



PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Tuesday 18 October 2022

REVISED EDITION

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The President, **Mr Farrell**, took the Chair at 11 a.m., acknowledged the Traditional People and read Prayers.

QUESTIONS UPON NOTICE

3. Queensland Land Tax Changes

Mr GAFFNEY asked the Leader of the Government in the Legislative Council, Mrs Hiscutt:

With reference to the Queensland Revenue Legislation Amendment Act 2022, and the resulting changes to the Queensland Land Tax Act 2010, where from 1 July 2023 for an individual or company, the total taxable valuation of their Australian owned land will be included in calculating their Queensland land tax liability - be they a Queensland resident, or that of another state or territory:

- (1) What is the Government's policy in responding to the impact of these and similar legislative changes that arise from other states and territories that have a direct bearing on Tasmanian individuals, business and companies;
- (2) is the Government in a position to advocate for an equitable national policy on land tax before other states and territory governments act in a similarly unilateral way;
- (3) what response has the Government received from Tasmanian and interstate businesses, companies and their representative bodies in response to this legislation in terms of:
 - (a) how this will affect future holdings and investment plans in Tasmania;
and
 - (b) how this will affect the operation of Tasmanian businesses in Queensland;
- (4) Australia has over 50 bilateral double taxation treaties with overseas nations and jurisdictions, what treaties and legislation does Tasmania currently have in place with the mainland states and territories to maintain fair and reasonable tariffs, trade, taxation and property ownership between them; and
- (5)
 - (a) whilst this legislation is not a direct tax on the value of Tasmanian property, does the Government agree that it acts as a direct variable in calculating an enhanced tax liability to another jurisdiction; and
 - (i) if so, why; and
 - (ii) if not, why not; and
 - (b) does the 2021 Intergovernmental Agreement on Data Sharing compel the Government to collaborate by sharing and corroborating Tasmanian

land valuations with the Queensland Revenue Office, and if not legally required will it willingly do so; and

- (5) (c) using the basis of most double taxation treaties and as a result of this legislation, will the Government factor in and forgo the additional land tax paid to the Queensland Revenue Office against an owner's Tasmanian land tax liability; and
- (5) (d) does the Government have any plans to introduce similar legislation in Tasmania?

[11.05 a.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - The Queensland Government has announced that it will not proceed with the previously proposed changes to the Queensland Land Tax Act 2010 and that should dispose of the matter.

SPECIAL INTEREST MATTERS

Northern Hospice

[11.07 a.m.]

Ms. ARMITAGE (Launceston) - Mr President, today I am speaking about the important strides being made towards the construction of a northern hospice and the incredible work being done by the Friends of Northern Hospice group. The Friends of Northern Hospice have been advocating for a hospice for northern Tasmania for over 15 years, supported by vast swathes of northern Tasmanians who see the value and the need for a safe place in the north of the state to see out one's last days and weeks with dignity, comfort, respect and in proximity to loved ones.

That both the federal Liberal and Labor Party pledged \$20 million in the lead-up to the election earlier this year says that the community takes the need for a hospice extremely seriously. Unfortunately, this is where it seems to have stopped. It is time for their dreams to become a reality. I am writing to our northern federal members to encourage them to pursue this hospice but I also ask our Premier and Minister for Health, the Honourable Jeremy Rockcliff, to lobby the federal government to act.

The hospice would also assist with bed block, by allowing those terminally ill to move to a more suitable facility.

For the past 15 years, the Friends of Northern Hospice have contemplated and constructed an idea of what the facility should look like, where it should be and what amenities it should contain. This comes from lengthy consultations with interested members of the community and medical professionals. Essentially, the facility should be located and configured around the needs of its clients and the community it serves. It should be easily accessible to the community, close to public transport, with dedicated public car parking for visitors and accessible car parking for visiting medical professionals, specialist nursing and other staff. Important to the Friends of Northern Hospice is the setting: safe, comfortable and with natural surroundings; a place for respite and for friends and loved ones to meet; with

handicapped accessibility; and a place for overnight stays. The hospice should also have a capacity for a minimum of one bed per 10 000 people within the northern catchment area.

The site previously selected and preferred by the Friends of Northern Hospice is the Allambi Building on the corner of Howick and Mulgrave streets in Launceston. This property was originally the infectious diseases hospital set in the heritage listed garden that remains intact. The proximity of this property to the LGH, and the heritage listed grounds with onsite car parking, makes it ideal for the hospice.

The Friends of Northern Hospice also have a number of design principles which should inform the construction and operation of the facility. These include: a natural setting overlooking gardens; ready access to the garden with graded paths; good solar access; access to shade; possible water feature; close to nature, birds et cetera; the elements, including natural heat, cooling and fresh air; bedrooms with direct access to outside to a verandah and, in turn, to the gardens; as well as wheelchair access to the gardens. Also, easy access to dedicated car park and public transport; secure perimeter fence providing protection to residents and the public; communal space shared by visitors and clients, both internal and external. In addition, a building style that is non-institutional, supports visitation, encourages respectfulness, while supporting informal interaction, supports whole family visitation, spending time together - including pets - with play spaces for children, accommodation that supports overnight stays in a dignified setting. Comfort, dignity, robustness and economy, and beauty.

Few people like to contemplate it, but none of us will be in this world forever. For those of us who are afforded the time to get affairs together and to say our goodbyes, a hospice makes that transition much easier. It gives people access to support, respite and care. We are long past due for a northern hospice and I acknowledge the tenacity, the thoughtfulness and the hard work of the Friends of Northern Hospice over these last 15 years. We now have the opportunity to construct this important facility and we need to make sure that we do it with the needs and the desires of the community in mind. I look forward to seeing this vital project progress.

Men's Health

[11.12 a.m.]

Mr GAFFNEY (Mersey) - Mr President, this morning I inform members about some Tasmanian grassroots community organisations that are working to address the growing rates of male suicide in Tasmania. As many will know, men account for three out of four suicides in Australia. In Tasmania, men now account for four out of five suicides. These organisations are unfunded, volunteer, grassroots organisations run by men, for men and have been established in response to the lack of services that support men in the way men want and need to be supported.

Man Up Tasmania works to create mental health awareness and support among men in the north-west of Tasmania. Greg Smith, a full-time carer for his mother and convenor of Men Care Too, volunteers a lot of his own time to create spaces for men to meet in his local community around Ulverstone, hosting Man Walks and Mr Perfect barbecues. North-west dads and TasDads create online connections between new fathers in Tasmania, and also facilitate face-to-face activities such as Dadventures.

The Men's Table is the latest initiative to find its way into Tasmania. This organisation coordinates regular opportunities in Hobart, Burnie and Launceston for men to meet, have a meal, and support each other through intentional conversations. TasMen has been running annual men's gatherings on the March long weekends for 25 years, and also supports the development of community groups across the state. Men's Sheds are a well-known institution supported in small part through minor grants and government funding for their association. Men's Resources Tasmania is a volunteer-led organisation that has been in operation since 2015. They create support and resources for men, such as Blokes' Book, and more recently the Dads' Book. They also coordinate and host various events, most notably the 24/7 male suicide vigil which took place on Parliament House lawns in July 2021, where more than 60 people gathered to acknowledge that seven men suicide in Australia every 24 hours.

Members will recently have received a copy of a report on male suicide in Tasmania, *Time to Act on Male Suicide in Tasmania*. This report has been co-produced by Men's Resources Tasmania and the Australian Men's Health Forum, the nationally funded peak body in Australia for men's health. This report outlines some alarming facts, including an increase in male suicide in Tasmania over the last decade and highlights the urgent need for us to do things differently.

I am pleased to inform members that many of these community groups are meeting tomorrow to discuss how they can work more effectively to address male suicide in Tasmania and to respond to the issues raised in the report. Of particular concern in my reading of the report is that up to four out of five recipients of many mainstream suicide prevention services in Tasmania are for women.

It is wonderful that our services do such a great job supporting women who find themselves contemplating or attempting suicide. Clearly though, with four out five suicides in our state being men, more needs to be done to address the specific issue of male suicide. A funding partnership announced in May between the Australian federal government and the Tasmanian Government will see \$55 million go to services that are more than likely to reach the women. National advice from Suicide Prevention Australia in the form of a government suicide prevention adviser has called on all governments to target policy and funding to address male suicide.

As we speak, the Tasmanian Government is finalising the next Tasmanian Suicide Prevention Strategy. The draft strategy released recently acknowledges the overwhelming burden experienced by men but fails to compel services to take more serious action to address male suicide. I congratulate those who have contributed to the draft strategy that includes the actions to develop a community action plan to better reach and support men; and to create and deliver training on working with and engaging men.

However, I am concerned that the draft strategy fails to provide direction to the sector to address male suicide more specifically. Strategies such as those being developed to address suicide in Tasmania are about identifying a clear direction so that taxpayer-funded suicide prevention services clearly understand where their priorities and attention need to be placed.

This parliament should recommend that the new Tasmanian Suicide Prevention Strategy must make a clear call for a focus on male suicide and that the strategy should be supported by funding the currently unfunded men's sector. These actions will ensure that the goodwill clearly presented in the grassroots community organisations I have mentioned today can lead

to more positive outcomes for our brothers, fathers, husbands, sons and mates, as well as the women in our lives.

National Carers Week - Recognising Family and Friends

[11.17 a.m.]

Ms WEBB (Nelson) - Mr President, today I rise to speak about an important cohort of our Tasmanian community which includes many but is often overlooked. This week is National Carers Week, a chance to recognise and celebrate the 2.65 million carers right across Australia. Closer to home, more than 80 000 Tasmanians - or one in six of us - are carers. This is the highest ratio of carers in the country and many of us here would have friends and family members who are counted among them.

The Carer Recognition Bill, which is being tabled in the other place, defines a carer as a person who provides unpaid care and support to a family member or friend who has a disability, mental illness, a chronic or life limiting condition, is frail or aged or has alcohol or other drug dependence.

As is clear from this definition, carers are distinct from paid support workers who we value quite separately. Carers are acting in an unpaid capacity to support a loved one, usually a family member. In fact, many who fit the definition may not even see themselves as a carer and anyone can become a carer at any time across our life journey. While every carer has a unique journey, the common thread is that they are providing care as an extension of their relationship from the good of their heart and at times from a sense of responsibility. While carers often report that they find fulfilment in their role, there can be significant personal costs incurred while undertaking the caring role.

Results from the recent National Carer Survey highlights that carers experience high rates of psychological distress and isolation, with carers spending on average 108 hours per week providing care to their loved ones. More than 40 per cent of Tasmanian carers report that they never get time out from their caring responsibilities. This is a significant burden that is being borne with love.

While the impacts of COVID-19 were far reaching, there likely is not a cohort that was more impacted than carers and their care recipients. Carers themselves were, and are, more likely to find themselves in a high-risk situation regarding the virus. ABS data tells us that 28 per cent of carers are over the age of 65 with 43 per cent of carers reporting disabilities of their own, more than double that of the non-carer population. Given this vulnerability, as our focus as a state and a nation moves towards a post-COVID-19 world the continued risk faced by carers and their loved ones must not be forgotten.

In an opinion piece published in the *Mercury on Saturday*, Carers Tasmania CEO, David Brennan, detailed some of the issues faced by carers with regards to employment and economic opportunity, noting that many carers still leave the workforce entirely or with significantly reduced hours to enable them to care. It is common for them to exist on payments for more than a decade. These payments are equal to only 28 per cent of an average Australian weekly earning for a single or 21 per cent for a couple. Mr Brennan also rightfully points out that this is indeed a gender issue, with nearly 75 per cent of all carers being women.

We owe it to the carers in our community to not only recognise the incredible work that they do, but to ensure we take steps to protect carers from retiring into poverty and to minimise the negative impacts that come alongside their role. State and federal budgets with well-embedded gender responsive budgeting techniques must recognise the immense contribution that informal care makes to our economy and take steps to ensure that carers are not left stranded with regard to their employment and economic futures.

I also acknowledge the important work of Carers Tasmania, as the peak body to support and advocate for carers, as well as the support it provides through their Care2Serve program, as part of the national Carer Gateway. The Carer Gateway provides access to carer-related supports, including counselling; peer support groups; workshops and retreats, as well as much-needed respite and in-home supports. In fact, in my electorate of Nelson, the Care2Serve has partnered with the Kingston Neighbourhood House to deliver a number of support groups and workshops, including Care2Cook, and Care2Grow, innovative sessions focussed on health, cooking and nutrition.

I mentioned the Carer Recognition Bill that is being tabled in the other place. I note we do lag behind as the last state to formally recognise carers through dedicated legislation. The Government has indicated that it expects to debate the bill in November and I very much look forward to a debate in this Chamber on that bill. I thank Carers Tasmania and other stakeholders for their persistent advocacy for this formal recognition mechanism.

Mr President, I wish to thank each and every carer across Tasmania for their vital and valued contribution to our state. This National Carers Week we truly do have a million reasons to care.

National Carers Week and the Work of Carers Tasmania

[11.23 a.m.]

Ms LOVELL (Rumney) - Mr President, I, too, rise to speak in recognition of National Carers Week. I start by acknowledging the contribution made by the member for Nelson and apologise for any repetition - that goes to highlight how important carers are to the Tasmanian community and they are very deserving of this recognition.

National Carers Week takes place this week from Sunday 16 October to Saturday 22 October and is an opportunity to recognise, celebrate and raise awareness of the diversity of Australia's carers and their caring roles. The theme of National Carers Week this year is 'Millions of Reasons to Care,' and there are millions of reasons for us all to care, as there are 2.65 million carers across Australia. One in six Tasmanians care for someone with disability; mental ill health; a chronic or life-limiting illness; someone who is frail or aged, or has alcohol or other drug dependence. These more than 85 000 carers are key contributors to the Tasmanian community, with an estimated economic value to Tasmania of over \$2.2 billion per year. However, while carers contribute to the economy in such an enormous way they do so without financial benefit themselves. They are not paid for the work they do and caring for someone can come at great emotional and financial cost.

Anyone can need to become a carer and this can happen gradually, as you find yourself helping with more and more tasks over time, or suddenly after an accident, or illness. Carers

can be any age, including children and indeed the Australian Bureau of Statistics reported in 2018 that 6200 carers in Tasmania were under the age of 25.

Carers come from all walks of life and caring can include physical and personal care such as dressing, lifting, showering, feeding, providing transport, attending appointments, management of medications, or providing assistance in an emergency. Carers Tasmania is the peak representative and advocacy body for carers in Tasmania. Their vision is for an Australia that values and supports carers and families. They provide a voice for carers in Tasmania who would otherwise go unnoticed and unheard; a voice to enable carers and their contribution to the community and the economy to be recognised; a voice in the development of policy to support carers and those they care for.

I often say during weeks of recognition - like National Carers week - while recognition is an important start, we must do more than just notice carers during this one week of recognition. Carers Tasmania has developed a Tasmanian Carer Action Plan. Its objectives are:

- to increase the level of recognition of carers;
- to improve the level of support and services to carers;
- to involve carers in the development and evaluation of policies, programs and services that affect them in their caring role.

The action plan makes a number of recommendations, including: funding of Carers Tasmania as the peak body; carer recognition through legislation; cross-agency partnership agreements to provide services and support for carers across all government departments; the introduction of a carer recognition card to provide access to information, advice, support and services to maintain their own health and wellbeing, and to enable carers to easily verify their valuable role as a carer, without having to explain themselves over and over again; recognition of carers in the health system, with many carers having to navigate the health system with the person they care for; and support for carers to overcome barriers to education, training and employment.

Carers experience a range of barriers to education, training and employment. Research tells us that by Year 9, boys who spend two or more hours per day caring were the equivalent of 1.9 years behind their peers in NAPLAN reading results. Girls caring for 2 hours or more per day were 1.6 years behind in NAPLAN reading results. Both boys and girls in Year 9, caring for two or more hours per days, were approximately 15 months behind their peers in NAPLAN numeracy results. These are deeply concerning statistics that will no doubt have a significant and long-term impact on the lives of young carers. There are further recommendations around services and support for carers, including, importantly, support after their caring role ends.

It is tangible actions like these that will make a real difference in the lives of carers and those they care for. I am pleased that we will be debating carer recognition legislation in this place, finally, as the last state or territory to do so. I look forward to this parliament being able to support carers in that way.

During this week of recognition, National Carers Week, let us be reminded of the work that is still to be done. Let us recognise the value of carers to our economy and, importantly,

to our communities. Let us recognise the challenges faced by carers each and every day, and let us all be reminded that there is still much to be done.

The Unconformity Festival - UNTV

[11.28 a.m.]

Ms. FORREST (Murchison) - Mr President, I expect you are of an age where you can remember the attraction of going to the drive-in to watch movies in the car. I am sure you were not one of those who sought to reduce your costs of getting into the drive-in by putting people in the boot of your car, as you had to pay per person in the vehicle. I am sure that was not you. This was not so easily detected, back in the day after you got into the drive-in, as you could get people out of the boot, with the dim lighting and no security cameras. Quite an easy task. This practice, sadly, did come to an end when those manning the ticket office started checking boots of the cars on entry.

I am sure you and other members will recall the need to also turn off your headlights because there were no automatic headlights in those days. You also, very importantly, needed to remember to hang up the speaker on the pole before you drove away to avoid damaging your car, mostly the window or the speaker or the cord itself. Many a speaker travelled with the cord trailing as it left the drive-in. This was well before the digital age. It is, in many ways, a real loss that these no longer exist in Tasmania - that is, until the weekend after next, you will be pleased to hear. The weekend of the 28-30 October, you can go back and enjoy the wonders of the drive-in and see some great and unique movies in a special drive-in theatre. I know you are asking, where is this exciting event?

Mr Valentine - Where is this exciting event?

Ms FORREST - What movies can you see? It all takes place on the runway of the Queenstown Aerodrome a few kilometres out of town from Queenstown.

Mr Valentine - Hopefully when there are not any planes landing.

Ms FORREST - No, there will be no planes landing. It is booked for the event and not for planes. Surrounded by the beautiful mountainous landscape, you can drive to this alcohol-free event and take as many people in the boot of your car as you like - because the price is a mere \$50 per vehicle to watch two movies on one night. If you want to just watch one movie the price is \$35, regardless of how many people you manage to pile into your car.

There is also a shuttle ticket for \$20 which includes bus transport to and from Queenstown, with outdoor seating available for anyone who wishes to brave the elements. The movies will be shown on large screens placed alongside the runway. There are no door sales so you will need to book online to secure your spot. It is most important that you do not forget to book accommodation to avoid missing out. You can book right across the west coast for this because you will be driving to the drive-in.

The movies you can see on Friday night are *Close Encounters of the Third Kind*, rated PG, and *The Nightingale*, which is much later in the evening, rated MA15+. On Saturday night you can see *Explorers* which is rated PG, and *Mad Max Fury Road*, rated MA15+, also at the later time slot. On Sunday you can see *The Tale of Ruby Rose* rated PG, by Roger Scholes,

which is set in the wild isolated wilderness of the highlands of lutruwita/Tasmania. A diverse range of short films and curated content by independent artists will also be presented alongside the feature films.

What I have described is The Unconformity's 2022 UNTV. For full disclosure, I note I am a proud member of The Unconformity Board and, along with my other fellow board members, I will be attending this exciting event. The brochure I have provided to all members describes this as an experiment by The Unconformity and this experiment presents iconic movies and creative content on the big screen. There will be food available on site, as well as bathroom facilities, like in the good old days of the drive-in.

I thank the Government for their ongoing support of the arts and culture, especially for The Unconformity, a renowned organisation, in producing a biennial iconic festival with UNTV presented between major festivals. Members may recall that the 2021 festival had to be cancelled at short notice on the day we started the festival, due to the snap three-day lockdown for COVID-19 in southern Tasmania, which meant that a lot of our volunteers and crew and artists were stuck in Hobart and could not get out.

I know the whole team and the board sincerely appreciated the support from the Government and Events Tasmania at the time and in supporting The Unconformity to continue to deliver iconic and unique arts events in some of the wildest places. I hope to see many of you there. Bring warm clothes and rugs to keep you warm as you go back to the drive-in, which will truly be an event not to be missed.

MOTION

Consideration and Noting - Report of the Auditor-General No. 7 of 2021-22, COVID-19 - Response to Social Impacts: Mental Health and Digital Inclusion

[11.34 a.m.]

Ms ARMITAGE (Launceston) - Mr President, I move -

That the Report of the Auditor-General No. 7 of 2021-22,
COVID-19 - Response to social impacts: mental health and digital inclusion,
be considered and noted.

To some, the pandemic may feel like it was some time ago but in reality, the past three years completely changed the way we worked, went to school and interacted with one another. We were forced to rely more heavily on technology than ever before to stay connected. For many, however, this quick pivot to technology use meant that people who could not afford newer computers, tablets or phones or lacked the digital literacy needed to meaningfully participate were largely excluded, despite their greater need to have better access to these services.

In a place like Tasmania, where communities are more regional, phone and internet connections are poor and people are simply less inclined to use technology quite as much, this digital divide is far deeper and wider than it is in other places. The Tasmanian Audit Office, in analysing the social impacts of the pandemic, assesses the Tasmanian government's response to the social impacts of COVID-19 in 2020, and focuses on how effectively resources were

allocated in 2020 to address digital inclusion. The aims of this report are to bring some assurance to the parliament and community about the effectiveness of the recovery effort and provide some pragmatic recommendations to help improve our state-led emergency recovery processes in the event we may have to face a similar challenge in the future.

The report notes that prior to the pandemic, Tasmanian's mental health system suffered from significant deficiencies, including siloed and fragmented services, lack of a centralised point of access and the shortage of specialist staff. During the pandemic, these issues were exacerbated across an array of ages, social status and life circumstances.

People do not thrive in uncertain conditions and, in addition to the health concerns, the pandemic brought with it anxiety about people's future plans regarding work, education, social interaction and mobility, which reached very high levels. Other groups of people traditionally defined as vulnerable, including young people, elderly people, families with children, temporary visa holders, migrants and people with disabilities, were identified as possibly experiencing greater levels of distress during this time.

I will take a moment to talk about our young people and their experiences throughout the pandemic. The Mental Health Council of Tasmania identified that younger Tasmanians were disproportionately affected by it. Young people were found to be generally less resilient than older people, possibly because the pandemic hit at a crucial stage of their development. Disruption to learning, studying for university entry and loss of casual weekend and after-school jobs, all culminated in a novel situation that caused an understandably adverse reaction. Without having the benefit of life experience up until this point in their lives, many young people were faced with an onslaught of setbacks that they were simply not prepared for.

As a corollary, an already high demand for mental health services spiked, and access became further restricted. Adapting to remotely delivering mental health services required a greater allocation of resources between providers and clients, requiring training to adequately make use of them and time to adapt to these changes. The report found that community support from local councils and non-government organisations was also used very effectively to provide the first line of support for people with situational distress, but this level of community support was not available across all of Tasmania.

A number of pre-existing programs aimed at ameliorating digital literacy issues in Tasmania offered face-to-face assistance for people to navigate things like social media, phone and internet banking, making online applications and setting up email accounts. I am aware, as one example, of various programs being run by Libraries Tasmania to help people understand the basics of the internet, how to use their phones, and the dos and don'ts of cyber safety and security. Various initiatives during the pandemic were introduced to improve digital access for people with lower digital literacy, but some of these existing programs had to be withdrawn.

It is notoriously difficult to shift from delivering programs of this nature from in person to online. Getting people to a point where they feel comfortable and safe enough to ask for help and to engage with learning of this nature, especially for older people, is a feat in and of itself. Getting the same levels of engagement in other ways therefore reduces the likelihood that people will continue on with learning of this nature. In other words, the social distancing element of the pandemic raised barriers to people accessing help with digital literacy when it was most needed.

In response to these issues, the Government announced a number of measures to address the digital literacy and access divide. In 2020, the Australian Government introduced initiatives to help people to continue to access health support, such as telehealth services, which are particularly targeted at vulnerable people where face-to-face services were not practical. These included \$875 000 for A Tasmanian Lifeline; \$240 000 for Lifeline Tasmania to deliver mental health training and support small business operators and their employees; \$826 000 for mental health and other wraparound support for homeless clients of Housing Connect and shelters; \$120 000 for the Migrant Resource Centre and \$65 000 each for the Council on the Ageing Tasmania and the Youth Network of Tasmania, amongst a number of other measures.

The Tasmanian Audit Office report indicates that by using existing relationships and funding agreements with NGOs and other community providers, this funding was able to be distributed quickly and efficiently. This clearly shows the importance of building and maintaining good relationships across government, the community and the NGOs.

Being able to leverage these existing relationships meant that the people who relied on services like these were able to access help more quickly. While this was the case, providers of mental health support experienced increased demand, with clients presenting with greater complexity. To this end, the Tasmanian Audit Office report states that although the Government was aware of the capacity issues experienced by community mental health providers, they could not find any evidence that attempted to address them. However, they acknowledged that these issues resulted from prior systemic failings, which meant it was probably too late for the Government to take effective action.

The identification of these issues by reports, like this one from the Tasmanian Audit Office, and through implementing the recommendations of the Premier's Economic and Social Recovery Advisory Council, will put us in a better position to monitor and respond to similar issues in the future. Ensuring that people have access to adequate technologies, to connect, learn, conduct business and have leisure time is extremely important in this technological age. It is incumbent upon us to ensure that no-one is left behind in this regard. People deserve the opportunity to have access to the skills they need to use technology and the means to have access to good phone and internet services.

The pandemic was a time that was fraught with uncertainty. We have now moved into a period where we are still grappling with the longer term effects of COVID-19 and looking to a future where we can implement the things we learned during that time. Where more vulnerable people are concerned, efforts need to be to ensure equity of access to services for their emotional, physical and mental wellbeing. I know that is something we all seek to address.

I commend the organisations which have existing programs aimed at helping people develop their digital literacy skills and access and the workers and volunteers who carry out these programs. I also commend the people who take the step of seeking help and engaging with learning programs like these. The fewer barriers we have to people accessing support services and each other, the better.

I thank the Tasmanian Audit Office for producing this important report. It will help us better determine social inclusion policies in the future.

[11.43 a.m.]

Ms FORREST (Murchison) - Mr President, I thank the member for Launceston for bringing forward this report of the Auditor-General for the debate. It is important that we note these reports and follow them up. As members would be aware, the Public Accounts Committee often follows up the Auditor-General's reports after discussion with the Auditor-General about which ones, particularly those with significant recommendations, should be followed up to determine the adoption of the recommendations by government. This one may not quite fit into that category because the recommendations are more of a pragmatic nature and almost rely on another pandemic to test them. We know that will happen at some stage, it is inevitable, but hopefully some of the learnings from this can be taken forward.

Some of the matters that are raised in this report could be easily adopted to other emergency situations, like severe flooding, bushfires, other significant and life-threatening events that people face. The pandemic was all-consuming, whereas most of those other events are more localised in their effect. There was no-one who was not impacted by the COVID-19 pandemic. I note the Auditor-General was cautious not to trespass - we had discussions as a Public Accounts Committee with the Auditor-General about what areas we would inquire into and what areas that his office would so we were not doubling up. That was a helpful approach.

In my contribution, I will repeat a little about what the member for Launceston said but I will try to add other comments, particularly from the perspective of a member from the north-west, where we were the first area in the country to have a major outbreak. I say major, it was not large in number, but it was in terms of our population and in terms of it was early on and we knew very little about the virus. We knew very little about how it would play out and we certainly had no access to vaccinations, antivirals or any other treatment, that are now available, thankfully.

As the Auditor-General notes in the foreword of his report as referred to by the member for Launceston, the Australian and Tasmanian governments recognised early on that a response was required to address the most severe and many impacts of the pandemic. Actions were taken quickly and rightly, without a lot of attention being paid to the longer term impacts of those decisions. It will take time and will continue to evolve some of the longer lasting impacts on people's mental health and wellbeing as a result of some of the actions that needed to be taken to keep people physically safe and actually alive. At times, people were vulnerable to the virus and also from dying if they got it, particularly the older members of our community and those who were immunocompromised.

The actions taken were appropriate, as found by both the Public Accounts Committee and our report. The other reports by the Auditor-General and this one found the Government's response was essentially effective and I believe the Government acknowledges there is going to be a long tail to this. We are not yet out of it and the legacy will continue.

I will come to the body of the report, because there are some voices of people in there we should reflect on because they are speaking on behalf of members of our community who are still and will continue to be impacted. As the Auditor-General said, he received a consistent message throughout the audit fieldwork that the social impact of the pandemic is still continuing. He says, for example, businesses are still struggling. In some respect that is not across the board now. Some of the businesses have picked up. It is patchy and variable, but should they be hit with another crisis of whatever form, that could be enough to see them sink. The ongoing attention of the Government to these businesses, keeping an eye on them and

having an open line of communication which happens through Business Tasmania, including with the current floods at the moment, is an important part of any government's response.

Many young people face an uncertain future and I will come more to that in a moment. The mental health impact on some people may last for years in addition. There were underlying systemic issues relating to both mental health support provided by the state and the extent of digital exclusion across the Tasmanian population. These problems already existed. The lack of access to mental health services - particularly for a lot of young people - and digital exclusion are a significant issue, particularly in our rural areas of Tasmania. The pandemic shone a massive spotlight on that.

The government did respond in trying to support a better rollout of digital inclusion and helping people to get up to speed, but I know a lot of the time we were working from home. The times I was in the office on my own, the majority of requests - particularly once things like the COVID-19 Check in TAS app came out and things like that occurred, so many older people were coming to the office for assistance just to download the app. If they did not have an appropriate phone they could not. It is amazing how much you can teach a person if you do it gently, carefully and not make them feel foolish. Some of the older people became adept at using their smart phones to check in and to engage with information through that forum when you showed them how. They would often come a little bit sheepishly saying, I should know how to do this. Why would you know how to do this? Let us help you.

Going to the scope of the audit which examined the mental health and the focus on situational distress and digital inclusion. The Auditor-General identified that there were many overlaps in that because a lot of them went together under the impacts. The audit evaluated the following criteria: how effectively were resources allocated to the high-priority needs the Government identified, and there were some sub-criteria around that, such as looking at how far the existing organisations and mechanisms were used to provide support to the people with high-priority needs, the capacity of the organisations and the speed at which enhanced or new support mechanisms could be introduced and particularly, when you could not travel around the state. This made it more difficult in terms of actually physically helping someone.

I have assisted my mum to set up a Zoom app on her iPad and then use it by talking to her over the phone to do it. We got there, but then we could have a beautiful chat with all her great-grandchildren on one call and she was blown away by the capacity to do that. That is one of the positives - we might never have done that with my mum to set up an opportunity to talk to all her children, grandchildren and great-grandchildren in one space, in that way. To see her face on the screen was priceless.

I am sure there are many people who actually experienced that positive aspect of it. It forces us to think differently. It forces us to do things differently. In my case, it forced me to recognise you actually need to make the most of every opportunity you have to travel to see family when the chances are there, because you never know when it could be snatched away again. Easy when you can do that, I guess.

There was also the subcategory or criteria of, was there effective coordination of resources, involving government agencies and community organisation? Was there effective targeted communication about the support available? The second audit approach was, how well was the use of resources monitored to ensure the high-priority needs were addressed efficiently and effectively? Under that, the sub-criteria was, did the government undertake

ongoing, effective monitoring at a whole-of-government statewide and regional and agency level of the effective and efficient use of the resources? Was timely action taken to address areas where monitoring identified the desired impact was not being achieved?

I encourage members, if they have not read the full report, to read it. There is some interesting information in this report and it paints a very important picture for us all to be aware of. The overall conclusion of the Auditor-General was that the Government's allocation and monitoring of resources to address the high priority of social impacts of mental health and digital inclusion, as measured against the audit criteria set, was in all material respects effective. That is a big tick for the Government and we should not overlook that.

In terms of when he summarised the findings in the executive summary he talks about the way things did work well as well as perhaps some of the gaps. He said:

By using existing relationships and funding agreements with non-government organisations and other community providers the Government was able to distribute COVID-19 funding quickly and efficiently.

That is about having relationships with these organisations to start with. Again, it was important the communication piece around that, and that the NGOs knew they could reach out and were being responded to was important as well. It goes on to say that:

There were other ways organisations adjusted their existing capacity to provide important support for people experiencing situational distress. For example, many local councils and NGOs diverted staff from duties they were unable to perform because of COVID-19 restrictions to carry out multiple phone check-ins and provide other outreach support to vulnerable people.

That makes eminent sense and that way also those people in local government were not put off work. They were redeployed in a way that was actually helping their community in a different way. I saw that happen in my local community with people employed by local government being redeployed for some of these purposes. Even to the point of being available to deliver food to people who were isolating and that sort of thing.

Prior to the pandemic -

as the Auditor-General notes:

... Tasmania's mental health system suffered from significant deficiencies, including siloed and fragmented services, lack of a centralised point of access and a shortage of specialist staff.

None of this is more evident than in our rural communities.

Some of these issues were exacerbated during 2020 [during the pandemic]. Community-based mental health providers experienced increased demand, with clients presenting with greater complexity.

It is important to note that it is not only that we already had a deficiency in this area. We saw an increase in demand, which is difficult enough to manage when you have a shortage of

health professionals to meet that demand. The other problem was, the people who presented had more complex mental health needs. Prior to the complexity that perhaps occurred as a result of some of impacts of the COVID-19 pandemic, these problems may have been able to be sorted out with the support of a psychologist, but they may have then needed a psychiatrist to help them. Access to the specialist psychiatrist is much more difficult.

It is important that we remember these things, if we do not intervene early and provide the support for people early on. It is difficult when you have a pandemic happening; I am not suggesting it is easy, by any stretch. We have to intervene early and accessibly and easily provide those services. The youth mental health system was particularly impacted. We know that the access to mental health services for young people is a real challenge in our regions.

Providers also need time to adapt to delivering services remotely, including training staff. They expected delays from technology suppliers because of increased demand. That was a very real experience. Suddenly, everyone needed a home office. Then the supply chains were disrupted and even factories in China, where some of this comes from, were closed down. It makes it harder to quickly adapt and quickly set up a home office or other technology access that you might need. Some of these older people who did have the old flip phones and things like that, if there was a shortage of smart phones, then what did they do? They felt very vulnerable, that is what happened to them.

Many service users benefitted from being able to access services digitally. That is fine and it was good, but it was a real struggle at the beginning because a lot of people did not feel comfortable accessing mental health services digitally, or even trying to do other transactional meetings digitally, because of a lack of confidence in the technology - not knowing how to adjust the volume, or how to turn their camera on and off if they were looking a bit shabby that day. Those sorts of things matter to people. I do not know if anyone has read any research on this that has been done about the amount of time people spent on Zoom meetings and other similar platforms. You do not normally, thankfully, look at yourself all the time when you are speaking. You normally look at the person you are speaking to. You cannot see yourself. You only really see yourself when you look in the mirror. We suddenly went from hardly ever looking at ourselves and not worrying about if your hair was right or if your make-up was right or your tie was straight, to suddenly seeing yourself on the screen all the time and worrying about how you look. That has had a significant impact on the self-esteem and mental health and wellbeing of a lot of people. We spent so much time doing that.

I bet all of you do look at yourself when you are on a Zoom call. It is a bit hard not to - you try to minimise it, but you do. It is unusual. In our normal social interplays, we do not usually look at ourselves. Unless you have a habit of talking to yourself in the mirror, which some people may do.

Mrs Hiscutt - We know someone who used to do that -

Ms FORREST - That is true, they are no longer here. It is not something I have been used to. It was a bit of a weird thing. I found it quite distracting to start with, seeing yourself there all the time. It is not something that you normally do.

Ms Rattray - I had my lipstick handy.

Ms FORREST - Did you? It is much better to have your video on because otherwise people cannot see you. It means you see yourself, absolutely; but when you are having a normal conversation you do not put your screen up like this and talk to people with a blank screen with perhaps your name on it or some picture of some dog or something - you speak to the person face-to-face. A respectful thing to do is to have your camera on; but when you have your camera on, you see yourself.

It was an interesting period of time that has made us much more aware of our own appearance, which is not necessarily a good thing. It has been a bit of a negative for a lot of people. Even when you FaceTime the grandkids you still see yourself, on that screen, but you can put that really small at the bottom.

It has been a big issue for a lot of people, particularly a lot of younger women. There has been some research done around it and we should not discount that, and think, oh well, you know, it is nothing really. It has been an issue.

As the Auditor-General points out:

Many Tasmanians were digitally excluded prior to the pandemic because they could not afford internet access or technological devices, they lived in areas with poor connectivity, or had low levels of digital literacy.

This has been a significant issue. As the Auditor-General points out, further down in the Executive Summary, this and other matters were also raised by the Public Accounts Committee in our previous report, and also by the Premier's Economic and Social Recovery Advisory Council (PESRAC). It is not something that is news, and he was certainly not suggesting this is a new finding in any way, but I know how challenging the connectivity is. Even in a town like Wynyard, where I live, it is poor internet in a lot of the town. You also cannot get ABC radio in places, and things like that. It has been a problem forever.

It is obviously to do with the landscape, and that sort of thing. You sort of expect, when you go down the west coast you are not going to have service in a lot of places, because of the mountainous terrain there, but you would have thought in Wynyard you could get reliable phone and internet services. Many a time I have been on a Zoom or other call on the Telstra network and I had to turn the camera off simply to get connectivity. Wynyard is not a tiny town, and it is not a remote town. So, there is still work to do, and I hear that from other businesses around the town as well. Those things should not be overlooked either.

The Auditor-General made the comment that he:

Identified some important lessons for the future. In particular, the historic lack of state-wide oversight of the support available to people experiencing situational distress and how they might access this support easily -

This is in the mental health space.

... meant Tasmania was not well prepared for the elevated support required during a pandemic. Also, the barriers faced by many people

who were digitally excluded to accessing services and information remotely, were not addressed well at a strategic level during the pandemic.

I accept that there were a lot of things to do very quickly, and it is easier to fix the problem for big groups of people where you can do that more quickly and easily, but we do need to address this.

This was not helped by the lack of a clear governance framework for improving population digital inclusion prior to the pandemic, and is still an important missing element in implementing the Government's Our Digital Future, produced in 2020.

You would think, in 2020 - we are during the pandemic now - that this would have been picked up. I am asking the Government to make sure that they review Our Digital Future, and really focus on this. Digital exclusion is not okay.

It is more complex than just giving someone a computer or an internet connection. They also have to pay for the connection. They have to be able to pay for the data. They have to be able to understand how to use it effectively, so they do not feel like an incapable person.

I will read some of the comments from the Auditor-General's report in these words, the voices of people who we are hearing from. In the report, on page 14, the Auditor-General points out that:

Data from 2016 shows 17 per cent of Tasmanian households do not have access to the internet.

That is 17 per cent.

In some regions this was as high as 32 per cent.

That is mostly in our rural and regional areas.

In 2020, during the height of the COVID-19 restrictions, older people, those on low incomes or not in paid employment, and people with disabilities, were disproportionately impacted.

Many of those were used to accessing support and services face-to-face, and had to shift to more online service delivery.

Which is fine if you can get it.

This is an important matter, and it needs to be taken seriously by the Government, and I want to see a direct commitment to addressing this through the digital strategy. That is for the whole state, not just the major centres.

The digital strategy needs to address it, though. It needs to be specifically mentioned, the same as our Housing Strategy needs to look at remote areas and their specific needs. That is another matter and I will not get diverted.

The Tasmania Project Wellbeing Survey said that 15 per cent of respondents said they could not download the COVIDSafe app due to their phone being out of date, incompatible, or they had no space for the app. I am not sure how the space for the app works, but that was 15 per cent of people. The COVIDSafe app was a requirement, or you could write it down, but a lot of people were very anxious, particularly older people who may not have access to a smart phone. People also felt concern about writing their name and address down or their contact details where it could be seen publicly. So, we need to address that.

A TasCOSS focus group finding was that a simple appointment with a clinician could consume an entire data budget in one go. These people are often on expensive plans and it sucks up all their data, and that is it. You cannot even email your friends after that, or make a video call to a family member.

From some Mental Health Council of Tasmania consumer research, it said the digital literacy of carers played a strong role in helping navigate websites and accessing online services. Where carers struggled with digital access, their clients might not be able to access essential services, and one quote:

My service stopped. I lost my doctor, psychologist, social worker and home help at a time when you are really isolated.

There is also a heading relating to the low levels of adult literacy being a barrier to digital literacy. We know that our levels of functional literacy are quite low in a lot of our regional areas - disturbingly low. A Department of State Growth interviewee noted that digital literacy is overlaid by other complex issues, including normal literacy, so it cannot be addressed in a box. We have to deal with the underlying, fundamental problems here of literacy generally: lifting people out of poverty; ensuring that they do have access to education; can be literate, but also digitally literate. It is a much broader thing than just giving them a computer and teaching them how to turn it on and do simple functions.

A State Growth interviewee also said:

During the workshop for young unemployed organised by State Growth and Impact Communities to help them improve their social media presence to improve their chances of finding a job, it was found that half the attendees did not know what a messaging app was and many participants used pictures of their contacts in their phones because they could not read their names.

I found it rather odd they did not know how to use the messaging app because a lot of the people in my electorate used Facebook Messenger as their main source of communication with me during that period. It was constant and it was a bit hard to keep up with, but a lot of my constituents got hold of me through Facebook Messenger to get assistance. However, the fact that they have to use people's faces rather than their names because they cannot read their names is a very significant indicator of low levels of literacy.

I wanted to read some of those comments by some of the key stakeholders who were consulted in this who have talked to the people they represent. That is where the real voices are heard and I commend the Auditor-General for getting out amongst the real people and finding out what it really meant for them.

The other thing to touch on is the disproportionate impact on young Tasmanians, and some of this relates to the restrictions that were required to keep particularly older people safe. Younger people probably struggled a bit at the time to understand why they could not get out and about, because the virus seemed pretty mild for most young people. Most of them did recognise that their grandparents, or great-grandparents could be at risk.

On page 9, it states:

The Mental Health Council of Tasmania observed that during the pandemic in 2020, individual experiences of wellbeing varied greatly. 'Some Tasmanians found they coped well. They were able to reflect on their lives and make lifestyle changes, including keeping more regular contact with family and friends -

That is the bit I was referring to earlier.

... having more time and brain space with which to navigate life, and cultivating gratitude for the pleasures of life and relative safety of Tasmania'.

When we pulled up the drawbridge it was relatively safe for a long time, in spite of the restrictions on our movement at various times. We need to remember that there were some real positives with that. I remember the feeling I had when I saw my diary clear out. When everything started and all events and face-to-face stuff were cancelled the diary went from being pretty full to pretty empty and I thought, gosh, that is nice - for about five minutes. Then the requests for help came and it went on and on. It was exhausting but important to be doing.

It goes on to say:

However, other people struggled because of the fear and uncertainty caused by the virus and the impact of the suppression measures introduced to manage its spread. People from across the Tasmanian population were affected, ranging from young people to the elderly, families with children, temporary visa holders, migrants, businesses and people with disabilities. Situational distress was particularly apparent in the North-West during and after the COVID-19 outbreak occurring in April 2020.

I mentioned that earlier. It was a stressful and difficult time for so many people and I remember helping - or not helping, it depends on how he thought about this - a young guy who contacted me. He had just started a relationship with a young woman and he lived in Wynyard and she lived in Devonport. This is when we were shut down and were not allowed to go outside of our area at all, and he rang me to ask if he could visit his girlfriend.

I said, 'No, you cannot. I know it is not what you want to hear but no, according to the rules that are in place, you cannot and I am sorry to tell you that. I understand this is a new relationship and it is important that you want to see her. Can you ring her, can you FaceTime her, can you communicate that way?' He said, 'Yes, I can do that.' I said, 'I know it is not the same as being there. I am sorry, but no. If you do that you are breaching the rules that are in place at the moment.'

That was a young couple who were starting a relationship and wanted to catch up. No. It is worse than your mum saying you cannot go out. He was very good about it and I said, 'Look, if things change,' and it was only for a short period that we were locked down that hard but for him it was a pretty big issue. He has said to me, 'That is what my mum said,' and I said, 'Your mum is actually right, I am sorry to tell you that but it is the situation and hopefully it will not last too long.' I do not know whether he went or not but at least he rang to ask.

I said, 'Tell me a bit about the family. Does she live on her own?' He said, 'No, she lives with her grandmother.' 'How old is her grandmother?' 'She is 80-something.' I said, 'I do not think you should be going there. The answer is still no.'

Going to the disproportionate impact on young Tasmanians. That is a young Tasmanian I was referring to. The Mental Health Council identified many younger Tasmanians were disproportionately affected. For young people the pandemic hit at a crucial stage of their life development. Virus uncertainty, travel restrictions, lack of opportunities, family stress and an inability to make future-oriented plans and the absence of typical rites of passage for school leavers have all been cited as impacting on young people's mental health.

Young people also felt they would be likely to bear the long-term social and economic consequences of the pandemic. The sort of things we are hearing about their feelings about climate change too, I might add. This is the reality. Their lives were completely disrupted. The young people who lived through that period at crucial points in their lives, such as leaving Year 12 or transitioning from high school to college or even just the transition from primary school to high school, you could not have those farewell functions. You did not know when you were going to see your friends again. Most of us cannot contemplate what that would have been like for those attending university who could not attend classes in person, and those sorts of things.

We do need to think about it, that what we took for granted as young people, we could get on the plane and do a gap year, travel the world if you wanted to, all those things we could do. We could make plans for what we thought we would do the next year or the year after. Everything was tossed in the air for young people. Many of them did struggle.

For parents of young children bringing a new baby home, a first baby, particularly if there are any health issues with the baby, is extraordinarily stressful at the best of times. These mums were not able to have family members visit them in hospital, they were discharged very promptly. This is better in many respects because it is safer to be at home than it is in hospital when you have the risk of a virus and a newborn baby. They could not even have their parents visit at times, depending on where their support was.

It was an extraordinarily difficult time for a lot of young families. Yes, you could ring up and talk to your mum, a friend, a neighbour or whatever, but it is not the same as having someone come and actually take your baby from you to give you a break when it has screamed for 10 hours. It is the sort of thing young parents were dealing with. It would have been enormously stressful. Whilst they have got through it, we hope there has been no long-lasting legacy from that either because it is an extraordinarily difficult time for a lot of new parents at the best of times. Not being able to have people physically turn up and take your baby for a cuddle, while you have a shower or a sleep, is extraordinarily challenging. I cannot imagine how some of the young parents did it. How parents of young children did it.

From a student perspective, the Department of Education interviewee that said we normally spend a lot of time talking to students about their future and supporting them to find pathways - those pathways were stopped and in a matter of three weeks, the future became very unclear for a lot of students. When you are 18, if there is no future in what you want to do in the next 5 years, there is no future. That is what was experienced. This is what teachers and others have been told by the students. We must not overlook the legacy this will have on many people. The Government's response, as the Auditor-General said, in terms of the social response in terms of mental health and digital inclusion, was timely and appropriate, but it has absolutely shone a light on some of the gaps and failures in our system at large, particularly that of digital inclusion and access to mental health services, particularly in rural areas, and particularly for young people. Because young people bore the brunt of a lot of this in many respects, in terms of the isolation, exclusion and taking away of what many of us would consider rites of passage and things like that for young people, we need to remember there may be legacy issues with this.

I commend the Government on their responses overall, and as the Auditor-General says, they were effective. However, we cannot tick the box and say we are done. We need to keep that ongoing focus and awareness and ensure that mental health services and other services that support people who are impacted continue well beyond what might appear to be the peak of the pandemic.

I note the report.

[12.18 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I am pleased to have the opportunity to discuss the Auditor General's report COVID-19 - Response to social impacts: mental health and digital inclusion, and I thank the member for Launceston for bringing this on today for discussion.

Regarding the impacts of COVID-19 on mental health and situational distress, the report found the Tasmanian Government was able to distribute COVID-19 funding quickly and effectively by leveraging existing relationships and agreements with non-government organisations and community providers. The Tasmanian Government is pleased to see that the Auditor-General's findings and conclusions reflect the tireless work of the Department of Health and in many cases, our community sector partners in response to COVID-19. The Auditor-General's recommendations in relation to mental health have some alignment with the directions of the Tasmanian Government's significant mental health service reforms. The Department of Health will engage with other agencies to consider the implementation of these recommendations.

In our initial response to COVID-19, the Tasmanian Government provided \$4 million for organisations to support individuals experiencing mental health and alcohol and drug difficulties because of the challenges associated with COVID-19. This investment included funding for A Tasmanian Lifeline; Rural Alive and Well; the Migrant Resource Centre; technology grants via the Mental Health Council of Tasmania; and the Alcohol Tobacco and Other Drugs Council; Safe Spaces and supported accommodation; and the pharmacotherapy program through Alcohol and Drug Services.

Other recovery-focused funding has been allocated to suicide prevention; perinatal mental health; support for consumers, families and friends and sector support, including the monitoring of collection of data on COVID-19-related impacts.

Importantly, we listened to the advice of PESRAC and we are now investing a further \$7.83 million, over three years, to continue and expand innovative new services put in place during the pandemic. This investment includes: \$4.8 million to increase the capacity of Tasmanian Lifeline, the number there is 1800 984 434. This phone line is available from 8 a.m.-7 p.m. seven days a week and there are three types of support which are offered:

- (1) Call In, Tasmanians who receive psychological support from a trained support worker to discuss their concerns and if appropriate be linked to a referral service.
- (2) Call Out, which is contacting socially isolated Tasmanians identified through existing services, family and friends who are concerned, or by other health professionals.
- (3) Reach Out, and that is in partnership with industries significantly impacted by the pandemic. Identify and reach out to individuals who may need support, counselling or linking with employee-assistance programs. Alternatively, through tasmanianlifeline.com.au you can book a suitable time for a Tasmanian Lifeline staff member to contact you.

There is \$250 000 to expand the Mental Health Council of Tasmania's #checkin website to provide one-stop advice, information, education and resources, including on how we can each take some preventative steps in our day-to-day lives to look after our own mental health wellbeing and that of our loved ones. Mr President, there is also \$1.28 million to train and support regional coordinators and community engagers to build the capacity of communities to look after their mental health wellbeing, through targeted initiatives in collaboration with local government and community groups. There is also another \$1.5 million for Rural Alive and Well, to provide more outreach mental health services in rural and remote areas of the state.

These investments are part of our overarching mental health plan, in partnership with Primary Health Tasmania and the Mental Health Council of Tasmania Rethink 2020 and also the Tasmanian Mental Health Reform Program, which together will deliver better mental health services for all Tasmanians. We have recently released a progress report on the first 12 months of Rethink 2020 and an updated implementation for the next 12 months, which includes development and implementation of a central intake and referral system for mental health services across primary care, the public system and the community sector. This is an important part of our work with Primary Health Tasmania to centralise information and access and this new system will support and streamline referrals, reduce gaps and duplication and increase community awareness of mental health services and supports.

Regarding the impacts of COVID-19 on digital inclusion, the Tasmanian Government understands that improving digital inclusion and participation within Tasmania is a cross-sector, multi-discipline and broad geographic issue that affects a great number of Tasmanians. According to the 2021 Australian Digital Inclusion Index, Tasmania's digital inclusion score was 66.0 across all indexes. An ADII score above 60 points is classified as being digitally included. However, it is acknowledged for a range of reasons digital inclusion in Tasmania varies across the various dimensions of digital capability, location, and socio-economic status.

Significantly, Tasmania's ADII scores have increased year on year since 2014, with the largest increase of 6.4 points in 2021.

It is also important to note that some parts of the population are unable to, or prefer not to, engage with digital technology and services, and that government and community still need to support this population which may include vulnerable sections of our community. We are prioritising and progressing digital inclusion initiatives.

Several government agencies, NGOs, and private sector bodies are providing focused services and programs to further digital literacy and inclusion throughout Tasmania such as:

- The Department of Education is investing an additional \$5 million to bolster the pool of devices in our public schools, ensuring families that are unable to provide this technology can continue to support their child's learning at home.
- The Government has also been working with telecommunications partners to provide improved access to digital infrastructure and mobile services in rural and regional Tasmania as part of the Commonwealth Regional Connectivity Program, successfully partnering with Telstra in rounds 1 and 2 to secure funding.
- Initiatives such as the Launceston City Deal are exploring how to engage the community on digital inclusion in alignment with a place-based approach.
- The Department of State Growth Digital Ready for Daily Life program.
- The 26TEN Build Your Business and Build Your Community programs.
- Libraries Tasmania continues to offer access to computers and computing basics courses and tutorials.
- The Government is an active participant in the national cross-jurisdictional Digital Inclusion Working Group (DIWG).

Ms Forrest - You have to be able to get to the library to use it, though. You have to have the money and fuel.

Mrs HISCUTT - As I say, there are many ways and that is just one of them. However, the Auditor-General's report understandably recommends further work is required to address ongoing challenges with digital inclusion including: establishing a clear governance framework for cross-agency oversight and improvements to digital inclusion; developing key performance indicators; engaging with local communities to address digital inclusion at a local level; and expanding access to existing government facilities will provide digital capability.

The Department of Premier and Cabinet is currently progressing options to further target and coordinate efforts to address digital inclusion, to be delivered in consultation with relevant agencies and partners. A review and progress update of Our Digital Future has also commenced and will include a more detailed strategy and road map in relation to digital inclusion.

The Government notes the report and thanks the Auditor-General and the Tasmanian Audit Office for their interest and considerable work in preparing this report. I thank the member for Launceston for the discussion, and we note the report.

Report considered and noted.

**PUBLIC INTEREST DISCLOSURES (MEMBERS OF PARLIAMENT) BILL
2021 (No. 22)**

Second Reading

[12.28 p.m.]

Mr GAFFNEY (Mersey) - Mr President, I move -

That the bill be now read the second time.

The bill was introduced in the House of Assembly by the Greens Justice spokesperson, Dr Rosalie Woodruff MP in June 2021 and brought on for the debate in September this year. The bill was supported in that House by the Government and the Opposition and was passed on the voices. After the passage of this bill, I was approached to take carriage of this bill through the Legislative Council. I congratulate the Greens for bringing this bill forward and I am pleased to submit the bill today to honourable members for your consideration.

The Public Interest Disclosures Act 2002 provides a framework for the disclosure of information relating to: improper conduct by a public officer or public body; to provide a process for the investigation and determination of disclosures; and to ensure that the person making the disclosure is protected from reprisal. Although the act makes no explicit reference to whistleblowing, the commentary at the time this bill was passed made it clear the public interest disclosures legislation was put forward with the purpose of providing a framework for whistleblower protection.

The bill before us today makes straightforward amendments to the Public Interest Disclosures Act 2002, to allow disclosures in relation to a member of the parliament to be made either to the Ombudsman or Integrity Commission rather than the Presiding Officer of the relevant House. The bill also extends the act to allow for disclosure in relation to a staff member of a member of parliament to refer to the Integrity Commission, in addition to the current avenue of referral to the Ombudsman.

The first Public Interest Disclosures bill was introduced to the Tasmanian Parliament in 1995 by Michael Field MP as a Labor private member's bill. This bill lapsed due to prorogation in January 1996. A similar bill was introduced in 1997 by Judy Jackson MP. In April that year the bill was debated and amended, however the debate did not conclude. During the debate attorney-general Ray Groom noted Cabinet support for the whistleblower legislation and advised the government was in the process of drafting a bill.

An amended version of that bill was tabled later that year; lapsed in 1998 due to prorogation; and was subsequently restored and passed the Assembly, although it was not debated in the Legislative Council. Finally, a 2001 bill introduced by the then Labor

attorney-general Peter Patmore, passed both Houses of Parliament establishing the Public Interest Disclosures Act 2002.

The 2002 act only allows disclosures regarding members of parliament to be made to the Speaker, in relation to a member of the Assembly, and the President, in relation to a member of the Legislative Council.

There are two obvious issues with this framework. The first issue is that if a disclosure relates to alleged improper conduct by either the Speaker or the President, the act only allows for the conduct to be disclosed to the same person the disclosure relates to.

The second issue is the party affiliation of the Speaker and the similar possibility of the party affiliation of the President. When the Speaker or the President are members of a political party, it is perhaps unreasonable to require disclosures about a member of the same party to be made to a Speaker or President. Conversely, it is also an issue if a disclosure relates to a member of parliament who is a political opponent of a party of which a Presiding Officer is a member.

Regardless of how impartially or appropriately this disclosure may be dealt with, there is an inherent conflict there. At the very least, there could be a perceived conflict that this could disincentivise a person from making a disclosure. The reason for creating a separate reporting structure for members of parliament was not covered by the attorney-general in his second reading contribution to the Public Interest Disclosures bill in 2001; however, a brief explanation at the time was provided by the then deputy leader of government business in the Legislative Council, who commented:

As foreshadowed earlier, the bill contains special procedures for disclosures about members of parliament which recognise the doctrine of the separation of powers, and the fact that MPs are ultimately accountable to the parliament and the electorate.

It is also noted that a disclosure could be referred to the Ombudsman by either the Speaker or the President, a tacit acknowledgement this doctrine is not supreme.

Whilst it is true MPs are ultimately accountable to the parliament and the electorate, MPs cannot be held to account by the parliament or the electorate if there is not a transparent, arms-length process for handling complaints of this nature. Of note, the 2001 bill and its debate predate the establishment of the Integrity Commission in 2009. The commission has a clear purview over the conduct of MPs. The rationale made to refer disclosure of misconduct to the Speaker or President was arguably tenuous at the time, and manifestly inadequate now.

This amendment bill seeks to amend the Public Interest Disclosures Act of 2002 to allow disclosures in relation to a member of parliament to be made to either the Ombudsman or the Integrity Commission rather than President of the Legislative Council - if the member is a member of the Legislative Council - or the Speaker of the House of Assembly - if the member is a member of the House of Assembly. This is the same arrangement that currently exists for a disclosure in relation to the majority of people to whom this act applies, including a person employed under the privileges of the Parliamentary Privilege Act 1898. In fact, this is the de facto arrangement under the act, with avenues other than the Ombudsman and the Integrity

Commission only existing for the police service, Auditor-General, Ombudsman and of course, as it currently stands, a member of parliament.

The bill also extends the act to allow for a disclosure in relation to an employee of a member of parliament to be referred to either the Ombudsman or to the Integrity Commission. As it currently stands, the only entity a person can refer an employee of a member of parliament is to the Ombudsman. It should be noted that in addition to an employee or a member of parliament, a disclosure that relates to a councillor or the Commissioner of Police, can only be made to the Ombudsman and not the Integrity Commission, as in most other cases.

I am advised that the Greens considered it appropriate for the Integrity Commission to be included for a few reasons. This is the prevailing arrangement under the act as it currently stands. An integrity commission has a clear purview over members of parliament.

It is also worth noting that under the act, the Ombudsman and the Integrity Commission can refer public interest disclosures to each other. Allowing for the initial point of contact to be either of these bodies therefore makes sense, and allows for a referral to go to the most appropriate body in the first instance.

As previously, indicated, the bill passed the Assembly last month on the voices, with the Government and the Opposition indicating support for the bill. As a private member's bill, it is important to note that the Attorney-General, Ms Elise Archer, indicated during the debate that she has:

Received a level of comfort there are no identified legal issues with the drafting of this bill.

This was cited as one of the reasons the Government would provide the support for the bill.

Another matter which was cited by all three parties in the House as a relevant consideration for their support was the Motion for Respect report. Dr Woodruff indicated during her second reading contribution that:

The report was not the impetus for us to put this bill forward in the first instance.

As I previously indicated, the bill was tabled in June 2021, prior to that report being commissioned. However, Dr Woodruff stated:

This bill has now become very relevant to this report.

She submitted that a repeated theme, noted in the Motion for Respect report, was that a fear of repercussions or reprisal as well as expectations of party loyalty could prevent people from speaking up about discrimination, bullying or harassment.

In this context, the notion a staff member would be required to whistle-blow against a person, to that person's party colleague, is untenable.

Dr Woodruff further observed that:

Should an employee of either a Speaker or a President choose to make a public interest disclosure in relation to their employer, they would currently be required to make the disclosure to their very employer.

Their employer would then have ultimate say over what happened to the complaint.

In relation to the Motion for Respect report, the Attorney-General noted that:

... we are, as a government, absolutely committed to working with all political parties and independents to address issues within the MPS [Ministerial and Parliamentary Services] and the entire parliament, which would include a reporting mechanisms ...

It went on to say:

It is in this spirit that we also can agree to this bill.

Labor's shadow attorney-general, Ms Haddad, also indicated the Opposition's support for the bill. In relation to the Motion for Respect report she observed:

In some ways it is a coincidence that there was legislation ready to go from Dr Woodruff. It is definitely the case that it is relevant to that work and very much picks up on some of the recommendations that were made by Commissioner Ms Bolt in her review, particularly the comments that she made around the expectations that she has of the parliament, and the expectations that we all share as members of parliament around wanting to ensure that our workplace is a safe workplace for everybody who works here ...

The Attorney-General, Ms Elise Archer, also made the point that:

There could have been a school of thought that we refer this to that committee. I do not hold that view.

The Attorney-General went on to say:

It is important that that committee specifically does its work and that it is not distracted by other matters. It is just too important.

That committee will have a key role to play in working through the recommendations to establish a framework for implementation in relation to the parliamentary workplace.

Dr Woodruff also stated:

It needs to be noted that while the roles of presiding officers are nominally impartial in the Westminster system, Australian speakership traditions are not comparable to those in the United Kingdom House of Commons.

When a Speaker is elected to the House of Commons, they resign from their political party, as well as any clubs with political affiliation, and refrain from making any comment on political issues.

So serious is this in the United Kingdom, that these traditions persist even after a Speaker retires.

Dr Woodruff elaborated:

In the House of Commons, it is held the Speaker should use their casting vote to support continued discussion and should avoid making a majority where there was none before on final decisions.

Dr Woodruff contrasted this with the Australian Parliament, arguing that if the deciding vote was exercised impartially under this tradition, then the Speaker would not vote in support of any third reading, would vote in favour of every second reading and would not support any cloture or urgency motion. Instead, in all but exceptional cases, Australian Speakers vote in favour of whichever political party they retain membership to. In short, in Australia, however much a Speaker may attempt to remain impartial in their ruling while in the Chair, Speakers retain partisan ties as well as partisan motivations separate to this function. The Attorney-General responded to these comments that:

I do not accept that presiding officers cannot be impartial. What I can accept is there may be some circumstances where it is not appropriate to report something to the Speaker or the President in the other place.

Ms Haddad also discussed issues with the current framework noting:

At the moment, how the current act works is not logical. With respect to both yourself and the President, I have immense respect for the work you do as presiding officers of the parliament. I know that you would both be capable of acting in an impartial way. However, it does not make a lot of sense, considering that we are all MPs. The Speaker is invariably a member of a political party and at the moment, the President is a member of a political party. It does not make sense for complaints to only be able to go to those two particular individuals when it comes to staff or MPs making disclosures under the Public Interest Disclosures Act.

Putting the issue of impartially aside, I think we can all agree that the current arrangements need to be improved. There is no carve-out for Presiding Officers, so they would be accepting a disclosure about themselves. Regardless of how a Presiding Officer would deal with a disclosure, this is clearly not an appropriate arrangement. We can also accept that there are foreseeable circumstances where the current reporting structures would pose a disincentive for an employee to make a public interest disclosure about a member of parliament.

Mr President, I thank you and the members for your time and consideration. I commend the bill to the Council.

[12.42 p.m.]

Mr VALENTINE (Hobart) - Mr President, thank you to the member for Mersey for his work in shepherding this bill through the processes of this House. It is appreciated. The Motion for Respect: Report into Workplace Culture which we have all received from our Anti-Discrimination Commissioner, Ms Sarah Bolt, who is the independent reviewer, is a very sobering read.

Thank you to those who have had the strength and fortitude to tell of their experiences of inappropriate workplace behaviour. We now have evidence in our possession that has given every reason for an in-depth review. We understand now that it is in process, a joint select committee will be formed to undertake it. 'Unchecked behaviours and archaic traditions' is how the Commissioner describes those behaviours. They point out the system that needs review to make sure we have a safe and respectful workplace. It starts with us all as individuals. I am sure we all understand that.

One thing is certain and that is that there is no reason, as I see it, to wait for the completion of that joint select committee's work in order to address what, to me, is a fundamental flaw in the reporting process for public interest disclosures - or whistleblowing as some might refer to it - by staff, or members of parliament about what those who are seeking to make the complaint or disclosure see as inappropriate behaviour.

The second reading speech of the member for Mersey clearly spells out the inappropriateness of the reporting process to the President or the Speaker in the other place. Such obvious processes need immediate change to remove barriers to the reporting of such behaviours. It is quite clear when you read the second reading speech why it is inappropriate. The member for Mersey went through all of those situations.

In that particular speech that he just provided, if the disclosure relates to alleged improper conduct by either the Speaker or the President, the act only allows for the conduct to be disclosed to the same person the disclosure relates to, quite clearly. It is untenable for that circumstance to exist. That is no reflection on those occupying those positions at this time. It has to be fixed and this bill seeks to do that. It is plain and simple. 'There could be a perceived conflict that this could disincentivise a person from making a disclosure', says the second reading speech there.

We do not want that to be the case. We want people to feel free to be able to report something they see as an inappropriate behaviour or action someone has taken and not to be fettered in doing that. Clearly, we do need to make sure those processes and procedures are amended and this bill before us today does that and does that well. I simply rise to support the bill and to support the member in his seeking to have this bill passed by this House.

[12.46 p.m.]

Ms WEBB (Nelson) - Mr President, I rise to speak briefly on this bill and thank the Greens in the other place for bringing this bill and initiating it. Also, to the member for Mersey for bringing it on here after it passed the other place. It will be no surprise I have a keen interest in matters of integrity in relation to our governance and in strengthening the architecture of our democracy in as many ways as we can. I see this bill as an opportunity to make a further small but significant improvement in those areas and it has my support.

As has been stated, the Public Interest Disclosures Act 2002 provides a framework for disclosure of information related to improper conduct by a public officer or public body and it provides a process for the investigation and determination of disclosures and then protections from reprisal for the person making the disclosure. Essentially, what that is in effect is a legislative framework for whistleblower protection without using that word as such. This legislation we have responds to the inappropriate situation in that primary legislation whereby complaints about a member of parliament must be made to the Presiding Officers in the relevant House. As identified quite clearly in the second reading speech to the bill, there are a range of problems associated with that current arrangement which function to constrain the intent of the legislation to facilitate that public interest disclosure and to provide an appropriate protection for the person who is making the disclosure or complaint.

We also have a contemporary context, as has been noted by the member for Mersey in the second reading speech, and mentioned by the member for Hobart in his contribution. A contemporary context in which we have the Motion for Respect report released this year which prompts us to consider how we can ensure the parliamentary workplace is safe and that complaints and reporting mechanisms provide adequate protections, particularly from reprisals or repercussions directed at any complainants. We know fear of such reprisals or repercussions is a real barrier to people seeking to report unfortunate or damaging behaviour.

Given that, I acknowledge the timeliness of this bill and I am happy to express my support for it. I agree with the assessment that the Integrity Commission has the appropriate purview over members of parliament to be included as the entity to which complaints regarding members of parliament or employees can be made. I also note the intent of this bill appears to be fairly consistent with similar provisions in other states, which have ICAC-style entities that includes MPs under the definition of public authority or public officer and about whom public interest disclosures can be submitted to those defined integrity agencies such as an ICAC, an IBAC et cetera.

As a final comment, I suggest that there is likely to be scope for a broader overall review of the Public Interest Disclosures Act as it is likely there are other gaps that warrant addressing or updating. We know our Integrity Commission Act is currently under review. Submissions for that closed last month and we are potentially likely to see some improvements result from that. It may also be sensible to plan a more comprehensive review of the Public Interest Disclosures Act 2002 to complement that work, to go alongside the efforts we are making in those other areas around integrity and strengthening our democracy. On that, I will conclude my contribution and I thank the member again and look forward to the time at which we will debate the bill.

[12.50 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I rise to provide a brief contribution to this private member's bill and thank the member for Mersey for taking carriage of it. As it states in the fact sheet, it is two significant issues with the framework and the first issue is that of the disclosure relating to alleged improper conduct by either the Speaker or the President. In saying that, I absolutely agree with the comments that were made in the other place, and quoted in the second reading speech, where Ms Haddad, in responding to the bill, put on the record in relation to the Speaker and the President that she has the immense respect for the work that is done by Presiding Officers in the parliament.

I share that respect, Mr President, so my support for this bill is absolutely no reflection on the current President or Speaker, or previous presidents or speakers of this parliament. It is a matter of making it very clear that there is another option for people to use if they want to provide a complaint, or put in some sort of process around the issues that they might have. We know that there have been some issues with the Integrity Commission, so I presume that in the review that the member for Nelson touched on, we will look at any challenges that the Integrity Commission might have in their work and their functions. We hear from time to time that it has not always appeared to be fit for purpose, so I look forward to that opportunity to understand whether there are any challenges by having this approach and the Integrity Commission having a role through this process, should it receive the support of this House. Having heard what has already been said, I expect that that will be the case.

As I said, Mr President, I support what has been put forward. It does provide a sensible and non-controversial amendment to the Public Interest Disclosures Act 2002. It was interesting in itself, reading and hearing the second reading speech about the history of that act. It started in 1996, but did not become legislation until 2002. It had a few stops and starts, but it is in place now. At this point in time I have nothing else to add. I congratulate the member for Mersey, who is pretty good at putting bills through this place, and I support the bill into the Committee stage.

[12.54 p.m.]

Ms LOVELL (Rumney) - Mr President, I will also make a few brief comments in support of this bill and first of all thank the member for Mersey for bringing the bill to our Chamber, so that we can participate in this debate as well. My colleague in the other place, the shadow attorney-general, Ms Haddad, and the member for Mersey, referred to the former attorney-general, Dr Peter Patmore. Dr Patmore said, back in 2001, that:

People who make public interest disclosures are officers or employees who work in the public sector who make an allegation or divulge information about wrongdoing on the part of another person or organisation. They generally come forward out of a highly developed sense of public duty and personal ethical standards. They can play an important role in protecting the public interest by exposing serious public sector wrongdoing. Ensuring the accountability of public sector agencies and officers for their actions leads to higher standards and performance, and increases public confidence in the public sector.

Those comments ring true today perhaps more so than ever. Confidence in politics and in politicians and parliaments around the country seems to be at an all-time low and while this is a great shame, it is also understandable when you look at some of the issues that parliaments around the country have been dealing with over the last few years. People are cynical about politics. It is incumbent upon all of us to do everything we can to restore that confidence in the parliament, to demonstrate each and every one of us is committed to upholding the integrity of the institution we have been elected to. To demonstrate where we can have some control over our own processes here in the Tasmanian Parliament, we ensure those processes are robust and transparent and supportive of upholding integrity.

The member for Mersey and other members have also spoken about the Motion for a Respect report. While I understand this bill was tabled prior to that report, it is a timely discussion to be having in light of the report and its findings. That report highlighted that not

only should members of parliament be held to the same, if not a higher, standard of behaviour and consequence as anyone else, but that those who might need to report unacceptable behaviours or incidents must have processes and an environment in place that supports them to do so and to feel safe while doing so. That is what this bill intends to do as a first step of many yet to come, but I support that intent and I support the bill.

[12.57 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I rise to speak on this private member's bill on behalf of the Government and thank the member for Mersey for taking carriage of this bill.

The bill seeks to amend the Public Interest Disclosures Act 2002 primarily in two ways: by allowing disclosures in relation to a member of parliament to be made to either the Ombudsman or the Integrity Commission; and by allowing a disclosure in relation to a staff member of a member of parliament to be referred to either the Ombudsman or the Integrity Commission. This will mean the changes will apply to all members of parliament and this means everyone will have a collective accountability to ensure we show leadership in this place as we all have the ability to refer matters and with this comes great responsibility to not abuse this either.

As we have seen, complaints can have distressing and unintended impacts on reputation and mental health and wellbeing, so it is important we use these mechanisms in the most appropriate way.

As foreshadowed by the Attorney-General when this bill was debated in the other place, no initial issues were identified with the bill at that time. However, given the technical nature of the bill and the complexity of the legislation it amends, further advice has been sought, as the Attorney-General flagged during debate, to ensure that there are no unintended legal issues. Since that time, the Government has received further advice that requires consideration, particularly in relation to the operation of parliamentary privilege in certain circumstances that could arise.

As the Government has stated, we support the intent of this bill and its timeliness in light of the independent report from Anti-Discrimination Commissioner, Sarah Bolt - the Bolt Report - however, we want to ensure there are no unintended legal consequences or outcomes as a government always should. I expect that further advice for consideration can be sought and addressed if need be through amendments in Committee and we will work with the Greens and the member for Mersey on any changes required. I understand that has been confirmed by the Attorney-General in writing. That is to let members know that.

I take the opportunity to highlight some of the issues raised by the Attorney-General when she sought initial advice on this bill. During debate the Attorney-General said it is important to note the amendments sought incorrectly assume that disclosures in relation -

Sitting suspended from 1.00 p.m. until 2.30 p.m.

ANSWERS TO QUESTIONS

King Island - Shipping Services

King Island - Freight Services

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Before we begin, in the last couple of weeks I have had the opportunity to deliver two answers to the member for Murchison regarding shipment services for King Island and freight services to King Island. As they are very lengthy in nature and recall parts of the member for Murchison's *Hansard*, I seek leave to have these answers tabled and incorporated into *Hansard*.

Leave granted.

See Appendix 1 for incorporated document (page 84).

See Appendix 2 for incorporated document (page 87).

QUESTIONS

King Island - Biosecurity and Truck Wash Down Facility

**Ms FORREST question to MINISTER for PRIMARY INDUSTRIES and WATER,
Ms PALMER**

[2.31 p.m.]

Regarding biosecurity on King Island and the lack of a truck wash down facility:

- (1) How is biosecurity being managed to protect King Island?
- (2) Where does the minister believe the most effective location for a truck wash down facility should be located to protect biosecurity on King Island?
- (3) If this is best located in Victoria, will the Government consider working with the Victorian Government to establish a washdown facility at the Victorian port to reduce the risks associated with cattle trailers returning to the island without being washed down?

ANSWER

I thank the member for the question.

- (1) King Island is currently staffed with two full-time biosecurity officers. These officers have wide-ranging responsibilities that help to protect the island and manage biosecurity concerns. That includes managing weeds and other invasive pests, checking fruit fly traps, investigating animal welfare matters, working with the community to deliver sound biosecurity outcomes and inspecting arriving passengers and freight to prevent any biosecurity risk material. The officers also implement local measures for Biosecurity Tasmania's Foot and Mouth Disease

Pilot Program including engaging with travellers who have recently visited Indonesia and deploying a sanitisation foot mat at the King Island Airport.

- (2) In the case of potential livestock transport and truck wash down facilities, the location of such infrastructure on King Island or elsewhere is determined on a case by case basis, taking into account factors such as the need to integrate the facility into the normal operations of the livestock transport sector, the availability of supporting utilities and the identification of a proponent to own, operate and maintain the facility. The Cradle Coast Authority engaged the consultants pitt&sherry to provide advice on the demand, nature and location of the facilities on King Island, at the port of Stanley, and at Burnie and Devonport. These sites are being investigated under a Commonwealth-funded project led by the Cradle Coast Authority.

In the case of wash down facilities for containerised freight or equipment or machinery transported to King Island, Biosecurity Tasmania continues to engage with TasPorts and transport companies to ensure that hygiene requirements are being met.

- (3) Biosecurity activity currently occurs across the biosecurity spectrum. This includes: pre-border activities such as Victorian clearance of TT-Line vehicles heading to Tasmania, through to border and post-border biosecurity activities that help protect Tasmania.

The Tasmanian Government will continue to work with, and cooperate with other jurisdictions, other levels of government, industry and the community across this biosecurity spectrum. Our consideration of biosecurity matters on King Island is consistent with this approach.

Ashley Youth Detention Centre - Workers Compensation Claim

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

[2.35 p.m.]

On 28 September 2022, the *Mercury*, *The Examiner*, and *The Advocate* published an opinion piece written by Alysha, a whistleblower from Ashley Youth Detention Centre (AYDC).

The opinion piece raised serious questions about the conduct of the Office of the Solicitor-General (OSG) in relation to Alysha's workers compensation case, on instructions from the Department of Communities, and its impact on Alysha's testimony before the Commission of Inquiry (COI) into the Tasmanian Government's Responses to Child Sexual abuse in Institutional Settings.

The opinion piece extracted correspondence between Alysha and the Attorney-General which suggested the Attorney-General was aware of the issues of the OSG conduct, the potential conflict of interest held by the OSG instructors, and the potential impact on a commission of inquiry duly constituted according to law.

Can the Government advise:

- (1) the identity of the persons who have provided instructions and background to the Office of the Solicitor-General in relation to the workers compensation matter of the AYDC whistleblower publicly known as Alysha;
- (2) whether the Attorney-General was aware of the potential for conflict of interest arising from Alysha's testimony before the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings, in relation to the conduct of persons within the Department of Communities (implicated persons) and the acceptance of instructions by the OSG from:
 - (a) implicated persons; and
 - (b) persons subordinate in authority to implicated persons; and
- (3) whether the Attorney-General is aware of any concerns raised by the commission of inquiry with the OSG in relation to the potential obstruction of the COI via the OSG arising from its tactics and approach in relation to Alysha's workers compensation matter, and potential reprisal against her?

ANSWER

I thank the member for her question.

It would not be appropriate for the Government to comment on active individual matters.

Generally speaking, the day-to-day management of a workers compensation claim sits with the relevant agency. However, if legal advice or representation is required, the agency refers that claim to the Civil Litigation Branch of the Office of the Solicitor-General, who will then take primary responsibility for the management of the legal matters.

The role of Attorney-General allows for instructions to be issued regarding the management of civil claims at a policy level, but it would not be appropriate for the Attorney-General to interfere in an individual workers compensation claim process.

Workers compensation claims must be treated lawfully and fairly, free from any political interference, and the minister is assured that there are processes in place to avoid potential conflicts of interest.

With this, all civil proceedings involving the State of Tasmania, the Office of the Solicitor-General, or any legal practitioner representing the state, are required to adhere to the model litigant guidelines at all times, to ensure all civil matters are dealt with fairly, efficiently and appropriately.

Further, the Commissions of Inquiry Act 1995 provides protection for those who have given evidence to the commission from disadvantage and from the use of their evidence in other proceedings.

King Island - Forest Practices Officers

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

[2.38 p.m.]

With regard to visits to King Island by Forest Practices Officers undertaking their statutory role:

- (1) Are the costs of visits passed on to the landowner, and if so, if more than one landowner is visited, are the costs apportioned?
- (2) How are decisions made regarding the level of financial penalty for works deemed illegal, and by whom?
- (3) Can payment plans be provided to assist landowners pay fines, when the size of the fine may push them into financial hardship? If so, please provide details for this process.
- (4) What measures are taken to ensure consistent, evidence-based and legally clear advice is provided to landowners seeking to undertake banned clearing, including along fence lines?

ANSWER

I thank the member for her question.

- (1) The answer to question (1) is no; and the second part of the answer is, not applicable.
- (2) If the Forest Practices Authority is satisfied that an offence has been committed under Sections 17(4), 17(5), or 17(5B); 18B; 21(1); 21(3); 41(5); or 42(5) of the Forest Practices Act of 1985, it has the power, under Section 47B of the act, to offer payment of a prescribed fine as an alternative to prosecution. The authority determines the quantum of any fine, in accordance with section 47B(4) of the act. Where offered fines are not accepted matters can be referred to the Director of Public Prosecutions for court action. The initiation of any court action is a matter for the DPP. Once the matter is in the judicial system any penalties imposed are a matter for the courts, noting the maximum penalties, as set out in the act.
- (3) Yes. The party may apply in writing to the authority outlining the proposal and the reasons for such an arrangement. Where a statute of limitations period would not be exceeded by such an arrangement, a complaint may be laid within the Magistrates Court and then adjourned sine die, which allows the matter to proceed to prosecution if the agreed payment plan is not met.
- (4) The authority provides general guidance and information to landowners about the forest practices system, through a variety of mediums. General information on land clearance controls is available on the authority's website. Landowners are also able to contact the authority directly for further information.

Parks Passes - Government Liability

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

[2.41 p.m.]

Mr President, I acknowledge I did receive an answer during the recent break but for the sake of completeness I will put it on the public record. Can the Leader please advise what liability does the state Government have when members of the public purchase a parks pass to enter Tasmanian parks and should an accident or incident occur whilst within the park?

ANSWER

The Crown recognises it owes a duty of care to visitors to national parks and this exists regardless of the process to purchase a pass. However, purchasing passes can be a valuable opportunity to engage with visitors to ensure the information is provided on potential risks and that visitors are aware there can be risks associated with activities in parks and reserves. The scope of the duty is to take reasonable care to avoid foreseeable injury of risks to visitors. In determining what is reasonable, the following considerations are relevant:

- (a) The magnitude of the risk, like the consequences;
- (b) The probability of the risk leading to injury;
- (c) The expenses, difficulty and inconvenience in taking actions to mitigate or eliminate the risk; and
- (d) Any other conflicting responsibilities.

Liabilities for matters on public lands are wholly dependent on the particular circumstances of any incident and that matter being brought forward to the relevant authority to be tested.

State of the Environment Report

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

[2.43 p.m.]

In relation to the public statement by the Minister for Planning, issued on the 29 September 2022, announcing the Government's intention to issue a direction to the Tasmanian Planning Commission to produce a State of the Environment (SoE) Report by June 2024. Can the Government:

- (1) confirm the independent review of the Tasmanian Planning Commission conducted by Professor Roberta Ryan and Alex Lawrie in October 2020, states on page 54, of that report that despite recognising the need for a Tasmanian State of the Environment Report:

However, the TPC is not the appropriate body to prepare it as it does not have adequate resources, skills, capabilities, or expertise to access and analyse relevant data. Determining the appropriate body depends on the purpose of and how the SoE data is intended to be used in decision-making. If the SoE is intended to be used to enhance environmental land management, responsibility would appropriately reside with the Environment Protection Agency; if guiding government decisions around cross-portfolio responsibilities, it would appropriately reside within a central agency such as the Department of Premier and Cabinet; if a narrow land use focus, it would appropriately reside with the Planning Policy Unit.

- (2) confirm correspondence from the TPC, dated 6 May 2021 to the Deputy Secretary of the Department of Justice stated:

The Commission agrees with the review's recommendation that it is not the appropriate body to prepare the State of the Environment Report and that the Commission had previously initiated ministerial consideration of this matter before the 2020 review was conducted.

- (3) detail whether the Government has determined the defined purpose of the SoE data and its intended use in decision-making, as referenced in question (1) above. Specifically, whether the 2024 SoE report is intended to be used to:
 - (a) enhance environmental land management; or
 - (b) guide government decisions around possible cross-portfolio responsibilities; or
 - (c) have a narrow land use focus;
- (4) detail why and upon what basis the Government has adopted a position contrary to the advice received by the independent 2020 review, but also the TPC, by still requiring the TPC to undertake the 2024 SoE;
- (5) confirm the TPC has provided written advice to the Government in 2019 advising it could not finance the SoE report, estimating at the time an additional \$1.25 million would be required, stating the TPC's financial resources were wholly committed to its core functions on assessing, reporting on statutory planning amendments; and
- (6) detail whether any current estimation of costs has been undertaken into producing an independent 2024 SOE report and, if so, what is that estimation and also detail:
 - (a) will the TPC be provided with any additional necessary finance and staffing resourcing required to fulfil any ministerial directions to undertake and deliver an SOE report by June 2024? If so, what is the nature of the additional resources and if not, why not?
 - (b) Whether the minister's direction has been issued and if so on what date?

ANSWER

- (1) The Government can confirm the independent review of the Tasmanian Planning Commission, conducted by Professor Roberta Ryan and Alex Lawrie, October 2020 states on page 54 of the report that despite recognising the need for a Tasmanian State of Environment Report (SOE):

However, the TPC is not the appropriate body to prepare it as it does not have adequate resources, skills, capabilities, or expertise to access and analyse relevant data. Determining the appropriate body depends on the purpose of and how the SoE data is intended to be used in decision-making. If the SoE is intended to be used to enhance environmental land management, responsibility would appropriately reside with the Environment Protection Agency; if guiding government decisions around cross-portfolio responsibilities, it would appropriately reside within a central agency such as the Department of Premier and Cabinet; if a narrow land use focus, it would appropriately reside with the Planning Policy Unit.

- (2) The Government can confirm that the attachment to the correspondence from the TPC dated 6 May 2021, to the Deputy Secretary of the Department of Justice stated:

The Commission agrees with the review's recommendation that it is not the appropriate body to prepare the State of the Environmental Report.

It also stated that -

The Commission had previously initiated ministerial consideration of this matter before the 2020 review was conducted.

- (3) The Government has not as yet made any determination in regard to the defined purpose of the SoE data and its intended use in decision-making as referred to in question (1).
- (4) The Government acknowledges the independent review of the TPC concluded given its other statutory functions and roles and responsibilities, the TPC was not necessarily the appropriate body to prepare updates of the State of the Environment Report. It also acknowledges this was the view of the TPC. The Deputy Secretary's steering committee was tasked with reviewing SoE's reporting requirements and determining the most appropriate body to produce future SoE reports and this work is ongoing. In order to ensure that statutory requirements will be met, the TPC has been formally directed to produce the 2024 SoE report. This does not necessarily mean they will be responsible for producing future SoE reports.
- (5) Written advice was not provided to the then minister for Planning's office and for clarification on that, a draft minute was prepared by the TPC in regard to the SoE's report and this was released amongst the RTI papers. However, this minute was not signed off by the Department of Justice executive and was not formally provided to the then minister for Planning's office.

- (6) No current estimation of costs has been undertaken for the Tasmanian Planning Commission's production of the 2024 State of the Environment Report.
- (6) (a) The Minister for Planning has indicated to the TPC that a budget request should be prepared as soon as possible. It should be noted that the TPC's role in assisting draft local provisions schedules is expected to be completed by June 2023 which will free up existing TPC resources to assist with undertaking preparation of the 2024 State of the Environment Report.
- (6) (b) The Minister for Planning's direction to the TPC under section 7 of the Tasmanian Planning Commission Act 1997 to prepare the 2024 SoE Report was formally gazetted on 12 October 2022.

Rates on Properties Listed on Booking Platforms

Ms FORREST question to LEADER OF THE GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[2.51 p.m.]

With regard to the well known and concerning housing shortage, what is the Office of Local Government's view on:

- (1) the possible introduction of commercial, local government rates on properties listed on booking platforms such as Airbnb and Stayz where the entire property is available for booking; and
- (2) statewide limitations on whole homes being made available for bookings on platforms such as Airbnb and Stayz?

ANSWER

- (1) Councils enjoy substantial autonomy in the setting of rates, including variable rates, under the Local Government Act 1993. The Local Government (General) Regulations 2015 provide for councils to make variable rates with respect to land use codes published by the Valuer-General on the Land Information System Tasmania (LIST). These codes include residential category R7 Short Stay Visitor Accommodation. The effect of this is that councils may, if they elect, impose variable rates on whole-home visitor accommodation activities.
- (2) There are some limited restrictions on whole-home applications for change of use under the Tasmanian Planning Scheme and the remaining Interim Planning Scheme. These include for dwellings on strata titles and dwellings in the Sullivans Cove, Wapping and Battery Point areas where short stay conversions are more prevalent. However, in broad terms, change of use is unconstrained across the state. It is not the role of the Office of Local Government to assess the merit, or otherwise, of additional planning controls for short stay accommodation. The Tasmanian Planning Scheme provides for any planning authority - a council - to make a case to the commission for alternative planning controls in line with the

criteria as set out in section 32(4) of the Land Use Planning and Approvals Act 1993. These refer to unique or significant social, economic or environmental circumstances.

King Island - Shipment of Cattle by JBS

Ms FORREST question to LEADER OF THE GOVERNMENT, Mrs HISCUTT

[2.53 p.m.]

With regard to the decision by JBS Australia Pty Ltd to ship cattle from King Island to Devonport for transport to the Longford Abattoir on the Bass Island Line (BIL):

- (1) what discussions and/or correspondence were held between TasPorts and JBS regarding this service;
- (2) what discussions and/or correspondence were held between BIL and JBS regarding this service;
- (3) what discussions and/or correspondence were held between the Government ministers and JBS regarding this service; and
- (4) regarding the response to questions (1), (2) and (3), did these matters include matters related to freight costs, reliability of the service, biosecurity and/or animal welfare?

ANSWER

In answer to questions (1), (2) and (4), TasPorts advises that it is not at liberty to disclose sensitive commercial information about its customers or potential customers. JBS Australia is a large corporation with many commercial interests and it is inappropriate for TasPorts to provide information relating to the commercial relationship between two corporations.

Ms Forrest - I am not asking for the details, I just asked did it happen.

Mrs HISCUTT - In answer to (3), the Minister for Infrastructure and Transport advises that he has not been involved in discussions with JBS in relation to this service which is a commercial matter for BIL.

Ms Forrest - Convenient obfuscation of the matter.

**PUBLIC INTEREST DISCLOSURES (MEMBERS OF PARLIAMENT) BILL
2021 (No. 22)**

Second Reading

Resumed from page 24.

[2.55 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I will start at the sentence where I finished earlier.

During debate, the Attorney-General said that it was important to note that the amendments sought incorrectly assume that disclosures in relation to a member of parliament cannot be referred to the Integrity Commission. Further, it was noted that the Integrity Commission Act 2009 already allows members of parliament to make a complaint of misconduct to the Integrity Commission for investigation.

At this point, it is relevant to highlight that it is also important to remind members that the Integrity Commission should never be weaponised. The Attorney-General noted that this amendment is technical and intricate, which would have benefitted greatly from further consultation, particularly in relation to the referral bodies directly affected by this bill, namely the Ombudsman and the Integrity Commission. One of the complexities of the complaints referral process lies within the definition of the conduct being referred to. The Public Interest Disclosures Act 2002 refers to 'improper conduct' and 'detrimental action'. The definition of 'improper conduct' also includes the term 'corrupt conduct.'

Conversely, the Integrity Commission Act 2009 refers to 'misconduct'. Furthermore, the Integrity Commission may refer matters to the Ombudsman for investigation of administrative action taken by or on behalf of a public authority or any matter that the Ombudsman has power to deal with under the Ombudsman Act 1978.

Whilst this demonstrates the multiple channels of complaint referrals already in place, it also highlights the intricacies involved.

I take this opportunity to again highlight that our Government has already taken proactive steps to review the ability of the Integrity Commission to review conduct of members of parliament in a considered and thorough manner. We recently released the Integrity Commission Act 2009 - Legislative Reform Discussion Paper in response to the Hon. William Cox's report, *The Independent Review of the Integrity Commission Act of 2009*, which was tabled in parliament in 2016. Importantly, the aforementioned discussion paper considers these complex matters and invited consultation from experts and all interested parties to ensure that any further legislative reform was considered in a measured and responsive manner.

As we have seen recently, we are absolutely committed to working with all political parties and members to address issues within the Ministerial and Parliamentary Services (MPS) and the entire parliament, which will include reporting mechanisms as per the recommendations from the Bolt report. Of course, if any act requires review and options for potential reform through this process, we will undertake the appropriate work, and work to ensure that any proposed options for reform are considered in a measured and balanced way allowing for consultation and opportunity for appropriate scrutiny.

Our Government acknowledges the effort that has gone into the Bolt report and thanks those who participated by giving frank and honest responses about their experiences, both current and historical. The review undertaken highlights opportunities to improve process and policies and our Government is absolutely committed to addressing the recommendations. Everyone deserves a safe and inclusive workplace where they are respected, valued and supported.

It is imperative that we heed the recommendations in the Bolt report and work together to improve processes, structures and support services. It is in this spirit that we will not be opposing the bill before us today with the expectation of constructive discussions in the Committee stage as foreshadowed.

[2.59 p.m.]

Mr GAFFNEY (Mersey) - Mr President, as I have carriage of the bill in this place, Some of the issues that have been raised by the Leader may best be answered over the next few weeks. I move that the debate be adjourned.

Debate adjourned.

VEHICLE AND TRAFFIC AMENDMENT (DRIVER DISTRACTION AND SPEED ENFORCEMENT) BILL 2022 (No. 20)

Second Reading

[3.00 p.m.]

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

That the bill be now read a second time.

The purpose of the Vehicle and Traffic Amendment (Driver Distraction and Speed Enforcement) Bill 2022 is to support the Government's commitment to delivering improved road safety outcomes for all Tasmanians by enabling contemporary technology to be used to enforce existing traffic offences.

This bill is the first in a package of road safety reforms to primary and subordinate legislation required to enable the enforcement offence by photographic detection devices, otherwise known as speed cameras of the following:

- non-permitted mobile phone use;
- seatbelt noncompliance;
- use of an unregistered, suspended, or written-off vehicle; and
- speeding offences by way of a vehicle's average speed.

Tragically, on average, there are 32 fatalities and 270 serious injuries on Tasmanian roads each year. Of these, approximately 29 per cent can be related to speed, 24 per cent are distraction and nine per cent are not wearing a seatbelt correctly, or at all.

With a focus on reducing the level of road trauma in Tasmania the Government will be implementing a new mobile speed camera program this year. This program will primarily focus on detecting existing speeding offences with the use of mobile speed cameras, but will also seek to trial and implement new photographic detection devices to detect mobile phone, seatbelt and speed offences.

This bill brings Tasmania up to date with current technology available on the market. It is also consistent with legislation in other Australian jurisdictions where improved road safety outcomes are being delivered through the implementation and use of new technology.

Jurisdictions that have already implemented mobile phone and seatbelt detection technology are reporting significant reductions in the detection rate of monitored offence types. Regarding the use of average speed detection, these devices have a proven history of reducing fatal and serious crashes on monitored roads by up to 54 per cent. Once implemented, this technology is expected to provide a significant improvement to road safety in Tasmania. In making these legislative amendments the Government can enforce existing offences using photographic detection devices. Without these changes, the Government can only conduct ongoing trials without prosecuting most motorists.

This bill does not introduce any new traffic offences, but allows existing offences to be enforced using photographic detection devices, consistent with that which is already taking place in other states and territories.

Before any new photographic detection devices are implemented in Tasmania an extensive educational program and trial period will be conducted. Amendments to subordinate legislation required to implement any of these new technologies are being progressed and will commence before October this year.

In addition to this bill, it is intended to bring forward additional legislative improvements to automated speed enforcement that will clarify that photographic detection devices will be able to operate while in motion.

This means a speed camera can be driving on the road and detecting offence motorists at the same time. This type of enforcement currently operates only in two other countries in the world. The reason it is not included in this package is to ensure that the Government is ready to establish a program specifically designed for the Tasmanian environment.

The implementation of any photographic detection devices will not replace enforcement efforts by Tasmania Police, but rather complement it and all other initiatives being delivered by the Government to make our roads safer.

This bill will assist the Government in improving safe road use and supports priority initiatives under the Towards Zero - Tasmanian Road Safety Strategy 2017-2026 and Towards Zero Action Plan 2020-2024 including:

- reducing the impacts that the fatal five have on our roads;

- investigating enhancements to automated traffic enforcement;
- implementing technologies to enforce and deter high-risk and illegal driving behaviours; and
- trialling advanced technologies to reduce driver distraction.

The Government is committed to improving road safety and this bill is one initiative the Government is implementing to fulfil this commitment.

Mr President, I commend this bill to the House.

[3.05 p.m.]

Mr WILLIE (Elwick) - Mr President, I rise to indicate our support for this bill. It is not lost on me that at its current point, we have the highest road toll in 10 years and the prevalence of serious crashes still remains far too high. This is a complex area and we are certainly supportive of more enforcement techniques, initiatives and the use of technology because it does complement traffic policing. The key point here is the perception of being caught. We need to make sure that when people are on the roads they are doing the right thing because those fatal five are nearly involved in every serious crash and casualty, including speed, seatbelts, alcohol and drugs, distraction and fatigue.

We know in Tasmania we have an older fleet of vehicles on the road, which does not provide those technological safety features in a lot of vehicles. The mobile speed cameras are welcome in terms of creating that perception of being caught. It is important they are not seen by the public as revenue raising and there is good public messaging and education on why they are on the side of roads. I have already driven past them on the Midland Highway, well under the speed limit.

Ms Forrest - So you say.

Mr WILLIE - I am sure if I was over it would be in the paper pretty quickly.

Mr Valentine - Not on your electric bike?

Mr WILLIE - Not on my bike. I can indicate we are supportive of this because particularly with COVID-19 it has been difficult for police to have a presence on our roads. The Public Order and Traffic Policing Unit has been required to do other duties at times and increasing that presence on our roads so people think they might be caught if they are doing the wrong thing is a good thing. As long as it is not seen as revenue raising and that is why the public messaging is important.

I indicate we will support that. I have only one question and it was in the briefing a couple of weeks ago. I am interested in the average speed technology, whether it is going to be mobile technology, be moved around to particular spots that may be problematic or whether it will be a fixed point to fixed point, a bit similar to our fixed point speed cameras that have been in operation in the state for a long time. Obviously, they are measuring average speed over a spectrum of roads. If the Leader could answer that for me it would be good.

[3.08 p.m.]

Ms ARMITAGE (Launceston) - Mr President, I too will be supporting this bill. Sadly, too many people have been seriously injured or lost on our roads and I support any endeavour to reduce the road toll. It is interesting looking at the camera technology and I have been looking at other states even before Tasmania took it up. If you look at Queensland for example, they were one of the first states to take it up. In Queensland in their first two months, after their trial period, they issued nearly \$18 million in fines.

Ms Forrest - They also have a zero tolerance there.

Ms ARMITAGE - Eighteen million dollars in fines to distracted drivers across the first two months that catch out people using mobile phones and not wearing seatbelts. One of the interesting things about Queensland - and I ask the Leader and she may not be able to answer this question - it was pleasing to see the Minister for Transport and Main Roads, Mark Bailey, said:

All fines collected by the cameras would be invested in road safety initiatives and education.

It was good to hear that is happening in Queensland. They are catching a lot of people, but it is great to see that the money will be going back into road safety and into education.

In New South Wales, as well, there are mobile phone detection cameras, including fixed and transportable cameras. The system operates day and night in all weather conditions, and has been successful in reducing illegal mobile phone use on our roads.

Obviously, during the trial period, no fines would be issued, and I am assuming that would be the same - that during a trial period, people would get a notification. I hope they get a notification letting them know that they had been caught, but that a fine was not going to be issued, rather than just a trial period where no-one received anything. It is always good to know that perhaps you have gone past something, and it might just -

Mrs Hiscutt - Through you, Mr President. You want to know, will fines be issued during the trial period?

Ms ARMITAGE - No, not fines. I am assuming you would not issue fines during the trial, but that people would perhaps be sent a letter telling them that they had been caught, although it is a trial period, and they would not be fined. Sometimes, that reminds people that gosh, they did not have a seatbelt on. Obviously, it would not be the speeding. This would just be the trial period, I am assuming, under this bill, which is for the things that do not come under our current legislation. Not the speeding and the red light; we can already cover that.

However, I was looking at other states, and Western Australia was another one, and I thought the comment they made was very pertinent:

WA road safety commissioner Adrian Warner said the presence of more cameras and the fear of getting caught was 'the most powerful driver of good behaviour.'

'We can't have police everywhere, they have other things to do, and these cameras are a very efficient and effective way of creating a deterrence' he said.

That is one thing we discovered in our Road Safety Committee with the submissions, that the fear of getting caught seems to not be as obvious at the moment. With COVID-19, there were not as many police on the roads, and as the member for Elwick mentioned, police have been caught up with COVID-19. They have been busy with COVID-19, and the traffic response has not been there, as it has in the past. Who knew that they did not have mobile cameras for the last few years? I certainly did not. I assumed they were there. I knew there were eight fixed cameras, but I had not realised that the cameras were not there on the side of the road.

There are a lot of things that we have discovered during our Road Safety Committee and we are hopeful, as a committee, that we will finalise it within the next week or so, barring any more proroguing.

Mr Willie - Or losing any more members. You will not have a quorum.

Ms ARMITAGE - We are down to three members, Mr President, but -

Ms Forrest - What are you doing to them?

Mr Willie - I am not the Chair.

Ms ARMITAGE - I will not make a comment that one of them was a Labor member who left the parliament. I thought the member for Elwick deserved that one back. Of course, another member became a minister. Obviously, I was not responsible for them leaving, but it is difficult to try to get a quorum when you have three members. It is not easy, with two proroguing and one suspension, but we are getting close to the end, which is very pleasing.

Anything we can do, and any recommendations - there are no silver bullets, but we are hoping that anything that we can bring up to the Government to try to help the road toll is certainly worthwhile.

I received an email from a constituent, and I was asked to forward it on to all members. I am not going to go into all the questions here. The Leader would have received this as well. I forwarded it to all members, but a lot of it relates to certain clauses. However, perhaps you could answer some of the general questions, because some of these things have been raised with me as well, with regard to a mobile phone. Now, I know you cannot have a mobile phone on your lap. You cannot be touching it. I have been asked by quite a few people, if the mobile phone is in your shirt pocket, for example - it is on your body, but you are not going to get it out of your pocket, whereas I appreciate if it is on your lap you may be texting or doing something like that.

That is a question that has been raised by several people with me - if the phone is in your shirt pocket, how does that work? From reading the second -

Mrs Hiscutt - Through you, Mr President, I will get the correct answers, but during the Burnie Show, the police were there and I put all these questions to a policeman at the time. The answers were very good, but we will wait for the official answers.

Ms ARMITAGE - Thank you.

Ms Forrest - Were they arresting you?

Mrs Hiscutt - I was in the tent.

Ms ARMITAGE - The police tent?

Ms Forrest - It was a very good display.

Ms ARMITAGE - This gentleman has a few questions about the point-to-point cameras as well. My understanding is that it takes a picture of every vehicle. His concern was if someone was a learner driver and they changed over, that the speed of the point-to-point could vary. I will ask it with a clause, but I am giving you a heads-up that I will be asking it.

Mr Gaffney - Through you, Mr President. I was also interested with what you sent us. During the Committee stage, will you be asking those questions on each of the clauses?

Ms ARMITAGE - Yes, on the clauses; but I thought if I give the Leader a heads-up now she will have a -

Mr Gaffney - It is good it is going to be on the record for the person who sent it in to you, to see that is what he has asked.

Ms ARMITAGE - Some of the questions were with regard to the cameras that detect. This gentleman says, as he understands it, the average speed at the point in time as it triggers the camera, or in the case of new generation video-recorded evidence which pictures may be taken from - his question is that it may not reflect the driver's true nature in regard to speed and responsibility in regard to driving. For example, if an L-plate driver triggered detection point camera 1 and, especially if over a longer distance, a fully licensed driver takes over control of the vehicle for whatever reason and continues part of the journey and then swaps back to the L-plate driver, the second camera is triggered and an automatic fine is sent with regard to point-to-point. Is there a tolerance?

Mrs Hiscutt - Through you, Mr President. So, you are presuming the L-plater is only allowed to do 80 kilometres per hour and that the licensed driver can do 110 kilometres per hour?

Ms ARMITAGE - Yes. If an L-plate driver started, maybe drove from Launceston to Campbell Town; the other driver took over for a period of time; and the L-plate driver took over again; perhaps they drove in areas that were not as busy or different sections. His question is, how does that work?

Mrs Hiscutt - Bearing in mind that they probably stopped for at least 10 minutes to swap over drivers.

Ms ARMITAGE - They may or may not have. They may have just stopped and swapped over.

Mrs Hiscutt - They would have to stop to swap.

Ms ARMITAGE - Yes, I know, but they may not have stopped for 10 minutes, that is all I am saying. His question was with regard to tolerance. I will ask you at the clauses but I am giving you a heads-up with some of the general questions this gentleman has asked. They are the main ones he is concerned about - the point-to-point. As he says, 'the portable device offence - so, the charge does not apply to the defendant due to the kind of licence or class of licence held by the defendant'. The camera takes a picture, but there are certain things the camera cannot identify. It is artificial intelligence. I understand it goes on to a human to look at after that. As I said, I will ask these questions when it comes up to the clauses.

I was interested in recent comments by Inspector Nick Clark in *The Examiner*, that about a third of Tasmanian road fatalities and serious crash injuries are linked to speeding. He was going on about the mobilising of dedicated police resources to address this, undertaking a range of highly visible operations targeting the fatal five dangerous driving behaviours including speeding. He was speaking after police statistics showed that statewide, detected numbers of speeding offenders doing 15 to 29 kilometres over speed limits had fallen in the 2021-22 financial year; but the number caught 30 kilometres or more over speed limits had increased.

Under our new road policing services model, which is based on national research and learnings from other jurisdictions, we now have a dedicated highway patrol - and it is pleasing to see that it is back - and improved ability for districts to undertake intelligence-led, joint road safety operations in rural and regional areas.

Transport minister, Michael Ferguson, said in late August:

The State Government had committed \$75 million to 42 initiatives based on crash data and expert advice under its Towards Zero Action Plan to reduce road fatalities and serious injuries.

The positive thing with this new legislation is that the new enforcement cameras can be anywhere at any time, making people think about speeding before putting their foot down and risking death.

I am pleased to support the legislation we have before us. I will elaborate further when we get to the clauses on some of the questions from our constituent. I am assuming he is in the north of the state. I am not absolutely certain where he is from but he has quite a few questions that he asked me to forward on to other members.

I will let you know that the point-to-points were of concern to him - how that would be - and also if you could advise whether there is some tolerance to do with the point-to-points to see how that will actually work? I support the legislation before us.

[3.20 p.m.]

Ms FORREST (Murchison) - Mr President, like a few others in this place, I spend an awful lot of time on the road. I see some interesting things. When I was driving recently

through the member for Montgomery's electorate, on the Bass Highway, dual carriageway divided -

Mr Willie - Gold plated.

Ms FORREST - Gold plated. Two potholes after the rain, I might say.

Ms Rattray - He has not been there obviously, has he?

Ms FORREST - No, not recently. Not since the rain. There was a 110-kilometre limit. The car was going below 110 kilometres per hour because we actually overtook it. I was in the passenger seat and as we overtook it, I saw a driver with their phone in front of their face in the driver's seat, going a little bit under 110 kilometres per hour but at least 100 kilometres per hour down the road. It blows me away that people are that stupid.

You cannot legislate against stupidity, sadly. It is a fact. I cannot understand why people choose to do these things when they know the very real risk, not just to themselves surely, but to other people who are using the roads as well. Having spent much time on the road and I have talked about it in other debates here, we have been very lucky to be saved by the wire rope barrier when a car came directly head on at us on the 110 kilometres per hour section of the Midland Highway, divided by a wire rope barrier. We would have had nowhere to go; the car would have hit us head on as it came straight across but it was caught by the wire and pushed back.

I had another incident on the Midland Highway south of Campbell Town. It was a dual carriageway, not divided. It was a clear day in the middle of the afternoon. I was driving north and going at 110 kilometres per hour thereabouts, sitting on the speed limit or just below. Around the corner into this section, on the fairly straight open road, came a little red car that was clearly not taking the corner. If I had kept going at the speed I was, I would probably have hit it. I had to slam on the brakes and the car zoomed straight across in front of me into the ditch. I was pleased to see it in the ditch.

It kept going up the ditch, once it corrected - such was their speed, they kept going up the ditch - probably for another 50 metres or so. This is on a ditch. I was on my own on that occasion. Shaken, I pulled over and backed up a little bit. By this time, another vehicle pulled up behind me, a dual-cab ute. They pulled up near where the car had stopped in the ditch and these rather large, burly workmen got out. I will not say exactly what they said but they had seen it from a distance and their comment was along the lines of, 'And you wonder why people get killed on our roads'.

I have had lots of near misses, in many respects, none of them my fault in those cases. I am not saying I do not make mistakes on the road. I am sure we all do. In this job, we get quite tired and we probably drive when we are more tired than we should.

Mr Willie - That is why some of us do not have our names on our cars.

Ms FORREST - That is why I have a magnet.

Mr PRESIDENT - Except for your little red car.

Ms FORREST - Mr President, I continue to be amazed that we seem to - particularly this year - have had an extraordinarily bad year with serious crashes and fatalities and with motorcycles as well. Again, motorcycles were over-represented in these statistics. It is quite frightening.

I have close family members who have died in car crashes. All of us can probably say we know someone who has been seriously injured or killed in a car crash. It has lifelong impacts on the family it leaves behind. We must take it seriously. With the technology in cars now it is much easier to not have to touch your phone. It does not mean that when you are on the call, you necessarily have full attention, particularly if it is a fairly loaded or emotional conversation you are having. There are some workplaces that ban use of phones outright by their drivers, even with a completely hands-free system, because they know that it can be distracting depending on what is going on around you.

There are many mechanisms that are being put in place to try to make the roads safer, and I sat on the previous road safety committee - it might have been 2011 or 2012, whenever it was - and many of the issues that have been raised time and again were raised then. The recommendations made probably remain similar now because in many respects, things have not changed much.

The key fundamental premise of it is that if we have a safe system you can do a lot to make roads safer; divided highways is a classic example of that. You can do all sorts of things in trying to modify people's behaviour, but the upshot of it is that the system we use needs to try allowing people to make errors - because we all make errors - but they should not have to lose their life or be seriously injured as a result of that. We are still a long way from that; too many people are still losing their lives, too many people are being seriously injured. We are a long way from that.

I do not know why people do not put their seatbelts on, it does not make any sense. I would feel like I was naked. It does not make any sense to me that you would get in your car and drive it without your seatbelt on, but this happens. I do not understand why people have a couple of drinks and wonder whether they might be over the limit or not, and drive anyway.

I have said this before, and particularly in relation to the previous road safety committee when we were discussing these matters that, in my mind, until we get to a point where someone is on a night out, they have had two or three glasses of wine or something like that, and they ask themselves, should I drive? Am I right to drive? They say to themselves, it might impede my judgment and impair my driving skill. I will not drive. Until they say that, rather than, will I drive? Hmmm, chances of getting caught around here are pretty low, I think I will. Or, chances are I am going to get caught - someone has already told me the cops are just down the road - no, I will not. Until we get to that point where the person recognises their driving is likely to be impaired, we are still going to have a problem.

So, regardless of what else we do in punitive approaches and detection of offences, we need to do more in the education space. It is behaviour modification, it is working with our young people. There is some great work being done in this space. Sam Cawthorn is a classic example of getting around and talking to schoolkids. He takes off his arm - he does it as a practical joke usually and gets someone to shake his hand and pulls it off as they do so, because it looks pretty real - but if you have listened to his story he was doing all the wrong things. He was fatigued, he was driving at night, he was more or less dozing off and crashed at Parramatta

Creek from memory. It was a very serious crash but he survived it. He was in ICU for a long time and had significant and lifelong impairment as a result. Getting people like that to talk to students can be effective to a point, but a one-point-in-time experience in meeting Sam Cawthorn and hearing his story is not enough. We have to keep doing it.

I commend the Government for continuing to look at ways to try to modify behaviour as well. If people know that they can be clocked at a certain point on a road and then if they speed over that stretch of road they can be photographed again and fined, or penalised for that, it may make them think more. When you drive past a speed camera you are pretty sure there is not going to be another one 200 metres down the road. Sometimes there could be a cop car down there, unmarked, or whatever, maybe, but a lot of people take that calculated risk.

I remember it was one of those comedians - I cannot think of his name, but he used to make up words about different things and he had this word for the speed at which cars travel when there is a police car in the mix. He calls it a 'grimly'. That is the speed which all cars travel when there is a police car in amongst them. They will not speed. They will travel at the same speed as the police car. I do not participate in 'grimlys'. I overtake them if they are under the limit and it is safe to do so. I do not have my name on the car at the time perhaps. Anyway, this is about this whole behaviour piece. The point-to-point cameras and that sort of thing will hopefully make people think more about what their behaviour is likely to see them fall foul of the law and perhaps get a penalty, as opposed to 'well there is one speed camera there, I am right now for a bit.'

It must be very difficult and I feel for the police, ambulance, SES, fire attending these very serious crashes where they pick up these broken bodies, broken families. It has an enormous toll and having talked to some of these people who do that it is awful, particularly when young people are involved and often they are. It is tragic.

I note the member for Elwick's comment about the placement of cameras that appear to be revenue raising. I am not sure, in many respects, about that. I did notice one parked on the side of the road, on the Lillico flats, along -

Mrs Hiscutt - I was doing 108 kilometres per hour through there.

Ms FORREST - Were you coming down the hill, or about to go up?

Mrs Hiscutt - I was doing 108 kilometres per hour whichever way I was going.

Ms FORREST - Anyway, this one was actually located down on the bottom of the flat, at the bottom of the Don Hill, along a bit from there. For cars travelling west, you have just come down the Don Hill, to me that looked like it could have been a very convenient location to catch people a bit over the limit, because you have come down quite a big hill.

Mrs Hiscutt - I had my foot on the brake to keep it at 108 kilometres per hour.

Ms FORREST - Oh sure, right, is she not an angel, the Leader -

Mrs Hiscutt - No, but there is no excuse.

Ms FORREST - However, putting them in those sorts of positions does give that perception of that, whether it is a reality. Have it there but move it along a bit. If someone has adaptive cruise control, some vehicles do not pull you up, others do and when you change from vehicle to vehicle -

Mrs Hiscutt - I am sure my advisers have noted your comments but I personally think if you are in control there is no excuse, put your foot on the brake and you will not go over the limit.

Mr Willie - The point I was trying to make is you want the public to support them and to think they are there for safety.

Ms FORREST - That is what I am saying, do not make it look, even if it might not be, and put it in a place where - that stretch of road is quite long and if you are speeding when you get to the bottom of the hill you are probably still speeding when you get along to the other end of that straight.

Mrs Hiscutt - There is a brake in your car. I am sorry.

Ms FORREST - I know there is a brake in the car. The Leader would be interested in a decision made in New South Wales, but it might have been in another jurisdiction, to remove all the warning signs, you know 'warning, speed camera operating in this area,' and there was a public outcry. 'How dare you remove the warning signs. How will we know where the cameras are?' I thought, really? Surely, should you not think they could be anywhere, as they are now, I am going to drive as if they are everywhere. I agree. There is no excuse. You are in control, but in terms of public perception and also wanting this to be a positive thing, put them in places that do not perhaps look like it might be. If it is on the other side of the road it would have been a completely different situation because you are about to head up the road. They are right at the bottom of that hill.

The member for Launceston asked a couple of questions about the operations of certain aspects of these. I do not think she actually asked this question here so I will as it was raised in the briefing.

In terms of the use of point-to-point, the comment in the briefing was they would not likely be over long periods, because you have too many cars entering and leaving the main carriageway.

What is the likely distance between point-to-point cameras, whether they are in a more urban setting, or whether they are in an open road setting? I agree. You can certainly put them on some stretches of the Bass or Midland Highway where there were roads coming into it, or onto it, or leaving it.

There are usually little side roads into private property, roads off into the neighbouring countryside, that would allow people to leave or to enter at various points. They obviously will not be picked up, because they will not be in the second shot or they will not be in the first shot that is taken. What is the likely distance? These are the sort of things we get asked about. How it is going to apply?

I have seen some footage of the devices used to detect mobile phone use in cars and that sort of thing, the cameras. It is quite astounding, and some of the work that was done around the trials conducted in Australia and other places show some extraordinary things going on in cars while people were driving. Some it is best not to think about.

When you can drive past a car and see someone actually having the phone almost held up in front of their face while they are driving, I assume they are either reading or trying to text something or do something. It blew my mind you would actually do that. I was too shocked to even try to get the licence plate of the car. We were driving in the same direction as the car.

I commend the Government for looking for opportunities to try to modify people's behaviour, but education is really important. Until we get people to think, I know I am in a hurry, I am running late for an appointment, but I am not going to speed because that will make it harder for me to react. A child that might run out on the road, or a vehicle coming around the corner on the wrong side of the road or whatever.

Until we get people thinking, no, I am going to be a few minutes late. I can use the hands-free to call someone.

Mr PRESIDENT - It is better to be late than dead on time.

Ms FORREST - That is right. That is the change we need, as much as these sorts of models, mechanisms and punitive approaches. We need that attitudinal change and that is a much bigger task.

[3.37 p.m.]

Mr VALENTINE (Hobart) - Mr President, I agree with all that has been said. Quite clearly it is very important for us to make sure our roads are safe and doing our best to reduce road trauma.

The statistics this year are very, very significant. I can remember way back when it was 54. I am not sure what it is right at the moment.

Mr Willie - Forty-five.

Mr VALENTINE - It was 54 one year and that was going back many years ago, now it is up to 45 and we are not even at the end of the year.

Mr Willie - Forty-four, sorry. The member for McIntyre is right.

Mr VALENTINE - Clearly, there have to be measures taken to do what we can to reduce that figure and to save the trauma.

I enjoyed reading the email from the member for Launceston which the member for Mersey might have commented on.

It was interesting to weigh those sorts of questions up. Some of them might be matters for defence if they were brought before a magistrate for such misdemeanours.

For me, to make sure the actual measuring gear is calibrated properly and certified that when people are pulled up, you can be confident that yes, this is truly what did happen. That our courts are not clogged up with people protesting or being able to successfully defend cases which would only lead to further angst, in both the courts and for members of the public. If we can do it successfully it is a good idea, especially the averaging speed. I do not think I would see police setting up the dual camera scenario over distances that could be questioned by some of the matters brought up in that email, member for Launceston. The police would be smarter than that. They would be setting themselves up over certain stretches of road, not only without other intersections and things in them or with varying speeds in them that might be more difficult to measure or to prosecute. They would be doing it for a very good reason.

Revenue raiser? Well, I would like to think that the money raised is returned to the task of reducing road trauma in Tasmania. I do not know whether that is something that the Government is intending to do. I would encourage it because it is like parking. In my Hobart City Council days, all the money collected for parking was put into parking infrastructure. It was quarantined. Some would say that if governments did that for absolutely every dollar of revenue they raised that they would not have much for general distribution to the matters that they want to focus on.

This is such a serious issue for the community that we do need to see some good, effective measures taken to reduce the road trauma; there is no question about that.

As for having mobile phones on your lap, or whatever, I have a magnetic system that is on the dashboard of the vehicle and there are things that I question when I read this bill. For instance, if you are following a GPS, your phone is telling you where to go. Is that something that would breach this if you were caught on camera looking at the GPS? A fixed device in a commercial holder - mine happens to be a magnetic one - is that against the law? I am sure that there will be questions asked when we get to the Committee stage.

I do not have the major concerns raised by that person in the email that the member for Launceston received.

Mr Willie - It is a grey line because you can get quite distracted by your hands-free set and have your head down and it is linked to your phone, whether it is your GPS or your phone.

Mr VALENTINE - Well, it depends on whether your hands-free is voice-operated. When travelling in the car a lot of us spend our time taking phone calls and doing work in effect, but it is a distraction. I hear what the member for Murchison says. When spending hours and hours on the road, members would think, 'Can I afford to do that without doing any work whatsoever?'.

Ms Forrest - Listening to podcasts is good.

Mr VALENTINE - Yes, that is one way forward, but most of us are very busy and you would be as busy as any, so spending four hours on the road travelling from point X to point Y -

Ms Forrest - Five.

Mr VALENTINE - Five hours or whatever it is. It is a significant amount of time out of your day. I suppose, it is a good argument for Zoom and all those sorts of things.

Mrs Hiscutt - A driver.

Mr VALENTINE - If you can find one. I think the member for Montgomery has a driver occasionally in her husband. I am sure she is able to do some sort of work sometimes when he is behind the wheel.

Mrs Hiscutt - I take my magnets off when he is driving.

Mr VALENTINE - Nevertheless, enough said. I support the principles of this. I look forward to the Committee discussion and I support the bill.

[3.45 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I honestly was not going to speak. I thought this is so straightforward but I thought I should get up and say something. As one of probably the most travelled members with the most distance to go and probably driving too late at night, often a tad tired, I feel like I am quite able to speak on this matter. It is a terrible year for road fatalities. That is absolutely certain.

Ms Forrest - There is a photo of a crash on the Midland Highway on the news just now, a 19-year-old man.

Ms RATTRAY - I can understand. I was only thinking of the poor young fellow who had been living in the north-east and lost his life last Thursday evening on the Midland Highway. The last time I was going home and it was late and I was not following anyone, I did not have anyone in front of me - which is most unusual, you usually see some light somewhere - I was confused about where I was and whether I was on the right side of the road. I slowed down to try to get my bearings because of the road works that are happening on the Midland Highway. We know they are important but I wish they would complete a section before they start the next because it is quite overwhelming at times. Where they have cordoned off half of the road and they have both sets of traffic going to the north and others coming south and vice versa, you are not quite sure whether that is where you should be at times.

It is quite confusing, and I thought about that, and I thought, is that what happened to that young fellow? Did he find himself on the wrong side of the road and did not realise that is where he was? I do not know if that was the case but it made me realise and made me think about the last time that I left here and got myself home. I am always thankful when I get home. I feel like texting someone and saying, look, I am home but you are probably all doing your own thing and you will not need to know that I am home. If you get a text you will know I needed to tell somebody I was home.

Ms Forrest - The one today was at St Peters Pass on the Midland Highway, a 19-year-old man from Western Australia.

Ms RATTRAY - That might have been the passenger.

Ms Forrest - No, that one was at Oatlands, the one you are referring to.

Mr Valentine - Sobering stuff.

Ms RATTRAY - Yes, it is sobering and I do not have the answers and I do not believe any committee of this parliament or anybody here does have the complete answer to this. However, if there is something as a parliament that we can do to support - driver distraction, speed enforcement, all of those important aspects of that fatal five that the member for Elwick talked about already, named them up - then we need to do that. I know that we have all gone over the speed limit. Sometimes you do not realise that you have gone over the speed limit, particularly if you are holding a conversation in the car and sometimes it gets away from you. I have done that recently. It quickly brings you back to reality that you were over the speed limit and the speed limit is there for a reason and I completely understand that.

I asked during the briefing session, because I tend to graze as I am driving home to have something to eat because I do not always stop, unless it is absolutely necessary. Sometimes it is later and there are not always a lot of safe places to stop at. Even stopping at Campbell Town and using the rest rooms, you are quite vulnerable on your own. You are getting out of the car -

Mr Valentine - At 10 o'clock at night.

Ms RATTRAY - ... at 10 o'clock at night. Then once you get past those more built-up areas and you are heading on the wine route, once you have gone through Lilydale and turned off at Lebrina, there is not much activity through there. There are not a lot of places where you feel it is safe enough to stop, and so I tend to graze. I did ask, are we still allowed to eat while we are driving and the answer was yes.

I do not make a lot of calls on the way home. Sometimes I take some calls. The service is so hit and miss that I feel quite embarrassed and I often wonder if they think I have deliberately hung up because I do not want to listen anymore or I do not want to answer. I often think I will not take the call, I would rather it go to message bank and then phone back at a more appropriate time. I listen to whatever I can find on the radio and the like. In the past when you could have a load of CDs in the car, you could listen to a series. You can only have one CD in your car now and I guess the newer models will not have any CDs. Then I will have to get some iTunes.

Ms Forrest - Do your voice activation and tell Siri to play whatever you want.

Ms RATTRAY - It all sounds wonderful, that technology but -

Ms Forrest - It is in your car.

Ms RATTRAY - As most people know I am not that technically savvy.

Mr PRESIDENT - I am surprised you are not still playing cassettes.

Ms RATTRAY - I have a whole box of them and nothing to play them on. That is the problem, you need to be able to transfer them over onto at least a CD but as I said, when the cassette for your CD or the loader is in your glove box, you have to do that before you take off. You cannot be deciding half way up the Midlands Highway that you need to stop to change your CD.

Mrs Hiscutt - You seem like a good candidate for Spotify.

Ms RATTRAY - We have a lot of repeat, repeat in my vehicle.

Ms Armitage - Through you, Mr President, I thought the mini might have had a cassette player.

Ms RATTRAY - The mini does not have a cassette player. I actually treated myself after my last election and brought a Mini Cooper S, something I have wanted since I was 17 years of age. I will not tell you how many years it took me to get it. I am very proud of it. I do not get it out very often. When I do, I have to wash it straightaway after I have driven it because I need to keep it clean.

Mr Valentine - Was that before or after the 5000 Torana?

Ms RATTRAY - I do not have one of those in the garage. I wish I had - as we all wish we had one of those early cars. As you would too, Mr President.

Back to the serious aspect of this legislation. I absolutely support the intent and I also offer my congratulations to the Government on their continued efforts to do whatever we can as a community to make our roads and drivers safer. I support the statement made by the member for Murchison. You cannot legislate against stupidity. We have all seen it. Sadly, I expect that we will sometimes see it again. What we can do, here today, is support this legislation. I am happy to do that.

[3.54 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have a few questions here but firstly I thank the member for Launceston for forwarding that email on with all those questions. That gave us the opportunity to prepare answers without having to rush doing it now. I will start. I have a few here and there will be a few more during the Committee stage if we get that far.

In response to the member for Elwick's first question, the average speed technology involves cameras that will be able to be moved to various locations.

In response to the member for Launceston - will there be a trial/caution period before these devices are introduced?

The research conclusively shows that any enforcement activities should be significantly supported by educational campaigns to ensure all members of the community are aware and informed. The department will extensively test all new photographic detection devices prior to implementation, and undertake extensive education programs spanning several months. Educational campaigns are expected to commence approximately three months prior to implementation and continue for at least three months after, focusing on the risks associated with prescribed actions - such as the use of your mobile phone while driving, for example - and educate the public on how photographic detection devices work.

Moving on with responses to the member for Launceston - what does the Government intend to do with fines revenue collected?

Fines collected from law-breakers will be directed to Consolidated Revenue for investment into essential government services, and that is including road safety initiatives.

Does the definition of portable device offence make it an offence to have a mobile in a clothing pocket?

The simple answer is, no. I recall the member for Hobart asked the same question. Section 300(4) of the Road Rules 2019 provides that it is not an offence for a mobile phone to be held in a pocket of a driver's clothing.

A few members asked about point-to-point average speed cameras.

Average speed cameras work in pairs to measure the time it takes a vehicle to travel between two monitored points on the road, called detection points. This measurement is then used to calculate the average speed that the vehicle travelled between those detection points, using a formula to be prescribed by regulations. This formula will be consistent with those used for the same purposes in other Australian jurisdictions.

There was a question about what happens if the driver of a vehicle changes during the length of the road on which average speed is being measured, and the new driver has different laws apply to them.

Average speed cameras will only detect speeding of a given vehicle on one length of road, and an offence can only be deemed to have occurred at the second detection point. If an offence has occurred, an infringement notice will be issued to the registered owner of the vehicle. If the registered owner of the vehicle is not the person who was the driver of the vehicle at the same time of the offence, they will need to complete a statutory declaration to nominate the actual driver within 21 days of receiving the infringement notice.

The member for Launceston also asked this question in relation to P-platers moving onto full-plated drivers. It is the same thing.

Ms Armitage - L-plates?

Mrs HISCUTT - Yes, that is the same reasoning.

The member for Murchison asked, how long will average speed corridors be? Operational matters, including average speed camera deployments, are yet to be finalised and will be considered closer to implementation of such devices. However, the use of photographic detection devices is to lower the level of road trauma and monitored average speed corridors will be prioritised where this objective is maximised.

Thank you, Mr President, and I thank members for their contributions and their concern.

Mr Valentine - Through you Mr President, there was one on GPS.

Mrs HISCUTT - Can you please repeat that question for us?

Mr Valentine - In effect, whether it is an offence, when you have to look at what the phone is telling you where to drive -

Mrs HISCUTT - Are you talking about looking at your map to get to an address?

Mr Valentine - An application that is telling you where to go.

Mrs HISCUTT - Right, so if it is speaking to you -

Mr Valentine - That may be speaking to you, it may not, depends on the application. If you could clarify that?

Mrs HISCUTT - Your question is that you are driving along and you are looking at your GPS to turn left and turn right and how would that be handled if it is picked up by a detection device?

Mr Valentine - On a fixed device, fixed commercial holder.

Sitting suspended from 4.00 p.m. to 4.30 p.m.

VEHICLE AND TRAFFIC AMENDMENT (DRIVER DISTRACTION AND SPEED ENFORCEMENT) BILL 2022 (No. 20)

Second Reading

Resumed from above.

[4.31 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, to complete my summing up, we were talking about GPS. We are talking about portable devices.

The bill introduces 'portable device' as a collective term, referring to types of technology that are not permitted to be operated whilst driving.

The definition specifically includes mobile phones, but also allows for other types of devices to be included as part of that definition, as prescribed by the regulations. This allows for additional devices to be defined as portable devices for the purposes of the act, should new rules be introduced, prohibiting the use of other technology whilst driving.

Referring back to the second reading speech, at the moment, this bill covers:

- non-permitted mobile phone use;
- seatbelt noncompliance;
- use of an unregistered, suspended, or written-off vehicle; and
- speeding offences by way of a vehicle's average speed.

The Road Rules 2019, No. 300, talks about the use of mobile phones.

- (1) The driver of a vehicle must not use a mobile phone while the vehicle is moving, or is stationary but not parked, unless -
(ab) the phone is being used as a driver's aid and -

- (i) the body of the phone is secured in a mounting affixed to the vehicle while being so used; and
- (ii) the use of the phone does not require the driver, at any time while using it, to press any thing on the body of the phone or otherwise to manipulate any part of the body of the phone;
or

It depends on how you are using it, but that pretty well explains what you can and cannot do.

Bill read the second time.

**VEHICLE AND TRAFFIC AMENDMENT (DRIVER DISTRACTION AND
SPEED ENFORCEMENT) BILL 2022 (No. 20)**

In Committee

Clauses 1 and 2 agreed to.

Clauses 3, 4 and 5 agreed to.

Clause 6 -

[4.34 p.m.]

Ms RATTRAY - I am interested if the Government had considered the double demerit points at all? I am not sure if this is the appropriate place, but the clause is about 'award of demerit points on traffic infringement notice'.

Some other states - from memory, certainly Victoria and perhaps New South Wales - they have a double demerit system for special holidays and long weekends, that type of thing, where if you break the law and you are caught then it is a double demerit point. Has the Government considered that option?

Mrs HISCUTT - I do not think that is part of this particular bill. I can advise that no thought has been given to that, at this stage.

Clause 6 agreed to.

Clause 7 agreed to.

Clause 8 -

Ms ARMITAGE - Madam Chair, I seek clarification about 56DA(1), and this is a question from the gentleman who sent on quite a few questions. You would have it there. It is on the bottom of page 1:

detection point, in relation to a vehicle travelling on a road, means the point on the road ...

He lists that in the Vehicle and Traffic (Offence Detection Devices) Regulations 2012, Section 4, Use and operation of photo detection devices, 4(3)(b)(v), it states 'length of road'. Can you give some clarification with regard to point on the road and the length of road - the difference between the act?

Mrs HISCUTT - Whilst I am on my feet, we need a bit more clarification as to what he wants exactly?

Ms ARMITAGE - It says:

In regard to the above cameras which would detect, as I understand it, the average speed at that point in time as it triggers the camera, in the case of new generation video-recorded evidence which pictures may be taken from, it may not reflect the driver's true nature in regard to speed responsibility in regard to driving. Furthermore, if you look at the Road Traffic Act 2012, Tasmania, Section 4, Use and operation of photo detection, it states length of road.

His question was with regard to detection point in relation to a vehicle travelling on a road, which means the point on a road; whereas the current traffic regulations 2012 mentions the length of the road. My understanding is the differentiation between the point on the road or the length of road; but it talks about photo detection in the current act.

Mrs HISCUTT - I am struggling to understand the question, the difference between a point and a length.

Ms ARMITAGE - There are two acts - one is point of road with a camera detection and one is length of road with a camera detection. His question is, why is there a difference? That is my understanding of the question.

Mrs HISCUTT - We will seek some advice. I will have a go at this. The difference is the point of detection is when the first picture is taken, and then the length of the road is where the second picture is taken. The length of the road could vary from the point of detection.

We are not sure of the regulation you are citing there, but basically the point of detection is the beginning, and the length of the road could be within a certain distance, but it does not have to be same; and the second point of detection is at the second camera. So, the length of the road is the bit between the two, and the point of detection is where the photos are taken. I hope that is clear.

Ms ARMITAGE - I will ask my last couple of questions on this clause, because I think I am up to number three.

Madam CHAIR - You only used one call because you had a bit from your seat -

Ms ARMITAGE - With regard to page 10, the question appears to be with photographic detection devices, will there be consideration of cruise control and the tolerance factored in? Will there will be a tolerance factored in on the point-to-point for the two detection points for the purpose of determining the average speed of a vehicle? One of the comments this gentleman makes is that sometimes using a shortcut - as an example from Launceston to Scottsdale using an alternative road - while you are obeying the speed limit, you can arrive five minutes earlier if you are not on the same road or have taken a shortcut or a different way, whereas the point-to-point might be on a different road, on a local road. They are all along the same lines and if I list them it may be easier for your advisers.

His other question was to do with tolerance, that sometimes you are driving along and you go to overtake a slow driver who suddenly realises they are actually driving slowly and they increase their speed. It is necessary to speed up to pass them because you are in an overtaking lane rather than having an accident. That comes back to the tolerance as well, or what tolerance there might be with regard to the point-to-point.

On page 12:

- (6) For the avoidance of doubt, a single photographic detection device may be used simultaneously as a detection point in respect of 2 or more parts of a road for which an average speed is calculated.

His question here is, how can this be done? I suspect it is referring to two vehicles in separate lanes perhaps heading in the same direction or opposing directions, or does it mean it takes one picture and then five metres down the road, another, thus calculating speed?

Mrs HISCUTT - I can answer two, the first question and the second question, then we will seek some advice on the third question. Tasmania's existing speed cameras will only capture evidence of an offence if a driver is detected travelling above a certain threshold over a speed limit. Whilst there is no excuse for speeding, the enforcement threshold provides drivers with a degree of leniency to account for momentary errors. With regard to your second question, if you think it is wrong you have a right of appeal which involves statutory declarations, and we have been through that in my summing up. Basically, the message there is: if you are over, you are over. I often hear how irritating it is when the vehicle you are passing speeds up, but if you are over, you are over. Regarding question three, we are seeking an answer.

With regard to the last question, if there is a shortcut or something like that, it is all taken into consideration when they are set. You can have a scenario where you have a camera on a road. For example, 300 metres before a right-hand turn, you can have a camera at the right-hand turn, and a camera further up the right-hand turn road that you have gone up so that will all be taken into consideration. The police need to look at these things. They will look at these things before they set their cameras, and section 56DA(6) of the Vehicle and Traffic Act 1999

provides that a photographic detection device may be used simultaneously as a detection point of two or more parts of a road for which average speed is calculated.

As I have described, for example, if three average speed camera systems were implemented at once, the detection points may be any combination of the three average speed camera systems. Here it says:

Camera systems one and two, camera systems one and three, or camera systems two and three.

All these things are taken into consideration and the police are aware of it and will have their cameras set up accordingly.

Ms. Armitage - That is a simultaneous one?

Mrs HISCUTT - Yes.

Clause 8 agreed to.

Clause 9 -

[4.45 p.m.]

Ms RATTRAY - Madam Chair, in regard to 9(c)(iiib)(A) on page 14. There is a lot of numbering here. My first question is, it talks about:

(iiib) for a portable device offence, is evidence that, at the time and location shown, the driver of the photographed vehicle -

(A) was operating, holding, or, intentionally looking at the portable device shown,

Is the camera going to be able to see where your eyes are? I understand operating and holding a portable device but 'intentionally looking at'? I need some clarification how that is actually going to work or there are going to be a lot of stat decs coming someone's way.

My second question is, when you go over the page to (C) and it says:

(C) had performed, or failed to perform, an action prescribed for the purpose of paragraph (e) of the definition of a *portable device offence*; and

If I could also have some clarity on what that actually means under paragraph (e). I am not actually seeing a lot of paragraph (e)

I am interested in those two to start with, thank you, Leader.

[4.47 p.m.]

Mrs HISCUTT - Regarding your first question with your eyes actually looking, there will be a photo and as the offender you will be able to see that photo. If your eyes are looking straight forward or your head or whatever, you will be able to see it. If you differ with the

outcome, you can sign a stat dec and challenge that, but you will actually see what the photo is that has put you in for that fine.

Ms RATTRAY - I have a response to that, but I will wait for my second question first.

Mrs HISCUTT - Number (C) talks about futureproofing for changes to the road rules for new portable devices.

Ms RATTRAY - For instance? Thank you for the first response. Probably 50 per cent of people I see driving wear what are called 'sunglasses.' I do not have them on right now but I wear them religiously, even on glary days and it could even be raining, which it was yesterday morning when I was coming down. It still gets quite glary. I do not actually see how you can see where my eyes are. As I said, I can understand operating and holding but intentionally looking? I mean, when I get to Oatlands, I have to change the radio station from FM to AM because ABC does not work once you get past Oatlands. I have to actually look at where I am going to put my finger to the next - AM and FM.

Mrs HISCUTT - Whilst the member is on her feet, if the camera snaps your picture at that point, there is no portable device in your hand, even though you may be looking at the radio. As I said with the second reading speech, this is specifically for portable mobile devices.

Ms RATTRAY - Holding and intentionally looking at, operating, holding - do you have to actually be looking at your device in front of you?

Mrs HISCUTT - I cannot make it any clearer. If you were in your car and you have your phone up here and you are not turning your eyes, that will be on the camera. If you have your phone down there on your knee and you are looking, that will be on the camera. If you have your phone down there on your knee and you are looking, that will be on the camera. If you have your eyes straight forward, you are not on your phone, and there is a picture taken, then you have good grounds to challenge.

Ms Armitage - It is the GPS you could be looking at.

Madam CHAIR - Order.

Mrs HISCUTT - It is specifically portable devices.

Ms RATTRAY - It is going to be somewhat difficult to be able to enforce that, but anyway, we will see how many statutory declarations come in.

As for the response to clause (C), for future devices -

(C) had performed, or failed to perform, an action prescribed for the purpose of paragraph (e) of the definition of a *portable device offence*; and

Future devices. How do you get future devices out of that? I cannot quite understand how. If I was someone reading that, and I am hoping - I am not sure how many people read our legislation, Leader. We know probably not a lot, but if someone is trying to decipher that,

I am not sure how they would do that. It does not seem to be clear to me, how that clause (C) is going to be implemented. There might a further explanation about that.

Mrs HISCUTT - I will seek some advice.

This about distractions. We need to realise what we are actually talking about. We are talking about drivers' distractions.

Ms RATTRAY - I asked for -

Mrs HISCUTT - What things may come forward in the future, I do not know. That is unpredictable at this point, but there is a human adjudicator to review this, so if they are not satisfied that an offence has occurred, then no infringement notice is issued.

There is a trigger at the first point, which for want of a better word, is done by a computer, a machine. If there is an infringement notice issued, or purported to be issued, that is then looked at by a human, so that is where it comes. If you do not agree with it, you have the right to challenge that, but you do have the picture to judge it on.

[4.52 p.m.]

Mr VALENTINE - This is for absolute clarity with respect to (iiib) on page 14, 'portable device offence, is evidence that, at the time and location shown' et cetera was 'operating, holding, or intentionally looking at the portable device shown'.

The clarity I am after is if a portable device, if a mobile phone, which has a GPS application on it, is fixed in a commercial thing as it is supposed to be, is that considered a mobile device at that point, or not? For clarity.

Madam CHAIR - It is in a bracket.

Mr VALENTINE - It is in a bracket. It is not being held in your hand. It is no different to a radio. What is the law there?

Ms Rattray - However, you could be intentionally looking at it.

Mr VALENTINE - Exactly, that is why I am asking the question.

Mrs HISCUTT - As I said in my summing up, but I will read it again -

Mr Valentine - I want that actual clarity about fixed.

Mrs HISCUTT - Road Rules 2019. Number 300 - Use of mobile phones.

The driver of a vehicle must not use a mobile phone while the vehicle is moving, or is stationary but not parked, unless -

I will go straight to the point that you are talking about.

... the use of the phone does not require the driver, at any time while using it, to press anything on the body of the phone or otherwise to manipulate any part of the body of the phone.

So, if you have set it up while you have parked, and you are going somewhere out the back -

Mr Valentine - Yes, wherever.

Mrs HISCUTT - If it is set and you are driving, and you are not being distracted by using your phone, and tapping buttons and things.

Mr Valentine - Fixed or otherwise?

Mrs HISCUTT - Yes, it has to be fixed. So, part (ab) just before that, says:

- (i) the body of the phone is secured in a mounting affixed to the vehicle while being so used.

Mr Valentine - Thank you. That is the clarification I want.

Ms ARMITAGE - I have a question on page 15, (iiic)(B):

the driver of the photographed vehicle was wearing an improperly adjusted or fastened seatbelt;

What determines an 'improperly adjusted' seatbelt and how would cameras pick that up? Is that at the moment? At the moment, my understanding was you have to wear a seatbelt. At the moment can you be fined for wearing an improperly adjusted seatbelt?

Mrs HISCUTT - The most common one at the moment that police pull people up for is that they do not like that shoulder strap, it is too high, too low and they tuck their arm over it and you have only have the lap pass, plus a little piece there. It is incorrect wearing of a seatbelt.

Ms ARMITAGE - Is that currently, because people might think they have a seatbelt on, so they can actually be fined for basically having just a lap -?

Mrs HISCUTT - I do not have the road rules in front of me, but the seatbelt has to be used as it is intended to be used -

Ms Rattray - Not under your arm?

Mrs HISCUTT - There are still some old-fashioned cars where you have to manually adjust it for the driver so it fits correctly, but yes, it must be worn in a correct manner.

Ms ARMITAGE - Thank you.

Clause 9 agreed to.

Clause 10 -
Section 56EA inserted

[4.56 p.m.]

Ms ARMITAGE - A question regarding section 56EA, where it relates to a passenger of a specified age, so basically:

- (a) a defendant in proceedings for a seatbelt offence is charged with an offence that relates to a passenger of a specified age; and
- ...
- (c) the seatbelt offence so charged does not apply in respect of the passenger due to the age of the passenger -

Then it goes further -

the defendant may be found guilty of another seatbelt offence if the evidence in the proceedings establishes that the other seatbelt offence applies in respect of the age of the passenger.

Can you explain to me the age of the passenger? Is it someone under 18, or -?

Mrs HISCUTT - It has to do with under 16 years of age, because you are not responsible for what you are doing. A picture cannot pick that and if you are deemed to be under 16 then a different set of rules apply to that.

[4.58 p.m.]

Ms ARMITAGE - As you are saying, the camera cannot pick ages, so I am wondering if that is a little bit of an unusual one. I know with some of the work I do, someone 14 could look like they are 18, so it is certainly a difficult one.

I will ask you my second question with regard to the same clause, while I am here, on page 17, (2)(c):

the portable device offence so charged does not apply to the defendant due to the kind of licence, or class of licences, held by the defendant -

Obviously, there are exemptions for certain people to be able to use them. I am assuming maybe police radios - when it actually says, 'due to the kind of licence, or class of licences, held by the defendant -'

Mrs HISCUTT - With regard to your first point, because the camera cannot tell your age, statutory declarations, you have to go through the process -

Ms ARMITAGE - So, if you look young -

Mrs HISCUTT - Yes, if you are doing the wrong thing and you look young, you could get caught and a statutory declaration is your answer. With regard to the second question, learners and provisionals, and P2s and all that sort of stuff go under a different set of road rules too, so that is why that is there.

Ms ARMITAGE - Thank you, if I could have a bit more clarification with that - 'the portable device offence so charged does not apply to the defendant'.

I would have thought that it would apply to P2s and Ls. I know in some states they cannot even use a mobile phone through their Bluetooth, so my assumption was that it was more to do with CB radios and hand-held radios. By saying it does not apply to people on different licences as in those, I find it a little confusing. The portable device offence does not apply?

Mrs HISCUTT - If you care to read the next part it says the defendant may be found guilty of another portable device offence et cetera.

Ms ARMITAGE - That is okay but I am talking about the hand-held radios and things.

Mrs HISCUTT - They are not let off if that is what you are implying. You get to see that little colon there and then it goes on to 'the defendant may be found guilty of another portable defence device' et cetera.

Ms ARMITAGE - Before you sit down, do CB radios come into this clause at all or not?

Mrs HISCUTT - Mobile phones do not include a CB radio or any other two-way radio and that is the Road Rules of 2019.

Ms ARMITAGE - Thank you. I wanted it on the record.

Clause 10 agreed to.

Clauses 11 and 12 agreed to.

Clauses 13 and 14 agreed to.

Clauses 15, 16 and 17 agreed to.

Clauses 18, 19 and 20 agreed to.

Title agreed to.

Bill reported without amendment.

CLIMATE CHANGE (STATE ACTION) AMENDMENT BILL 2021 (No. 63)

Second Reading

Resumed from 29 September 2022 (page 71).

[5.02 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I was up to my summing up before I adjourned. I now have multiple answers to numerous questions and I will work my way through them.

Firstly, I thank all the speakers and their contributions and I welcome the support of proceedings into Committee stage. The Government said it will take its time to work through all the comments and questions and I have them here. I note the advisers have had two weeks to prepare this, so it is thorough.

Starting with the member for Murchison who asked about the impact of significant bushfires in the Tasmanian Wilderness World Heritage Area (TWWHA). The Tasmanian Government is committed to protecting the Tasmanian Wilderness World Heritage Area and has made substantial investments in developing strategies, systems and tools for managing bushfire risks in the region. In 2018-19 bushfires caused considerable damage to the TWWHA. This followed a significant bushfire event in 2016 which also caused extensive damage to the TWWHA. When the 2016 bushfires were extinguished, the Tasmanian Government committed \$250 000 for a TWWHA bushfire and climate change research project to investigate the impact of climate change on the TWWHA and recommend ways to improve how Tasmania prepares for and responds to bushfires in the TWWHA. The research project found that, as the member for Murchison noted, Tasmania is likely to experience increasing bushfire risks in the future as the result of a changing climate.

In response to the research project the Tasmanian Government allocated additional funding of \$4 million over four years in the 2017-18 Budget for bushfire management in TWWHA. This funding supported the implementation of a number of research project recommendations, including improving bushfire management planning, bushfire risk assessment and modelling and bushfire recovery, developing a model of fire cover and undertaking planned burns in the TWWHA.

The member for Murchison also made a number of comments regarding Tasmania's fast charging network and the need for more chargers. The Tasmanian Government is committed to supporting the uptake of electric vehicles. Indeed, this is one of the 16 key actions to reduce emissions identified in the pathway review. Existing policies to support EV uptake include:

- A stamp duty waiver on new and second-hand EVs. As of 30 September 2022, duty has been waived on the purchase of 854 new and second-hand zero-emission vehicles saving buyers nearly \$2500 on average.
- Waiving registration fees for two years on EVs owned by car hire companies.
- The Government's target to transition the government fleet to 100 per cent EVs by 2030.
- Supporting charging infrastructure statewide through the ChargeSmart Grants Program. The first ChargeSmart Grants Program delivered grants totaling \$600 000 to deliver 14 fast chargers and 23 destination and workplace charging stations around the state. The second ChargeSmart Grants Program allocated \$773 000 to support the installation of 20 fast charging stations and 23 destination chargers across regional areas and tourism hotspots. On average, a fast ChargeSmart station has another station within 47 kilometres. The Australian Electric Vehicle Association - the Tasmanian branch - has said that Tasmania's

comprehensive statewide charging network will be the best EV network in the country. It is envisaged that future requirements for charging infrastructure will be considered as part of the emissions reduction and resilience plan for the transport sector.

A number of members discussed their interest in opportunities to reduce emissions in the agricultural sector, and particularly the opportunities of the Australian native *Asparagopsis* seaweed, which I find very interesting. The economic analysis by Victoria University demonstrated that the agricultural sector stands to benefit the most under the proposed emissions reduction scenario. Indeed, industry group Meat and Livestock Australia aims to be carbon-neutral by 2030 aligning with Tasmania's target. Trials of feed supplements for livestock, such as *Asparagopsis* seaweed, are showing promising results in reducing methane emissions from enteric fermentation.

The trials are also indicating increased productivity for farmers from the use of these feed supplements. In July 2022, the Tasmanian Government awarded \$540 000 to Tasmanian company Sea Forest Limited to develop a commercial formulation for *Asparagopsis* seaweed-derived feed supplement for cattle and sheep. The research will trial different pellet formulations that can be fed to livestock to reduce their methane emissions and deliver productivity gains.

The Tasmanian Government is separately funding the Tasmanian Institute of Agriculture to deliver a project assessing the novel combination of *Asparagopsis* with biochar as a practical solution for reducing methane emissions from grass-fed cattle and sheep under commercial conditions. This project is being delivered in partnership with Sea Forest Limited, Fonterra Co-operative Group Limited and leading Tasmanian livestock producers. It is envisaged that further opportunities to trial methane-inhibiting supplements will be considered as part of future emissions reductions and resilient plans for the agriculture sector.

The member for Nelson asked a question about whether it the Government's intention that all sections of the final bill will commence when the act receives royal assent. Why are there inconsistencies in the commencement of provisions?

During the debate in the other place, a number of provisions were incorporated which establish time frames for the Government to deliver key measures under the bill. As the member for Nelson noted, some of these time frames are linked to royal assent, while others are linked to commencement of the act, with different wording, due to amendments being put forward by different members of parliament. Clause 2 of the bill provides that the act will commence on royal assent. Therefore, all time frames specified in the bill will start at the same time when the act receives royal assent.

The member also asked whether the Government had sought feedback from Tasmanian Aboriginal people since the bill was originally consulted on or tabled regarding the lack of submissions received or on how future consultation could occur.

The Government is committed to ensuring that Tasmanian Aboriginal people have an opportunity to guide and advise the Government on all policy issues that affect them. The Government acknowledges that Tasmanian Aboriginal people have a profound and ongoing connection to Tasmanian land and waters that may be impacted under the changing climate.

Aboriginal groups were invited to provide feedback in the consultation process, as part of the independent review. The climate change branch of Renewables, Climate and Future Industries Tasmania, will continue to seek the views of Tasmanian Aboriginal people, where appropriate, on all key issues in the future.

The member for McIntyre asked about short-term implications for sectors in the transition to a low emissions economy, particularly the agricultural sector. As noted, an economic impact analysis of opportunities to reduce emissions in Tasmania was undertaken by Victoria University. The analysis assumes a gradual rollout of emissions reduction opportunities, out to 2050, with implementation occurring as technologies mature and costs decrease. The analysis shows that the agriculture, forestry and fisheries sector stands to benefit the most under the proposed emissions reduction scenario with real value expansion in 2030 to \$34 million higher than business as usual, growing to \$247 million by 2050.

The purpose of the emissions reduction and resilience plans is to gain an understanding of issues, barriers, opportunities and gaps each sector faces in the transition to a low emissions economy. The plans will be developed in consultation with business and industry and priority key activities. The Government can undertake to provide each sector with the support it needs to transition. A plan will be developed for the agricultural sector within two years of the commencement of the act.

The member for Elwick asked, what is the Government doing to align the education system with the legislated emission reduction target? Does the Government view education as a key pillar to combating climate change?

The Tasmanian Government is committed to hearing the views of Tasmania's children and young people and involving them in the development of climate change policy. The bill strengthens the Government's framework for considering the wellbeing of children and young people in the context of climate change by amending the objects of the act to include references to considering the impacts of climate change on future generations; establishing a requirement for climate change action plans to be published in formats that are accessible to a broad range of the community, including children and young people; and requiring that the impacts of climate change on future generations are taken into account in the development of statewide climate change risk assessments.

Mr Willie - The question was about educating the kids for a changing world. That stuff is not -

Mrs HISCUTT - I have not finished yet. There is quite a bit on yours so I will keep going.

During the review of the act and development of the next Climate Change Action Plan, targeted consultation with Tasmania's youth sector was delivered through the Premier's Youth Advisory Council, the Commissioner for Children and Young People Tasmania Ambassador Program and the Tasmanian Youth Climate Leaders' Program.

Regarding the education system, all Tasmanian government schools use the Australian Curriculum to inform their teaching and learning program. Climate change is addressed across all year levels through the Australian Curriculum cross-curriculum priority of Sustainability.

Sustainability education is futures-orientated, focusing on protecting environments and creating a more ecologically and socially just world through informed action. Sustainable actions contribute to the reduction of the impact of climate change. Learners are encouraged to think and act with a future-focused approach.

In the revised Australian Curriculum Version 9, climate change is addressed explicitly in the Year 10 Science in the Earth and Space Sciences and Science as a Human Endeavour sub-strands. Students use models of energy flow to explain patterns of global climate change. They investigate indicators of climate change, such as changes in ocean and atmospheric temperatures, sea levels, biodiversity, species distribution, permafrost and sea ice. Students also predict changes to the earth's system and identify strategies designed to reduce climate change or mitigate its effect.

The Department of Education and Renewables Climate and Future Industries Tasmania (the ReCFIT) are working with resources to embed knowledge of climate change into the curriculum. The first suite of resources will be on renewable energy and will be launched early next year. These have been developed as an action in the Tasmanian Renewable Energy Action Plan.

Additional suites focused on other aspects of climate change are being scoped for subsequent development for use in schools. These resources build on previous education projects for schools. The Tasmanian Government has previously provided \$10 000 towards a Curious Climate Tasmania schools' climate literacy project, with about 1000 school-aged children from across 21 Tasmanian primary and secondary schools and colleges involved in the project. Fifty-seven experts answered questions, including climate scientists, conservation biologists, fire scientists, chemists, lawyers, engineers, psychologists, oceanographers, Indigenous knowledge specialists and health experts, amongst others, answering each question personally, in video, or in text format. Over 20 schools were visited in person.

In addition, the Tasmanian Government has provided \$180 000 to support ongoing facilitation of the Youth Climate Leaders' Conference which will commence in the next school year.

The member for Hobart mentioned and asked about marine heatwaves. The western Tasman Sea, east of Tasmania, is considered a global ocean warming hotspot. Marine heatwaves have caused a widespread decline in giant kelp ecosystems and impacted local fisheries and aquaculture industries. Currently, intense marine heatwave events occur approximately once every 20 years. The area average sea surface temperature peaked at approximately 21 degrees in late January 2018, which is the record maximum for the region in the observational period.

By 2060 under higher emission scenarios, intense marine heatwave events such as in 2017-18 are expected to occur almost every year in Tasmania. Under the low emissions scenario they will be considerably less frequent, hopefully every 15 years.

Mr Valentine - Not quite 26. That is a swimming pool temperature I was comparing it with.

Mrs HISCUTT - I remember the member for Windermere looked a bit shocked when you said that.

Mr Valentine - He was but 21 is pretty hot.

Mrs HISCUTT - That has answered the questions. My advisers went through the *Hansard* and picked out the questions.

Back to the bill. I thank all members for their passionate contributions on this extremely important issue. Like the Government, members are listening to the community and their constituents, and the many organisations and young people who have no doubt communicated with them. Members are clearly committed to doing their part to address climate change, and I hope that I have been able to do my part here and address your questions. Now, back to the bill.

The questions just addressed were in the main unrelated to the bill itself and any perceived shortcomings. The bill has been informed by a substantial body of evidence. Members commented on some of this work. This includes an independent review, detailed analysis on emissions pathways and opportunities for Tasmania to reduce its emissions, and economic analysis showing that if we plan and invest now Tasmania is likely to do well from its actions on climate change with higher growth and employment - more so than 'business as usual'.

The Government is confident that the bill before the Council has been thoroughly consulted on, including extensive consultation with over 200 Tasmanians, businesses and industry representatives, non-government research and advocacy organisations. The bill reflects our unique emissions profile, due to our sustainable forestry estate and our large renewable assets. It reflects the opportunities and challenges we have to take action on climate change here in Tasmania. It is now nearly a year since the bill was first tabled, with over a year in development before that.

As has been stated, Tasmanians and young Tasmanians especially are looking to the Government for leadership and action. Members, this bill does that. It establishes a nation-leading target and a framework for action, not more regulation, bureaucracy and committees. To support this the bill's scope has been honed towards two primary goals: reducing emissions and building resilience, and adapting to the unavoidable impacts of climate change, through a partnership approach with industry and community.

The answers that I have delivered - four or five pages of them - were about climate change, but there were none in particular talking about the bill, Mr President. I hope that answers some of the questions we have on climate change.

Mr President, I look forward to the debate in the Committee stage and I commend the bill to the House.

Bill read the second time.

CLIMATE CHANGE (STATE ACTION) AMENDMENT BILL 2021 (No. 63)

In Committee

Clause 1 -

[5.25 p.m.]

Ms FORREST - Madam Deputy Chair, I wanted to take this opportunity on clause 1, because otherwise I do not think there is an opportunity to say what I need to say at this point. I appreciate the number of discussions I have had with the minister and his advisers about aspects of this bill, because I, like him, want to see real action in this space and I want to see the action got on with.

I support the notion of a climate change advisory body similar to that, in Tasmania. Many other jurisdictions have one. They vary from jurisdiction to jurisdiction. Some are called panels, some are called councils, but they perform a similar role. Part of that role is about holding the government of the day to account, to ensure that they do what they say they are going to do, so it will endure a minister and potentially endure a government. In this parliament we have seen quite a change over recent times and we need to make sure that any legislation that we deal with - particularly in this very important area - is not person- or minister-dependant.

I know the minister was not keen to see the amendments proposed by the Labor Party, or the member for Rumney, but I had some discussions with him about my concern that, as worded, I did not think I could support it because there were a few issues with it. I understand that the member may not be proceeding with it now, so I wanted to explain my position. I discussed this with the minister, and he also provided me access to his advisers to assist, because there are some very good models out there, in other jurisdictions, that would capture the intent of this oversight, or ongoing scrutiny, holding the government of the day to account to ensure that actions are taken and proper scientific advice is followed, and the like. I am not going to go into all that, Madam Deputy Chair, because I will be a little off the track. However, I will make this point that whilst the minister was resistant initially, I believe he came to see that there is value in this and we would be an outlier if we did not have one.

It is up to the member for Rumney to decide whether she will push on with the amendment - or any other member, for that matter. However, I prefer to see a properly consulted climate advisory council considered, that reviews all the other jurisdictions and looks at what is best for this jurisdiction, with proper consultation around it. I have had discussions with representatives from UTAS around this as well, who support having a more considered look at it. They absolutely see the need for such a body, as do I. The minister has provided a statement that I prefer to read out. It is addressed to me, through the minister's adviser. The Leader may be able to confirm that that is the case. I received this by email a very short time ago:

We understand that you would like to ensure an advisory group of some sort is established to provide additional oversight on the work of the Government; provide advice, provide continuity in times of change. As you know many other jurisdictions have an advisory of some sort embodied in legislation.

As discussed, the minister would be pleased to make a commitment to you on similar terms as the Leader could read out during the debate or confirm during the debate. The commitment would be: [tbc]

- The Government understands the desire by a number of MLCs to provide additional oversight and advice on the Government's actions on climate change.
- Other Australian states and territories have an advisory council or similar on climate change related issues, with a variety of roles and functions adapted to the circumstances of the respective jurisdictions.
- Subject to the amendments proposed by the member for Rumney's Joint Standing Committee on Climate Change and the Climate Change Advisory Council not becoming part of the bill, if that is to be the case, the Government commits to reviewing other jurisdictions' arrangements for advisory bodies, to determine an appropriate model for Tasmania.
- Based on the outcomes of the review and consultation, the Government commits to bringing back to the Parliament, within 18 months of the bill's passage, legislation to give effect to an advisory-type body on climate change related to the issues for Tasmania.

I was very keen to get that commitment to come back with legislation to give effect to that - that has been fully consulted and considers all other jurisdictions' processes and mechanisms to ensure that we get one that is right for Tasmania. We will have the opportunity to scrutinise that when it comes forward. I make that point, because if the member for Rumney decides not to proceed, no one will have a chance to say anything because it is a new clause, it is not part of the bill as such.

I appreciate your indulgence, Madam Deputy Chair, in allowing me to read that, and I ask if the Leader is able to confirm that.

Mrs HISCUTT - I can confirm that what the member for Murchison has read out from the minister is true and correct.

Mrs LOVELL - I thank the member for Murchison for her comments and for raising this in this way. I understand it is a little unconventional, but I did want to add some of my own comments so members can be clear about the intentions from here and how I am likely to proceed. The idea or the concept of having some sort of independent oversight of the Climate Change (State Action) Act is something there is general support for from the conversations I have had. It is something consistent through the submissions to the bill, that there needs to be some form of independent oversight. It is a critical part of the bill that is missing and it is disappointing it is missing and we are in the position where we are having this conversation now.

However, having said that, I had, as members were aware, circulated amendments to establish a Climate Advisory Council and a joint standing committee. From conversations

I have had with members, I also accept there were some reservations about the model we have proposed, the way that amendment was drafted and the process to establish the council and then a transitional authority. It was somewhat convoluted and was an attempt to insert some kind of oversight without being too prescriptive about what that might look like in terms of an ongoing body. In light of the commitment the Government and the minister have made today and particularly in light of the fact there is a time frame around that commitment, at this time I let members know that I will not be proceeding with the amendments. This is on the basis that I believe the level of concern amongst members means it is likely those amendments will would not have been supported and we would have lost the opportunity to have any form of independent oversight.

I appreciate that some members and some people listening to this debate will be disappointed with that outcome. This is not walking away from a commitment to having some independent oversight. This is an attempt to try to negotiate to reach a resolution in the way we are often able to do in this Chamber - in a way that members can be comfortable with and hopefully, the minister is listening to this too and he will come back to the table with something that we can all be comfortable provides the level of oversight required in a way that will work effectively.

Mrs Hiscutt - While the member is on her feet can you clarify the amendments you will not be moving so we can be clear about that?

Ms LOVELL - The amendments, and of course I have not moved any of these amendments yet, but of the draft amendments that have been circulated, I will intend not to move new Clause B.

Mrs Hiscutt - Can you give the page numbers?

Ms LOVELL - Page 6; new Clause C which is page 12. There was an amendment on page 1 to Clause 4, second amendment which was inserting a definition of a joint standing committee that would no longer be required. I will not be moving the amendment either.

Mr GAFFNEY - As a matter of process, I am not quite certain how this works. We have just heard this information. It is quite significant information we have just heard. In the process I want to adjourn debate and report progress so we can have a chance to think about what has just occurred and how that will impact on the amendments we have in front of us. I am also interested to know when Labor were doing their numbers, were they thinking that perhaps they had a chance, then they realised they were not going to get the numbers and then they withdrew from the process? It is the first we have heard about it. Obviously, you have had conversations with the minister and the Leader and possibly, the Labor Party. There are others who are in the dark and we need to be able to talk to those people listening outside as well as to how they feel about this.

I also want to know why it would be an 18-month period for legislation to come back to this place? Why was it chosen from the minister's point of view, because when this Government wants to rush the legislation through the parliament, whether it is compulsory voting or whatever, they can do that within eight or nine weeks. With this one, it is an 18-month period before it comes back. With the urgency that people want to have an advisory committee within the state, up and running, functioning, is this another delay in process, which we need

to consider? From my point of view, I want to have a chat with other people about what has just been proposed. What is the process from here on in?

Madam CHAIR - If I could clarify, Leader, it does not mean that other people cannot move those amendments. Those amendments can be picked up by somebody else, but if they were not, because they are new clauses there was no opportunity to put that on the record anywhere. The commitment was from the minister. I asked him if he could give a commitment he would actually do something and that is what he came back with. Obviously, it is up to members to decide what they want to do. This is not until later in the bill anyway.

Mr GAFFNEY - Yes, but I want to know now can we report progress -

Madam CHAIR - We can report progress any time.

Mr GAFFNEY - ... and sit again -

Madam CHAIR - Order, there are two people on their feet.

Mr GAFFNEY - Sorry, we have not had a chance to discuss this at all and whilst it seems not time-wasting, but it does not seem fruitful for us to go on with the amendments if Labor are going to pull away from them and the Liberals are not going to support them and so it is not going to get past the amendments anyway.

Madam CHAIR - Can I remind members that the substantive amendments are new clauses, they are not at the beginning of the bill. There is one in clause 7 - that would have been dependent on their new clauses.

Mr GAFFNEY - I would like to move -

That we report progress.

Ms WEBB - I rise to make a couple of comments on that. Primarily to support what the member for Mersey has just called for, that we report progress and allow time for us to consider what has just occurred. To be provided with the opportunity to consult with stakeholders. Then if we so choose to take some action, such as bringing back up a similar new clause, or other amendments in these spaces, we have the time and opportunity to do that, at least over the evening and overnight. It concerns me, because we have been aware of these amendments and operating on the basis of them. Obviously, members can withdraw amendments at any time, so it is not a given, but these were substantial requests from significant external stakeholders and we have all been sort of operating under an expectation about debating them as they had been presented.

The proposition going forward that the commitment the minister has made, it only focuses on the advisory group or council aspect of things. It does not capture anything relating to, say, parliamentary oversight, which was another of the amendments that we now understand will not be brought. That is a significant thing to consider then and it may be not just a matter of picking up the same amendment and another person bringing it. It may be having to redraw.

Madam CHAIR - We are focusing on the reporting progress rather than the detail of that at the moment, so the question is before the Chair, and it is, do we report progress?

Ms WEBB - With your support then, Madam Chair, the reason I am saying that is, some time is required to do some back and forth drafting of communications with OPC if we were to redraft, rather than pick up and take forward what was there already. That was the point I was making which is relevant to the reporting progress.

I seek to clarify and I can do this offline, outside of the debate, perhaps overnight, the implication that seems to be that if we were to bring similar amendments and have a debate, successful or not, ultimately, that somehow renders the commitment from the minister null and void. That seemed to be the implication I had from comments from the member for Rumney and I wanted to clarify that is not the case.

If other members were to bring similarly intentioned amendments that somehow would not make the minister's commitment disappear. Surely, we could have a parliamentary debate about amendments, successful or otherwise, ultimately, without that commitment being jeopardised. I support that we move to report progress and hope there would be - given there has been a lot of leeway on this bill for members to fully consider and we have all done that to a significant degree and would like to bring our best game for the consideration of such an important topic, this is a small concession for a little bit of extra time overnight, to do that again, given unexpected developments.

Mrs HISCUTT - The Government will be voting against reporting progress at this point. The minister has put the 18-month scenario around that because there is so much work happening in this space and it will take quite a while to get all these things done. He wants to get his action plan done within six months. There are plans set up for the next two years, a plan for transport has to be done within the next 12 months. There is a risk assessment that has to be done in the next two years, and there is the development of a policy framework.

The minister put that in writing to the member for Murchison. He needs and is happy to have a good oversight model in place and therefore the intent is accurate in there. The minister will do as he has said he has done - it is in *Hansard* - and you can hold him to account in that time if that does not happen. However, the minister is intent on doing this and we want to keep moving forward with these amendments here and now. I have allotted until 7 p.m. to get a little bit of this climate change bill done, because it will be lengthy. That clarifies where the Government stands on this reporting of progress. We will be voting against that motion.

Mr VALENTINE - That is a surprise to me. I did not realise that this was all going to happen until 20 minutes ago, and it is a real shame that we may lose the opportunity for this to be so collegial. It could become fragmented and I do not think that is what the people out there want, to be quite honest.

There was a whole federal election with climate change up front and centre, there is no question about that. The Government has brought forward a bill, and good on them for doing that, but it would be great to be able to see a bill go forward that is supported wholeheartedly across the Chamber. We need some time to think about the implications of what the minister is telling us, how that might look and to be able to look at some of the amendments that are now not going to be moved by the Labor Party to see what our feelings and thoughts are about that, and to have some discussions with our stakeholders.

There are significant stakeholders who are watching this. They want to know that their state government is going to do the best they can in the shortest possible time they can, because

time is of the essence with this. Most people understand this is urgent. This is not something that we can keep adding 12 months, 18 months, years to. We cannot. I want to support the opportunity for reporting progress, so that we can have some discussion about this.

Ms Webb - It is an hour's time, an hour's worth of debate that we are giving up.

Mr VALENTINE - It is not a great loss in that sense, so I encourage members. It would be great for us to see a really good bill come out of this particular session rather than having significant components of it cut out and the community out there being less than satisfied with what we come up with. They are my thoughts.

[5.44 p.m.]

Mrs HISCUTT - I want to address a couple of things that the member has said. This bill has been consulted on for a year. It has been drafted for a year and it has been a long time coming through the other place. It has been consulted on by over 200 people in groups, which is a huge list of people to consult. The minister feels that he has landed on a good place with this bill. He has collaborated with the member for Murchison to help this amendment along. There have been many times here where, for example, the member for Nelson has not proceeded with an amendment, and there has been none of this sort of discussion at this stage. It is up to the member for Rumney to proceed with her amendment if she wishes, it is her amendment.

The member for Murchison has said her bit and has a commitment from the minister and I will say it is within 18 months. I have read out why this takes so long. I do not think there is any reason not to proceed at this stage.

Mr GAFFNEY - Thank you very much. It has been a long time, there has been a lot of consultation. All we are asking for is one more night so we can have a look at how this - it is the first we have heard about this and you are now advising us that the minister has come out and said within 18 months they will have a climate change advisory committee after access to all things across Australia. Yet, you are already starting a time line, six months from now you are going to have this done and 12 months from now you are going to have this done, 18 months you are going to have this done, without a climate change advisory committee having any input into that.

The minister is actually going ahead and doing what they want to do without there being an advisory council there. Now, you are not wanting us to have a night so we can chat to people about what that means and will that work. Will that keep us on track? Those sorts of things, that is the practicality of it.

For the Leader to say, we have had lots of consultation we want to get this going - it is one night that we want to consider something that we have not considered before. It is poor form if the Leader of the Government in this place will not accept that request.

Ms LOVELL - I actually support the member for Mersey. It is reasonable for people to have time to consider this. I am very mindful of the fact that this has all happened at very short notice. I hear what the member for Hobart is saying. I can assure you, I did not know about it much earlier than you did. This is something that has been happening throughout the day and has happened at quite short notice. I am mindful of the fact that people had an expectation and now that expectation has changed.

Now, I have my reasons for that, which is fine. Other people may have reasons that they want to take a different path. Members should have the right to do that. They should be allowed the time to do that. In reality, given that the Leader had made a commitment that we would be adjourning at about 7 p.m., reporting progress at this point and allowing this to play out tomorrow is not going to make any difference in terms of when we complete this bill, in reality.

Given that, the minister is expecting us to place some faith in him in this commitment and is expecting us to be comfortable with waiting 18 months to reach some kind of resolution, I hoped that he would be comfortable to wait one more day to debate this bill. I will support the reporting progress.

Ms RATTRAY - I place on the record my support for the member for Mersey's request to report progress. For all the reasons that have already been stated, it is important that members are comfortable to proceed. That has always been something that has occurred in this Chamber. It has always been good practice, in my view.

We have had some information that some of us were not aware of until very recently. The member for Murchison has been working extremely hard with the minister and advisers to provide the commitment that has been given. It is something that members will need to consider overnight. I did not have a firm view on my preferred position and I was going to listen to the debate. We possibly have one model to consider now or there may well be another amendment being brought forward similar to what was already being proposed by the member for Rumney. She has, quite eloquently, outlined her reasons for not proceeding.

It is reasonable that we wait until tomorrow. It is private members' day, so we are actually dealing with Government business on a Tuesday. I know that we have done that before and sometimes we might even deal with private members' business on a Government day. In this case, I support the member.

[5.50 p.m.]

Mrs HISCUTT - After discussion with my advisors, with only an hour to go I cannot see any damage in agreeing with the member for Mersey, if he wishes.

Mr GAFFNEY - Thank you, Madam Deputy Chair, and I thank the Leader and her advisers. I am not against what has been put on the table; I want to understand what that is, and what that will look like, and the process, and how that will meld with the timetable that the Leader has outlined.

I would appreciate a briefing at 9:00 a.m. or 9:30 a.m. in the morning about this so that we can ask questions about what this means. Once we hear that information, we will be able to make a better judgment about how to deal with this. We still may have amendments, we still may have disagreements, but at least then we have heard and we can ask some questions in that space that perhaps we do not have the opportunity to ask here because we do not have the calls and that sort of thing. So, I would appreciate a briefing in the morning if that could be arranged.

[5.51 p.m.]

Ms FORREST - Madam Deputy Chair, I thought it was important to speak on this move to report progress. To be completely up-front with people, I have had quite extensive discussions with the minister over a period about this, and particularly over the last couple of

days. I received the email confirmation from the minister at 4.10 p.m. this afternoon. So, I was not hanging onto it, I was not trying to hide it from people. The decision I took was that the first time to do it publicly and promptly on the record was to do it in clause 1, so everyone knew what was going on. No-one here is trying to railroad anyone or force them into a different position. The reality is that anyone can move an amendment or withdraw an amendment at any time.

I raised with the minister that I had some real concerns with the way the amendment was drafted, but I absolutely, fundamentally support an independent climate council providing that oversight. This is something that will not get said if we do not debate such an amendment, because as I understand it, the actual model that has been proposed by the amendments by the member for Rumney have not been fully consulted. We talk about wanting to consult, but they have not been fully consulted.

I got a paper yesterday, that was prepared for me, looking at other jurisdictional models around their climate councils and they are all similar, but different. I said to the minister that I want to see a proper review of those, and the work done to properly consult on what an effective climate council will be, and that I was certainly not convinced that what we were looking at in the amendments was it. There were other models in other jurisdictions that are being effective, so I consider it should be consulted on. In terms of bringing forward compulsory voting really quickly - well, that was not consulted on, and I want this consulted on. We need to give the minister a little time to properly consult and get the work done behind the scenes to see what is the best model. That is the reason I have had those discussions,

I received this at 4.10 p.m. this afternoon, during the middle of the afternoon tea break. We came back in and we were dealing with the last legislation, and I raised it at the first opportunity. I wanted to give people the opportunity to think about it, acknowledging that the matters we were dealing with were predominantly new clauses which would not have been dealt with until tomorrow anyway. I make that point, but I am happy to support the report in progress, to give members that time; but there was no deliberate intention from me to withhold any information from anybody. I did not have anything to withhold.

Progress reported; Committee to sit again.

ELECTRICITY SAFETY BILL 2022 (No. 11)

TRAFFIC AMENDMENT (ELECTRONIC BILLBOARDS) BILL 2022 (No. 5)

First Reading

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

ADJOURNMENT

[5.58 p.m.]

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

That at its rising the Council does adjourn until 11 a.m. on Wednesday 19 October 2022.

Motion agreed to.

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Before I move the adjournment, tomorrow there was originally flagged a briefing at 9 a.m. Members, tomorrow morning our first briefing will be at 9.30 a.m., which will get local members out of the traffic.

Our first briefing will be at 9.30 a.m. and that is a briefing on climate change which we just spoke about. After that we will have the briefing on the Justice Miscellaneous (Advanced Care Directives) Bill at 10 a.m.

I can indicate to members that we will starting the day at 11 a.m. with the Justice Miscellaneous (Advance Care Directives) Bill and then settle in to the climate change bill for the rest of the day.

Mr President, I move

That the Council do now adjourn.

The Council adjourned at 5.59 p.m.

Appendix 1

QUESTION WITHOUT NOTICE Question No. [number] of [Year] Legislative Council]

ASKED BY: Hon Ruth Forrest MLC
ANSWERED BY: Hon Leonie Hiscutt MLC

QUESTION:

From Hansard – Thursday 8th September, 2:31pm

King Island – Shipping Services

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

On Tuesday 23 August I asked the Leader a number of questions with regard to shipping services for King Island. I noted that retail fuel prices were on average usually 40 cents to 45 cents higher on King Island than in regional Tasmania. I asked for a breakdown by percentage of cost for each component or element of charge by Bass Line that related to (1) fuel supply/commodity; (2) transport - road and sea; (3) wholesale storage and distribution; and (4) retail.

I was informed Tasports does not set the price of fuel service stations on the island and that is set by the retail operator. The Leader advises it is not possible to provide a breakdown by percentage of the elemental costs referred to above involved in fuel supply to King Island. Tasports manages fuel distribution and transport to its customers. It sells fuel on King Island on a wholesale basis. Bass Islands Line role is limited to the sea freight transport component. Tasports does not set retail prices and notes the margin applied to fuel by retailers will be a matter for the retailers.

In 2014 Flinders Island appointed Resonance Consulting to conduct a fuel supply study. The costs associated with the supply chain were based on

CA

*Answer sent to Ruth on
3 Oct.
To Be Read
into Hansard*

*seek leave to
table & incorporate
a/d/b/a/l*

*Tabled and
incorporated
into Hansard
L. Hiscutt
18 Oct 2022*

summary cost data and information provided by Tasports. Resonance Consulting had not sighted actual invoices or costs or been provided with any commercial or contractual arrangements. The report described the imputed cost of supply to the island of LSD, excluding GST, is predominantly the fuel commodity. The supply chain was summarised as per below:

Fuel supply/commodity 81.2 per cent

Transport (road and sea) 6.3 per cent

Wholesale storage and distribution 6.9 per cent

Retail 5.6 per cent.

The Australian Institute of Petroleum provides daily details of the terminal gate prices (TGP) around the nation on their website. My research shows a difference of at least a dollar between TGP and the retail price on King Island.

My question is to the Leader, if a breakdown can be provided in 2014, and in light of the above information, can a breakdown of costs now be provided for King Island?

ANSWER

I thank the member for her question and her pursuit for some answers, but the previous advice from Tasports still stands that a breakdown cannot be provided. This remains the case for two primary reasons. Firstly, Tasports is one of two fuel suppliers on King Island. Tasports supplies fuel to one service station out of the two on the island, as well as farmers who have arrangements in place with the organisation. Tasports also supplies fuel to Hydro Tasmania to support their electricity generation. The remaining customers are serviced by the other fuel operator.

Given that Tasports is not the only provider, the fuel supply contracts operating on King Island are of a commercially sensitive nature and disclosure may endanger or disrupt the King Island market.

Ms Forrest - I only asked you for percentages.

Mrs HISCUTT - Secondly, fuel prices varies depending on the terminal gate price at the time that fuel is purchased by Tasports. In order for Tasports to reflect the most accurate pricing on the island, the wholesale price is calculated based on purchase and sale average at a minimum of once a week, so it is only ever as accurate as the stock on hand.

Tasports manages fuel distribution and transport to customers. It sells on King Island on a wholesale basis. Tasports does not set the retail price and the margin applied to fuel by the retailers would be a matter for the retailers.

Ms FORREST - Mr President, I have a further question related to answers provided last week, but I reiterate I asked about percentages. I find it extraordinary that percentages of a breakdown of components of transport could be commercially sensitive. Dollar amounts, perhaps, percentages no. Anyway, maybe the Leader might put that back to Tas Ports. I will ask my next question.

ANSWER:

the Minister

While TasPorts has reiterated that a further breakdown of fuel pricing cannot be provided due to commercial sensitivity, I have requested that the company provide the transport cost of fuel between the Tasmanian mainland and King Island.

TasPorts advises that while the transport cost of fuel is only one component of running a fuel distribution business, the cost of shipping a full and returning and empty ISO tank that holds approximately 25 000 litres is \$2,326.06 for diesel and \$2,454.66 for unleaded fuel.

TasPorts advises caution in drawing further conclusions in relation to the total operating cost of the fuel distribution business.

APPROVED/NOT APPROVED

Michael Ferguson
Hon Michael Ferguson MP
Deputy Premier
Minister for Infrastructure and Transport

Date: 3/10/22

Appendix 2

QUESTION WITHOUT NOTICE

Question No. [number] of [Year]
Legislative Council]

ASKED BY: Hon Ruth Forrest MLC

ANSWERED BY: Hon Leonie Hiscutt MLC

QUESTION:

In response to previous questions related to freight services to King Island provided on 8th September 2022, I note and do not dispute that shipping and freight to and from King Island is an open market, of which there are currently two participants. A private operator, Eastern Line Shipping (ELS) and Tasports subsidiary, Bass Island Line (BIL).

The Leader stated that Tasports undertook a market investigation and assessment of the BIL business model in late 2018, results of which were announced in 2019. The evaluation panel determined that none of the market participants sufficiently demonstrated their proposals were able to independently achieve an improved BIL service without ongoing involvement and support from Tasports. My questions to the Hon Leader are:

1. What direct feedback was provided to Eastern Line following the 2018 assessment; and
 - a. Please provide a copy of the feedback.
2. Has TasPorts, Bass Island Line or the Minister had any communication or meetings since 2018 with Eastern Line, regarding their publicly stated interest in taking over the commercial service; and
3. If any meetings or communications have taken place please provide:
 - a. dates of meetings between the Minister and Eastern Line in 2018 related to this assessments; and
 - b. follow-up documentation, if any, from those meetings;

Answer sent to Ruth on
3 OCT
To be read
into Hansard.
seek leave to
table incorporate
d/Hiscutt.

Tabled and
incorporated
into Hansard
L. Hiscutt
18 Oct 2022

CA

- c. dates of meetings between the Minister and Eastern Line since the 2018 assessment process related to shipping services; and
 - i. follow-up documentation, if any, from those meetings;
- d. Please provide dates of meetings between the Bass Island Line and Eastern Line since the 2018 assessment process related to shipping services; and
 - i. follow-up documentation, if any, from those meetings.
- 4. Earlier in the year commercial operator Eastern Line Shipping (ELS) had a meeting with the Minister about how they could increase the efficiency of the shipping service to King Island. The Minister promised a follow up meeting with ELS;
 - a. When is the follow-up meeting scheduled; and
 - b. Will written communication related to the meeting held earlier this year be provided to ESL?
- 5. Was the decision by Bass Island Line to provide a freight service, not in line with that agreed triangulated service in 2017, based on BIL financial losses alone; and
 - a. If not, what other factors supported this decision?

ANSWER:

- 1. TasPorts undertook a market investigation and assessment of the BIL business model in late 2018, results of which were announced in July 2019. The purpose was to ensure BIL's operations were as efficient as possible and suitably servicing customers.

Potential Bass Strait operators were invited to submit indicative proposals to participate in the delivery of the BIL service. The evaluation panel determined that none of the market participants sufficiently demonstrated their proposals were able to independently achieve an improved BIL service without ongoing involvement and support from TasPorts.

The market assessment process was subject to a mutual confidentiality agreement meaning parties that signed were not to disclose any information protected by the agreement.

2. Yes, the Minister for Infrastructure and Transport had one meeting with representatives of Eastern Line on 7 April 2022.

TasPorts has not had and is not in discussions with Eastern Line about the service. TasPorts has not met with Eastern Line to discuss BIL outside the Expression of Interest process. TasPorts does meet with Eastern Line to discuss other matters relating to its ports generally.

On an operational level, TasPorts works collaboratively with Eastern Line on an as-needs basis. An example of this collaboration was in 2020 when the *John Duigan* was required to enter dry dock for repair. At that time BIL arranged charter services to be provided by Eastern Line and Furneaux Freight to ensure the continuity of service for the King Island community.

3. a. The Minister has not met with representatives of Eastern Line in relation to the assessments from the market investigation.
 b. There is no follow-up documentation.
 c. A meeting was held with representatives of Eastern Line on 7 April 2022.
 i.: There was no follow-up documentation.
 d. In this meeting Eastern Line raised a service model idea that relied on Bass Island Line ceasing trading. It was suggested that Eastern Line and TasPorts may have a follow up meeting to discuss. TasPorts advises that this would have been unwise given competition law.
4. a. No follow-up meeting is scheduled.
 b. There was no expectation of any written communication from either party and there has been no written communication following the meeting.
5. In fact, the service was not triangulated – it was up and down. The reason for change was a result of the lack of uptake which meant the service was not viable. Since operations commenced in 2017, BIL recorded insufficient cargo levels leading to low vessel utilisation. The current operating model came under significant financial pressure in 2020-2021 with insufficient cargo levels leading to low vessel utilisation. Alternate providers successfully increased market share. During the 2020-2021 financial year, BIL experienced a net loss of \$4.4 million, which followed a \$3.3 million loss during 2019-2020.

Since the new service was introduced, the *John Duigan* has seen a doubling of the average number of twenty-foot equivalent units (TEUs) carried per voyage.

This is a clear demonstration that customers are embracing the changes and are increasing the utilisation of the service offering.

As at the 30th August 2022, since its commissioning, the Roll-on roll-off (RORO) ramp has facilitated more than 2145 TEUs of freight, including numerous containers, livestock, fuel and heavy machinery.

In addition to the weekly service, Bass Island Line has undertaken three additional unscheduled sailings to meet customer volume demand during the autumn period.

Prior to the new service model, Bass Island Line had not carried livestock since 2019, with all livestock to and from King Island being carried by an alternative operator.

The transition from Bell Bay to Devonport has enabled the opportunity to resume livestock transport between King Island and mainland Tasmania.

On 16 March 2022, Bass Island Line successfully completed its first shipment of livestock into Devonport.

Longford-based beef processor JBS has supported the regular weekly service into Devonport.

Since the commencement of the King Island - Devonport service in March, BIL has transported 152 full livestock trailers across 56 sailings.

APPROVED/NOT APPROVED



Hon Michael Ferguson MP
Deputy Premier
Minister for Infrastructure and Transport

Date: 3/10/22

