be able to assist with matters involving other boards and tribunals, and that appropriate directions can be given about the use of the premises at Barrack Street.

Future bills will expand TasCAT's jurisdiction and will provide further powers including in relation to costs, diversity proceedings and alternative dispute resolution.

In closing, I would like to thank all those individuals and organisations who have made submissions over the years regarding the establishment of a single tribunal in Tasmania. A significant number of submissions were made in response to the 2015 discussion paper A Single Tribunal for Tasmania. Other submissions were made in response to a draft version of the bill released earlier this year. All of the submissions made over the years have been carefully considered and have contributed to this bill.

I would also like to take this opportunity to thank the presidents, chairs, commissioners, registrars and staff of the co-locating boards and tribunals for their assistance in the process of establishing TasCAT. Through the Single Tribunal Steering Committee and the Single Tribunal Reference Group, each board and tribunal that will become part of TasCAT has contributed significantly to this project. Their input and assistance has been vital and will continue to be needed as we move closer to the establishment of TasCAT.

Under their leadership, I am confident TasCAT will streamline service delivery and improve access to justice in Tasmania.

I am proud to commend the bill to the House.

[12.04 p.m.]

Ms HADDAD (Clark) - Madam Deputy Speaker, the chatter in the House is quite warranted. This is a highly anticipated and welcome change to Tasmania's administrative review processes, and it is historic that it is the Minister for Justice, Ms Elise Archer, who is bringing this change forward in Tasmania.

As we heard in the minster's second reading speech, there has been discussion about a single administrative review tribunal for Tasmania for quite some time through successive governments over many decades.

It is worth commencing my remarks by acknowledging that - this is historic. While it will take a little while and several pieces of legislation for all the administrative arrangements to be put in place, to be establishing one civil and administrative tribunal is a historic moment for Tasmania.

This has been the trend in other jurisdictions, and at the Commonwealth level as well over recent years - to amalgamate many smaller administrative tribunals and boards that review administrative decisions within government into larger super tribunals. Tasmania is the only state or territory that does not have such a tribunal.

There has been an Administrative Appeals Tribunal (AAT) at the Commonwealth level for a number of years, but they started to amalgamate other independent tribunals that used to sit separately to the AAT into the AAT as well - most recently in 2015, when the Social Security Appeals Tribunal was amalgamated into the AAT, as well as the Migration Review Tribunal and the Refugee Review Tribunal (MRTRRT). Those two tribunals were amalgamated prior to 2015, and in 2015 they were brought in under the umbrella of the AAT, which also deals with other matters such as child support and Commonwealth workers compensation, and many other areas as well.

Tasmania is not unique in establishing such a tribunal for Tasmanian administrative review.

I note, as the Minister for Justice has outlined in her second reading speech, there are currently nine tribunals and boards that have been co-located in their new premises: the Anti-Discrimination Tribunal, the Asbestos Compensation Tribunal, the Forest Practices Tribunal, Guardianship and Administration Board, Health Practitioners Tribunal, the Mental Health Tribunal, the Motor Accidents Compensation Tribunal, the Resource Management and Planning Appeals Tribunal and the Workers Rehabilitation and Compensation Tribunal.

At this stage they have co-located, but are still functioning as their independent boards and tribunals, and will remain separate for now. They are unable to function as a new tribunal until further legislation passes this House, and that will happen in due course.

What this bill will do is establish TasCAT - the Tasmanian Civil and Administrative Tribunal. It sets out TasCAT's objectives, and provides for the membership and staffing of the tribunal, which I understand will be made up of one president and several deputy presidents. My understanding is that all the existing presidents and chairs of those nine tribunals that are amalgamating right now will sit as deputy presidents, in the short term at least.

Then, for the appointment of members and senior members, each of those terms will be appointed for five years. Members, presidents and deputy presidents can also be reappointed at the end of those five-year terms.

It has been explained to me that the first term of the president, once that person is chosen, will be seven years, to allow that five-year term plus a two-year period to implement the administrative arrangements for the new tribunal, which will be a significant task in and of itself.

The bill sets out the structure for TasCAT with regard to the two divisions, and also the staffing arrangements with registrar, deputy registrars and staff. There are also some administrative arrangements to do with the co-location of those nine tribunals.

As the Minister for Justice has set out, this is stage one. This legislation will allow those tribunals and boards that are amalgamating at the moment to continue functioning independently within a common home - which I am told is a very impressive building.

Stage two, which will involve subsequent legislation, will include that formal transfer of powers and staff. There will be a need to set in place legislation that allows those boards to dissolve, and for the new super tribunal to take over those powers and to be able to hear matters across those nine jurisdictions.

Stage three will involve the transfer of further powers. I wonder if the minister might comment on whether, at this stage, there is any anticipation that other boards and tribunals that are not part of this original or first tranche of nine may, over time, also be amalgamated into the TasCAT tribunal, as has happened at the Commonwealth and other levels, where other jurisdictions might come in under that same umbrella. The minister has said that approaching it in this staged way will allow for consultation on each of those stages.

On that matter, it is worth revisiting the discussion paper that was released in September 2015, under the then Attorney-General, Dr Vanessa Goodwin. That was a significant piece of work, and it provides a very thorough and very detailed analysis of how every other jurisdiction was approaching administrative review at that time. It talks about the merits of doing that, and also the risks.

Later on in my contribution, I will put on the record some of the comments made by stakeholders who submitted on this draft bill. However, that original discussion paper - which provided a lot of analysis and research into how tribunals like this work elsewhere, and how one might be contemplated for Tasmania - did also anticipate a second stage prior to a bill like this reaching parliament. It did suggest that after that first piece of work was done, an options paper for a stage two should be developed, and that options paper would then presumably be widely consulted upon, which I believe has not necessarily happened in the way the author of that report anticipated when that report was being put together.

The author of that report said there had been consultation on its preparation, but it had been limited to the tribunals and boards that were being considered for amalgamation at a future time. Back in 2015, there was that anticipation that before a bill like this reached parliament, there would be a stage-two widespread community consultation process. I acknowledge that there has been community input on the draft bill, but an options paper and a longer consultation period may have elicited other ideas and other approaches from those who represent people in those administrative tribunals, and members of the public who take matters to those tribunals.

The end result may well have been exactly what we see today. That could well have been the case. However, I acknowledge that the options paper process did not happen when preparing for this bill. This is not to say there was not consultation on this bill, as I believe there was, and I will put on the record some submissions that have been made.

In that 2015 discussion paper, it is worth looking back on some of the analysis it gave to the different jurisdictions that existed at the time, and the logic behind those nine that have now been amalgamated, and those that are not amalgamated at this point.

They talk specifically about some jurisdictions that may or may not be included, including child protection, minor civil claims and some of the other tribunals that have not amalgamated at this point and as alluded to in my earlier question, it may be anticipated that they will be amalgamated at a later time, but reflecting back and re-reading that 2015 paper over the last couple of days I thought it was worth hearing some of the thinking that went into the preparation of this bill in terms of which jurisdictions have been included at this point and which have not.

I have had it explained to me in the briefing and I thank the minister and her office, Rowena, Tim and Brad, for providing me a briefing in the lunch break on Tuesday. This bill has only been on the Notice Paper since last Wednesday so although it has been anticipated a very long time as a concept it was a fairly short period of time to come up to speed on exactly how things have been put together for this bill, so I thank the minister and her office for arranging that briefing for me.

In that briefing it was explained to me that some of the Administrative Appeals Division of the Magistrates Court matters may in time sit with the tribunal which I think once those jurisdictional issues are worked out could be a very positive step in terms of relieving the Magistrates Court from some of their significant workload.

I acknowledge that everybody who works in the Magistrates Court works incredibly hard, often in very challenging circumstances, and it is just the nature of civil administrative review that there is often a heavy caseload for the court to deal with. Some of those matters that currently sit within that Administrative Appeals Division of the Magistrates Court I believe it is anticipated may sit within TasCAT at some point in the future, which at this stage, without seeing more of that thinking and detail, sounds like a very positive step.

That 2015 paper also talked about the small range of civil matters, review and originating applications that sit currently with the Supreme Court and they acknowledge it is not a huge component of the Supreme Court's workload but I thought it was worth mentioning that that was one of the potential things flagged by the authors of that report back in 2015 and just ask the minister whether or not that is anticipated potentially for a future amalgamation or a future jurisdictional shift.

Ms Archer - Sorry, what was that?

Ms HADDAD - It is on page 65 of that 2015 paper. It talks about the small range of civil matters - both review and originating applications - which presently are vested in the jurisdiction of the Supreme Court. The arrangement may have arisen due to the age of legislation involved with limited options for alternatives or for deliberative reasons. Given the nature of these matters, however, it may be appropriate to review their present jurisdictional arrangements and determine if they may be suited to a civil and administrative tribunal and to determine the basis for the current arrangements.

Those matters under the act which come before the Supreme Court are: the Abandoned Lands Act; the Architects Act; the Conveyancing and Law of Property Act; the Cooperatives

Act; the Land Acquisition Act; the Land Titles Act; the Petroleum Act; the Petroleum (Submerged Lands) Act, and the Police Services Act.

Ms Archer - So largely administrative things.

Ms HADDAD - That is right. That was flagged in the 2015 paper as well as potentially something worth considering for that to move across to such a tribunal as the one being established today.

The paper goes on to talk about the best-practice theory and evidence base for establishing tribunals like this and recognises that in many ways they represent best practice but that it is a challenge because each of these tribunals have emerged at different stages over the history of courts and tribunals in Tasmania, each have very much been established to address a particular need in the community and each have their own acts that they operate under and their own jurisdictions. Even administratively, each has developed their own culture, style of working and operating and bringing them all under one umbrella has a lot of potential positives for access to justice but it is nonetheless an administratively large task to amalgamate nine. Imagine amalgamating nine public service agencies. That would be culturally a big shift as well and I recognise that will be a significant workload for the incoming president.

In the paper in 2015 they say the legislative foundation that sets up a new tribunal like this should allow for the amalgamated bodies to have flexibility to determine their own procedures holistically as well as in each division or stream. My understanding is that in the short term the existing nine chairs, registrars or presidents of those boards will sit as the deputy presidents but in time I wonder how much that would be amalgamated further in terms of the administrative arrangements of TasCAT or whether there is an anticipation that it will continue to sit as one super-tribunal but with nine independent streams sitting underneath that one president.

There is definitely an argument to support amalgamating many of the functions but there have been raised in the paper and the submissions a real need not to lose the specialisation of each of those tribunals and I will say more about that in a little while. Each of the tribunals that have been formed in other states and territories and at the Commonwealth level have had to face that reality as well, so I am sure it is something that is very much in the thinking of the drafters of this legislation and the people who are going to bring the new tribunal together. While there are administrative savings, cost savings and access to justice benefits for having a one-stop shop for administrative review, there are also challenges in terms of not losing that specialisation, particularly in the protective divisions. We must make sure that people who appear before those protective divisions are not in any way disadvantaged by having people potentially making decisions about things that affect their lives without that rigorous expertise in those protective divisions as they exist now under their own acts of parliament and with their own operating systems and appointment systems in terms of having people with the relevant expertise sitting on each of those independent tribunals.

It is raised in some of the submissions that I will contribute on to the *Hansard* but I did wonder whether in time it is expected that the tribunals will continue to have that number of deputy presidents. In its initial stages it will be those nine but in time it might be anticipated that there might be fewer deputy presidents and if that is the case how might that affect that specialisation issue? If there is one president and in time three, four or five deputies and other

jurisdictions meanwhile start to come in under the umbrella of TasCAT, what thinking is there given to making sure that that specialisation is not lost?

My understanding is there will not be a limit to the number of members and senior members that can be appointed so that might be one way to make sure that the people with the relevant expertise are appointed and able to sit when needed and the tribunal will then be able to pull together the right kind of members to hear a particular matter that comes before them.

One specific question I had about the nine that are in at the moment is I noticed there has been discussion specifically about mental health jurisdictions. Victoria has VCAT, Western Australian has the State Administrative Tribunal, New South Wales has the Civil and Administrative Tribunal and Queensland has QCAT, the Queensland Civil and Administrative Tribunal. I believe they do not include the mental health jurisdiction and that 2015 paper did talk about the importance of there being a special consideration given to how the Mental Health Tribunal might be amalgamated into a super tribunal like this. It did not recommend against doing that, but it did say there should be detailed attention as part of Stage 2 - the Options Paper stage - to ensure that concerns raised are specifically addressed on the subject of the recommendations of that paper.

I will ask the minister to speak about the research that went into those nine tribunals being the first ones to be amalgamated, because the community consulation stage recommended in the Options Paper did not happen in the way the paper anticipated. I have no doubt that there have been many conversations with those nine tribunals. How much input has each of those tribunals had in the structures that this bill sets up, and the structures that this bill anticipates will be a part of subsequent bills in Stage-2 and Stage-3?

Madam Deputy Speaker, the draft bill that went out for consultation a little while ago received a number of submissions, and broadly, they were very supportive of establishing one joint tribunal. Some of them raised some issues which I have asked questions about in my briefing, and I understand many of those issues have been listened to and adopted into this bill that we are now debating, as a result of that consultation. Others are anticipated to potentially be amalgamated and considered in subsequent bills.

In the little time I have remaining I will put some of those submissions onto the public record. It is worth acknowledging that many community organisations and membership-based bodies that submit to legislation, put a lot of time, energy and research into doing so, and they should always be looked at and considered seriously for the effort they put in, and also for the expertise they represent. In this case, the parliament is considering a new tribunal that will include protective divisions and tribunals that make decisions affecting peoples' lives including vulnerable members of our community. It is definitely worth listening to that evidence base, but also listening to the voices of people who work in those jurisdictions right now.

The Royal Australian and New Zealand College of Psychiatrists made a submission and the reason for their interest in the establishment of this tribunal is because of the mental health tribunal being amalgamated into the protective division of the new tribunal. They support that move. They wanted to stress the statutory requirement that is currently in place for experienced senior consultants and psychiatrists to sit on hearings of the Mental Health Tribunal, for determining treatment orders, or variation of treatment orders, and requests for certain treatments like electroconvulsive therapy, and also for forensic matters. As all those other

tribunals have had to consider in other states and territories and at the Commonwealth level, their comment goes to that point of ensuring that that expertise is not lost.

Right now, in the way that the Mental Health Tribunal operates, they operate under their own legislation and there is that statutory requirement on the tribunal for particular expertise to be available to sit on hearings of the tribunal, in those specific areas. They wanted to make sure that is kept and not lost under the subsequent piece of legislation that will determine the jurisdictions for the new tribunal.

They are supportive of a deputy president sitting specifically over the mental health stream.

The Australia Lawyers Alliance made a short and very supportive submission. They considered this an important measure to achieving greater access to justice for disadvantaged people facing a range of civil issues including discrimination, dust disease - asbestos related illnesses - guardianship and administration issues, mental health and residential tenancy disputes. They are supportive of this move to establish one tribunal and in particular they came to that conclusion from the perspective of an increase in access to justice. It is a complex maze at the moment if you think about accessing administrative review from the perspective of a member of the public. It can be confusing and daunting to work out where to go, how best to be represented, whether you can represent yourself, how you are going to actually get heard, and have resolution in the administrative issue that is affecting your life or your community. There is definitely merit in having a one-stop-shop where members of the public know that is where they can go to have administrative reviews of decisions made that affect their lives.

It is also worth making some comments about the fact that when each of these tribunals did establish over many decades there was an expectation from parliaments over those years that each of these tribunals and boards would be quite non-adversarial and they would not feel like a court-like process. They would be accessible for members of the public to be able to go and be heard without needing legal representation. Each of those boards and tribunals has developed in their own way and in many of them it is standard practice that people are represented by lawyers.

Ms Archer - The hearing rooms are still set up that way. Different sizes, some more intimate than others.

Ms HADDAD - By interjection, the minister said, and from what I heard in the briefing I had this week, it does sound like there is an expectation or at least a hope that there will be a non-adversarial approach of the new tribunal and that members of the public will be able to appear, represent themselves, and be heard. That is not always the case at the moment. It is not a criticism of how those existing tribunals work right now, but it is just the way they have developed over time.

In my electorate at the moment there are some local residents who are opposed to a particular development in their neighbourhood. They are all full-time workers. They want to take an appeal through to RMPAT but they feel like the developer has got expensive lawyers. They are finding it really hard to find a way to have a voice in that hearing without finding their own lawyer, which they do not have money for. They do not have full-time capacity to focus on the needs of putting together an appeal, which is a complex legal task in itself. I know that is how things have played out particularly in the planning space, and in many of the others

as well. It is encouraging to know there is an anticipation at least, certainly a parliamentary intent, that the new super-tribunal might be able to operate in a less adversarial way, in a way that people can be self-represented and be heard just as equally as people who are represented by lawyers in those tribunals.

Back to the public submissions, the Tasmanian Conservation Trust made a submission in which they are also generally supportive, but they do have concerns that they outlined specifically in that resource management planning appeals division. They are not unsupportive of the idea but they said they really hope that future bills, when they are released, have a very thorough public consultation process. This should, as a minimum, target some consultation prior to the drafting of those bills, not just with the tribunals and boards themselves but with the people who represent others and indeed the people who appear in those tribunals.

Similarly to the issues that were raised by the Psychiatrists Association about not losing specialisation, the Tas Conservation Trust also mentions the need to retain the key elements of RMPAT and also recommend a number of improvements. They suggest that the features of RMPAT that in their view help to achieve access to justice and meet objectives of the current planning system are that TasCAT is to explicitly require a specialist and dedicated list of people for administering and hearing planning and environmental appeals. The list should provide for a relatively wide range of relevant expertise, including environmental law, local government, planning and development assessment, environmental assessment and biodiversity management, environmentally focused engineering and resource management.

They also hope that the new tribunal will retain minimising cost risks associated with planning appeals, maintaining the relative low cost to lodge an appeal application and to join an appeal, and to maintain the general practice that parties bear their own costs. They want to see retained broad tests for standing to commence or join appeals, history showing that having appeals open to a broad range of people and organisations has not flooded RMPAT with frivolous appeals. They also hope to retain facilitated mediation processes and a less formal inquisitorial nature of proceedings. This is a common theme that has been presented by people who currently work in the field of administrative reviews. People really do not want to lose the specifics of each of those individual jurisdictions specifically when it comes to specialised expertise.

The Bar Association gave a very thorough analysis of the bill and I believe a number of their recommendations have already been adopted in this bill, specifically the recommendation about the appointment of president. My understanding is that the draft bill specifies that the president needed to be someone who was already appointed a magistrate and the Bar Association identified that this limitation would fail to ensure that the field of potential candidates for the position was sufficiently wide to attract a highly suitable and experienced person with tribunal and administrative law experience and experience to hold the position of president. My understanding is that that has now been changed so I thought I would ask the minister that question formally through my contribution as well. It is not a requirement in this bill that the person appointed to that position of president need also be sitting as a magistrate.

They also asked questions about the purpose of enabling the tribunal to sit outside of the state. I will probably run out of time so I might jump across to the Community Legal Centres submission because they dealt with that issue as well. That is the issue that arose in the High Court case of Burns and Corbett. To just double back, Community Legal Centres Tasmania is also very supportive of the Government's intention to introduce TasCAT and encompasses

many of the tribunals and boards operating in Tasmania and in their opinion the establishment of TasCAT has the potential to improve access to justice, expedite hearings and ensure cost efficiencies for both government and parties to proceedings. They said they have no issues with the bill and its focus on the establishment of TasCAT and the process by which members of staff are appointed and they are pleased that future bills address costs, diversity proceedings and alternative dispute resolution.

They did have one significant issue, however, and that is the same issue the Bar Association raised as well. That case, Burns and Corbett, has had significant ramifications for the jurisdictions of TasCAT because of the limits it places on the power of state tribunals across Australia. The effect of that decision is that without enshrining appropriate safeguards TasCAT will be unable to exercise judicial power in relation to federal matters involving residents of different states, the Commonwealth and the state of Tasmania or a resident of any other state. In that High Court case it was an appeal from New South Wales where they found that the New South Wales Civil and Administrative Tribunal was not able to hear and determine disputes arising between residents of different states.

They also ruled in that High Court case that the decision was not limited to residents of different states but rather the entire class of matters listed in sections 75 and 76 of the Constitution, including matters in which the Commonwealth is a party, in which the state of Tasmania and a resident of another state are parties, or in which a party seeks to rely on Commonwealth legislation.

The CLCs submission anticipated there would likely be a high proportion of matters involving residents of different states, the Commonwealth and the State of Tasmania and residents of another state, in which a party seeks to rely on Commonwealth legislation, so they anticipate that there will be a significant number of those cases that TasCAT would hopefully be able to consider and specifically that will be the case in the antidiscrimination jurisdiction, the resource management planning appeal jurisdiction and in the workers rehabilitation and compensation jurisdiction. They are hoping future bills will expand that jurisdiction and deal with that issue that was raised in Burns and Corbett and suggested a couple of ways that the Government could consider that, either the New South Wales or the South Australian approach.

I jumped ahead through a few of the other community consultations because I was discussing the Bar Association's submission and did not want to miss putting those issues around Burns and Corbett raised by them and also by the Community Legal Centres Tasmania on the record.

There were two other submissions I will read from. The Environmental Defenders Office started by making the observation that they are pleased that the government has turned its attention to positive reform to our justice system and noted that the purpose of the TasCAT model is to improve access to justice, expedite hearings and ensure cost efficiencies for both government and parties to proceedings.

In general terms, their view remains that a specialist planning and environmental jurisdiction is best-practice model and to the extent that the draft bill does not propose a specialist court of this nature they say the model needs to ensure that the specialist expertise procedures, rights, powers and functions of RMPAT are maintained. They operate very much in that planning space a lot of the time and have added that voice that many others have as well

to the need not to lose specialisation and some of the functions of the existing legislation that those existing tribunals operate under.

They made a suggestion for an amendment. The minister will know exactly what I mean, so I will ask her to comment on the suggestion made by the EDO about declarations of power and whether or not that is going to be considered in future bills. They suggest going down the same path that VCAT has done in dealing with the declarations of power.

Finally, the Planning Institute of Australia also made a short submission in which they expressed support for the establishment of TasCAT.

As I started out saying in my contribution to this bill, this is a positive step for administrative review in Tasmania. It does not float everyone's boat but it is something I personally feel very passionately about and the minister does too. I can tell this is a shared view between the minister and me that it might seem very administrative but it is important. Administrative reviews of decisions made affecting people's lives in Tasmania are extremely important for our communities and individuals.

Time expired.

[12.44 p.m.]

Dr WOODRUFF (Franklin) - Madam Deputy Speaker, the Greens are very pleased to support this bill which will finally bring into being a body that has been, as the minister said, decades in gestation -and the birthing, as we are seeing here, is being welcomed by all the different tribunals around Tasmania that are being incorporated through this bill into a single tribunal.

A single one-stop shop which will, we hope and expect, from the structure that has been proposed, provide for far more efficiencies in the delivery of the administrative and civil decisions that are made by tribunals, and provide better access to justice for people in Tasmania who seek to have their matters heard by the range of tribunals listed here.

Looking at every single one of those nine tribunals makes it clear that these are very weighty matters that are being considered. These are matters I have personally advocated on behalf of people who have contacted our office asking questions, seeking more information, and seeking more clarity - and I can tell you that each of those people has had serious issues and concerns about how justice is being delivered in their case.

There are serious and complex issues to negotiate about what is appropriate, and how matters are heard - particularly about how people can be supported in a tribunal, and whether they think the evidence that is being presented from the other party has been properly scrutinised.

The circumstances leading people to come to these tribunals to have matters decided are usually enormous, and very personal, particularly the Guardianship and Administration Board, for example, and the Resource Management and Planning Appeal Tribunal, as we mentioned last night in the Major Projects bill debate. I note that the Rosny Hill Friends Network, that group of people in the community, are spending all of their spare time fundraising, selling tea towels and doing a whole range of things so that they can afford to appear and make a case before that tribunal.

As the Leader of the Greens said last night in her experiences with Ralph Bay, the effort that members of the public typically make to bring their case to a tribunal and be heard is usually all-consuming. They were not planning on doing that in their life. They did not choose to have to go down that pathway; it was not in their life plan. No-one takes something to a tribunal without a massive amount of effort and personal and emotional cost. There is often a big burden for people.

I am mindful about the importance of getting the details of bringing these bodies together. I thank the minister's staff who provided an excellent briefing and good, clear responses to the questions we asked.

From what the minister said, and the briefing I had from the staff, it does seem that this first stage will be about the new president writing the rules, and deciding on the structure and the personnel that will be required for the new TasCAT. The premises are already functioning. The bodies are functioning. They are all there.

Ms Archer - They were very keen to move in in July.

Dr WOODRUFF - So they are all functioning, but they are all functioning, minister, as separate tribunals at the moment.

Ms Archer - They are, but there is a big admin area, so they are all in together, so they are progressing towards that way. Being on the one site makes the transition much easier.

Dr WOODRUFF - In principle, that is a really good approach. It sounds tremendous, and I would welcome a walk-through to have a look at how it functions at some time. That would be useful.

Given that this bill empowers a president to write the rules, and develop the structure and the personnel, and given that those bodies are together, I assume they will be actively discussing how that looks and how that is going to function.

Ms Archer - We have had a steering committee. I referred to it in the second reading speech, and a reference group.

Dr WOODRUFF - That is right. They already do have the steering committee and the reference group, which has been looking at these issues for some time.

The second bill - which will be coming, as I understand it, by 1 July 2021 - does put some more detail into the important matters that would govern the way in which enhanced services could be provided by the single tribunal - particularly alternative disputes resolution mechanisms, and the way in which access to justice is improved.

I have a couple of questions for the minister about the rationale for doing this in the first place. Why bring it together? Minister, in your speech, you said other states all do this. In itself that is not a good enough reason - and I know that was not your reason; it is just a statement of fact. The underlying reason seems to be that it allows for better utilisation of administrative support and resources, which are the words you said for tribunal matters. That could be boiled down into efficiencies of staffing, and efficiencies of costs. There is also another matter about co-location, and the physical benefits for people not having to walk and

travel between different places and find out which tribunal they should be having their matter heard before.

In relation to efficiencies, minister, I did not hear anything explicitly in your second reading speech, which talked about access to justice. What ought to be the main benefit for Tasmanians is that it will improve access to justice. It will improve access to justice already by co-location. That is obvious. I wonder, minister, if you could talk about how those efficiencies will be used to provide extra benefits, above the services that are already provided by each separate tribunal.

I am thinking about advocacy, and literacy support, and what principles the single tribunal staff - who will principally be the first point of contact for members of the public - will be working under that will guide their engagement with the public.

It struck me that if there are efficiencies, and I understand speaking to people in the briefing, the first point of contact when people come into the single tribunal would be through - I think the word was reception - it might be a registrar -

Ms Archer - A registry reception.

Dr WOODRUFF - A registry reception. That is a very important person. That person is one of the most important people in the single tribunal because that person will be responsible for deciding and helping a person go through a process of working out whether they should go to Guardianship, Administrative, or should they go to Mental Health, or Anti-Discrimination.

Given that Tasmania has a very high level of low literacy, and given that the Government is committed to 26Ten principles, I wonder whether there will be an explicit statement from the president. I hope there might be, to require that the registry reception staff have that skill training and are expected to have as part of their job description that they have a skill in speaking to people, communicating with people with low literacy, and communicating to people potentially with low comprehension. The tribunal will be dealing with people with disabilities, people with mental health illnesses, people in great distress. Having the skill set for that first contact will ensure the first interaction a person would have is one of kindness, clarity and understanding. I am not in any way saying that the staff who are there at the separate tribunals do not have that, but starting afresh that would be a great way and something we could really wave the flag on, learn from other jurisdictions, and do it better than anywhere else. We have a population that needs that level of particular support. We all need things to be explained in the most simple and loving language when we are in a stressful situation, which a lot of people will be.

The website will be the key portal. People will often start there first. We need to have 26Ten language on websites, and not just the language but the layout. That will be a really key interface for people to get information.

Regarding advocacy, I have a question about when would a person get access to an advocate, or when would a person get access to someone to help them through the process of working out where they go? Is it at the first port of call in the registry reception? If this is truly a one-stop-shop this seems to be a role for Advocacy Tasmania, formally or informally, or other suitable advocates, to be there in the first instance so a person can have that advocacy support rather than having to go to the single tribunal and not be really clear about what they need to do, then go off to Advocacy Tasmania, and come back. I am wondering if there could

be a way of joining those two together. I know that Flourish already has a formal relationship with the Mental Health Tribunal in terms of advocacy. They are already doing that in hearings. You would expect that to be maintained in hearings but it really is question of whether it can be incorporated into all the stages that people interact with the tribunal.

I note that an alternative disputes resolution is going to be something that will appear in the second bill next year and that is going to be so essential. Could the minister talk about who will do that review and whether it is something the president will be working on, or if the staff of the single tribunal will do that review, or is it going to be done externally within the department?

Ms Archer - Do you mean that second bill?

Dr WOODRUFF - Yes. The alternative perhaps, that is going to be fleshed out in that bill.

Madam Speaker, it is nearly 1 o'clock and I have asked the main questions. The last question I have is in relation to the tribunal's stream composition. I note in Schedule 2 that the specification of the health practitioner matters and a tribunal for forestry matters, but there is no tribunal for -

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

TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL BILL 2020 (No. 25)

Second Reading

Resumed from above.

Dr WOODRUFF (Franklin) - Madam Speaker, my question to the minister was why there was no specification of the composition of tribunals under Schedule 2 for personal compensation, resource and planning, anti-discrimination -

Ms Archer - Could you start that again please, Dr Woodruff? My advisers have only now walked in, and they are interested in this question as well.

Dr WOODRUFF - Okay. I noted when I was reading Schedule 2 - General Division, and proposed section 4 has the appointment of members in the health practitioner stream. Proposed section 5 has the composition of the tribunal for health practitioner matters. Proposed section 6, the composition of the tribunal for forestry matters.

There are a number of other tribunals within that stream. I wondered why there was no specification of the composition for personal compensation, for resource and planning, and for anti-discrimination. In similar fashion, within the protective division, there is no specification of the composition of a guardianship tribunal.

These are all the questions that I wanted to raise with you, minister. We will not be seeking to go into Committee, because I am sure you will be able to manage those things in the second reading response.

Thank you to all the people who have been involved in bringing this single tribunal into being. It is about to pass its first stage, and there are two more stages to go. I sincerely look

forward to hearing the comments from people who will contact me about their experiences with that process. It is at an important place, and there is an opportunity to craft something really special here. It has clearly started off on a fantastic footing. It sounds as though the premises are good - everyone is cohabiting; it has different mediation spaces.

The next stages will really be where the president can shape the rules, structure, and later the dispute resolution processes, and hopefully other processes and principles guiding the conduct of the tribunal.

[2.34 p.m.]

Mr ELLIS (Braddon) - Madam Speaker, while we are in unchartered territory with the global spread of coronavirus and its effect on our community and economy, it is critical that the Tasmanian Government continues governing and getting on with the job of delivering for Tasmanians.

I pay tribute to my colleague, the Attorney-General, for her fantastic work on this bill. There is clearly widespread support across this Chamber, in the community and the legal fraternity. It is the reason that, for the first time in Tasmania, a single tribunal is being established to streamline services and people's access to justice. It is an important area that we must always stay focused on. As the Government, we are the largest service provider in Tasmania, and we need to always be working towards making it easier for Tasmanians to access the services that we provide, and to engage.

This important reform has been discussed by governments over many years, and now we are getting on with making it happen. Tasmania is the only state that does not yet have a single tribunal. This bill to establish a framework of the Tasmanian Civil and Administrative Tribunal, or TasCAT, will do exactly that. It will deliver more client-centric focus, particularly for our protective jurisdictions. It is critical that people are placed at the centre of the justice process, and their access to the services that are provided. TasCAT will also assist to promote alternative dispute resolution programs and provide greater consistency in decision-making, while enabling seamless service delivery to clients.

I understand that a significant amount of work has already been undertaken this year to deliver a new single tribunal. The hard work continues while we still have the coronavirus crisis going on around us. The Tasmanian Government is working closely with the tribunals and their stakeholders - a critical part of that - to ensure that they are regularly consulted through the transition phase.

The opportunities and benefits of this reform will see better access to justice through a single location, website, and procedures that will assist those who are unfamiliar with the process to more easily navigate it. People need to be able to understand the process, and they need to be brought on board in an easy way so that the process can be served and justice can be served.

We expect to see quicker resolution of matters due to the availability of a larger pool of members, and increased rooms and capacity to hear matters and to conduct mediation. This is about building capacity in our justice system which will help create more access to justice services for Tasmanians.

The first step is the establishment of a new physical space for the co-location of the first tranche of tribunals to come under the new TasCAT umbrella. New facilities in Barrack Street,

Hobart, have been specifically fitted out for the unique needs of a new single tribunal and its broad range of clients. This is a contemporary approach to justice, bringing it all under the same roof and making it easier for people to come in - a one-stop shop approach. This co-location will see increased flexibility, and greater opportunities for training and for professional development of staff and members. It must be remembered that for these people who work in the justice system, if we build their capacity, if we increase their training opportunities, then they are better able to serve our communities across Tasmania.

The current heads of each tribunal and their staff are vital to the establishment of TasCAT. The Government acknowledged that, and will ensure the transition is as least disruptive to their work as possible - that very important work - for them, as well as their clients.

The first hearing in this new space commenced in July. There has been positive feedback from staff and tribunal users about the benefits of sharing this new home.

This bill before the parliament today formalises the single tribunal arrangement. Together with the co-location of the new space, it is the first stage of a three-stage approach to establish TasCAT, and I will just go through that.

The first bill sets up the framework and structure. It delivers TasCAT's objectives, provides for the membership and staffing of TasCAT, and assists with ensuring the co-located space is effectively managed through this part of the transition. The members of TasCAT will be a president, deputy president, senior members and ordinary members.

It is the Government's intention that this transition be as seamless as possible. The new TasCAT streams broadly coincide with the existing tribunal and boards. One of the purposes of having divisions with TasCAT and streams sitting under these divisions is to allow for the existing requirements for expert members as per their existing legislation to be brought across to TasCAT. Future legislation will expand TasCAT's jurisdiction and will provide for the powers including in relation to costs, diversity proceedings and alternative dispute resolutions. Later-stage legislation will allow for other administrative decisions board and tribunals to become part of TasCAT.

The Tasmanian Government is working towards the official establishment of TasCAT on 1 July next year. It is an important and major reform of the Tasmanian justice sector. It is about delivering better justice services, making sure the people who work in the justice system are given excellent opportunities to expand their capacity. It is about making it easier for Tasmanians who are involved either as users of these services or providers and making sure they can do so in a more straightforward manner. The Government continues to work for them. I look forward to seeing this finally come to fruition.

[2.41 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Madam Speaker, I thank all members who contributed to this debate. It was more of a discussion today, which was nice. It is always nice to bring non-controversial things into the House and certain things everyone has welcomed. There were some really good questions asked that I can go into in a little more depth, explain some of the reasoning behind the formation of TasCAT, and how we see it conducting its business, taking into consideration the diverse range of clients that will utilise this space.

When I say space, I should say spaces, because of a number of spokespeople including Ms Haddad and Dr Woodruff mentioned having a visit to the site. We can certainly arrange that on a day when it is appropriate. There is the front-of-house area where we have been mindful of ensuring there are safe spaces for people to go because of the nature of the different people attending. The Mental Health Tribunal, for example, can still conduct their hearings offsite because quite often their party may be admitted to hospital and therefore hearings need to be conducted offsite. In terms of attending the site, some people need support people, family representatives and the like, and then there are administrative-type matters. With RMPAT and the Workers Rehabilitation and Compensation Tribunal, some of the more procedural matters they deal with have a different client base.

The spaces there are designed to ensure the hearing rooms can be utilised specifically in some areas. There will be some spaces that the Mental Health Tribunal constantly uses because it is smaller and more private and designed with them in mind, and then there are larger hearing spaces for full-blown appeals for RMPAT matters and the like. There are hearing loops and all of the modern technology in there - some of our other courts might be a bit jealous if they pay a visit. We have joint landlords who have paid for a lot of the refurbishment, obviously knowing that the Government is a very secure long-term tenant. With the fit-out costs we have paid for technology and the like, and the bricks and mortar have been paid by the landlord; RBF is part of that. It is a good efficiency saving measure of having them all co-located on the one site because everyone can utilise the same space and staff can cover sick leave and things like that.

Dr Woodruff was interested in some of the efficiencies. The practical efficiencies and cost efficiencies are enormous. It was part of the reason I was very keen from a justice perspective to not only deliver practical outcomes but really strong efficiencies and, in the delivery of true access to justice for all, the different types of parties that will utilise the space. It is drawing on the expertise of everybody in that place and having the ability to learn from each other and broaden their own skill set as well.

The range of benefits for the staff is quite enormous and there is a very good staff area that is quite secure for them. There is a back entrance and a nice area to for them to sit and have lunch. It is a much more conducive environment as a workplace and also for those visiting with matters.

Ms Haddad - With the jurisdictions where they can have public attend or media attend, is there provision for that in those bigger rooms that you described?

Ms ARCHER - Yes, in some of the larger rooms there will be that sort of public interface. When you first walk through the doors there is the front-of-house registry waiting area and television screens which will display - and some will not have names because it is not their practice to name people in terms of privacy for some matters. Other than that, that is not an issue. If it is a public hearing I imagine it will say so and then people will be escorted to those areas. It is a much better system in that regard.

A wonderful feature is that we have been able to put a top-level disability access bathroom and toilet area in there so people have their own individual toilet facilities and so it can be very secure for people. The beauty of a modern fit-out is self-evident.

Turning to some of the specific questions asked by members I will start with Ms Haddad's question about the tribunals, boards and functions that are likely to become part of TasCAT. The final determination of the jurisdiction of TasCAT is still being considered. As we know, there is going to be a stage two bill with three stages all up. The beauty of this system of co-locating is to get all the staff there operating on site, getting used to the facility and getting used to each other and each other's jurisdictions. They have all operated separately in separate premises, some in very dated premises with very old databases, so you can imagine the efficiencies of bringing that together with the modern technology they have been screaming out for quite some time, but also the disability access and the benefits of that. It enables the transition to become a lot easier for the staff. That has been first and foremost in our minds as well because it is a big change for them all, but the long-term benefits are enormous.

The review of certain administrative decisions currently undertaken by the Supreme Court and the Magistrates Court, which Ms Haddad referred to, may also become part of TasCAT, as part of the stage two reforms. These decisions, will need to be the subject of careful consideration and consultation with the courts, the chiefs in particular. However, administrative decisions proposed in the 2015 discussion paper on a single tribunal included matters such as -

- appeals from certain decisions about licences currently with the Magistrates Court;

- appeals from certain decisions of local government currently with the Magistrates Court - for example, dangerous dog declarations; and

- appeals from certain decisions of the recorder of titles currently with the Supreme Court.

We can see that these matters are largely administrative, and should be in the discussion of this stage two.

The policy work for stage three still needs to be undertaken. If we try to do all this at once, my fear is it would never happen. To have this staged process of having nine boards and tribunals in, we can get this started and have the model there - it can start working, and others will also see that it is working well - and then we can deal with bringing others in that require a bit more consideration of the policy work involved.

Ms Haddad - That is very good way to do it.

Ms ARCHER - Yes, exactly. Equivalent tribunals in other Australian jurisdictions have included matters like housing disputes, business partnerships, and appeals from professional disciplinary decisions. It makes sense that we would consider those.

Tasmanian tribunals or boards that are currently outside the jurisdiction of TasCAT include the Mining Tribunal, Property Agents Tribunal, Code of Conduct Panel for local government and the Racing Appeal Board. There are still those areas that can be considered, and a few are named in contributions as well. I stress that there are no plans to make the ones I have just mentioned part of TasCAT at this stage. However, the Government will give careful consideration to what functions will become part of TasCAT as part of stages two and three. Input in that regard would be most welcome.

Another question from Ms Haddad was about the logic behind the nine tribunals and boards being included. Those nine were all considered appropriate to include based on considerations of the current structure of tribunals and boards in Tasmania, and those of equivalent civil and administrative tribunals in other jurisdictions. Broadly, the co-locating tribunals and boards fit well within either the general or protective division of TasCAT.

Tasmania had, in the past, already moved towards some amalgamation of existing tribunals, through the past co-location of the Workers Rehabilitation and Compensation Tribunal, the Asbestos Compensation Tribunal, the Anti-Discrimination Tribunal, the Health Practitioners Tribunal, and the Motor Accidents Compensation Tribunal. Further, the same person was concurrently appointed president of all of these jurisdictions - namely, the Chief Commissioner of the Workers Rehabilitation and Compensation Tribunal. These reforms build on and formalise this part-transition as well.

Moving to another issue raised by Ms Haddad about the 2015 discussion paper, whether an options paper would be developed and consulted on before developing a bill, and why this did not occur. That paper, and submissions to it, have been considered in quite some detail over the years. In the intervening years, we have considered other jurisdictions' civil and administrative tribunals, which provided us with the ability to draw on the most suitable models for TasCAT.

The beauty of coming last in some of these is that we can look at other jurisdictions to see what has worked, and what may not work for Tasmania because we can in some areas be unique, and there are certain things we want to maintain as well.

In addition, a steering committee and reference group was established because it was a really important component to have the staff and the current presidents and their registrars involved in this process, to bring everyone along. Initially, the suggestion can be a little confronting with regard to what you might achieve or might perhaps lose in the process and so we have been very careful to ensure there is not a loss but a gain for everyone in how this is going to operate.

I thank everyone who contributed to the structure of the Tasmanian model, and I thank the leadership of all the presidents, registrars and staff participating in this process. Without them this would not be a success, and we would not be able to respond to all their practical needs, and maintaining their identity. I will get to the specific questions that were asked in relation to that.

Moving to another question asked by Ms Haddad. The discussion paper raised issues around the Mental Health Tribunal being part of TasCAT. I confirm that careful consideration has been given to the decision to include that tribunal as part of TasCAT. We have needed to communicate and consult extensively with the Mental Health Tribunal, and with the support bodies and groups who are involved with the Mental Health Tribunal as well.

As I said at the outset, it can be a unique jurisdiction in itself by the very nature of the very sensitive matters they deal with. We were very conscious of that, and the president was conscious of that. I take the opportunity to thank Brad from the department who came in on this process and worked very closely to ensure our presidents and registrars, and particularly the Mental Health Tribunal, have been comfortable about the process.

The president and registrar of the Mental Health Tribunal are members of the Single Tribunal Steering Committee, and also the Single Tribunal Reference Group for the Single Tribunal Project. Other staff from the Mental Health Tribunal are also on the reference group for their input and, again, their assistance has been vital to the success of the project. Without them it would not have got this far.

I have personally had meetings with the president to make assurances that have been warranted, and to assure them of the structure and what we will maintain for the Mental Health Tribunal. We are also undertaking a staged approach to the establishment of TasCAT, to ensure that it works properly for all Tasmanians. I am particularly mindful of the need to ensure our protective jurisdiction clients are accommodated within TasCAT, and that the experience for them is one of minimal disruption, fear and anxiety, because appearing for matters at the best of times is quite stressful and we are mindful of that.

Finally, on that question, I note that it is not unprecedented to have a mental health jurisdiction as part of a single tribunal in Australia. The South Australian Civil and Administrative Tribunal, for example, has jurisdiction over certain decisions under their mental health act.

Again, a big part of this is the practical benefit of the staff and resources for them being co-located with resources for them, to ensure there is continuing education as well, or if staff are on sick leave there are ways and means of ensuring confidentiality of files and certain staff will be able to deal with a number of different streams. I see it as a real benefit to have some staff who can do that. We can draw on skill sets, particularly amongst the Mental Health Tribunal and the Guardianship and Administration Board. I see that being of significant benefit to those streams.

Ms Haddad also talked about the intent of civil and administrative tribunals being that they provide for a simple and not overly legalistic forum and whether that will occur with TasCAT. As we have seen from a number of tribunals we have, and the legislation they administer, over time people have felt the need or it has become necessary to have legal advice. Therefore, what has always supposed to have been a less costly experience than going to court perhaps has become a little more mainstream. Again, we have no control over that. You cannot water down people's rights within amending legislation. The very nature of some legislation is that it can be fairly complex for someone to understand. They may need to seek legal advice but we try to keep things as simple as possible and make it a less confronting experience as possible. None of these things are easy to administer without that becoming something.

The operation of TasCAT will ultimately be a question for whoever is appointed as the president, in line with any legislative or other legal requirements. However, the bill clearly sets out the objectives of the tribunal as the Government intends them. This includes promoting natural justice and procedural fairness at clause 10(1)(a)(ii). Clause 10(1)(b) says:

> to be accessible by being easy to find and easy to access, and to be responsive to parties, especially people with greater needs for assistance than others;

Clause 10(1)(c) says:

> to ensure that applications, referrals and appeals are processed and resolved as quickly as possible while achieving a just outcome, including by resolving

> disputes through high-quality processes and the use of mediation, conciliation and alternative dispute resolution procedures wherever appropriate;

Clause 10(1)(e) says:

> to use straightforward language and procedures (including, insofar as reasonably practicable and appropriate, by using simple and standardised forms);

Clause 10(1)(f) says:

> to act with as little formality and technicality as possible, including by informing itself in the manner that the Tribunal thinks fit;

Importantly, the bill also provides at clause 10(2) that:

> In furtherance of the Tribunal's main objectives, the Tribunal should, in relation to the conferral and exercise of the Tribunal's jurisdiction, consult from time to time with the agencies, organisations or bodies that it thinks appropriate.

This provides a mechanism to ensure that its operation is informed of contemporary expectations of the tribunal.

That also goes part-way to responding to Dr Woodruff's inquiry about trying to provide a service that is responsive and understanding to people's needs. It is actually enshrined in there as to what our objective is for the tribunal to deliver.

Ms Haddad also asked if there will be fewer deputy presidents in time once TasCAT is established. Many of these sorts of things down the track will be under the decision realm of the president and how things are operating. I do not have a crystal ball but we are very fortunate at this point in time that we will be able to utilise the expertise of the existing presidents and chairs of the tribunals and boards at TasCAT as deputy presidents. That is a great model. As the terms of deputy presidents expire it will be a matter for the government of the day in consultation with the president of the day to consider the needs of TasCAT in regard to the deputy presidents.

I do not mean that in any other way other than I think it is appropriate that that be assessed at that point in time. It may well be that because they are co-locating on the site the streamlined service there may be a natural affinity between one or two streams. They may want to combine that and not have as many deputy presidents but I do not know. That will be entirely a practical issue for them to discuss and consider at the time and determine what is appropriate. I do not want to overly restrict by having the legislation say that in five years' time such and such is going to happen because that may not suit the needs of what is happening in five years. I do not want to be overly prescriptive.

Ms Haddad also asked to what extent there will be amalgamation of the processes, specialisation and procedures of existing tribunals and boards and to what extent there will be

a separation of jurisdictions within TasCAT. I have been very mindful of the need to retain existing processes, procedures and specialisation of members once TasCAT is established.

For example, in this particular case with the protective division, the members of the Mental Health Tribunal who are physiatrists perform a vital role in decision-making at present. They will continue to perform that role as members of the mental health stream of TasCAT. Their expertise is needed and needs to stay. That is one of the assurances I have given as well.

Ms Haddad said a number of stakeholders had raised concerns about the potential loss of specialisation and asked whether TasCAT will continue to have specialised members. The answer is yes.

Ms Haddad - I thought as much but it was worth putting as a question.

Ms ARCHER - That is fine. The bill provides that members with specialised knowledge or skills relevant to certain functions of the tribunal can be appointed, which can be found at clause 44(2)(b), such as psychiatrists for the mental health stream. There is also provision for legal members to be appointed at clause 44(2)(a) and it is expected that legal members will be able to sit in multiple streams of the tribunal. A number of them already have legal appointments. I see that as a great benefit that their skills can be utilised across a number of streams. Psychiatrists are unique to one stream but legal could go across. In a small place like Tasmania that is of great benefit because filling some of our positions can be difficult at times. Speaking about psychiatrists, they are always excited when another person puts their hand up when expressions of interest go out because it can be difficult work on top of a private practice as well. We realise we are drawing on the expertise of people and in a small jurisdiction like ours it is not always easy as that, so legal members being able to spread their expertise will be of great benefit. Further, current members with specific matter expertise or particular skills will be retained in relevant streams as well, for example, planning experts in the planning and resource stream. The aim is amalgamation so I do not intend to change the underlining processes, procedures or specialist input in decision-making; it is just about the processes.

Ms Haddad asked if the Tasmanians Bar's suggestion to allow someone other than a sitting magistrate to be appointed as president of TasCAT been incorporated into the bill. Yes, and their input was very welcome. Clause 12 of the bill now sets out that the president can either be a magistrate or a person eligible to be appointed as a magistrate. We wanted someone of that calibre and expertise but they do not necessarily have to be drawn from the existing magistrates, but they can be. A magistrate can apply if they want. I expect that we will have quite a bit of interest.

Immediately after we have passed this bill, and it goes through the other place, we will be able to advertise for that position. I suspect there might be a considerable amount of interest and it will go through the independent panel assessment process that we always do for judicial appointments, so that will be a similar procedure.

Ms Haddad also asked about the issue of Burns and Corbett. One of the first things that came across my desk when I took on this role was the case of Burns and Corbett, which has caused a lot of issues within these jurisdictions when you have people living elsewhere. Burns and Corbett is a decision that has significant implications for Tasmanians and it is important that any amendments to Tasmanian legislation to address this decision, are carefully thought through.

The aims of this particular bill are broadly to set out the structure of TasCAT, to set out TasCATs objectives, provide for its membership and staffing, and to assist with issues arising from co-location of the Barrack Street premises. We intend to deal with the issue of Burns and Corbett in stage 2 of the bill, because that is where it sits most appropriately in this staged process. It has been on my list of priorities to resolve Burns and Corbett and the issues that it has raised.

Stage 2 will also be able to deal with other substantive issues of TasCAT including costs and alternative dispute resolution powers. I confirm that in stage 2 we will deal with that issue. At the moment we have some matters that cannot be dealt with in Tasmania for reason of people's jurisdictional domicile, so we will fix that.

Finally from Ms Haddad, in reference to the Environmental Defenders Office submission, suggesting an amendment relating to a declarations power. The Victorian Civil and Administrative Tribunal has a declarations power to enable it to declare the meaning or effective provisions in certain legislation, notices, licences, permits or the like. In response to that, further consideration will be given to the possibility of including such declarations power for TasCAT. If it is to be included in the bill, it will be in the second bill establishing TasCAT; that is where it would be most appropriate that we include a power like that. A declarations power may be appropriate for certain types of proceedings, for example, planning matters. However, it may be less appropriate for certain other proceedings such as guardianship matters. We need to give that consideration.

To Dr Woodruff's questions: why are we establishing TasCAT; what is the justification; and what efficiencies are likely to result from TasCAT? Some of what I have already said applies, but the main justification is improved access to justice in Tasmania. It is expected that the establishment of TasCAT will result in some savings being made over time. It is a real issue, and something I get a bit excited about as Attorney-General and Minister for Justice. It is a very costly system having tribunals in different locations, and some of their locations are very aged. They do not have the modern technology, the databases, and some of them do not have disability access. To co-locate them with shared accommodation, utilities, less need for a high number of members of tribunals and boards, being able to share some of them with regard to legal expertise; that is a significant practical benefit but it is not only about costs. We are not only doing it because of that. The project is primarily focused on improving access to justice, rather than on making savings. Savings are a huge bonus. The efficiencies and improvements brought about by TasCAT are likely to include: the pooling of staff, which will allow for increased flexibility in covering absences, and that delivers a better service for the users of the service; greater opportunities for training and professional development for staff and members; better access to justice through a single location website; procedures and resourcing of administrative registry operations; ensuring they receive that optimum training necessary and particularly that public interface that Dr Woodruff was talking about; quicker resolution of matters because of the availability of a larger pool of members that are actually available for that stream; more registry staff; easier transcription of proceedings with better audio-video facilities - I mentioned before, the hearing loop which makes an enormous difference; and increased rooms for hearings and mediations.

Some of the current tribunal heads were concerned about whether we are going to have enough hearing areas or hearing rooms that are appropriate for our types of matters. I can say that as you walk around the space and see the different areas, there are many different hearing rooms, mediation rooms, meeting rooms, and smaller one-on-one capability. There is a really

broad range of facilities and privacy areas, better physical environment for hearings, better audio visual and recording facilities as I mentioned. I am sure members will be impressed by the facilities and how they operate. By all accounts the staff are all very happy and hopefully really enjoying the space.

Dr Woodruff also asked if there be measures for consumer services support services people who need additional support when they come to TasCAT. One of the objectives of the bill as outlined in clause 10(b) is to be responsive to parties especially people with greater needs for assistance than others. A range of services exist to provide support for people appearing in front of a number of the constituent bodies that are coming together to form TasCAT. These include: Tasmanian Legal Aid - that is how they refer to themselves now since their change, they are still known as Legal Aid Commission of Tasmania in their documentation but refer to themselves as Tasmanian Legal Aid; Advocacy Tasmania, which was mentioned by Dr Woodruff; and also Flourish. By bringing these organisations together under one umbrella it is expected - as Community Legal Service Tasmania noted in its submission - the establishment of TasCAT will have the potential to improve access to justice. I am very confident of that.

The Government will be closely monitoring the commencement of TasCAT and any impact it has on service providers and their needs, which can be dealt with through the usual budgetary processes. Importantly, the bill at clause 10(2), provides that:

> In furtherance of the Tribunal's main objectives, the Tribunal should, in relation to the conferral and exercise of the Tribunal's jurisdiction, consult from time to time with the agencies, organisations or bodies that it thinks appropriate.

This provides the potential for an important forum through which support services can engage with the tribunal regarding the needs of those appearing before it.

Dr Woodruff also asked how alternative dispute resolution mechanisms will be developed - second bill. As Dr Woodruff has noted, alternative dispute resolution is very important, particularly in a number of the jurisdictions that are coming together to form TasCAT. It is far better if they resolve their disputes, we all know that. The benefits are less stress and less cost, which are quite significant.

The steering committee for the single tribunal contains the heads of jurisdiction, and the current presidents who would become deputy presidents as well as their registrars of the various tribunals and boards have been invaluable in the development of this first bill. That committee will continue to have an important role moving forward.

The department will continue to work closely with the bodies coming together to form TasCAT in developing a draft second bill. This will ensure that the alternative dispute resolution mechanisms it will contain will be tailored to suit their various needs. Their various needs are being taken care of with this first bill because of the consultation process we have had. There will also be extensive targeted and public consultation on the second bill to allow the department to gather feedback and advice of stakeholders and organisations representing those who will be using these services. That goes part-way to addressing Ms Haddad's issue as well. There are still some things to consult on to ensure we have the very best model for Tasmania.

In relation to Dr Woodruff's last question on the streams in Schedule 2, I think it was, this is due to the wording of the underlying existing legislation which refers to these particular acts in the Schedule. Some are required and some are not. However, the stage 2 bill may refer to this specific legislation setting out the makeup of the tribunals and boards. It is a bit of a technical issue.

Time expired.

[3.22 p.m.]

Ms HADDAD (Clark) - Mr Deputy Speaker, I move that the member continue to be heard for another five minutes.

Motion agreed to.

Ms ARCHER (Clark - Minister for Justice) - I thank Ms Haddad.

Mr Deputy Speaker, I want to do my thank yous because I forgot whenever it was that I last did a bill this week. I thank the Department of Justice as always, knowing their significant workload and some of them being seconded throughout COVID-19. All the legislation that I have tabled in this fortnight's session has remained on a priority list. With COVID-19 we still had to look at what we could progress, knowing we cannot progress everything now because our processes and our focus has to be elsewhere, with people working from home. We know the challenges we have had.

This is one that we have kept ticking along, one we wanted to stay within our original time lines and I am pleased to report that we have. We have also, as I said in my second reading speech, been able to co-locate, during the school holiday period. The staff were very happy we were going to put it off for them but they still wanted to do it during that period, which shows hopefully their excitement and their commitment to co-locating and getting into that space.

I thank all the tribunal staff and heads and registrars of tribunals and boards. I thank the Department of Justice over a 20-year period on this one. I thank specifically Dale Webster who has now, for his sins, gone to the Department of Health. It is my huge loss but Dale is a very well respected public servant, and I want to specifically thank him for his work on this.

Ms Haddad - Hear, hear.

Ms ARCHER - I also thank Brad Wragg for his work. I do not normally individually name people but I know there has been a significant amount of work put into this of late to get this up and running and progressed. We have had some really lovely comments. I have had some lovely phone calls from people saying they cannot believe it is finally happening. The Tasmanian Bar specifically in their correspondence on 29 May said:

> At the outset of this submission, I confirm previous statements on behalf of the Tasmanian Bar that the Government is to be congratulated on activating a policy to introduce a single civil and administrative tribunal.

That is indicative of everybody's view on this, that they are pleased this is finally happening. As I said, it is necessary to do it in a staged, considered approach if it is going to achieve the best outcomes for all parties involved.

Thank you also to my office, to Tim who was previously in my office but has now gone back to the department, again my loss. My gain is I have Rowena and all my hardworking staff who do a phenomenal job. Not only do I have six portfolios but this is a specifically heavy workload of ours but a very enjoyable one. Law reform at the end of the day is our focus. We continue to have a very strong focus on law and order and with this bill a very strong focus on delivering an efficient and effective justice system for all Tasmanians.

Bill read the second time.

Bill read the third time.

CAT MANAGEMENT AMENDMENT BILL 2019 (No. 55)

In Committee

Resumed from 20 August 2020 (page 91).

Clause 12 - further consideration.

[3.28 p.m.]

Dr WOODRUFF - Mr Deputy Chair, I was on clause 12 speaking to proposed new section 16(2) which says that a person must not keep for any period of time at any property more than four cats that are more than four months of age. I was speaking about the organisations that had specifically raised concern at the number of cats that are now being allowed to be kept. I had mentioned the views of the Tasmanian Land Conservancy, the RSPCA and the cat management coordination.

I will now read the comments made by the Australian Veterinary Association (Tasmanian Division). They have said in relation to this matter that -

> The AVA proposes the maximum number of cats kept at a property without a permit be set at two, as it is for dogs. Importantly, evidence shows that in the best interests of health and welfare of cats housed on the same premises, two cats is the optimum number to house together and preferably these would be siblings.
>
> The keeping of more than one cat if the cats are not siblings often imposes stressors that may manifest in different ways, including significant behavioural issues and urinary tract problems.
>
> The AVA understands that the proposed limit of four cats is primarily to provide authorised officers with powers to deal with nuisance complaints associated with the hoarding of cats or where a person is keeping multiple cats but does not contain them to their property.

Mr Deputy Chair, perhaps I will pause for a moment until the minister is able to hear what I am saying.

Mr DEPUTY CHAIR - He is still listening, Dr Woodruff.

Dr WOODRUFF - I am reading the Australian Veterinary Association's comments about why it is concerning that the number of cats has been kept to four and why it should be kept to two. These are welfare and expert views here.

Their view is that the powers to deal with nuisance complaints associated with the hoarding of cats, or where a person is keeping multiple cats but does not contain them to their property, is a problem. They are very strongly of the view that, for reasons of cat health and welfare, the number be limited to two.

On the issue of the number of cats that can be kept, the Tasmanian Conservation Trust makes the point, in their submission, that two cats at a property without a permit also aligns with the Dog Control Act. They are also concerned that the purpose of proposed section 16(3)(f) is not clear, and that it could be abused by people who do not want to seek a permit and pay the fee for seeking a permit. They say it also does not afford neighbours the right to make complaints, as would be able to occur where a permit has been requested.

Proposed section 16(3)(f)(ii) does not clarify how the owner and occupier are to provide evidence that they have agreed on the period that the cat can stay on the premises, or how it is to be documented, to ensure evidence in case of complaints being made and prosecutions being undertaken.

In summary, minister, can you please provide the reasons for why you settled on this number of four, given that people are able to have a number of cats if they have a permit? Can you also address the issues raised by the Conservation Trust about the possibility for abuse, when people are saying that they are only living at a property for less than six months, and that gives them an opportunity to have different conditions to other people? Or whether they need to clarify that they are actually living on the premises? How would that be enforced? Thank you.

Mr BARNETT - Thank you to the member for her questions regarding clause 12. I note there is no amendment, but there are some legitimate questions around clause 12 and the keeping of cats, and limiting the number of cats at four.

The first point to put on the record, so everyone is very clear, is that there are no restrictions at the moment on the number of cats that can be kept at a property in Tasmania. However, keeping an unlimited number of cats is not on, and that is why we have progressed in this regard. If you had an unlimited number of cats, a whole lot of issues can flow through. There are animal welfare issues, health issues for the owners, nuisance issues for neighbours, potentially increasing the number of cats that are roaming and contributing to the problem of stray and feral cats, and the feral cat population more generally.

We are all on the same page in that regard. The proposed limit of four cats is primarily to provide authorised officers - whether they be the RSPCA, or authorised local government officers - with powers to deal with nuisance complaints associated with the hoarding of cats,

or where a person is keeping multiple cats, but does not contain them in their property and is causing a nuisance to neighbours.

Having that limited is appropriate. It has been based on feedback on the consultation process over a number of years, and the advice I am receiving from the department is that they obviously wanted to get the balance right.

As you indicated, the RSPCA in Tasmania has indicated the limit of two cats as their recommendation, but as I say it is based on feedback from all the stakeholders over that period to get the balance right. It should be noted that at the national level, the RSPCA has recommended four be the limit in terms of best practice management. Notwithstanding that, Tasmania's recommendation is somewhat different.

You mentioned the Tasmanian Conservation Trust, and clearly that raises a whole lot of issues around animal welfare. That is certainly a top priority for our Government, and for all of us in this Chamber. It should be noted that the amendment also allows for a number of exemptions, such as for registered cat breeders, those with multiple cat permits, and participants of cat foster programs. The other point to note, in terms of the balance for four, is that we have a transition period for 12 months. As I have said, there will be an opportunity to review this and monitor the progress of this legislation.

The Cat Management Plan has been a fair while coming, and now we are putting it into legislation. The feedback I have had throughout the debate is that we are broadly on the same page in most respects on the bill, and I am very grateful for the feedback around the Chamber. Obviously, there are some areas where there are different views; you have put forward the views of certain stakeholders through this Committee discussion, and I have responded. All those views have been taken on board by the department. We have to try to get the balance right. At the moment there is no limit whatsoever. We have tried to get the balance at four. As I say, there will be a transition period. We will monitor, assess and implement that, and take all those views on board over the period ahead.

Dr BROAD - As I mentioned in my second reading speech contribution, we support the number of four. It is about striking a balance. We want to prevent the hoarding of cats and having 30 or 40 cats on a property. Whether it is two or four, it will not make much material difference. Most people have one or two cats; I would say there are not many who have in excess of two. However, having four is a balance, and that is something that can be reviewed over time.

In his summing up of the second reading, I cannot recall whether the minister addressed the issue I raised regarding the steps the Government will put in place to reduce the number of cats on properties. If somebody has 20 cats, what sort of interim measures will be put in place to reduce those down to four cats over a period of time? How will people be assisted in that transition, and over what time frame does the minister see that this transition will happen?

Mr BARNETT - Thank you, Dr Broad. I will pick up on your last point. Yes, we have a 12 month transition period, as I indicated in my second reading speech. You have raised some good issues that will be taken into account over the next 12 months. You have authorised officers such as the RSPCA, and the cat management coordinators, and we are funding three of those - $1.44 million to the NRMnorth, the North Cradle Coast Authority, and Kingborough Council.

Dr Woodruff - You are not funding those bodies. No, you are not actually funding the cat shelter. You are not doing direct funding to those places.

Mr BARNETT - I said the cat management coordinators and they are based in NRMnorth, Cradle Coast Authority and Kingborough Council and it is a $1.44 million investment over a three-year period. Obviously, we will liaise with local government also and through my department directly. It will be a transition phase; this is the law that will be introduced and implemented with a 12-month transition.

You cannot just click you fingers and suddenly they are all in ship shape order, but there will be a transition period and we want to try to work with the community. I have said before during the second reading speech and in my summing up, we want to work together. This is everybody's responsibility, not just the Government's responsibility: cat owners, the community, the cat coordination management coordinators, local government plays an important role and RSPCA.

I spoke with Jan Davis a couple of weeks ago on the phone and then in person a few weeks before that. I do meet with them and do visit the cat management facility from time to time. There is no doubt that we can always do more. I want to say thank you on the record to the cat management facilities; Just Cats and Ten Lives Matters and RSPCA. I meet with them from time to time and they do a terrific job we are very grateful for what they do. They have huge responsibilities and I put on the record my sincere thanks to them for the work they do ensuring the responsible management of cats. That is what we are on about in this place and the bill that underpins the bill is the responsible management of the cats.

Dr BROAD - Minister, you did not mention what will actually happen to the cats. In 12 months' time, if somebody has 20 cats, will they be able to keep 20 cats until 12 months and then have to surrender 16 of them, or will they be asked to surrender cats over a period of time? What is the actual proposal? Will people be simply encouraged to hand over the cats or will somebody come and take them in 12 months. Could you address that specific question of what will happen to the cats? They are actual animals and how do you see that issue rolling out.

Mr BARNETT - It will happen in the same way as it is happening now when you have issues with an excessive number of cats. It is a decision that has to be made at the time by the relevant authorised officers, whether it is the RSPCA or government representatives or others. That is, a decision has to be made regarding whether they have to be euthanised at the time, or whether they are returned to a cat management facility and then fostered out. That is why I put on the record my thanks to the cat management facilities as they do a terrific job in that regard.

It is a matter that needs to be worked through in a sensitive way to ensure if there is disease it depends on the health and welfare of the cat. Obviously, animal welfare is very important so those decisions have to be made at the time when those decisions are worked through. They work with the cat management facilities and make the decision in the best interest of the cat, the owners of the cat, the community and the animal welfare issues.

Dr BROAD - Minister, are you proposing then to provide some funding to cat management facilities that may have to deal with large numbers of cat being surrendered.

Mr BARNETT - This is happening now, it has been happening and it will continue to happen. Education and awareness is important, it is an issue for all the community, the owners

of the cats and all those responsible. This is something ongoing, it will continue to proceed and we will take that into account and monitor the situation over the next 12 months and make further decisions in due course.

Dr WOODRUFF - I would like to push the minister a little more on the reasons he gave for being allowed to keep four cats. You said you were trying to strike a balance and you referred to submissions that had suggested four was the right number. I would like you to speak to who those submissions were from - you do not have name them. I have provided the submissions from the expert bodies in Tasmania: the RSPCA, Tasmanian Conservation Trust, the Tasmanian Land Conservancy and particularly the Australian Veterinary Association Tasmania who have presented an argument for why it should be two cats. You have not mounted an argument for why it should be four cats other than you have heard, or that is your feeling, or it is the balance of things.

I recognise we are in a situation where there is no number on cats. I understand there is a transition period. That transition period could apply just as well for people transitioning to two cats as it could transitioning to four cats. It also does not stop people having four cats. They are more than empowered under the bill to have four cats; they just need to apply for a permit and that does not seem an overly onerous task. The permit means they are still enabled to have four cats. There is nothing stopping anyone in Tasmania having four cats if they want to have four cats. This is about animal welfare issues, human health issues, environmental issues, and neighbourhood complaints. All of those seem very powerful and strong reasons for having two cats. You have not presented the reasons for four.

I wanted to make clear that it is my understanding that the $1.4 million you keep mentioning is mostly all spent now. It is past monies and we are in the last year of that money. It ran for a period and finishes in this financial year. There is no commitment to ongoing money for those coordinators. More importantly, there is not a shekel that goes to cat shelters. Cat shelters do the heavy lifting in every respect with managing dumped cats, feral cats that have been handed in, and cats from places where people have cats seized because they have too many. They do the hard work and they will be picking up the pieces with this legislation.

We need the legislation, but there does not seem to be a shekel of support the Government's indicated to help them through this process. Most of the people are volunteers in these organisations and do it willingly, but this is going to be a big burden. In a transition period I would have thought for at least the next four years, providing some support for them to pick up all the extra duties they will have under this bill is the least the Government can do.

Not to mention the fact people in the community will pick up the phone and ask them these questions so they are also operating as an information source in the absence of dedicated government department. I am sure the cat coordinators and the three regions do an amazing job, but I suspect if somebody in the community finds a dumped cat or a feral cat they are not going to know the number or even that a cat coordinator exists. They are going to ring up the local shelter. Even if the shelter does not have to deal with the animal, they still have to take the call, and they have to have the conversation about what happens.

Either vets or shelters are going to be pinned with the work. We would be expecting at minimum the Government to be putting some money into this year's budget for continuity of those coordinators but especially for support for the cat shelters and, hopefully, ideally to councils so they can have a cat person in each council around Tasmania. That could be a

partnership arrangement with council so it is joint responsibility because we all agree that we want to do something about stray cat management in Tasmania.

Mr BARNETT - In response to the member, regarding the number of four, as I said I was talking about the balance with respect to the submissions that we received and the views that were expressed. I can give you further and better particulars. Over half the submissions and respondents, 50.5 per cent, responded with four and recommended four.

Dr Woodruff - Through you Mr Deputy Chair, what was the question they were asked?

Mr BARNETT - The number.

Dr Woodruff - So they were asked for a number, or were they asked if four was the right number?

Mr BARNETT - I am giving you the details that I have. They have recommended or given a suggestion of four. You have suggested two and made a recommendation. There were 36.3 per cent of the respondents who suggested two; 4.3 per cent were three; 50.5 per cent were four; and then 6.6 per cent were greater than four. You can see that more than half were four or greater. That is in regard to the submissions received by the department. I have taken advice from the department and we have the balance about right with respect to the four.

Regarding funding, I have indicated that $1.4 million over the three years and that goes through to 30 June 2021, which is on the public record. It has been on the public record for some number of years, in the budgets, and that will be considered in the context of the budget, so I cannot make any commitments here and now.

I have put on the record my thanks for their work. You have noted the reference to volunteers. I am a big supporter of our volunteers and always have been, in the federal Senate and likewise in this parliament. The volunteers do a fantastic job, not only in these facilities but around the state of Tasmania for which we are very grateful as a community.

Clause 12 agreed to.

Clause 13 agreed to.

Clause 14 -
Section 17 substituted

Dr WOODRUFF - This section deals with the protection of property by cats and the destruction of cats on properties. We made our views very clear in my second reading speech response. This is a very inadequate response by the Government to the overwhelming support for cat confinement across Tasmania.

There is overwhelming support and the majority of people in Tasmania want to have cats confined. The majority of cat owners want to have cats confined and this is the evidence that has been established by the department's own surveys. We also know that the majority of cat owners who allow their cats not be contained - 68 per cent, under the Government's survey that was conducted - are also comfortable with legislation that contains cats. It is overwhelming. It is very interesting that the coalition of people who combine together on the working group

for the cat management plan, when the government established that in 2016, comprised the TFGA, vets, conservationists, people from cat shelters and it comprised a wider range of people in the community as well, who were unanimous in their view that cat confinement is what we need in Tasmania to manage the stray domestic cat and the feral cat population.

We need to manage the stray domestic cat so they do not become feral cats, but also from an animal welfare view for those cats. People just dump cats and it is tragic. We need to manage it for the human health view so that we do not have the increasing circulation of toxoplasmosis in the native animal population, and also through domestic cats roaming into neighbour yards and defecating in the yards, and being a source of toxoplasmosis in the soil, potentially in people's vegetable patches, and being a risk for humans, especially women who are pregnant, but also people who are immune compromised. Toxoplasmosis is highly dangerous and can lead to miscarriage, other disorders, and even death.

From the human health point of view, there is a very strong case for this. There is also an agricultural productivity point of view. That is why the TFGA and farmers in Tasmania are so keen to have everything they can, every bit of legislation possible, to try to limit the increasing numbers of feral cats in the population, because of the damage they do to livestock also from toxoplasmosis. The miscarriage rate for livestock because of toxoplasmosis is substantial according to the evidence provided in some submissions. One farmer made the comment that 20 per cent of births were miscarriages and it had a huge impact on his business.

We have a chorus of people singing together across Tasmania. If that was the only thing that this delivered, that would have been a fantastic result. With microchipping and desexing, that is the trifecta. We also needed to see registration in there.

We do not understand why this Government has not taken the same approach to cats as the Dog Control Act takes for dogs. We support the overwhelming view that people who are cat owners should take responsibility for their cats. It is fundamental.

Section 17 in the bill talks about the protection of property from cats. It talks about how cats are to be destroyed, but our view is that the Government has bungled this by making a decision not to go with confinement. I do not want to put motivations into the Government's mind. Who knows who was concerned about it, but they certainly were not speaking up, and they certainly represent the minority of people in Tasmania. We know that. I have no idea why the Government refused to pick up the ball on this one. Maybe it was a cost issue, but the bottom line is that this legislation as it is, is not going to do the job that people have been expecting and hoping it would do.

This section in the proposed new section 17 and 17A, creates serious unintended consequences of neighbourhood disputes. We are deeply concerned that it tried to fix a problem by creating another much worse problem that does not actually fix the first problem. The fact that any person can trap a cat for 24 hours, which is a big change, tries to deal with the issue by putting the onus on the neighbour, not on the cat owner, but it creates the strong possibility for neighbourhood disputes, for animal welfare issues and for vexation between neighbours.

Mr Deputy Chair, I move -

That clause 14 is amended by deleting all words after 'substituted:' and inserting the following instead:

Section 17. Protection of property from cats

(1) In this section -

primary production land has the same meaning as in the Land Tax Act 2000.

(2) The following persons may trap, seize, detain, or humanely destroy any cat found on primary production land:

(a) a person managing primary production on the land;

(b) a person who is the occupier of the premises;

(c) a person acting on behalf of a person specified in paragraph (a) or (b).

(3) A person may trap, seize, detain, or humanely destroy a cat found on their private premises -

(a) if the location at which the cat is found is more than one kilometre from any structure or building used as a place of residence; or

(b) in prescribed circumstances.

(4) If a person sets a trap with the intention of trapping a cat in accordance with this section, the person must check the trap, and remove any animals contained in the trap, at least once within every 24-hour period after first setting the trap.

(5) If a person sets a trap with the intention of trapping a cat in accordance with this section, and the setting of that trap results in the detention of an animal other than a cat, the person must release the animal, subject to a prohibition on releasing the animal contained in any other Act, as soon as practicable, but in any case no later than 24 hours after first setting the trap.

(6) A person who traps, seizes or detains a cat under this section may -

(a) if the owner of the cat is known to the person, arrange for the return of the cat to the owner; or

(b) whether or not the owner of the cat is known to the person, arrange for the cat to be taken to a cat management facility; or

(c) whether or not the owner of the cat is known to the person, arrange for the cat to be taken to a person, business or organisation nominated for that purpose by a cat management facility; or

(d) whether or not the owner of the cat is known to the person, humanely destroy the cat.

(7) A person, within 24 hours after trapping, seizing or detaining a cat under this section, must take an action under subsection 6(a), (b), (c) or (d) in relation to the cat.

17A. Seizure and detention of cats at large

(1) The owner or person in charge of a cat must ensure that the cat is not at large.

Penalty: fine not exceeding 10 penalty units.

(2) An authorised person may seize and detain any cat at large.

(3) If a cat is seized and its owner is identifiable, the general manager is to notify in writing the owner of the cat that -

(a) the cat has been seized and detained; and

(b) the owner may reclaim the cat.

(4) If, after 5 working days after the notice has been given to the owner, the owner does not reclaim the cat, the general manager may sell, destroy or otherwise dispose of the cat.

(5) If a cat is seized and its owner is not identifiable, the general manager, not less than 3 working days after its seizure, may sell, destroy or otherwise dispose of the cat.

(6) The general manager is to take reasonable steps and make reasonable inquiries to identify the owner of a cat.

(7) The general manager may cause a cat that is seized under this section to be implanted in an approved manner with an approved microchip.

(8) The owner of the cat is liable for the costs associated with the implanting.

(9) For the purpose of this section, a cat is at large if it is -

(a) in a public place and not restrained; or

(b) on private premises without the consent of the occupier of the premises.

Mr DEPUTY CHAIR - Dr Woodruff, just for clarification, on the second page of your amendment, you did not read the penalty just before section 17A, 'Penalty, a fine not exceeding 100 penalty units'.

Dr Woodruff - Did not read what?

Mr DEPUTY CHAIR - Penalty, fine not exceeding 100 penalty units. You did not read that into *Hansard*. Do you still want that included in your amendment?

Dr WOODRUFF - I read penalty, fine not exceeding 10 penalty units.

Mr DEPUTY CHAIR - Yes, and above that there is one that says 100 penalty units.

Dr Broad - Have you got a different version to us?

Dr WOODRUFF - I gave you the same version as this.

Dr Broad - That is about trapping, that one.

Dr WOODRUFF - They are identical. That is about the humane trapping and releasing so there is a penalty associated with that.

Dr Broad - That is still there.

Dr WOODRUFF - It is on your copy? It is not on my copy.

For the purposes of *Hansard*, under the new section 17, at the end of subsection (7), after -

'… in relation to the cat.' -

It should say -

Penalty: Fine not exceeding 100 penalty units.

Section 17 of the current Cat Management Act allows for a person carrying on primary production relating to livestock on rural land or a person who finds a cat on their property and is more than one kilometre from any place used as a place of residence, to be able to trap -

Dr BROAD - Point of order, Mr Deputy Chair. Have you actually moved the amendment?

Dr WOODRUFF - Yes, I have moved it. I moved it before I read it in.

Dr Broad - Have you enough time to read it in? That is what I am getting at.

Dr WOODRUFF - I have done it and we are on the amendment.

- seize or humanely destroy a cat. The bill we have before us repeals the section of the Cat Management Act, proposed section 17, and replaces it with a framework that allows owners of any primary production land, or a person who finds a cat on their property and is more than one kilometre from any place used as a place of residence, or owners of a wide range of premises involved in the commercial preparation or storage of food, to humanely destroy a cat. It adds in an extra group to the bill before us. It also allows for anyone who owns or leases a premise to trap, seize or detain a cat on the premises and to hold that cat for 24 hours.

Our amendment brings together the two issues that were of most concern during the consultation. It provides for confinement and it also deals with the concern that this section as it stands, will create serious neighbour disputes and the potential for vexatious trapping of domestic cats. It retains the provisions in proposed section 17A of the bill that allows owners of any primary production land or a person who finds a cat on their property and is more than one kilometre from any place used as a place of residence, to humanely destroy a cat. It also contains the provisions that allow those two classes of people to trap, seize and to detain a cat.

We are very comfortable with the extended definition that the Government has provided in section 17A. However, our amendment inserts provisions for mandatory cat containment. It uses sections from the Dog Control Act and simply replaces it, word for word, 'dog' for 'cat'. It is based on the provisions for dog control because there was such a strong theme and support from the consultation process. People are normalised to the rules around dog control. They see synchronicity between responsibility for domestic dog and domestic cat owners. People can no longer understand the logic of treating dogs and cats differently under the law and they would prefer to not have the vexation of cats wandering onto their property.

Our amendment also removes the provisions in the Government's bill that allows for anyone to trap a cat. It also removes the provisions that allows for commercial food facilities within residential areas to trap or destroy cats.

The reason that we have omitted those provisions that are currently in the Government's bill is because there needs to be mandatory cat containment. Simply requiring that neighbours deal with the problem of a cat coming onto their property instead of the owners dealing with it at the source and taking responsibility for their cat is not good enough.

The community enforcement measures put forward by the Government are a token gesture, in our view, to the real underlying failure of this bill to provide for containment. I want to make it clear that there is nothing that we have written de novo in this amendment. Our amendment is drafted exclusively using the provisions within the Dog Control Act and within the bill before the House.

In relation to the part of the amendment, new section 17A -

Time expired.

[4.11 p.m.]

Dr BROAD - Mr Deputy Chair, this amendment is very interesting and we will not be supporting it. I will give an explanation. This amendment, as the member for Franklin has outlined, tries to do two things. One side of the amendment is about the so-called humane trapping of cats whereas the other side - if this is enacted as it is - would force local government to exterminate large numbers of cats because of the way that this is drafted.

I will go through that. The first point is that the fine is not exceeding 10 penalty points; if I am not wrong, at the moment 10 penalty points stands at $1720. So if your cat is not on your property and it gets seized you are facing a fine of $1720. That is a substantial amount of money for most people. You are going to want love little Fluffy a lot to want to pay $1720 because your cat has been captured off your property.

The problem with cats, and the reason this whole bill has come, is that they are significantly different from dogs. Fences are common on properties and fences are quite effective at keeping dogs on a property, as are chains. You can chain up a dog, not that I am recommending you chain up a dog. If you move into a rental property and you do not have a fence you can chain your dog up for a period of time until you build a fence but there are options for keeping your dog on your property that are very common.

Cat runs are not common and it is not always possible to keep a cat in your house while you build a cat confinement. Cat confinement runs are quite expensive. If this bill is enacted as it is written and it comes into place, if you are attempting to keep your cat on your property, for example keeping your cat indoors, and one of your kids or you yourself are not quite quick enough at closing the door on that cat and little Fluffy goes over the fence to the neighbour and gets caught, you are facing a fine of $1720. The cat is then handed over to the general manager and I assume that is referring to local government having the responsibility for looking after these cats.

This would mean that if there was - and the term that the member who has resumed her seat talked about was 'vexatious trapping of cats' - if this is enacted and enforced then there will be large numbers of cats trapped that will be handed over to local government. It will be their responsibility to look after that cat and people will be faced with a $1720 fine. The only option for a large number of cats, would be for that cat to be put down. If your cat gets out once you will get a $1720 fine; if your cat gets out again you will get another fine. Whether it is $1700 or $500, or the discretion is made, once this is enacted that immediately puts a huge burden on the owners and local government. If we supported an amendment like this it would lead to a large number of cats being put down by local government.

Dr Woodruff - That is a nonsense argument. It is a maximum penalty.

Mr DEPUTY CHAIR - Order, Dr Woodruff.

Dr BROAD - It is a maximum penalty but they have five working days to find the owner. If people are trapping cats -

Dr Woodruff - They will be under this.

Mr DEPUTY CHAIR - Dr Woodruff, you were heard in silence.

Dr BROAD - You get a fine if you do not confine. This would be cat carnage. That is what would happen, in effect. There will be large numbers of cats trapped and local government will have no alternative but to exterminate large numbers of cats. As I said in my second reading speech contribution, confinement is something that the community needs to brought along with. The compulsory desexing and microchipping will reduce the number of cats, as will the reduction in the numbers that people can have on their property as will, hopefully, an education campaign.

The reduction in cats and those numbers will happen over a period of time but confinement will have an immediate impact. People will not be aware of that impact. All of a sudden they will find that their cat has been captured and they have to pay a fine, otherwise that cat will be put down. We are better off taking a staged approach, educating the community and then thinking about confinement as a long-term thing rather than bringing in something like this which is more of a sledgehammer-type approach. It will have significant repercussions and will not be supported by the community.

Mr BARNETT - Thank you, Mr Chairman, for the opportunity to respond. I thank Dr Broad for his contribution, a very commonsense approach and well expressed. I will say up front, it is a little mischievous to receive this amendment literally less than an hour prior to debate on the amendments today.

It is different from the one that was circulating in the public arena on 15 August when the Greens released their plans. Their plans included an amendment with a fine of 20 penalty units not the 10 penalty units that Dr Woodruff is referring to in the amendment before the Chamber. Nevertheless, as was outlined in my second reading speech in response to Dr Woodruff and the Greens, and likewise Dr Broad, we do not support compulsory confinement that would impose according to 20 penalty units $3440 or $1720.

Dr Woodruff - No, it is not 20; it is 10. Do not mislead the House.

Mr DEPUTY CHAIR - Order, Dr Woodruff.

Mr BARNETT - The original amendment that was put by the Greens was 20 penalty units at $3440. Today's amendment is 10 penalty units, which is $1720. That is the cost of putting the cat out the door, either the front door or the back door, or in any other respect in not having it confined. This is compulsory confinement. The Greens would want you to spend that $1720, or up to that amount of money, to have your cat returned. In addition to that, through this amendment the Greens would also be requiring you to modify your property to keep your cat contained. How much will that cost?

Dr Woodruff - Shut the door. That does not cost anything. It is free.

Mr BARNETT - It may if you want some fresh air for the cat out the back. It might require some changes or rebuilding or further controls in modifying your property. That might cost hundreds of dollars; it might cost more than that. It might be a thousand or more to do that.

As I said in my response earlier, we encourage responsible management of cats and we encourage confinement but we do not support penalising Tasmanians with potentially thousands of dollars of penalty to modify their property or to pay up to $1720 to have the cat returned within a short amount of time.

As Dr Broad indicated correctly, the consequence of that is that local government unfortunately would be in the position of either euthanising these domestic cats that have been found and these are people's loved pets. We do not want that. We want people to love their pets, to look after them, be responsible for them, and to care for them.

Dr Woodruff - What do you think happens when they find them now? They get out now.

DEPUTY CHAIR - Order, Dr Woodruff. You will have an opportunity to make another contribution if you want to. Please allow the minister to speak.

Mr BARNETT - That is what we are on about and the very strange, peculiar approach from the Greens is even if it is 10 penalty units or $1720 - that is twice the penalty under the Dog Control Act for a dog being at large. That is the fine of not exceeding five penalty units for a dog at large, but under the Greens proposal the penalty is 10 penalty units for a cat being at large. So you have a double whammy for the cat owners across Tasmania under the Greens proposed amendments put forward today.

I am not sure if that is because you do not like dog owners, or you like cat owners twice as much as you like dog owners. It does not make sense. That is the effect of your poorly drafted amendment. It makes no sense whatsoever and is entirely inconsistent with the Cat Management Plan we have been working through that is supported by the key stakeholders in and around Tasmania. Thanks again to the department for working through and with these stakeholders to implement the Cat Management Plan. That is what this legislation does - it implements a Cat Management Plan. Desexing, microchipping, putting a maximum limit on the number of cats held at home - these are all very good, positive measures that will ensure more responsible management of cats in our community.

The amendment put forward is poorly drafted; it makes a muddle of the legislation. It is certainly not supported by us. I note in the amendment put forward by Dr Woodruff under section 17 - at the end the actual penalty for that particular section, not 17A but section 17 in the proposed amendment there is a penalty unit of 100 penalty units -

Dr Woodruff - Hello? This is from your bill. We copied it from your bill. When you talk about bad legislation, all of this is from your bill. It is total rubbish what you are saying.

Mr BARNETT - You have 100 penalty units but you are recommending a 10-unit penalty for the seizure and detention of cats at large.

Dr Woodruff - We are modelling it on the Dog Control Act, minister. Hello? This is ridiculous.

Mr BARNETT - I think you have yourself in a bit of a muddle.

Dr Woodruff - False hysteria. You are the one who is muddled. You are trying to find an argument. It does not make any sense whatsoever.

DEPUTY CHAIR - Order, Dr Woodruff.

Mr BARNETT - In terms of your amendment to further confirm the muddle you have created for yourselves in terms of the proposal, it significantly modifies the provisions for the protection of property from cats. The bill is very clear on the definition of 'primary production land' and 'production premises'. I have the bill right here in front of me and it talks about -

production premises means premises used -

(a) in relation to -

(i) agriculture; or

(ii) horticulture; or

(iii) viticulture; or

(iv) aquaculture; or

(b) for the preparation or storage, for commercial purposes, of food for humans or animals; or

(c) as an abattoir -

or for any associated purposes.

It is very clear what it is and now you put forward an amendment that is going to be totally confusing and unfortunately not clear at all. The Greens amendment would also introduce new provisions for the destruction of cats on private premises. This is quite different from what we consulted with the community through the Cat Management Plan. We cannot go changing our proposal now when we have consulted. We are responding to those consultations. We have the Cat Management Plan and have no intention of acting differently to our efforts to seek, to implement the objectives of the Cat Management Plan.

As I said, I still believe there is general consensus across the board, across this parliament, in terms of the vast majority of what we are trying to achieve here except for this issue of cats being at large and cat owners being penalised unfairly. That is where we agree to disagree. We want to put into practice what we have consulted with the community in the Cat Management Plan. That is the objective of this bill, and that is what I believe this bill will do. We have not proposed for the destruction of those cats in urban settings as well. That is another part of the Greens amendment that we simply do not support. As I have said, we do not support the compulsory confinement in section 17A.

That is a reasonable summary from the Government's perspective. As I say, I concur with and support the comments of Dr Broad in not supporting this particular amendment.

Dr WOODRUFF - Mr Deputy Chair, what a load of rubbish. Minister, what you have said is total nonsense. For starters, everything in this amendment came from the bill, or it came from the Dog Control Act - everything, absolutely everything. You might like to say it is a jumble. Look at your new section 14, and look at this, which is far simpler. What this does is it fixes the problem that you have created, and it fixes the problem that you did not deal with, which is cat confinement.

If you would like to move an amendment to our amendment to reduce the penalty unit for a cat being at large to five, go right ahead, we support that. We are more than happy to do that. The bottom line is we are trying to strike a balance here.

The Dog Control Act was written in 2000 and has not been changed since. It is 20 years old. Here we are now, with a big problem with stray cats in Tasmania. I find it amusing that

you and Dr Broad are both speaking so vehemently about everything except the issue for farmers. Self-confessed Dr Broad talking about the issues for agriculture -

Mr DEPUTY CHAIR - Dr Woodruff, refer to the member with respect, please.

Dr WOODRUFF - The point is, why are the minister and Labor refusing to talk about one of their key stakeholders - our farmers on production land? This is top of the list of what they wanted. Top of the list of what the RSPCA, cat shelters and vets wanted. Top of the list. What we are trying to do here is to fix the problem the minister has created.

Dr Broad had some truly sensationalist hypotheticals, one of which I cannot possibly imagine: a cat would walk out the door, council officers would pounce on it, and charge them $1720. Get real, Dr Broad. Go and spend some time in a local council. I can tell you that is the last thing a council officer would do to a person who had genuinely not been able to - or their cat had strayed. It would take councils years before they started exacting penalty units.

What this provides is the opportunity for council officers, or other authorised officers, to have a conversation with people and say, 'Look, this is against the law. You have to do something about this'. Then the person would say, 'I cannot afford to build a cat-containment thing'. Then they would say, 'We will point you to cat shelters, we will point you to all the other voluntary organisations in Tasmania'. They would be more than happy to help with supporting people to create cat shelters, especially people who are on low incomes. People are desperate to have a space to start the conversation about how we keep cats confined. Let us not forget it is the veterinary associations who are making it crystal clear that it is good for cats to stay indoors. Cats do not like competition in the landscape with other cats. It does not make them feel good. This is not an act of cruelty, this is an act of kindness.

There is no sense to any suggestions that either the minister or Labor have made. The point is, there is going to be a problem under this bill with people trapping cats in their backyards. They are allowed to. Anyone in a house. If a cat gets onto their property, they can trap it and keep it there for 24 hours - and then who is going to pick up the problem? You do not have to return it to the neighbour or the owner. You are not allowed to release it. You have to give it to somebody to deal with.

This bill makes it other people's problems; everyone's problem except the owner's. That is what makes no sense.

Dr Broad and the minister, you can make up all the silly little scenarios you like, but it does not wash with the 12 per cent of people you are trying to speak to. You might want to make the Greens out as being crazy, and we are going to jump on people and force them to pay these big fines. It is total rubbish. Absolute madness.

This is about incentive to move in that direction. There are no council officers I have ever seen around the state who vindictively go around and exact penalties. It is the last thing they want. They want to work with their community; they want to bring them along. They want to have a tool to do it with. That is what they are expecting the Government to provide them.

There is, of course, a cost to treating dogs when they stray, and the vets pay for that cost, and there is a cost for cats when they stray. Everyone else is paying the costs in the community,

except the owners taking responsibility. I reject the idea it costs a fortune to confine a cat. I reject that.

Of course everyone would have to learn how you manage to stop the cat going outside. Of course it is a training exercise. That is why we need some leadership from the Government providing some education to people about how to confine your cat. Letting people know it is a transition period: it is okay, we are not going to monster you, we are not going to jump on you. We understand that we are all doing this together but there is the requirement to do the right thing and take responsibility for your own cat. You want it, you take responsibility for it. It is really basic. I do not understand why the Liberals do not understand this.

I understand why Labor does not understand it because they are not going to support anything that we propose. That is the only reason. This amendment fixes the bill, and it helps all the people who made submissions and wanted the community to have an incentive to do the right thing.

If you do not need to hear it from me, what about the department? Your own department, minister. What your own department has written on cats and wildlife makes it really clear:

> Cats can happily live indoors in a suitable enclosed area. Cats are skilled hunters and are a threat to the survival of many native animals and birds. When combined with threats like habitat loss, Tasmania's native wildlife is facing a battle to survive.

Your department's words, minister.

Cats in the suburbs away from bushlands are not a risk to wildlife. True or False? False. Cats, especially males, can roam many kilometres, and in doing so may hunt wildlife. Many species of native animals, birds and lizards are found in suburban areas of Tasmania. Do neighbours love my cats? False. Complaints and disputes about roaming pet cats are common. Complaints include roaming cats entering homes, defecating in vegetable gardens and sandpits, fighting with and disturbing other pets, killing wildlife and potentially affecting people's health.

I should be a good neighbour? True, says DPIPWE. Just as dogs in Tasmania must be confined to their owner's property, there is increasing demand within our community that cat owners should confine cats to their property.

In addition to causing community disputes and killing wildlife, roaming cats are also at risk of being injured in fights, catching disease and being killed on the roads. Keeping your cat confined to your property will avoid all these problems.

People have had years to do this stuff voluntarily, but for all the reasons that the DPIPWE staff have mentioned in this written brochure, and for all the reasons the consultation people said in their submissions - the increasing losses to wildlife and agriculture, the impacts on neighbours - there needs to be the same law for cats as for dogs.

It is that simple.

Mr BARNETT - I will respond to some of the comments from Dr Woodruff. First of all, dogs and cats are not the same. Let us be very clear. They are not, and they should be

treated and managed differently. That is why we have a Cat Management Plan, and the local government is responsible under the Dog Control Act.

I say right up front that two key differences with dogs and cats are noise and safety. With regard to noise, you have barking dogs; they can bark day and night, up hill, down dale and can be very annoying for neighbours.

With regard to safety, dogs in particular can be very aggressive. They can have dangerous behaviours, attack and bite people. There have been serious injuries from aggressive dogs, chasing vehicles. It is a sensible approach from our point of view as a Government, to apply a different approach to the management of cats to the management of dogs. It is most effectively performed locally by people who know the area and often know the individuals involved.

We agree with regard to feral and stray cats. It is a dreadful time in Tasmanian history to be a feral cat under this legislation. We want to make it easier for farmers and primary producers to deal with feral cats. I agree with the comments of Dr Woodruff with respect to disease and toxoplasmosis and the impact of that in the farming communities, on animal health and on human health. You mentioned pregnant women as well earlier, in your contribution.

We want to combat that and this bill will do this through a whole range of measures, whether it be microchipping, desexing, or the the limits in houses so there is not hoarding of 10, 20 or more cats. There is no limit at the moment and we are fixing that with a limit of four. There are so many good things happening here.

We are implementing the education and awareness campaign and you mentioned the importance of that. We are totally on the same page regarding the importance of education awareness and making responsibility of our cats as a top priority.

The Greens approach to penalising Tasmanians with potentially thousands of dollars of $1720 fines, that is like having a sledgehammer to crack a nut. It is simply not on. I have said quite clearly there is going to be a transition period over the next 12 months as we implement this Cat Management Plan via this legislation, all working together, yes team Tasmania working together and we will deliver on that.

I mentioned the impact on farmers and primary producers, the disease toxoplasmosis, I have talked about feral and stray cats, particularly in those areas and this legislation makes that access to the destruction of cats on those primary production properties absolutely easier.

With regard to native wildlife, native birds; it is dreadful what these feral cats can do. This bill will progress opportunities to ensure the protection or at least provide further protection for native wildlife, birds and the like.

We simply do not support the sledgehammer to crack the nut or imposing financial penalty on Tasmanians for putting their cat out the front or back door, imposing further cost on Tasmanians to modify their homes or to do a renovation simply to provide that confinement. We support responsible management of cats and support and encourage confinement, but we are not going to penalise Tasmanians with a financial penalty to make that happen.

In conclusion, in response to Dr Woodruff, we are broadly on the same page. There is a view you are trying to put that this is a terrible thing, but broadly there is a thrust here across the parliament and certainly with the Labor Opposition support for which on behalf of the Government, I am appreciative of. For all these positive measures in the Cat Management Plan, we want to implement them, get on with the job and make this a safer and better place for keeping and caring for our pets, specifically our domestic cats in our homes.

People love their pets and their cats and we want to make a better environment for them to look after them and to be responsible for them. That is our key objective.

The Committee divided -

AYES 3	**NOES 21**
Ms O'Connor	Ms Archer
Ms Ogilvie	Mr Barnett
Dr Woodruff (Teller)	Dr Broad
	Ms Butler
	Ms Courtney
	Ms Dow
	Mr Ellis (Teller)
	Mr Ferguson
	Mr Gutwein
	Ms Haddad
	Ms Hickey
	Ms Houston
	Mr Jaensch
	Mr O'Byrne
	Ms O'Byrne
	Mrs Petrusma
	Mr Rockliff
	Mr Shelton
	Ms Standen
	Mr Tucker
	Ms White

Amendment negatived.

Clause 14 agreed to.

Bill taken through the remainder of the Committee stage.

Bill read the third time.

DANGEROUS CRIMINALS AND HIGH RISK OFFENDERS BILL 2020 (No. 28)

Second Reading

[4.50 p.m.]

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

That the bill be read a second time.

This bill will repeal the current dangerous criminal declaration provisions in the Sentencing Act 1997 and establish the Dangerous Criminals and High Risk Offenders Act. The bill reforms and updates Tasmania's legislative framework in response to the Government's commitment to two separate but related aims.

First, the bill reforms Tasmania's indefinite detention laws for dangerous criminals.

Second, the bill introduces a second-tier scheme for high-risk offenders that would provide for serious sex or violent offenders to be monitored post-release. This second-tier scheme applies to serious offenders that do not meet the threshold for indefinite detention, and may also operate as a 'step-down' mechanism for a court to consider when reviewing a dangerous criminal declaration.

The bill also establishes a high-risk offenders assessment committee that will support the new legislative provisions and enable cooperation and information-sharing between relevant government agencies.

The background to the need for reform in this area includes considerable criticism and judicial comments on Tasmania's current dangerous criminal provisions in the Sentencing Act.

Justices of the Supreme Court of Tasmania have expressed particular concern about the absence of a mechanism for periodic reviews of dangerous criminal declarations and the inability of the court to impose any form of pre-release or post-release conditions on an offender whose declaration may be discharged. These deficiencies set Tasmania's current legislation apart from other Australian jurisdictions with indefinite detention regimes.

In July 2017, the Tasmania Law Reform Institute - TLRI - released a research paper titled 'A Comparative Review of National Legislation for the Indefinite Detention of "Dangerous Criminals."' That paper made 10 recommendations for the reform of Tasmania's dangerous criminal declaration legislation.

The TLRI paper concluded that Tasmanian courts are reluctant to approve dangerous criminal declarations under the current provisions due to concerns about the barriers to offenders discharging those declarations and the lack of capacity for courts to impose conditions upon discharge. It further suggested that the reservations of the judiciary may, in turn, result in fewer applications for declarations, based on a perception that they may be unlikely to succeed.

In the lead up to the state election on 3 March 2018, the Government released its Law and Order policy, which committed to reforming Tasmania's dangerous criminal declaration laws and introducing a second-tier scheme that would subject offenders to intensive monitoring

post-release, including electronic monitoring and other forms of supervision, to help protect the community and ensure offenders do not reoffend.

I am pleased to confirm that this bill delivers on our election commitment and responds to each of the recommendations in the TLRI paper.

I will now outline key provisions and reforms relating to the three major components of this bill, being the new dangerous criminal framework, the second-tier scheme for high risk offenders, and the high risk offenders assessment committee.

Dangerous Criminal Framework:

First, Part 2 of the bill provides for the new dangerous criminal framework.

The current provisions in the Sentencing Act state that an application for a dangerous criminal declaration may be made if an offender is convicted or brought up for sentence after being convicted for a crime involving violence or an element of violence. They do not explicitly provide for an application to be made after sentencing, although Tasmanian case law has confirmed that an application may be made at any time during the offender's period of incarceration.

Division 1 of Part 2 of the bill provides for the declaration of dangerous criminals. It confirms that an application for a declaration may be made:

- at the time the offender is convicted of a crime involving violence, or an element of violence;
- at the time they are sentenced for that crime;
- at the time they are serving a custodial sentence for that crime; or
- at the time they are serving a custodial sentence for another crime that is being served, concurrently or cumulatively, with the sentence for the crime involving violence, or an element of violence.

This reform implements recommendation 4 in the TLRI paper.

A significant problem with the current legislation is the requirement for a dangerous criminal declaration to be made by the judge who convicts or sentences the offender for the crime involving violence, or an element of violence. This means that a declaration is unable to be made post-sentencing where that judge has ceased to hold office. In such circumstances, an application for a declaration may only be made in relation to that offender if they commit another violent crime and are convicted or sentenced by a different judge.

The Government's Law and Order Policy identified this as an area that was in particular need of reform, and the bill delivers on the Government's commitment to fix this problem by dispensing with the requirement for a declaration to be made by the convicting or sentencing judge. This change also responds to recommendation 5 in the TLRI paper.

The bill provides a list of mandatory factors that the court must consider in determining whether to make a dangerous criminal declaration. They require the court to consider: the nature and circumstances of the offender's criminal conduct involving violence; their antecedents, age and character; the need to protect the community; any relevant psychiatric, psychological, medical or correctional reports; and the risk of the offender being a serious danger to the community if they are not imprisoned, as well as any other matters the court considers relevant.

These matters closely align to those in the comparable legislative provisions in Victoria, Queensland and the Northern Territory, representing the majority of Australian jurisdictions that provide for indefinite detention. The inclusion of a mandatory list of factors responds to recommendation 3 in the TLRI paper.

When determining an application for a dangerous criminal declaration, the court may declare an offender to be a dangerous criminal if it is satisfied to a high degree of probability that the offender is, at the time the declaration is made, a serious danger to the community. Similarly, when a dangerous criminal declaration is being reviewed, the test for the court under clause 14(1) of the bill is whether the court is satisfied to a high degree of probability that the offender is still, at that time, a serious danger to the community.

The test and standard of proof provided for in this bill will align the new Tasmanian provisions with those in Victoria, Queensland and the Northern Territory.

Like all other Australian jurisdictions with equivalent legislation, the Director of Public Prosecutions bears the onus of proof for the original application to impose indefinite detention and any subsequent review or application to discharge the order.

The reforms that I have just outlined in relation to the test, standard and onus of proof in Tasmania's dangerous criminal provisions respond to recommendations 1, 2 and 7 in the TLRI paper.

The key effect of a dangerous criminal declaration is that the offender is not to be released from custody until that declaration is discharged, regardless of whether their custodial sentences have expired. For example, a declared dangerous criminal cannot be released on parole or leave.

I made earlier reference to one of the major criticisms of Tasmania's dangerous criminal laws being the absence of periodic reviews of declarations, with concerns frequently raised by legal stakeholders and the judiciary. I am pleased to advise that the bill addresses this by providing for mandatory reviews of dangerous criminal declarations.

Periodic review of dangerous criminal declarations is provided for in Division 2 of Part 2 of the bill. Periodic review applies to both declarations made under the bill once commenced, and also to offenders already subject to a declaration under the current or previous legislative provisions.

Where an offender's relevant custodial sentences - that is, their fixed-term sentences - have already expired at the time that the Dangerous Criminals and High Risk Offenders Act commences, the bill requires the DPP to apply for an initial review of the offender's dangerous criminal declaration within three years after the commencement day. For declarations made

after commencement of the act, the first review application is to be made within 12 months before the day on which all the offender's relevant sentences expire.

If an offender's dangerous criminal declaration is not discharged as a result of the initial review, the bill requires the DPP to subsequently apply for further reviews, making each application within three years of the most recent decision refusing to discharge the declaration. This means that every offender's declaration will be regularly reviewed by the court.

In addition to these mandatory periodic reviews, and at any time after the initial review has taken place, the bill provides for an offender to apply for a review of their dangerous criminal declaration, provided that the court grants leave on the grounds that exceptional circumstances apply to the offender.

To inform the court's review of a declaration, the bill requires the DPP to provide the court with certain reports facilitated by the high risk offenders assessment committee. It also provides a discretionary power for the court to order a report in relation to the offender that is prepared by a psychiatrist, psychologist or medical practitioner, by the Director of Corrective Services, or by any other person.

When conducting a review, the court will be required to consider the mandatory list of factors set out in clause 14(2) of the bill in determining whether the offender is still a serious danger to the community. These factors include whether the risk posed by the offender may be appropriately mitigated by imposing a high-risk offender order on the offender - part of the new second-tier scheme - instead of refusing to discharge the dangerous criminal declaration.

Implementation of the review provisions I have just outlined responds to recommendations 8 and 10 in the TLRI paper.

The discharge of a declaration does not take effect until any appeals in relation to the court's decision have been determined, and the discharge of a declaration has no effect on any sentence of imprisonment being served by the offender. An offender whose declaration is discharged may not be released from custody until the DPP has had the opportunity to apply for a high-risk offender order.

The bill also includes new provisions for the court to make pre-release orders during the review of a dangerous criminal declaration, either of its own motion or upon application by the DPP or the offender.

The purpose of a pre-release order is to provide the court with additional information in relation to the offender's suitability for release from indefinite detention. As set out in Division 3 of Part 2, a pre-release order may require the offender to participate in rehabilitation, treatment or re-integration programs or other activities specified by the court, or achieve certain results. It may also require the preparation of additional reports relating to the offender, or the provision of information as to the accommodation, employment or any other support that may be available to the offender if they are released from prison.

The court may make orders that assist it in determining whether to make a pre-release order and what conditions should be included in such an order. For example, the court may obtain information about the availability and suitability of programs and activities that may assist with the offender's rehabilitation or reintegration into society.

Where the court makes a pre-release order it must specify a period of up to 12 months for an offender to complete the requirements of the order and adjourn the review hearing.

The provisions in the bill for pre-release orders respond, in part, to recommendation 9 in the TLRI paper by enabling the court to impose pre-release conditions prior to discharging a dangerous criminal declaration. The other part of recommendation 9 - enabling the imposition of post-release conditions when a declaration is discharged - is addressed through the making of high-risk offender orders, which I will outline shortly.

Appeals relating to initial applications, reviews and pre-release orders will be heard by the Court of Criminal Appeal.

High Risk Offender Orders (HRO) Orders:

Madam Speaker, I now turn to Part 3 of the bill which provides for high risk offenders.

There are some serious offenders who do not meet the threshold for being declared a dangerous criminal, warranting indefinite detention, but who nevertheless may pose an unacceptable risk of committing another serious offence if no supervising conditions are in place when they are released post-sentence.

Among Australian states and territories, Tasmania and the Australian Capital Territory are currently the only jurisdictions that do not have legislation in place that enables these serious offenders to be appropriately supervised in the community after their sentences are complete. This bill delivers on the Government's election commitment to introduce such a second-tier scheme by providing for the making of high-risk offender - HRO - orders.

The bill provides that the DPP may apply for an HRO order in relation to a 'relevant offender' as defined by the bill. This includes an offender who is serving a custodial sentence for a serious offence listed in Schedule 1 of the bill, or for the breach of an HRO order, including where that offender has been released on parole.

An application may also be made where a dangerous criminal's declaration is reviewed by the court, as a potential 'step-down' should that declaration be discharged. In making the application, the DPP must provide the court with relevant reports in relation to the offender that have been facilitated by the high-risk offender's assessment committee and provided to the DPP.

To make an HRO order the court must be satisfied to a high degree of probability that the offender poses an unacceptable risk of committing another serious offence unless the order is made. This test and standard of proof is consistent with most Australian jurisdictions that have post-sentence supervision schemes.

Amongst other specified factors, the paramount consideration for the court must be the safety of the community.

Where the court makes an HRO order, it is required to impose the mandatory conditions set out in the bill, including reporting and residential conditions, permitting police to enter premises and conduct searches, not leaving the state without approval, and complying with directions by a probation officer to engage in treatment, counselling or other activities. The

bill also provides a non-exhaustive list of other conditions that may be ordered at the court's discretion.

An HRO order may have an operational period of up to five years. This period may effectively be extended by applying for a new HRO order before expiry of the current order.

The bill provides for the making of interim HRO orders if it appears to the court that an offender may cease to be in custody, or cease to be subject to an existing HRO order, before the court can determine an HRO order application in relation to that offender.

The bill also provides for the variation or cancelation of HRO orders or interim orders, breach and enforcement provisions and appeals.

High Risk Offenders Assessment Committee:

In response to consultation on the proposed legislation, changes were made to the bill to establish a high-risk offender's assessment committee to support these reforms.

The committee will facilitate the provision of reports and risk assessments in relation to offenders, and ensure effective cooperation and information-sharing between the government agencies that deliver services in relation to the supervision, management and support of offenders in the community. Similar bodies operate in other Australian jurisdictions to support their post-sentence supervision schemes.

Division 2 of Part 3 of the bill provides for the establishment of the high-risk offender's assessment committee and its functions. The committee will include representatives from the Department of Justice, the Department of Health, the Department of Communities Tasmania, and the Department of Police, Fire and Emergency Management.

A significant function of the risk assessment committee will be to facilitate behavioural and management reports in relation to relevant offenders. This includes any declared dangerous criminal whose declaration is to be reviewed by the court and any other offender who may be eligible for an HRO order application.

Where the committee determines that these reports warrant a risk assessment in relation to a particular offender, the committee can appoint a psychiatrist, psychologist or medical practitioner to conduct that assessment and prepare a report. A person conducting a risk assessment will provide their opinion as to the likelihood of the offender committing another serious offence unless they are subject to an HRO order.

The DPP may refer to those reports in determining whether to apply for an HRO order in relation to a particular offender, and must provide these reports to the court for any HRO order application and for dangerous criminal declaration reviews. The decision as to whether to apply for an HRO order will sit with the DPP, and the risk assessment committee will not make a formal recommendation.

The bill also provides for information-sharing and cooperation between relevant agencies to support the management of relevant offenders and the functions of the risk assessment committee.

The Government recognises that there are diverse and strongly held views about how we, as Tasmanians, should deal with dangerous criminals and ensure that the community is protected from offenders who pose a serious danger to our safety.

In noting that indefinite detention should be confined to very exceptional cases, where the exercise of the power is demonstrably necessary to protect society from physical harm, the High Court of Australia has affirmed the legality of indefinite detention regimes.

The Government believes that this bill strikes the right balance in enabling indefinite detention to be used as a last resort, to safely protect Tasmanians from an offender who has proven to be a serious danger to the community.

With the introduction of the second-tier scheme for high risk offenders, the bill provides an alternative mechanism for the courts to ensure that an offender is appropriately supervised and subject to strong conditions in order to minimise the risk that they will commit another serious offence following their release.

In developing this bill over the past 20 months, the Department of Justice has undertaken extensive analysis of Tasmanian judicial decisions, the recommendations in the paper prepared by the Tasmania Law Reform Institute and the comparable legislative frameworks in other Australian jurisdictions.

A consultation draft of the bill was released for public consultation for a period of nearly eight weeks and was also provided to targeted stakeholders. Following consultation, the Government has made a number of changes to the bill to take into account the significant stakeholder feedback that was received.

I take this opportunity to thank every stakeholder who provided submissions and comments on the draft bill. In particular, I acknowledge the invaluable work of the Tasmania Law Reform Institute in formulating the recommendations that are reflected in these important reforms, and the substantial work undertaken by my department.

I also acknowledge the work of the Office of Parliamentary Counsel in drafting and finalising this substantial legislation, particularly in light of the additional challenges created by the COVID-19 pandemic.

I commend the bill to the House.

[5.10 p.m.]

Ms OGILVIE (Clark) - Madam Speaker, first I acknowledge the hard work of the department and thank the department for our briefing. Minister, thank you for your hard work on this matter as well. It is something that is very close to all of our hearts; the issue of the proper management of dangerous criminals and how we go about that process. Nothing is set in stone and we are learning all the time about how we can do things better so it is good to see that reform proposals are coming forward.

I have not had a chance to read and review the bill but for the purposes of *Hansard* I will make a few comments as we go through. I also acknowledge the work of my intern, Kyron Johnson, who is in the House, and thank him for his work in preparing some notes in relation to this bill.

The bill repeals the current dangerous criminal declaration which is contained within the Sentencing Act 1997 and instead establishes the Dangerous Criminals and High Risk Offenders Act. It is timely that this work has been done. As the minister has pointed out, it represents 20 months or so of work, together with input from the Law Reform Institute and others. It is a helpful approach to take.

The purpose of the bill is to provide a legislative framework which will satisfy some policy commitments that the Government has made and which we would all share, philosophically at least.

The first is to reform indefinite detention laws for dangerous criminals. When we say reform it is also to make the processes around that more transparent.

The second element, which again is a policy objective we would agree with, is that it creates effectively a second tier scheme for high-risk offenders who do not, or have not, initially originally met the threshold for indefinite detention. Thereby, it provides some step-down mechanisms for a court or a judicial body when reviewing dangerous criminal declarations. No doubt, our Parole Board would be across this bill as well.

The framework provides a mechanism for periodic reviews of dangerous criminal declarations and for our courts to impose pre-and post-release conditions on an offender. It is important to note that those conditions can be pre-or-post release.

The legislation implements what I understand are 10 recommendations which were contained in the Tasmanian Law Reform Institute paper - A Comparative Review of National Legislation for the Indefinite Detention of Dangerous Criminals. I commend the Law Reform Institute, which does a sterling job down there at our very own university and our very own law school, and has the capacity and the resources to focus specifically on areas of complex law reform, particularly ones that have some deep jurisprudential elements to it. With sentencing law reform and the management of dangerous criminals, including this foundational issue of indefinite detention, it is important that we take a very careful approach to that.

I commend the Law Reform Institute for that work.

The bill we have before us effectively has three main components. The first one is the dangerous criminal framework, the second is a second tier high risk offenders, and a third is risk offenders' assessment committee.

Declarations for dangerous criminals can be made at a number of times: when the offender is convicted of a crime that involves violence or an element of violence at sentencing for that crime; during the serving of a custodial sentence for that crime; or whilst serving a custodial sentence for another crime served concurrently or cumulative with the sentence involving violence or an element of violence. In a situation or a scenario where somebody has been convicted perhaps of multiple crimes, things can be done in parallel.

The bill removes the requirement to make declarations of a dangerous criminal only at the time the judge convicts and sentences the offender - so that is a change - and thus avoids the declaration being made only when that offender commits another violent crime and is convicted or sentenced by another judge. Therefore, the bill removes the requirement for a declaration to be by the convicting or sentencing judge. It sets out a list of mandatory factors

that the court must consider, such as the circumstances of the criminal conduct, their antecedence, age, character - the scope of the conduct - the need to protect the community, the offender's psychiatric and psychological, medical or correctional reports and other relevant matters.

In my past life as a practising barrister and solicitor, I have represented people who have gone through this process. Luckily for me, I think the guilty ones pleaded guilty. We were able to shepherd them through the system, which is the job that you do when that happens. I have been in a position of bringing forward psychological and psychiatric evidence in support of pleas, early pleas, and questions about how people are sentenced and treated as they go through the system.

There is one particular case that I will bring up as it is tangential to this bill. It was a person who committed a very serious crime and pleaded guilty and was convicted. He did the time, was paroled and at the end of his parole was scooped up by immigration and deported because he had come to Tasmania as a baby and had never secured an Australian passport. He spent many years battling that issue and very sadly he died fairly recently. The case has been on my mind because I did feel that there was some unfairness in that and that is something which, whilst at a federal level, we should have in front of our minds the issue of fairness to everybody and justice in its most plenary form and how we look at those things.

The Director of Public Prosecutions bears the onus of proof in this bill to a high degree of probability that the offender at the time of the declaration is a serious danger to the community and any subsequent review or application to discharge the order. When a declaration has been reviewed by the court it is to be satisfied to a high degree of probability that the offender is, at the time, still a serious danger to the community. Mandatory reviews are required, the bill addresses this requirement for mandatory reviews and they apply to existing declarations under current and previous legislation.

The DDP is required to apply for an initial review of the declaration within three years of the original declaration, with the first made within 12 months before the date the offender's relevant sentence expires, that is 12 months prior to expiration of the original sentence. In the event a review does not result in a discharge of the declaration, the DPP is to apply for further reviews within three years of the prior review.

One of the questions that we raised and I will ask at this point, and I know the Attorney-General will be well across these issues, are the opportunities for rehabilitation during sentencing and custodial sentencing, in particular. Again, I reflect on the unfortunate people I know who have spent time over at Risdon and their desire to engage in rehabilitation courses. Sometimes they are difficult to access and I think you have been looking at that, but certainly a while ago it was quite difficult to get enrolled in some of those courses.

Ms Archer - New prison facilities allow expanding options.

Ms OGILVIE - Yes, I remember you doing some work on that. I am supportive of the northern prison. I always, feel having represented people that it is not just the person who is sentenced who does the time, it is the entire family. There is nothing more heartbreaking than a mum bringing the kids over to see dad, or vice versa, or the broken-hearted parents of the young offenders. Those things really matter and we need to think about prison, not just as a place to house people, but as a place to get people back on their feet. It is in our interests to

make sure that people are rehabilitated. That is what we need to do because we are a small community and we want people to come out better and in a better place than when they went in.

In my practice, we had some successes. We had people who had dreadful afflictions, drug, alcohol and gambling, who were able to access rehabilitation within the prison system and came out changed people. I felt that was a good thing for our community.

I am very supportive of the northern prison, subject to you working out where you want to put it. The northern prison is a good thing and it is not fair on northern families to have to travel to Risdon to have access. I would like to see better improved places for families to meet and engage at the prison. It is cold there for the kids, so maybe we could do something about that. It is not the kids' fault, after all.

An offender may apply for a review of their declaration provided the court grants leave on grounds of exceptional circumstances, which might apply to the offender. Minister, a question I have is what those exceptional circumstances might be. When reviewing declarations, the DPP is to inform the court by way of reports, facilitated by the High Risk Offenders Assessment Committee. The court can also order reports and make pre-release orders during review. The purpose of the pre-release orders is to provide the court with more information relating to the offender's suitability for release from indefinite detention and the court may require the offender to participate in rehabilitation or integration programs which are also essential. Treatments and other activities might also be ordered by the court.

Other information may be required such as accommodation and employment opportunities if released. We know that segue between custodial sentence and moving back into the community is likely to be far more effective if a person has proper accommodation to come to and we have had circumstances in which people have not been able to go immediately out of the prison setting because of lack of accommodation. I am reflecting on what would have now been about four years ago, my first term of parliament, and I assume by now the minister has probably resolved those issues but I would be pleased to hear if there is any update on the accommodation issue.

High risk offenders are those who do not meet the test of being declared a dangerous criminal, yet pose an unacceptable risk of offending if they are not supervised. The DPP may apply for an HRO order for an offender serving a sentence for serial offences and these offences are outlined in schedule 1 and include inter alia, sexual offences, offences against children, murder, manslaughter, intentional serious harm, aggravated armed robbery, arson and kidnapping. This is the scope of the worst of the offences that sit within our criminal code and certainly, offences of physical harm to people. An application may be made as a step down from dangerous criminal.

The DPP is to provide the court with relevant reports that have been facilitated by the High Risk Offenders Assessment Committee. The DPP has a burden of proof and the court is to be satisfied to a high degree of probability that the offender poses an unacceptable risk of serious reoffending. The court, in making that sort of order, must impose mandatory conditions contained within the bill and these may include accommodation arrangements, permitting police to enter premises and conduct searches, interstate travel permissions, complying with probation directions and engaging with counselling or other activities that may be ordered at the court's discretion.

Yesterday in this place, we had a discussion and passed a bill in relation to electronic monitoring. I suspect that will be part of the kit bag.

Ms Archer - Which relates to parole, which means someone's sentence is still in place. This is post-sentence. That is the difference.

Ms OGILVIE - Thank you. Orders can operate for up to five years and be reapplied for prior to the expiration period of the current order.

I will not go through the last set of notes here because I would like to briefly talk about the need for our focus to be on rehabilitation but also accepting the need to keep our community safe and getting that balance right. I feel that this bill does get that balance right. I commend the minister. I will give you a little credit, minister; you have certainly taken on some of hard topics in the law reform agenda since last year.

As someone who has practised in the legal profession, like you, we are not immune to the humanity of the situation but we also understand there is a need for firm structures - the boundaries within which we need to operate with dangerous people. Our society and our community have all sorts of people in it and I always like to think, looking at our world and our community, that 98 per cent of people are great.

We all make mistakes, you can muck it up, you can drive too fast. People get drink-driving charges. Those sorts of things are real, it happens in our community, and it is not intentional nastiness but there is that 2 per cent, 1 per cent even, where things go seriously wrong and it is not just a one-off event. Those one-punch hit attacks are terrible, but a majority of those are probably an awful one-off event. The serial offenders, the physical harm and damage, the hurt to people and property, when you get a scenario that moves into this realm of dangerous criminal, can be very severe. Traumatic effects on the victims, and the victims' families, can and do last a lifetime.

I will wind it up at that point and say well done, minister, and the department for the hard work. Let's hope that this sets a framework and a good pace for managing these situations. The department will do this, no doubt keeping a watching brief on the application of the new bill and how that works. Let's hope it has a good result and we can show that it does keep our community safer, always having in mind the deep concern for our fellow Tasmanians both those within the system and in the broader community who really want rehabilitation to happen and want people to come back into our community and form productive and happy lives. When that happens, we are all safer.

[5.28 p.m.]

Ms HADDAD (Clark) - Madam Speaker, I welcome the opportunity to contribute on behalf of the Labor Opposition to this the Dangerous Criminal and High Risk Offers Bill 2020. In doing so I start by reflecting on some of the background to this area of law reform; how the area of law works right now; and why this current work is unfair and in need of reform. The current arrangements for declaring someone a dangerous criminal are not working. They do not work for offenders because they are so hard to appeal and have removed, that they in effect lead to indefinite detention.

They do not work for victims because they are infrequently used by the judiciary because they realise the limitations and deficiencies of the current scheme and therefore are reluctant

to issue the orders. In 2017 the Tasmanian Law Reform Institute released their report 'A Comparative Review of National Legislation for the Indefinite Detention of Dangerous Criminals'. The research was conducted at the request of the Tasmanian Prisoners Legal Service which, in representing people who have been sentenced and subject to these orders, recognised the weakness in the regime currently in place in Tasmania to deal with high risk dangerous offenders.

The institute's report provides a very thorough and clear explanation of where our current laws fall short and of expectations, as well as practices in other states, and provide a blueprint for a path forward for legislative change. I welcome the fact that the Government has acted on most, if not all, of these recommendations. Where this bill diverges from those recommendations, I believe that is because of more recent case law that has been handed down since the 2017 report.

Turning now to that report, it highlights the deficiencies in the current system and makes 10 straightforward recommendations. The institute noted that under the Sentencing Act, currently a judge is able to declare an offender a dangerous criminal which renders that offender ineligible for relief until the declaration is lifted. While the declaration can be made at the time of sentencing or during the time that a sentence is being served they noted that to date all declarations had been made at the time of sentencing.

They note that indefinite and preventative detention regimes, wherever they operate, involve the balancing of potentially conflicting rights of victims, offenders and society as a whole and that they are ordinarily justified as a means of preventing future harm and increasing community safety. Operating indefinite and preventative detention schemes by its nature is potentially risky as these schemes rely on being able to predict future risk rather than the ordinary purpose of sentencing which is to address past offending and allow for rehabilitation.

Indeed, it was stated by her Honour Justice Wood in DPP and McIntosh that indefinite detention is contrary to the common law which does not sanction preventative detention and also contrary to the fundamental principle of the criminal law that punishment must not be disproportionate to the crime.

It is a fundamental principle of sentencing law also that an offender should be released at the end of their sentence without the sentence being subsequently extended. Of course, people are often released before the end of their sentence when they are released on parole but on parole the sentence is still active and the possibility of returning to complete the sentence in prison is very real. This is different.

Similarly, the legal concept of double jeopardy operates at common law to prevent an offender being punished twice for the same offence. In McGarry versus the Queen, his Honour Justice Kirby said that there is good reason that the criminal justice system treats indefinite imprisonment as a serious and extraordinary step. That it is at least, in part, an acknowledgement of the limitations of predicting future risk.

In the 1998 High Court case of Chester the following principles were set out:

(1) It is now firmly established that our common law does not sanction preventative detention. The fundamental principle of precautionality does not permit the increase of a sentence of imprisonment beyond what is

proportional to the crime merely for the purpose of extending the protection of society from the recidivism of the offender.

(2) The sentence of indefinite detention should be confined to very exceptional cases where the exercise of the power is demonstrably necessary to protect society from physical harm; and

(3) The stark and extraordinary nature of punishment by way of indefinite detention requires that the sentencing judge be clearly satisfied by cogent evidence that the convicted person is a constant danger to the community.

These principles from the High Court case were accepted as applicable to Tasmanian statute law in the 1994 criminal appeal court case of Reid in Tasmania.

This was further supported by Justice Wood in the 2008 McCrossen case where she said the power to impose an order, and I quote:

> Is only exercised in very exceptional cases, noting the making of a declaration it is contrary to the common law which does not sanction preventative detention and also contrary to the fundamental principle of the criminal law that punishment must not be disproportionate to the crime.

That is an outline of how regimes of indefinite detention are considered at common law which is why statutory schemes like the one currently sitting in the Sentencing Act, which we are updating today, exist.

They exist in legislation where with the clear knowledge that they do go against common law principles but they are justifiable on other grounds, including community safety and expectation and parliamentary intent.

Currently, the Sentencing Act allows a judge to make a declaration that an offender they are sentencing that they are a dangerous criminal if:

1. The offence for which the offender is convicted is one involving an element of violence.

2. The offender has a prior conviction for a crime involving an element of violence.

3. The offender is at least 17 years old.

4. The declaration is warranted for the protection of the public.

While on the face of it, this looks similar to statutory schemes in operation in other states there are actually significant inequalities, inequities and problems in the scheme currently which this bill proposes to fix with this new act, removing the regime from the Sentencing Act and having a standalone piece of legislation.

The Law Reform Institute made several recommendations and I will go through some of them now. First of all, when it comes to making a declaration, the current test is very loose

and it is not as stringent as those used in other jurisdictions. In other Australian jurisdictions, courts must be satisfied to a high degree of probability that the offender is a serious danger to the community before they can impose such an order. However, in Tasmania currently the court needs only be of the opinion that the declaration is warranted for the protection of the public. It is not required to give any justification as to why the declaration is warranted for the protection of the public.

The Law Reform Institute noted in their report that this is less prescriptive than in other jurisdictions and explains that while the common law test is that the indefinite sentence be imposed only on the basis of the comprehensive and robust evidence - the Briginshaw principle. They note that in practice Tasmanian courts do apply the common law test, which to an extent removes the problem that the statutory test is too low, but they also say that that inconsistency is undesirable and needs remedy.

This bill seeks to fix this inconsistency by providing a list of mandatory factors that the court must consider before making a dangerous criminal declaration and the court must be satisfied to a high degree of probability that the offender is still a danger to the community. This standard of proof is more in line with the tests in other states and territories.

The Law Reform Institute also addressed the issue of post-sentence detention. They noted in their report that, in fact, we do in effect now have a post-sentence preventative detention scheme. Currently, while all the orders to date have been made at the time of sentence the court has noted that the Sentencing Act does allow for the court to make a declaration at any time during the offender's period of incarceration. It was argued in Phillips and also by the TLRI in their report that this, in effect, does create the system of post-sentence preventative detention, meaning that in effect we already do have such a scheme. This is despite the fact that Act does not explicitly talk about a post-sentence preventative detention scheme.

The institute recommended that the act be amended to clarify that it is intending to create both the indefinite at the time of sentence and also post-sentence preventative detention regimes. This act does that in its second part when it creates high risk offender categories and I will speak more about that later.

Third, discharging of orders was the next thing dealt with in the Institute's report. That is dealing with how someone who has been declared a dangerous criminal can have that order lifted or discharged or removed. The Institute noted that how Tasmania deals with this is vastly different from other states and territories. Under the Sentencing Act, currently the only way an order can be removed is on application by the offender and the onus of proof lies with the offender or the defence to establish why that order should be lifted. This is the reverse of almost every other jurisdiction with similar laws and it goes against common law principles too.

In a practical sense, how this operates is that if an offender does not initiate an application for review of the order on them, the order remains in place and the offender remains incarcerated indefinitely, no matter how long the original sentence was. For example, someone could be sentenced to a five-year period of incarceration and if a dangerous criminal declaration is made on that offender they would remain incarcerated indefinitely unless they applied for a review. All other states thatoperate laws like these have a system of periodic review. Most importantly, the onus of proof remains with the prosecution for those periodic reviews. The prosecution must establish why the order should remain in place and not the other way around.

As we have heard from the Attorney-General, this bill also seeks to fix that unfair and contradictory situation by putting in place automatic reviews that must take place within the final year of an offender's sentence. For example, with that five-year sentence above, a review of the dangerous criminal declaration would be automatically applied for by the DPP at four years. I believe that is right. If the court determines to keep the order in place at that time, the DPP would also need to apply for subsequent reviews every three years and the offender could also apply for a review every three years.

Currently, the Sentencing Act does not allow the court to apply pre-release conditions such as drug and alcohol courses or sex offender programs that the offender would need to complete during their period of incarceration, before a court could consider lifting their order.

The institute recommended that this is a necessary change to allow the best opportunity for offenders to prepare themselves for release and integration back into community living.

Justice Tennent, in IRS Tasmania, said it was regrettable that there is no scope for making an order that might see a prisoner released in some sort of staged way to ensure, post order, that the declaration is no longer warranted.

Similarly, the court is currently unable to impose post-release conditions, and Justice Tennent said it is regrettable that the order foreshadowed by the legislation creates an all-or-nothing situation, as in the case of Fell v Tasmania. It was her Honour's view that the legislation relating to applications such as this is unrealistic, and promoted the continued incarceration of people who might, with assistance, be perfectly inoffensive members of the community, were they given the opportunity.

The court has observed -

> it is regrettable that there is no scope for an order with conditions which would provide support and assistance to a prisoner once they are released into the community, such as participating in rehabilitation, or adhering to certain accommodation requirements.

The institute noted that all other states and territories have the capacity to impose both pre- and post-release conditions on an offender, subject to a dangerous criminal declaration. The bill we are discussing today will allow the court to do both those things.

I recognise the fundamental tenets of common law that an offender should not be subjected to incarceration beyond their sentence, and that parole-like conditions such as those which would be enabled by this bill, usually only apply to offenders who are on parole and therefore still technically serving their sentence. In that regard, post-release supervision conditions such as the ones proposed in the bill are very serious, and must be considered carefully and used in extraordinary circumstances, as the Minister for Justice has also stated in her second reading speech. I note that other states and territories have the ability to impose these conditions on offenders, and that they are considered and used only in select circumstances.

This is the part I will ask some questions of the Attorney-General. They are creating the second part of the bill, which creates high-risk offender orders - so in effect, it is creating a second tier, or it is being described as a step-down category of order. That is not something

that was anticipated by the Law Reform Institute, and it diverges somewhat from how post-release conditions are dealt with in other states and territories.

I asked about this new category in the briefing that I received, and thank you again to the Attorney-General for her offers for that briefing from Tristen, Peter and Bruce. I asked a lot of questions about how this new category would be applied, because on my first reading of the bill, it did ring some alarm bells for me.

That was because, as I understand - and everyone here and those who have spoken on the bill have already stated - that the serious dangerous criminal declarations are to be taken very seriously and used only in limited circumstances, where the offending is so serious that an order like that is warranted, but also serious in that they go against Common Law principles of detention.

On first reading of the High Risk Offenders part of the bill, it seems to create a new category of offender who would be subject to an order similar to a dangerous criminal declaration order, but where the offending is not at the level that would allow that higher-level order to be applied.

Justice Michael Kirby has commented on the concept of preventive detention in Fardon v Attorney-General (Qld). I will try to do justice to his words. What he said in that case was -

> One pattern of intrusion into judicial functions may be observed in what occurred in Germany in the early 1930s. It was provided for in acts of an elected government. Laws with retroactive effect were duly promulgated. Such laws adopted a phenomenological approach. Punishment was addressed to the estimated character of the criminal instead of the proved facts of a crime. Rather than sanctioning specified criminal conduct, the phenomenological school of criminal liability procured the enactment of laws prescribing punishment for identified 'criminal archetypes'. These were the *Volksschädlinge* (those people who harmed the nation). The attention of the courts was diverted from the *corpus delicti* of a crime to a preoccupation with the 'pictorial impression' of the accused. Provision was made for punishment, or additional punishment, not for specific acts of proved conduct but for an inclination towards criminality so deep-rooted that it precluded [the offender's] ever becoming a useful member of the … community.
>
> This shift of focus in the criminal law led to a practice of not releasing prisoners at the expiry of their sentences. By 1936, in Germany, a police practice of intensive surveillance of discharged criminals was replaced by increased utilisation of laws permitting 'protective custody'. The German courts were not instructed, advised or otherwise influenced in individual cases. They did not need to be. The basis of the law had shifted from the orthodox to the new, just as here. Offenders for whom such punishments were prescribed were transferred from civil prisons to other institutions, such as lunatic asylums, following the termination of their criminal sentence. Political prisoners and 'undesirables' became increasingly subject to indeterminate detention.

Some have expressed concern to me that the parts of this bill that create the high-risk offender based orders seek to establish schemes which would fall into that described above.

I raised these issues in the briefing I received. It was explained to me that this was not the intent, and the only way that a high-risk offender order would be applied to an offender would be if they had been (1) subject to a dangerous criminal declaration, (2) are being released from prison, and a dangerous criminal declaration order is being lifted, and (3) that the DPP applies for an HRO at the time of release.

I wanted the Attorney-General to clarify whether my understanding is correct, because I suspect I might have misunderstood this part of the bill. Whether offenders who are not subject to a dangerous criminal declaration order could be subject to a high-risk offender order on release if they had committed one of the Schedule 1 offences - or if a high-risk offender order would only be able to be applied to someone who had previously been subject to a dangerous criminal declaration?

If my understanding is correct, this part of the bill that creates the high-risk offender does seem to me to be intended to operate as a mechanism by which post-release conditions are applied to an offender, or in the same way that post-release provision orders are applied in other states and territories.

In other words, an offender being released from prison, who had been subject to a dangerous criminal declaration order, would be released from prison with conditions that they have to meet, similar to parole conditions, and that those conditions would apply via the HRO.

If this is the case, and I am understanding that correctly, then that HRO part of the scheme could otherwise be described as a post-release condition mechanism, rather than creating a new category of offender.

I am also interested to know from the Attorney-General whether there is an anticipation that there would be a limit on the number of times that high-risk offender orders could be renewed, because I understand that can be imposed for five years. At the end of five years, could the DPP apply for it to apply for a further period of five years, and could that roll on forever, or is there a limit on the number of times those orders can be renewed.

Finally, I thought I would put on the record some compelling comments made by Justice Wood in the 2018 Supreme Court case of Jamie Gregory McCrossen v State of Tasmania, about the current arrangements contained in the Sentencing Act for dangerous criminal declarations. I believe Justice Wood's comments were at least in part the motivation for the changes contained in this bill, along with the recommendations of the Law Reform Institute.

In that 2018 case, Justice Wood explained that McCrossen was declared a dangerous criminal in 1991, and if not for that declaration, he would have been entitled to be released from custody after serving his sentence of imprisonment, which would have expired in July 1992 - so a relatively short sentence. When the applicant was imprisoned he was 18, and at the time of the case in 2018 he was 46, and had spent 26 years in prison under the declaration.

In 2013, he brought his first application to have the declaration discharged. The application was dismissed by Justice Tennent in 2016 and in that 2016 case, Justice Tennent noted the applicant was, in effect institutionalised. He had failed to participate in any

pre-release programs and her Honour found that with no support measures in place and with a profound lack of preparedness for independent living there were risks of conflict in the community and a risk of instrumental violence; violence to get himself out of situations of perceived danger or in the extreme, to ensure that he was returned to prison. Justice Tennent was not satisfied the declaration was no longer warranted for the protection of the community.

Justice Wood noted that since that case when she was hearing the 2018 case there had been significant developments and the turning point had been made in the applicant's transfer out of the prison environment into Wilfred Lopes Centre, a secure mental health unit, as well as an assessment of his mental health treatment for his chronic symptoms and the involvement of a multidisciplinary team.

The future management of his condition included mandated treatment if the order was discharged. The order discharging the declaration must be made if the court is satisfied that the declaration is no longer warranted for the protection of the public. She gave reasons then for why she was so satisfied.

She noted that these orders were to be only used in very exceptional cases, noting that the making of declaration was contrary to common law, which does not sanction preventative detention and should be used only when it is demonstrably necessary to protect society from physical harm.

She went on to say that first application for discharge in 2013, when the applicant made that first application it was heard by Justice Tennent who was provided with a report by a psychiatrist, Mr Minehan, dated August 2014. He stated:

> This is a difficult case to navigate, as this man has been severely psychologically damaged by long-term incarceration, and presently does not have the skills to function successfully in the community without support. If Mr McCrossen was released from prison unconditionally in his current psychological state, there would be a high risk of suicide or reoffending for the purpose of returning to prison.

It was recommended that the applicant be afforded multidisciplinary reintegration programs to assist him to build his resilience in a community setting and develop the capacity he needed during the pre-release program.

A rehabilitation plan was developed then with gradual increase in activity, increasing exposure to the outside of the confines of the Wilfred Lopes Centre and increasing his interaction within the community. It was noted that in future he would require extensive rehabilitation, support and care and that it was unreasonable to expect him to cope in an environment without a high level of assistance. In her Honour's opinion, he presented as a psychologically damaged individual and would require the support of an environment that understands his mental condition. Ultimately, it was deemed suitable to lift the dangerous criminal declaration but he then remained in the Wilfred Lopes Centre as a civil patient.

The reason for reading out some of those comments from the Supreme Court decision 2018 is to demonstrate quite clearly how these orders really do destroy lives. There is no doubt that McCrossen's offending was serious offending and there were good reasons why the dangerous criminal declaration was applied to him in the first place, but as we can see from

those comments from Justice Wood in 2018 what would have been a sentence of less than two years ended up being a sentence of 26 years. It had significant effects on the man's mental health that meant that basically he was deemed completely incapable of being to reintegrate into society.

While dangerous criminal declarations are required to protect community safety, it is a shame indeed that we have a system at the moment in place where somebody can really be detained indefinitely and can have their mental health so significantly damaged through that institutionalisation that they are actually unable to reintegrate into society.

Justice Wood said that in his evidence in the 2018 application, the applicant said that it is not fair that he has spent more time in prison than other people who have done worse things. There was nothing that could be said about that, said Justice Wood. She agreed that that was true and that the case had demonstrated that the indeterminant nature of the sentence was in itself crushing and counterproductive in terms of the applicant's rehabilitation. Since there has been talk of the order being lifted, the applicant has made significant progress in a short period of time. To offset these crushing effects, the prison system would have to be vigilant and have a committed and coordinated approach to an individual's rehabilitation.

I believe the intent of the changes proposed in this bill is very much to reverse the possibility of dangerous criminal declaration orders being able to play out in the way that they did for McCrossen. There is no doubt that this needs to be a facility available to the courts to apply these serious orders to very high risk offenders who have engaged in very serious offending but we do live in a time when we should be able to focus on prisoner rehabilitation. I believe that with appropriate resourcing in the Tasmanian Prison Service for pre-release and post-release support, we can do better. We can do a lot better for people who find themselves tied up in Tasmania's criminal justice system.

As I said, there are good reasons why people end up sentenced to prison. Many times when you hear the heartbreaking stories of what happens to people in their lives that leads them to a path that sees them interacting with the criminal justice system, oftentimes the system has already failed those people by the time they find themselves connecting with the criminal justice system. Then we fail them further when they are in there.

Much more can be done and should be done when it comes to providing support for people to rehabilitate and those who actually do want to turn their lives around should be given the opportunity to do so. During the time of their incarceration they are literally a captive audience and we can do better as a state to provide opportunities for people to learn from their mistakes, to reduce the likelihood of them reoffending when they are released. There is a high risk. We know the statistics are very high that once someone has served their first period of a custodial sentence, their chances of returning to a custodial setting is really high.

Also, there are really saddening statistics that if you are the child of someone who has served a custodial sentence you are more likely to serve one yourself. I know that those statistics are very sad for all of us in this place to hear. There are things that can happen in the systems of government, through education, through health, through community programs that could prevent people from going down that path much earlier than we currently do.

Of course, once somebody comes into contact with the criminal justice system and finds themselves incarcerated there are more opportunities, I believe, to provide them with

rehabilitation programs and options inside prison that would improve their lives and that ultimately would then improve community safety.

I also wanted to ask a question specifically about clause 44 of the bill, that came to me from a community organisation, which is protection from liability. It reads:

> No liability attaches to a person for any act or omission in good faith and in the performance or exercise, or the purported performance or exercise, of the person's functions or powers under this Act.

The concern that has been raised with me is that if a prisoner is made subject of an order under this new legislation but it is later found that they were wrongly convicted on false evidence or for some other reason, such as misconduct, or any other reasons that they have found later to have been falsely convicted, and that that conviction led to an order that they could not then make an application for compensation against the state. That question has come to me directly from a community organisation and I ask that question on the record today.

In summary, the new provisions of the bill will remove the outdated current regime for dealing with dangerous criminal declaration orders which are rarely used in Tasmania but are necessary nonetheless. I recognise they go against common law principles and are at odds with how similar schemes work in other states but that will be rectified when this bill passes in both chambers.

It will provide for periodic reviews by the court of dangerous criminal declaration orders and it will place the onus of proof on the prosecution from reviews of those orders. It will provide for a judge other than the sentencing or convicting judge to be able to hear an application for a removal of an order, which is a problem with the current legislation.

Debate adjourned.

ADJOURNMENT

Rosehaven - Tribute

[6.00 p.m.]

Ms ARCHER (Clark - Minister for the Arts) - Madam Speaker, I rise on the adjournment tonight, it was a bit too late last night, to talk of the success of one of our state's most successful screen productions: the beloved comedy series *Rosehaven*. Very silly at times, I know it is an acquired taste but it really is a wonderful series and very lighthearted, and has got a lot of people through COVID-19, I might add.

On Sunday night I joined a very small but socially-distanced *Rosehaven*'s Tasmanian cast and crew members - I was the hanger-on - at the State Cinema in North Hobart for a special screening of the final episode of the latest season of Rosehaven, season four. I was hoping to do this before the episode went to air, but it did go to air last night at 8.30 p.m.

At the State Cinema we were linked online to executive producer Kevin White, producer Andy Walker, the ABC's new head of comedy Todd Abbott, as well as the creators and stars of the show, Luke McGregor and Celia Pacquola, whom I have met on a number of occasions

and they really are, to say the least, a crack up. They were all very keen, as was I, to thank the Tasmanian cast and crew members for their massive contribution to the success of *Rosehaven* not just this latest season, which I think is the best season and they do too.

As Minister for the Arts I am exceptionally proud that our Government has supported this wonderful series for the last four years. We have done that not only because of it being so important to our cultural and creative industries, but it has also had a significant return for the state. With our investment of $1.95 million in the four series, what we have leveraged in relation to the local spend in the state is almost $8 million. That is direct and indirect businesses and other support services that have also benefited along the way.

I take this opportunity to share with you a few *Rosehaven* statistics. The number of roles for Tasmanian actors across the four seasons has been 140; the number of Tasmanian crew across the four seasons is more than 230; and the number of Tasmanian crew graduates - that is those crew members who have either had their first professional gig on the show or they have climbed up through the ranks on the show or they were an attachment or a trainee on the show - who have then gone on to obtain regular work on the screen industry, is 42.

I have also been told that apart from *Home and Away* and *Neighbours*, which have been going on for decades, there is no other series in Australia that has trained that number of industry professionals.

Rosehaven is the mainstay of the production sector in Tasmania, continually training actors and crew so they can work at higher levels and on larger projects. It is a deliberate strategy of the creators and producers of the show. This also means that a greater proportion of roles and crew positions in the future can be filled by Tasmanians across a variety of productions. It is a great training ground.

Rosehaven is quintessentially a Tasmanian show. It is Tasmanian written, Tasmanian directed, starring Tasmanians, and about Tasmania. It showcases our beautiful island and they do not just stay in the one location. They have branched out into Richmond - they moved their real estate place there - but not on the show but that is the place they used - the pub is down at the Geeveston area, down the Huon. Audiences around the country right now are watching our beautiful lifestyle and landscape on-screen. They have no choice I suppose, because they cannot come here, but it does provide that tempter for when people can travel again.

The current season continues to achieve stellar ratings for the ABC, making it the second-most popular scripted series in this year's programming line-up. Those of you who have been watching this fabulous fourth season of *Rosehaven* would agree it has provided the perfect antidote for these uncertain and difficult times.

Finally, I thank the team at Screen Tasmania for everything they have done, Alex Sangston especially, and continue to do to assist our screen industry through these challenging times so we can continue to make great shows like *Rosehaven* once we emerge from COVID-19.

Illegal Fossicking - Moorina area, Weld River

[6.06 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, I rise tonight on the adjournment to talk about some fossicking along the Weld River in Moorina and on behalf of local landowner Mr Robert Dean. After Mr Dean contacted our office in late April this year, Dr Woodruff wrote to the minister responsible, Mr Barnett, and said this -

> My office has been contacted by a concerned landowner, Mr Robert Dean, about illegal fossicking in the Moorina area along the Weld River. He reported that fossicking outside the designated area is widespread in Moorina and is causing significant damage to the river banks including those located within private properties.
>
> The excavation by fossickers of river edges is causing substantially increased levels of sediment to enter the Weld River, compromising the integrity of the banks and resulting in additional erosion during high water levels.
>
> This illegal activity has been reported to Mineral Resources Tasmania by landowners, including Mr Dean. I understand no effective investigation or enforcement has been undertaken at this point.

There is immense frustration amongst residents who have been left to clean up rubbish and close gates that have been left open by the illegal fossickers. So significant is the problem, Dr Woodruff writes, that local police were recently called to evict a large number of illegal fossickers from Sustainable Timber land. In closing, Dr Woodruff says -

> The existence of designated fossicking zones is meaningless unless there is enforcement and proper signage. Would you kindly commit to ensuring Mineral Resources Tasmania installs signage to clearly identify fossicking-approved areas, particularly in this district, which seems to be a hotspot, and is also available to respond in future with patrols to ensure compliance.

As we know, fossicking for many Tasmanians is something of a way of life and it is certainly an important recreational activity. Where Mr Dean has had issues, is in the use by fossickers of land that is not a designated fossicking zone and it has caused some real problems for him. Before I go to Mr Dean's statement, the minister replied on 4 May and noted that -

> The Weld River fossicking area is one of 10 fossicking areas across Tasmania that is proclaimed under the Mineral Resources Development Act, fossicking or prospecting within the proclaimed fossicking area does not require a prospecting license, et cetera

Mineral Resources Tasmania was contacted by Mr Dean in March this year and went for a site visit on 26 March. The site inspection revealed signs of prospecting activities that would be consistent with those activities permitted by prospect license holders. MRT has investigated three instances of similar allegations from Mr Dean since 2017 with no other complaints from the public received. On each occasion, the claims regarding the scale and nature of the impacts occurring at Moorina appear to be inconsistent with those found during the inspections.

In response, the minister says -

> To the recent inspection undertaken by MRT, it has been recommended that signage be improved. I am advised that MRT is currently working to address the issue.

That was on 4 May and Mr Dean has got back in touch with us on 17 August -

> Hi, it is Robert Dean from Moorina. I hope you are well. Just an update on the fossicking at Moorina. There has been quite a lot of community backlash regarding the closing down of the illegal camp site which Sustainable Timber Tasmania went into the area and closed down. There were people camping there. With Sustainable Timber Tasmania production forest land there was an article in the local *Advertiser* last week outlining what has been done and maybe you could have a look at what is being said. Mineral Resources Tas contacted me last week more or less accusing me of doing mischievous things which was a total fabrication by the gemstone fossickers trying to discredit my good name. I informed MRT my thoughts. Also, I informed them I am not trying to stop the genuine people who are going to the free fossicking area and doing the right thing by the guidelines.
>
> He told me that the rules had been tightened up regarding what and where they can go and that MRT is working on signage for all the free fossicking areas throughout Tasmania.
>
> Now it has come to my attention that I am being talked about rather badly on Facebook, portrayed as that angry old man who thinks he owns all the land and the rivers in Moorina. Well, I am a landowner and I think if I choose to try to manage the land and rivers in a responsible way on my watch that is my call.

The take-home message here is that Mineral Resources Tasmania has made a commitment to install signage along that area of the Weld River. It has not happened to date. The minister is not in the Chamber at the moment but hopefully he will be listening. It has not happened to date, and that has caused tensions among people who feel they have been alienated from an area where they have traditionally fossicked.

If MRT wants to ensure there is no conflict over legal fossicking, it needs to get on with making sure those signs are installed so there is certainty for people who want to do some fossicking on our rivers. We also want to make sure we are not having those intrusions on private land that have caused real stress to Mr Robert Dean and have caused some people to be cranky with Mr Dean when all he was really trying to do was look after the property, look after the river and maintain the integrity of that ecosystem near his private property.

I urge the minister to make sure that the signage goes in as a matter of priority. It will protect the riverbank from erosion caused by illegal fossicking. It will make sure rubbish is not left in areas where there are no bins. I hope Mr Barnett recognises that he made this commitment in May this year to Dr Woodruff's letter. It is now August and Mr Dean is still waiting to see some signage along the river near his property.

COVID-19 - Tasmanians Trapped by Closed Borders - Wellbeing

[6.12 p.m.]

Ms OGILVIE (Clark) - Madam Speaker, my speech on the adjournment is on a topic of great importance to everybody here in Tasmania but also, most importantly, Tasmanians who are still stuck overseas.

As members know, I have taken a special interest in this issue. We have a number of Tasmanian families who are actively seeking to come home. They have been stuck, some since before the pandemic, when the guillotine on the borders came down and trapped people.

Tonight I will talk a little about the messages I am getting from them, and their state of mental health and physical health when separated from their home ties, from support, from their GPs, and from the people here who care for them. I will also talk a little about the efforts to engage with them and to try to get them home, and what that has been like so far.

We all know the pandemic just happened. It meant we had to identify very quickly what we could do around borders. Managing state borders in this way is not something we have traditionally done.

The first taste we had of this was the isolation and quarantine requirements coming through our state borders. It then became apparent we had people who were trapped overseas. There is a cohort of Australians still stuck in the Philippines. We have managed to get one Tasmanian family home and they are very grateful. They have asked us to express their thanks to everybody in Tasmania and the Government.

Another family is still there; they are beside themselves with worry and they need to come home - they have some medical issues that mean we need to get them back to Tasmania.

In one family, the husband, who works locally in frontline services, was attending a wedding in New Zealand. His heavily pregnant wife had gone home early, had the baby, and then the borders shut and they ended up being separated, one in New Zealand and one in Tasmania. Luckily she is with family there but she has a toddler and a baby. Travelling is difficult. I have been trying to reach out to her and through connections with state government to ensure that whatever quarantine looks like in Melbourne, Sydney or Brisbane it actually is able to cater for a woman travelling solo with a baby and a toddler. It is not going to be okay just to put them in a hotel room, obviously. There is going need to be some nursing support and other things.

I started to think we really do need to get better at managing this. I have said in this place before that we are going to have to learn to live with coronavirus. It is going to be around for quite a long time. I know thinking is going on at a national level, both with National Cabinet and with the business community, around how we manage borders and isolation and lockdowns. They are starting to talk in terms of bubbles when there are outbreaks rather than entire lockdowns. That may be something we have to start looking at.

This all started originally with Max Quick who got stuck in Argentina and luckily he had his guitar with him because as a young fellow, he spent about 12 weeks travelling across Argentina and weeks and weeks and weeks in quarantine. I think he was 19 when all this

happened. The mental fortitude and resilience of people who go through these sorts of experiences as young people is quite incredible. We got Max home safe and well.

There is a family in Jordan who have very small children as well. They say to me, through no fault of our own, we got stuck in Jordan when the borders happened. They did not intend to get stuck. They had not done anything other than go to visit relatives. They say on social media, and here is where I want to make a call out to all good Tasmanians to say, please be kind to people. There is a tendency for some to say, 'you should not have been travelling'. Who is to know that a pandemic is going to hit? Let us be kind to each other. Do reach out, particularly to migrant families and families who have been travelling. It is not an easy experience and I sense that as we as a state become more comfortable and a bit more relaxed in our corona-free mode that we forget things are still very traumatic elsewhere.

I thank the Premier and the Government, in particular, for the new single point of contact which is the overseastraveller@dpac.tas.gov.au email address, which has been working superbly. That at least makes me feel we have some substance into place. I am now able to send people there to get information and assistance and I know they are working immediately through the federal government and with Foreign Affairs departments. It has been a really good thing.

I have written to the ACCC as well to ask them to intercede on, what I perceive to be, some price gouging that is going on with the international airlines that have a limited number of seats and will say to people, we cannot get you on an economy seat but you can buy $5000 or $10 000 business class seats. It is not acceptable. It is not okay. It is in the middle of a global pandemic and these businesses have offices in Australia. The transactions happen in Australian dollars, through Australian banks. I believe the ACCC has jurisdiction and needs to act on that and act hard and fast.

Alternatively, we need to start thinking about other ways of going out there and getting our people home. My understanding is about 18 000 Australians have registered with their local Foreign Affairs consulates in whichever cities they are stuck. That is 18 000 people. We need to get on top of this issue really quickly. We are six months into this now. It has been a long time. Get on top of it. Put some resources into it. Put some money into it and work together as a nation to get our people home.

Top Tourism Town 2020 - St Helens

[6.19 p.m.]

Mr TUCKER (Lyons) - Madam Speaker, this year's Tourism Industry Council Tasmania and the *Spirit of Tasmania* were out to find Tassie's top tourism towns, Tassie towns that offer an amazing visitor experience and where tourism operators, businesses and local communities band together to make their town the very best destination they can be.

Tasmania's towns and villages are where our visitors find the real Tasmania: the characters, the personalities, history and stories, making touring our state so rewarding.

Mr Shelton - And our local politicians.

Mr TUCKER - We will give you that one, Mr Shelton. Towns are where tourism dollars are best spent supporting local businesses and local jobs, keeping our regional communities alive for everyone.

This year, the successful applicant winning Top Tourism Town 2020 is St Helens. The whole community is reeling with excitement. It was such a major achievement for St Helens, all made possible by Jayne Richardson - who I knew when she worked at Break O'Day Council - for her vision and storyboard for the entry, and from storyboard into a production. Thank you to Simon Holmes from Big Shed Studios for making the production possible, and Jasper Da Seymour for editing this.

This has been a homegrown effort, coming together on a $3000 budget - true community spirit proving what we can achieve if you have a go. St Helens would like to give a big thank you to everyone who voted for them making this possible. Congratulations to St Helens and everyone who made this a reality.

Now is better than ever to come and visit St Helens, especially with the Government's voucher, since our announcement there today.

COVID-19 - Increase in Family Violence

[6.21 p.m.]

Ms STANDEN (Franklin) - Madam Speaker, on Tuesday night on the adjournment, I spoke about the importance of safe, secure and accessible accommodation to women leaving relationships. I want to continue that conversation tonight, changing names to protect privacy.

First, I want to tell Rebecca's story. A year ago, Rebecca was living with her partner and two school-aged children, one with significant disabilities. They were in long-term private rental accommodation, and she had a job. Rebecca decided this year she would do something for herself - to commit to a 12-month beauty therapy course at TAFE, hoping to get more fulfilling work next year. Instead, her world her has fallen apart.

After her relationship broke down in June, Rebecca and her children left the family home and went into crisis accommodation in the northern suburbs. Her lease has come to an end. She and her children are now living with her sister and her family, overcrowded in a three-bedroom home. Rebecca wants nothing more than secure housing, close to medical and support services, family and schools. Instead, she has effectively been evicted into homelessness.

The social housing system has failed her in this state. She is being told by Housing Connect that families in her circumstances are waiting up to four years to be housed. That is just not good enough.

Next, I want to talk about Olivia. Olivia and her two children are victims of abuse in their family home, where they still reside. The abuse increased during the COVID-19 lockdown, with Olivia's partner being home more frequently. Olivia and her children were helpless. They were no longer able to visit their local Neighbourhood House for the time away, like they used to. The children were home from school and subjected to scenes they would otherwise never have witnessed.

Olivia's now ex-partner has been taken into custody some time ago. This was her opportunity to get away and work to rebuild their lives - but instead Olivia is still stuck in the same home she was abused in. Locked into an unaffordable private lease, she is still facing abuse and threats from the family of her abuser.

Olivia has contacted Housing Connect, desperately seeking Government assistance to get into a new house, in a new location, where her abusers cannot follow her. She is on the waiting list for social housing - a waiting list that we all know is far too long. She was not offered a house through Rapid Rehousing. In fact, she did not even know this program existed until she contacted my office.

This Government has failed Oliva. For months now she has been stuck in limbo, unable to start the process of rebuilding her and her children's lives. She is struggling with her finances. She is still unable to visit her local community, and she does not know what happens next.

Last month, the Australian Institute of Criminology released a paper, finding an escalation of family violence during the COVID-19 pandemic. The paper noted that for many women, the pandemic coincided with the onset or escalation of violence and abuse. Two-thirds of women who experienced physical or sexual violence by a current or former cohabiting partner since the start of the COVID-19 pandemic, said the violence had started or escalated in the three months prior to the survey. Many women, particularly those experiencing more serious or complex forms of violence and abuse, reported safety concerns were a barrier to help-seeking.

The COVID-19 pandemic has left many victims of family violence and abuse inside homes with their abuser all day, every day, whether because of lockdown, lost jobs or changed working environments. A decreased ability to have time apart from an abuser means less opportunities for women and their children to seek help from loved ones or support services. Instead, those safety concerns are more present and more pronounced, and in times like these, the family home is more dangerous than ever before.

It comes back to housing. Safe, secure and accessible housing. Housing or a lack of it cannot and must not be yet another safety concern thrown onto the pile.

Finally, I would like to tell Alice's story. She and her four children are survivors of family abuse, and for years, Alice has been trying to get the help to give her children the stability and security they need to rebuild their lives. The family has had a long history of housing instability. The eldest child, 16 years of age, has moved 14 times in his short life.

Since a family violence order was issued 18 months ago, the family have lived in a number of emergency and crisis accommodation arrangements. When Alice contacted me, she had been in crisis accommodation for five months. Alice's eldest three children attend different schools on the other side of the river, while the youngest is in her full-time care. Not only has this family been facing the difficulties of living in emergency accommodation for an extended period, but this accommodation is well outside the children's established support networks.

Alice spends literally hours every day transporting her children to and from schools, and she has done this to prioritise her children's school engagement. Understandably, she dreams of being provided a permanent home, closer to where her children are safest and most

comfortable. I noted this in my letter to the minister, Mr Jaensch, earlier this year, when I wrote to him asking for assistance in finding this family a home. The minister, however, wrote back to me saying that while he recognised Alice's reasons for her suburb selections, he suggested she consider adding additional suburbs to her application.

Alice is a survivor of abuse. Her children are survivors of abuse. Mr Jaensch should be making the process of rebuilding their lives seamless and comfortable in his capacity as Minister for Housing, not prolonging and making recovery more difficult by suggesting Alice and her family continue to live away from their support networks.

We may be tempted to look at statistics which show that calls to family violence support services have dropped since this time last year, but that is not good news. It means that those women like Olivia, who need help and protection, are unable to seek it. They are stuck at home with their abusers. When they can break free, like Alice did 18 months ago - and likely expect many more women to, now that isolation measures are lifting - they need this Government's support more than ever. They need access to safe, secure, affordable and appropriate housing, with exit points from crisis accommodation into permanent homes.

Recommendation 18 of the Select Committee on Housing Affordability recommended that people needing crisis or temporary accommodation are assisted with a caseworker for the first six months at a minimum. The Government's response, tabled last week, indicated that the Government is considering post-crisis support services for clients, to be determined by late 2020, and transition to a new framework by June 2022.

I implore the Government to act with more urgency and not to be on the wrong side of history, offering too little too late.

Forests and Fire

[6.28 p.m.]

Dr BROAD (Braddon) - Madam Speaker, I rise tonight in defence of forestry, forest professionals and scientists who investigate the behaviour of forests with regard to fire and producing timber, and the Institute of Foresters.

On a few occasions, we have heard reference to a particular paper by Winoto-Lewin, Sanger and Kirkpatrick about the propensity of old growth, mature and regrowth wet eucalypt forests, and concerning fire.

What we have heard in this place is the allegation that forestry creates an environment that makes forests more prone to fire. This paper has been discussed on numerous occasions in many different mainstream media articles around the country, calling for an end to native forestry. This came about after the Bushfire Royal Commission. This paper has been used as justification for ending all native forestry under the idea that native forestry will make the whole country riskier to bushfires and that that is dangerous to people. That has been used politically and has also been used to besmirch the profession that is forestry.

I would like to talk about this paper in particular. I have stood in this place before and I have talked about this paper and that it is actually contested. The references and the science that this paper is based on has been contested, in particular by Professor Peter Attiwill who is

a leading forest fire expert around Australia. He co-authored a paper which questioned the research that was coming out of universities in particular looking at that aspect that forestry apparently causes bushfires.

It appears the most recognisable author on this paper is Professor Jamie Kirkpatrick. He is very well renowned but it appears in this particular paper that academics with no fireground or forest management experience have called into question 50 years of scientific study and observation of fire behaviour by Commonwealth and state government foresters, fire managers and past academics. Not only do this paper and the subsequent media articles besmirch the reputation of foresters, but also exposes the disdain which some academics hold for their colleagues who publish research which contradicts their views.

There have been some unwarranted attacks against the Institute of Foresters in Australia. In response to this paper published by Winoto-Lewin, Sanger, Kirkpatrick, there has been a desktop analysis of this paper using the published plot coordinates, Google Earth, and publicly available information and especially on the Riveaux Road fire spread, on which this paper was based.

The investigators found that the plots were not the type of vegetation the paper claimed they were and there was no relationship between fire boundaries and the claims about fire damage that this paper was based on. Apparently, the errors were that there was a complete mis-classification of forests in the paper. Some areas classified as forests were in fact button grass plains, mature forests plantations and so on. This was picked up when examining the plot coordinates in the paper on Google Earth and then this was confirmed by Sustainable Timber Tasmania by checking the coordinates against their forest mapping.

The fire spread of the Riveaux Road fire was publicly available and the investigators could not work out how some of the plots were claimed to have been burnt at the severity level claimed. Furthermore, the paper has also taken a novel approach to fire classification which is surprising given none of the authors are fire behaviour experts, according to my information. It could be argued that the classifications were used in a way that supported a preconceived conclusion of the authors.

To his credit when these errors were pointed out to Professor Kirkpatrick, I have it on good authority that Professor Kirkpatrick has decided to retract the paper from the journal, but this paper is still available online as this process of retraction can take some months. The scientific process is that when a paper is published it can be reviewed by peers, so it goes through a peer review process and when the paper is published other people can use the information to check the veracity of it. That is the scientific process. Professor Kirkpatrick and his co-authors may go out and re-investigate. They may redraw their maps and make different conclusion, but from the information from the coordinates that are provided, it shows that there are significant errors in this paper.

It may be a coincidence that the Bushfire Royal Commission was being held at the time of publication but if it is true, if these significant errors were not picked up in that process, then there are a few things that should happen. Number one is that the Greens should retract their statements based on assertions in this paper and especially the criticism against the authors who have a contrary view. That would be good.

If these errors are as glaring as claimed, then the University of Tasmania should also investigate the process where significant errors were not picked up in the review of the paper. If this turns out to be true, if these data points do not relate to the fire spread and if the fire spread and the severity of the fire as claimed do not stack up, there should also be a retraction of letters sent to politicians based on this paper, calling for an end to all native forest industry.

This is how the scientific process works. We hope these errors are nobody's fault, but the scientific process is that you have data, and the data is what tells the truth and not the media articles that stem from it, and certainly not from what the Greens raise in this place. It is about the evidence. Let us see the evidence, and if this paper has been retracted, I would like to see the Greens retract their statements based on this paper.

Mersey Community Hospital Emergency Department - Patient's Experience

[6.35 p.m.]

Ms DOW (Braddon) - Madam Speaker, I provide further information on a question I raised yesterday in question time relating to the experience of a patient at the Mersey Community Hospital Emergency Department. In my question, I stated that the patient had arrived at 10 p.m. and was then required to wait five hours before being transported to the North West Regional Hospital. In fact, the situation was worse than that. The patient arrived at 8.30 p.m. I want to correct the record so there is no confusion about the terrible experience endured by this patient.

Tasmanian Hemp Association
Tourism Industry Council of Tasmania - Top Tourist Towns

[6.36 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Madam Speaker, on Friday 21 August I had the pleasure of attending the Tasmanian Hemp Association dinner in Launceston. I was joined there by my state colleagues Michelle O'Byrne and Sarah Lovell, and representatives of Senator Carol Brown and Brian Mitchell as well as other members from state and federal parliament across all parties. It was pleasing to see tripartite support for the hemp industry in Tasmania, which has continued to grow as an industry year-on-year in our state. I recognise the work of the association's president, Tim Schmidt, and its executive officer Andy Lucas, who organised the awards, which were held during the day, and the event on the same night to celebrate farmers in the hemp industry in Tasmania.

The Tasmanian Hemp Association was formed in 2010 and represents the vast majority of hemp growers in Tasmania. Tasmanian Hemp is responsible for around 70 per cent of total Australian production and at this time seed-for-food is the predominant production focus in Australia. A number of businesses are putting efforts into further developing the fibre industry, and there are hopes other innovative and beneficial uses of hemp will be made possible in the future.

I recognise and congratulate the growers in Tasmania who are investing on-farm and testing the market demand for hemp. Many of them have been at the forefront of this over the past few years. It has been a bit of a gamble and there have been some headaches about how to harvest and what to do with the stubble; however, it was pleasing to hear on Friday night

that many of these issues are finding resolution and new opportunities are being explored all the time on how to make the most from the whole plant and get the greatest return on investment.

It was impressive to hear the stories of success in the room and the general confidence the industry has for its future in Tasmania. However, it is necessary for the Government to revisit the regulation of this crop to maximise the benefit that can be derived from the plant and maximise the return to farmers. Hemp is a remarkable plant and has enormous potential for use as food, fibre and in therapeutics. I encourage the Government to work closely with the Tasmanian Hemp Association to ensure that Tasmanian farmers can realise the benefits from this crop, and for consumers and new markets to understand the benefits they can gain from using hemp products.

I have another matter as well, Madam Speaker. The Tourism Industry Council of Tasmania has been conducting a search for Tasmania's top tourist town, and I was thrilled to hear the winner was announced as St Helens. This award is well deserved and I congratulate the town as well as the Break O'Day Council and the St Helens Chamber of Commerce which worked collaboratively on the entry. The video entry is brilliant and I understand a lot of credit is due to Jayne, the media coordinator at the Break O'Day Council.

There can be no doubt that the impacts of COVID-19 have been far-reaching and that the tourism industry was one of the first hit and one of the hardest hit. The search for Tasmania's top tourist town was a terrific initiative, designed to bring people together to work on ways to collectively showcase all the things that are great about their local town or region. It has been an uplifting and enthusiastic competition among some of Tasmania's hottest destinations and I commend the TICT for its role in helping to bring some cheer and positivity to what has otherwise been a very disrupted and in some cases, devastating year for operators in the tourism industry. I cannot imagine that judging the winner was easy, but I understand the judges' scores were combined with the public vote to determine the overall results, with St Helens coming out on top.

St Helens is a very worthy winner, and as a town has long been a favourite holiday spot for many Tasmanian. It has beaches, fishing, mountain bikes, camping, national parks, great seafood and friendly locals.

The runner-up Tassie's Top Tourist Town is beautiful Stanley in north-west Tasmania. Stanley is set in one of the most iconic and recognisable locations in Tasmania, and has even been the set for recent film productions. Stanley also won the *Mercury* readers' choice award for receiving the most public votes over the past two weeks, with over 5000 public votes cast.

In third place is the town of murals and the amazing backdrop of Mt Roland: Sheffield. This part of Tasmania is breathtaking any day of the year, with the mountain constantly changing. I want to acknowledge the dedication and hard work of operators in the community of Sheffield who continue to innovate and offer new exciting experiences for visitors.

Well done to everyone who entered the inaugural search for Tassie's Top Tourism Town.

HomeBuilder Grant Scheme

[6.41 p.m.]

Ms BUTLER (Lyons) - Madam Speaker, I rise on the adjournment this evening to discuss the smoke and mirrors of the Government's HomeBuilder Grant scheme.

As the shadow minister for building and construction, I believe the Government has misled the Tasmanian people around the parameters and the criteria of this grant scheme.

I asked the Minister for Finance this morning, and also asked the Premier this morning, for some detail around the scheme. There was an interesting response regarding me having to write to the minister in relation to my concerns. The Premier was contacted on 21 July at 1.31 p.m. via email by a mortgage broker, Mr Jonathon Stone, advising of the problems with the scheme. There was a subsequent article in the *Mercury*, which the Government responded to. I do not see why the Premier or the minister required an additional letter from me to alert them to something that they were already working on.

That said, in short, the HomeBuilder Grant is actually an inhibitor to stimulating the Tasmanian building and construction sector. Gilding the lily - it is a misquote of Shakespeare, but it describes the process of adorning or embellishment to decorate something that is already perfect. 'Gilding the lily' is an apt turn of phrase to describe the federal and state Government's HomeBuilder Grant scheme.

The Government has raised public expectation by giving the impression that the HomeBuilder Grant scheme would provide the public with the opportunity to use the grant as part of a deposit. It was presented as a stimulus measure for the Tasmanian building and construction sector - a grant to build confidence and also, a scheme that would assist Tasmanians to bridge the gap, to assist in achieving often the most difficult aspect of building a home - and that is actually saving for the deposit.

Earmarked by the Government's public relations team –

> the Commonwealth and Tasmanian HomeBuilder grants will assist the residential construction market by encouraging the commencement of new home builds and renovation this year.
>
> With the Tasmanian Liberal Government's $20 000 grant and the Australian Government's $25 000 grant for home builders, it means Tasmanians can potentially access up to $45 000 for their new home build.

What this actually means is that the HomeBuilder Grant scheme is a masterful stroke of augmenting existing wealth.

Tasmanian Labor supports measures to stimulate the Tasmania building and construction sector, as well as provide incentives for people to invest in our local economy. The lending and banking sector also assumed that the intent of this grant was to provide assistance to people who could use the grant to form a deposit to build a home.

On 21 June, *The Advocate* reported that 900 Tasmanians reported their interest in applying for the HomeBuilder Grant. We know now, that two months later, there are only 140 grant applications that have been made statewide. Not one applicant has received the grant.

Conditional approval has been provided to 25 applicants; these are not unconditional. It is our understanding that the HomeBuilder Grant is not considered as secure income by lending authorities. The problem is that the HomeBuilder Grant scheme is not set up to assist people wanting to break through to achieve their dream of building home. `The HomeBuilder Grant is designed to help only those who do not need the grant for a deposit. It is for people who already have the money.

When the HomeBuilder Grant bill was debated in the House, I asked the Minister for Finance whether the grants could be used as a deposit for a loan. The minister made no commitment, and referred responsibility to banks and lending authorities.

The Government created the impression of a First Home Owner-style system. The Government created that impression to the general public.

The current HomeBuilder Grant scheme is shutting out first home builders who need that grant to help make up their deposit. I have consulted with major banks, mortgage brokers, My State, the ABA, APRA and ASIC, and the onus of responsibility for the grant to be recognised as a deposit is not their responsibility. It is in the terms of the grant, and the Government knows this. You have been deceitful.

Regulations and requirements stipulate the grant is not secure income. The grant is provided directly to the applicant, not the banking institution. The stimulus grant scheme was never intended to supplement deposits, or form part of a deposit for people wanting to build a home. It has always been about providing a grant to people who have already saved their deposits. It is time that you fixed this up.

If you are really interested in stimulating the Tasmanian economy, and stimulating the Tasmanian building and construction sector, you will make the terms of the grant the same as the First Home Owner Grant. You will provide that certainty and security to people who would like to use this as part of their deposit.

Why is the Liberal Government - the Liberal federal government and the Liberal State Government - providing grant funding to people who already have money?

It is middle class charity of sorts, and it does nothing to stimulate the Tasmanian building and construction sector.

Jefferys Track

[6.47 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, I rise tonight on an issue that is inflaming the hearts of the community in the northern part of the Huon Valley, particularly residents from Crabtree, Mountain River, Lucaston, Grove and Judbury. Really, everyone on the western side of the Huon Valley will be directly affected, and the southern side as well.

It is in relation to a feasibility study to seal Jeffreys Track. Jeffreys Track is an existing road that runs from Crabtree up across the Wellington Range and down into Lachlan in the Derwent Valley.

This upgrade was mooted by an administrator, Adriana Taylor, when she was managing the Huon Valley Council in May 2017 - probably on behalf of local orchardists, to try to find a smoother, sealed route for orchard vehicles and, apparently, for tourists.

What we know is that this has come all of a sudden on the people in the Huon Valley. It was only on 24 July that the Huon Valley Council announced that the state Government was providing $90 000 to Deloitte to undertake a feasibility study.

When Deloitte issued a flyer to locals who had pre-registered for a consultation session, which is required registration online, which is wholly unsatisfactory because so many people in that area are not connected to the internet - it showed another whole road was proposed: an industry road, as it is called, through Judds Creek Road, which would then make a connection via White Timber Road across to the Plenty link.

This was a sudden and unexpected development, and it was shocking to people who live in rural Judds Creek Road, which has small farms. It is a very intact community, which certainly was not prepared for this proposal to come out of nowhere.

They are not impressed, and they are really not impressed with the consultation process being undertaken by Deloittes. It is almost impossible for people to connect with it and have a meaningful engagement. There is certainly no opportunity for a public discussion about it. They say registering has been a farce, emails bouncing back without people understanding whether they have been registered to be part of the community consultation process or not. I visited Jeffreys Track last weekend; I have driven up there a long time ago but I went up in a four-wheel drive and I have to say it is one of the most treacherous and steepest routes I have ever driven in my life. I count myself as somebody who is quite capable of driving up and negotiating steep tracks. It has a cliff on one side and a huge drop off on the other side. The community has undertaken some desktop work and the gradient of Jeffreys Track on the Crabtree end is at its maximum 42 per cent and the average is 15 per cent; staggering figures for any attempt to try to put a sealed road for tourists in two-wheel drives to travel along.

It would require a huge number of switchbacks for anything like caravans or camping trailers or the like to use it. It also goes up to incredible heights and it gets very cold up there. It gets snow and ice in winter. Let us not forget Vinces Saddle which has a height of some 376 metres and that gets snow and ice and is closed regularly in winter. So, we are looking at spending government money sealing a road over Jeffreys Track that goes up to 714 metres with this incredible gradient. Much worse, however, is the road to White Timber Track which would join it and it goes up to 840 metres.

This is a ludicrous proposal. It is out of the ballpark and it is not surprising that the locals have been supported by four-wheel drivers who love this place because it is a great place to spend a Sunday afternoon and have a bit of fun negotiating a really difficult road. Nobody likes this proposal and it is interesting to ask why. Why are we not looking at the Plenty Link Road? For a long time, the Huon Valley and the Derwent Valley have wanted to have a road connection and, guess what? The federal government handed money to Forestry Tasmania in the 1990s and that money was put into funding the carving of the Plenty Link Road for forestry

vehicles. It is a very satisfactory gradient of only 6.3 per cent on average, and the maximum slope is 22.5 per cent. That is a road which is far more suitable to be upgraded and sealed. It is a road which makes a connection in the Derwent Valley end, and it connects close to tourism opportunities in the Styx. It comes out near New Norfolk, and is a much more suitable road.

The whole area that this road sealing of the Jeffreys Track would go through is replete with endangered species with a whole range of native animals. It goes through the top of Wellington Park. Down in Crabtree the residents have footage, they have cameras, they are recording and they have done this for a long time. One incredible clip of video footage is of one den that has Tasmanian devils, quolls and wombats coming out of the same den. It is quite exciting to see.

The community will be speaking loudly against this and asking why isn't the $100 million going towards sealing the road to Cockle Creek? Why isn't is going towards sealing all the other roads in the Huon Valley?

Madam Speaker, the community wants some answers why this proposal is even being considered.

Time expired.

The House adjourned at 6.55 p.m.