



**PARLIAMENT OF TASMANIA**

**HOUSE OF ASSEMBLY**

**REPORT OF DEBATES**

**Thursday 24 November 2022**

**REVISED EDITION**



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**Thursday 24 November 2022**

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

### **ABSENCE OF LEGISLATIVE COUNCIL MINISTER**

[10.01 a.m.]

**Mr ROCKLIFF** (Braddon - Premier) - Mr Speaker, I inform the House that as the Legislative Council is sitting at 10 a.m. today, Ms Palmer does not have leave to attend question time in our Chamber. As such, I will be taking questions in her absence in her relevant portfolios.

### **QUESTIONS**

#### **Proposed Stadium Development - Federal Liberal Members Reaction**

#### **Ms WHITE question to PREMIER, Mr ROCKLIFF**

[10.02 a.m.]

The number of your Liberal colleagues who have now publicly opposed your \$750 million stadium could nearly fill a footy team. We have Bridget Archer, member for Bass, as a goal sneak in the forward pocket saying health, not AFL, over and over again. There is the dour defender, Gavin Pearce, member for Braddon, who says he cannot see how spending taxpayer money on a stadium in Hobart will help the people of Braddon. Senator Wendy Askew, probably interchange at best, has opposed your plan, and the rugged, dirty ruck rover, Brad Stansfield, has called it 'madness'. Dragged out of retirement is hall of famer Robin Gray, who has said your stadium is a 'dud deal for Tasmanians and even worse for the north'.

Then there is captain, coach and pin-up boy, Jonno Duniam, who says that money being asked of Canberra and of the state Government could go a long way to resolving Tasmania's elective surgery waitlist issues. Perhaps the money could go to assisting Tasmanians with some of their cost-of-living pressures, or maybe a rebate could be put in place to cover the increase in power prices. Now, out on the right wing, is Senator Claire Chandler, who says that she could not, in good conscience, put a stadium anywhere near the top of the list of priorities.

Premier, this powerful side is clearly recruiting. Will any of your squad join them in the off season?

#### **ANSWER**

Mr Speaker, I thank the member for her question. If the member put so much effort into policy as that question, then maybe the Tasmanian people would have some choice between a government that is focused on the priorities of health, education, housing and public safety and an opposition that should be providing an alternative. This week we have had hours wasted with stunts. Despite the effort that went into the question, I notice it is still laced with personal attacks.

As a government we are focusing on the key priorities that Tasmanians expect us to focus on, such as more nurses in our hospitals, more teachers in our schools, more police on the beat, more houses for people who are homeless and have challenges being safe and having a roof over their heads. That is what we are about as a government: ensuring that we can deliver those services.

We are a government that is focusing on growing an economy and employing people. Many thousands of jobs will be needed to support minister Barnett's vision for a \$1.5 billion investment in 10 000 homes between 2022 and 2032, as an example. There will be many thousands of jobs to continue to address improving our school infrastructure across the state. There is also the mental health precinct in Launceston and the mental health precinct on the north-west coast that we are delivering on and will deliver on. There is the \$580 million investment in the Launceston General Hospital redevelopment over the next 10 years.

We will help grow the economy, employ people and ensure that Tasmanians have that fundamental right of access to quality health services in contemporary, modern infrastructure. That is our core focus.

What others are not appreciating is the level of investment required when it comes to stadia infrastructure across Tasmania, whether that be the Dial Range in Penguin, the \$65 million commitment into York Park in Launceston, and the opportunities of an arts, entertainment and cultural precinct in southern Tasmania, with 4000 jobs during that construction, growing the economy and employing people. This is what a Liberal government is all about - employing people, growing the economy, ensuring jobs and delivering services.

Right now, minister Ferguson, the Deputy Premier, is leading the charge when it comes to the Bridgewater bridge - many hundreds of millions of dollars, construction jobs and a bridge that will be delivered in 2025 or earlier, and then the opportunity of the next big development is there before us where those jobs can be transitioned.

**Opposition members** interjecting.

**Mr SPEAKER** - Order.

**Mr ROCKLIFF** - I know it is that time of the year and the member has put a lot of effort into the first question, but we will not be distracted from our core responsibility to the Tasmanian people - growing our economy, creating jobs and delivering essential services.

### **Proposed Stadium Development - Federal Liberal Members Reaction**

**Ms WHITE question to PREMIER, Mr ROCKLIFF**

[10.10 a.m.]

There is clearly a concerted campaign from your federal colleagues against your \$750 million stadium in Hobart. Senator Chandler has hit out at your plan to borrow hundreds of millions of dollars for something that is absolutely not a priority. She has also claimed that the AFL has been briefing mainland journalists about taking you and, therefore, the Tasmanian taxpayer, for a ride. She has hit out at their bullying tactics, calling them outrageous and

disrespectful. The AFL clearly sees you as a pushover. Your federal colleagues clearly think you are pushover too. Why will you not stand up for Tasmania?

## **ANSWER**

Mr Speaker, I thank the member for her question. When it comes to the Opposition, all you ever do is oppose, oppose, oppose. You come in here with no new ideas whatsoever.

The Tasmanian people know we are delivering when it comes to addressing cost-of-living issues, supporting our businesses with cost of living and supporting the more vulnerable in our community with cost-of-living challenges, most notably through power prices.

Tasmanians know we are in their corner when it comes to housing affordability, housing construction and investment in housing. When it comes to investing in our health services, they know we are a government that sits down with clinicians, develops a four-year election surgery plan, and \$200 million additional funding to deliver that clinician-led, patient-focused plan, which is working. Elective surgery waiting lists are coming down. They know that this Government is in their corner when it comes to supporting our teachers, teacher assistants and schools with building infrastructure. They know that this Liberal Government is in their corner when it comes to supporting our police services and more police officers on the beat to protect Tasmanian citizens.

They also know that the Labor Opposition offers absolutely nothing. This week, you have performed enough stunts to be a circus and you are a circus. You have offered nothing to the Tasmanian people. You come in here with personal attacks, no plan, no vision. We are delivering for Tasmanians, growing the economy and employing people. There are jobs, growth and delivery of services.

## **Royal Hobart Hospital - Ramping**

### **Dr WOODRUFF question to MINISTER FOR HEALTH, Mr ROCKLIFF**

[10.14 a.m.]

The Royal Hobart Hospital is advising patients to reconsider attending the emergency department. The hospital is at level 2 of their COVID-19 Management Escalation Plan. In today's *Mercury*, the Department of Health secretary said:

Hospital staff are working hard to address the demand of hospital care at the RHH and the public can have confidence the needs of emergency presentations will be met.

We understand a woman died while she was ramped at the Royal two days ago after lying there for two hours. You failed to take ramping risks seriously and your current COVID-19 policies increase transmissions and are making things worse. Your Government even refuses to record how many patients have adverse outcomes or die while they are ramped.

Do you accept that the continual numbers of patients being ramped and the longer times they are spending ramped is putting the lives of many Tasmanians at greater risk?

**Ms O'Connor** - Good question.

**ANSWER**

Mr Speaker, I thank the member for her question. Your leader said it was a good question. It was a proper question, which Tasmanians would agree with in terms of the focus on our health system, as we are doing. I recognise the challenges with demand in our hospitals. There was a range of areas I could focus on there including the Royal Hobart Hospital escalations.

I am advised that last evening the regional health commander, Dr Stephen Ayre, and the regional health emergency management team recommended that Royal Hobart Hospital increase to escalation level 2 of its COVID-19 escalation management plan. Under that plan, there is an increase in PPE requirements to a P2/N95 mask and protective eyewear for all staff working in clinical areas, including acute, sub-acute, outpatient and community settings -

**Dr WOODRUFF** - Point of order, Mr Speaker, standing order 45, relevance. I ask the Premier to draw his attention to the question of ramping, the increased risk and the longer times, the fact that it is -

**Mr Ferguson** - He was.

**Dr WOODRUFF** - No, he was not. He was talking about PPE. This is about paramedics standing for hours, not the proper number of paramedics and people's lives being put at risk.

**Mr SPEAKER** - I remind the Premier about relevance and that is the point of order. Premier, relevance to the question, please.

**Dr Woodruff** - Continue to report? You fail to report. You only know because there are stories in the *Mercury*.

**Mr SPEAKER** - Order.

**Mr ROCKLIFF** - With due respect, Dr Woodruff, you asked me about the escalation at the Royal Hobart Hospital. You asked me about COVID-19. You asked me about ramping, which I will come to as well. It was a very wide-ranging question which I could cover -

**Dr Woodruff** - The escalation is the context. Attend to the question.

**Mr ROCKLIFF** - First, I acknowledge the hard-working paramedics, staff and volunteers who work for Ambulance Tasmania. We know there can be periods of significant demand and we also understand that people in the community are concerned at increasing demand. We are doing a lot of work to alleviate the pressures of ambulance ramping and the access and flow through our hospital system -

**Ms O'Connor** - No, you are facilitating mass infection.

**Mr SPEAKER** - Member for Clark, order.



**Mr ROCKLIFF** - and you know that. In 2021-22, Ambulance Tasmania responded to 84 864 incidents, compared to 79 527 in 2020-21. This represents a 6.7 per cent increase. We recognise we need to do more to meet the increasing demand. We are very focused on supporting and investing heavily in Ambulance Tasmania to ensure Tasmanians get the response they need when they need it.

**Ms O'Connor** - Why do you not invest in some COVID-19 prevention measures?

**Mr SPEAKER** - Ms O'Connor, that is completely disrespectful. Standing orders state that the Premier should be heard in silence without interjection from members, particularly when that member has not asked the question.

**Mr ROCKLIFF** - Mr Speaker, as of 30 June 2022, our Government has employed an additional 270 FTE's at Ambulance Tasmania since we came to government in March 2014, which is a 41 per cent increase. We continue to recruit further, with an additional 11 paramedics funded this financial year. I am talking about the Sorell and Huonville stations. We are also rolling out innovative reforms aimed at not just reducing demand but ensuring patients get the right care at the right time. I am speaking of secondary triage, community paramedics, extended-care paramedics and our PACER team.

We are also piloting a transfer-of-care crew at the Royal Hobart Hospital to facilitate the release of paramedics from the emergency department so they can respond to incoming calls for assistance. The timely transfer of care is a whole-of-system patient safety responsibility and as a result, we have also implemented a framework to ensure appropriate decisions are being made. This framework facilitates an escalation pathway to the highest levels within the hospital and Ambulance Tasmania where there is an issue around timely transfer of care from paramedics.

**Dr Woodruff** - You have not acknowledged that a woman died yesterday on the ramp.

**Mr SPEAKER** - Order.

**Mr ROCKLIFF** - From our primary care sector, of which we have a number of initiatives, through our ambulance response, our emergency departments, our hospital system, and we need to work with our federal Government. There are issues we need to resolve in terms of ensuring our NDIS patients and people who required aged care, both those cohorts need appropriate settings -

**Dr Woodruff** - How about you record how many people die on the ramp?

**Mr SPEAKER** - This is not a debate. Order.

**Mr ROCKLIFF** - and a hospital is not the appropriate setting. We have too many people who should be having an aged care bed in an aged care facility, and too many people in the NDIS which have the appropriate setting and disability setting for them as well. That is responsibility of the federal Government. We are willing to play our role -

**Mr SPEAKER** - If you could wind up, please, Premier.

**Mr ROCKLIFF** - but it does provide challenges in terms of bed block and access and flow through the hospital. There are a lot of areas, including innovative reform, but also funding that we are diligently implementing right now.

### **Energy Saver Loan Scheme - Requirement for CEC Accreditation**

**Mr WINTER question to PREMIER, Mr ROCKLIFF**

[10.20 a.m.]

It is a requirement that Tasmanian businesses seeking to participate in your Government's energy saver loan scheme have accreditation from the Clean Energy Council. This sounds good but the Clean Energy Council is not a reputable regulator. It is a pay-to-play private business based on the mainland. A review into the so-called accreditation by the former coalition energy minister Angus Taylor's department found -

... it was difficult for it to undertake enforcement against accredited installers and component manufacturers when it does not have and cannot be given statutory investigation powers of a Commonwealth regulator. As its primary role is as an industry representative body, it does not have all the investigative intelligence and in-house litigation ability of a regulator.

There may be the perception of a conflict of interest with an industry body trying to take enforcement action against parties who may be its members.

We have raised this countless times, but your minister refuses to do anything about it. We are asking you, Premier, why should Tasmanian businesses have to pay a dodgy mainland company up to \$6000 for worthless accreditation just to be a part of your loan scheme? Why are 90 per cent of Tasmanian installers unable to participate in your scheme?

### **ANSWER**

You will be held accountable to your description on that. You will have to explain yourself there.

Mr Speaker, Mr Barnett has been leading the charge in supporting not only our businesses, and businesses that are under contract and coming off contract are not part of the regulated environment. As a Government, we are there to support, provide opportunities, and the energy saver loan scheme is an example of that. When it comes to individuals, particularly our vulnerable Tasmanians and those on low and fixed incomes, we are there to support them with the bill buster payments of \$180, and also organisations that support vulnerable Tasmanians such as our Neighbourhood Houses which are a part of the \$5 million cost-of-living package we announced a few years ago. That is evidence that we are very mindful of the cost-of-living challenges on every day Tasmanians, and small and medium businesses, for example, that are not within the regulated environment. Mr Barnett has done a very good job when it comes to the energy saver loan scheme.

I support the initiatives, and what was announced a few days ago. It is an example of a Government that responds to community need. We have heard the calls from small and medium businesses, the TCCI and the Business Council. The Small Business Council has been

advocating for ways that we can support businesses when it comes to the increase in energy prices and the announcements we have made through the course of the week are a prime example of that.

### **Access to General Practitioners - Government Measures**

#### **Mr YOUNG question to PREMIER, Mr ROCKLIFF**

[10.25 a.m.]

Can you update the House on the measures the Tasmanian Liberal Government is taking to address the increasing difficulties that Tasmanians are having accessing a general practitioner?

#### **ANSWER**

Mr Speaker, I thank the member for Franklin for the question and his interest in this matter. As a Government we are committed to doing what we can to improve access to GPs and ease pressure on our hospitals. While the federal government is responsible for primary care, including GPs through Medicare, the Tasmanian Government has increasingly been stepping in to fill the gaps.

That is why our Government is exploring the role pharmacists can play as important primary healthcare providers. We are undertaking a pharmacy scope of practice review to consider what other services and supports this highly skilled group of professionals may be able to safely provide to Tasmanians and this review will deliver outcomes in the first half of 2023.

However, there are steps that we can take in the interim. I have tasked the Department of Health to immediately look at ways we can extend the role of pharmacists before the review outcomes. This includes expanding the list of medications that are already subject to continued dispensing provisions to include a broader group of medicines, such as oral contraceptives, and medications for the treatment of migraine, eczema, asthma, emphysema and anti-depressant medications. This would mean that pharmacists could supply, typically, a month of medication after a patient's prescription runs out and a GP is unavailable. It does not mean pharmacists can initiate or prescribe these medications.

I have also tasked the department to investigate enabling pharmacists to administer a broader range of vaccines including vaccines for the prevention of shingles and travel vaccines already prescribed by a GP. Stakeholders are being engaged in discussions on the medications to be included in this interim extension of the scope of pharmacy. This initiative complements other initiatives our Government is implementing, aimed at improving access to primary healthcare services. These include:

- our \$8 million GP after-hours initiative, which is providing financial support to GPs and pharmacies to offer after-hour services to their local community.
- the Community Rapid Response service which we have permanently funded, is providing quality care within the community for those with chronic and complex illnesses.

- across Ambulance Tasmania we have implemented secondary triage and deployed our PACER team and community paramedics, focused on treating Tasmanians in the community where it is safe and appropriate to do so.

We are also supporting the next generation of rural doctors through the establishment of our \$4.3 million rural medical workforce centre. I have also provided the federal minister for Health with a proposal to establish a single-employer model pilot for GP registrars in Tasmania. This will make it easier and more financially beneficial for training placements in rural and regional areas, providing a sustainable pathway to strengthen the workforce in regional areas. I look forward to discussing this with minister Butler next week.

We have also proven our ability to innovate in the area of medication safety, with implementation of bedside medication management and pharmacists partner charting in our Tasmanian public hospitals. That demand for services is continuing to increase and that is why we are taking expert advice in introducing innovative approaches to keeping patients out of hospital by offering quality care in the community.

### **Social Housing Provider - Responsibility for Unpaid Rent**

**Mr O'BYRNE question to MINISTER for STATE DEVELOPMENT, CONSTRUCTION and HOUSING, Mr BARNETT**

[10.29 a.m.]

Yesterday, I asked you about the social housing tenant who is being pursued for a social housing debt that does not belong to them. In a written response you provided to me after I asked the question, you tried to justify this debt by claiming that this tenant had agreed to repay this other person's debt during a meeting with their housing provider. Prior to this meeting, the tenant found out about this debt when one day, out of the blue, she was handed an eviction notice, despite having paid her rent regularly each week. The tenant only agreed to pay back this other tenant's debt because she did not want to be thrown out on the street.

This is not okay. This tenant was not in a position to fairly negotiate and as a result has been forced to slowly pay back this other person's debt, which is causing her significant distress and financial hardship.

Minister, do you still stand by this punitive and heartless policy of threatening social housing tenants with eviction? Do you support allowing social housing providers to transfer debts between registered and eligible adult social housing tenants living in the same house?

### **ANSWER**

Mr Speaker, I thank the member for his question, which is a very important question relating to housing and homelessness concerns in Tasmania. As a government we take these matters very seriously and with respect to the question regarding the member's constituent, as I said yesterday and say again today, we take it very seriously.

Your initial letter, I think, was dated 9 November and was responded to as quickly as possible, having taken advice from the department to follow up on this very important matter with my office, which we did. We responded, as I said yesterday in this Chamber to the

member before 10.30 a.m., so it was after question time commenced. The member received that letter, which outlined the concerns he had raised and the measures the department is undertaking to respond to the member and his constituent.

The member has also instigated a meeting with the community housing provider and the constituent, so he is aware of all that. He is also aware that it is not practice to discuss individual circumstances in this Chamber. I urge him to take heed of that convention.

With respect to debt, I want to make it clear, as I added to my answer yesterday, that it is managed on a case-by-case basis. It depends on the person's circumstances. People in social housing are not evicted based on having debt provided they are engaging with their housing provider.

Household rent is determined by household income. When it changes, the rent will change. Therefore it is very important that tenants update their information with their housing provider. I urge the member to particularly note the importance of updating the housing provider and encouraging the tenant to do so. If a household falls into arrears or accrues a debt then a referral to a financial counselling service can be arranged through their tenancy manager. Community housing providers utilise discretionary decisions -

**Mr O'BYRNE** - Point of order, Mr Speaker, under standing order 45, relevance. I have asked the minister if he supports the policy of threatening eviction, but does he also support the policy of social housing providers transferring debt between people? Could the minister respond to that question of policy? I am not asking for specifics.

**Mr SPEAKER** - You have made the point of order relevance to the question. I will remind the minister of that.

**Mr BARNETT** - As you know, Mr Speaker, it was a very lengthy and comprehensive question and I will not go into the specifics. I am referring to the policy regarding debt.

Community housing providers utilise discretionary decision-making in a broad context in the management of outstanding charges. They are required to manage their debt and report on this to the national regulatory system for community housing. Housing Tasmania has several policy procedures and fact sheets that outline both the tenant's obligations and the role Housing Tasmania plays in managing debt. These include Housing Tasmania outstanding charges policy and procedures, Housing Tasmania's outstanding charges fact sheet, the family violence policy and procedures, transfer policy and procedure and residential management agreement.

Where there is an outstanding debt -

**Members** interjecting.

**Mr SPEAKER** - Order in the Chamber.

**Mr BARNETT** - This is very important, Mr Speaker. There were many questions wrapped up in the one opportunity for the member and I am trying to respond to each of those questions.

**Mr SPEAKER** - You do need to wrap up.

**Mr BARNETT** - I would like to have the opportunity without the consistent interjections and interruptions.

**Ms O'CONNOR** - Point of order, Mr Speaker. Just so the record is clear, the interjections were coming from ministers Ellis and Jaensch - just so Mr Barnett does not misrepresent the truth again.

**Mr BARNETT** - Mr Speaker, as I was saying, with respect to debt, where there is an outstanding debt, Housing Tasmania applicants are suspended from receiving a housing offer from Housing Tasmania for a period for a period of two to 12 months, based on the level of debt owed. Applicants are required to repay 80 per cent of the outstanding charges within the suspension period to reactivate their application and prior to an offer of housing by Housing Tasmania. Suspended applicants with Housing Tasmania are not removed from the Housing Register; their application remains active for the suspension period, but only for the community housing providers. This means that suspended applicants can receive a housing offer from a community housing provider and vice versa, despite being suspended for owing a debt to Housing Tasmania.

I will conclude with a couple of very important points. Housing Tasmania's outstanding charges policy restricts an applicant or intended household member from accessing public housing if there is a debt. This applies to new applications and applications for transfer, other than in exceptional circumstances such as family violence and mental health incapacity. Regarding Housing Tasmania's discretionary power to reduce both the suspension period and the percentage required to be paid by an application, discretion is used where the manager believes the suspension period would cause hardship to the household.

In conclusion, we have committed to review the debt policy and it will be the job for the board of Homes Tasmania to lead that work.

### **Energy Saver Loan Scheme - Requirement for CEC Accreditation**

**Mr WINTER question to PREMIER, Mr ROCKLIFF**

[10.37 a.m.]

Ben Shaw from the National Electrical and Communications Association, NECA, is speaking out on behalf of Tasmania's small business electricians who are absolutely livid about your Government's Energy Saver Loan Scheme's requirement of CEC accreditation. He has said:

It seems the Government has been sold on a promise of consumer protection and better regulation, but are getting the completely opposite outcome. Not only are consumers now at greater risk from dodgy retailers, but the qualified electricians in Tasmania are even further disadvantaged by over-regulation and red tape.

Something this Government says it prides itself on is cutting red tape and keeping our trade sector and small businesses moving. Well, this is doing

the complete opposite to an industry profession that already has some of the most stringent regulations and reporting in the country.

These sorts of sales jobs on government are the exact reason policies should be consulted with industry bodies and representatives, because if this was done in the first place, we wouldn't be in this mess.

If you will not listen to me or to the Labor Party, will you listen to one of your party's former candidates and current NECA state manager, Ben Shaw, and will you commit today to clean up this mess?

## **ANSWER**

Mr Speaker, I thank the member for his question. The first thing I will say is that consumer protection is very important. I am not sure if you disagree with that but I believe consumer protection is vital especially under a scheme using taxpayer funds. If you do not agree with that, frankly, that surprises me. This needs to be balanced to ensure any additional safeguards are delivering the benefits for participants, as you would appreciate.

Under the scheme, there are requirements for accreditation, both through the Clean Energy Council and through Bright's own code of conduct. All solar installers have to be accredited as approved solar retailers by the Clean Energy Council. Approved solar retailers have been approved by the Clean Energy Council as demonstrating their commitment to responsible sales and marketing activities, and solar industry best practice. All solar installers must be accredited by the Clean Energy Council to ensure the quality of installations. Tasmanians can now source quotes from multiple vendors via the Bright website and can compare different offers, ensuring that they make a purchase that is right for them. Solar vendors are not permitted to engage in unsolicited door-to-door sales - under the terms of the Energy Saver Loan Scheme.

The scheme's requirement for the CEC accreditation is consistent with other jurisdictions - the comparable sustainable household scheme administered by Bright in the Australian Capital Territory and the home battery scheme in South Australia. The New South Wales Government is also requiring a CEC-approved seller and installer accreditation during its trial of solar for low-income households scheme. The CEC's accreditation program is approved and overseen by the Australian Competition and Consumer Commission, which considers that it has resulted in public benefit in the form of increased consumer protections.

We are continuing to discuss this matter with those in the industry to better understand any concerns they may have with the accreditation requirements. To this end, a round table has been organised for 29 November where vendors and their representative bodies will be able to raise concerns directly with the Clean Energy Council, Bright and the relevant government department.

When we spend taxpayers' money, as a government we have to ensure the right process and ensure consumer protections. This is another example of Labor muckraking and negativity.

**Ms O'Connor** - Why not just say you will have a look at it?

**Mr ROCKLIFF** - That is what I have said, leading the round table. The round table on 29 November with stakeholders will be looking at the concerns people may have with the accreditation. This is the sensible thing that good governments do when it comes to engaging with stakeholders but, more importantly, the opportunity of the scheme to support businesses.

### **Human Rights Act for Tasmania**

**Ms JOHNSTON question to PREMIER, Mr ROCKLIFF**

[10.42 a.m.]

Next year is the 75<sup>th</sup> anniversary of the historic signing of the United Nations Universal Declaration of Human Rights. The United Nations has called on world governments to mark the occasion by moving to improve human rights protections. On Saturday there will be a rally; community members coming together, to support this call. Will you commit to initiating consultation on a human rights act for Tasmania?

### **ANSWER**

Mr Speaker, I thank the member for her question. Our Government is very committed to the fundamental freedoms of parliamentary democracy - freedom of thought, worship, and speech, and association first and foremost. We believe that Tasmania is a fair, accepting and inclusive state with protections in place that protect and promote human rights in Tasmania. These are enshrined in a range of legislative regimes. Those bodies sit under such frameworks at the international, Commonwealth and state level.

In Tasmania, these protections are extensively reflected in statute and in the numerous independent statutory authorities established, including the Office of the Public Guardian, Commissioner for Children and Young People, the Ombudsman, the Custodial Inspector, the Anti-Discrimination Commissioner and the Integrity Commission.

Beyond the Tasmanian context, we also comply with the existing international human rights law, including under the seven core international human rights treaties to which Australia is a party, and those optional protocols to these treaties to which Australia is a party. The Tasmanian Government also regularly participates in and supports the human rights processes by providing reports to the Australian Government on actions and initiatives to support the treaties.

Our Government is committed to protecting and respecting the human rights of all Tasmanians. I make that very clear. This commitment is demonstrated through many of our key policies and reforms, including legislative reform in relation to family violence and safeguarding adults.

It has not been our Government's position to date to support the creation of a stand-alone statute relating to human rights. However, the Government will consider the TLRI's report on a human right act in Tasmania when it is available.



## **Economic Update**

### **Mr WOOD question to TREASURER, Mr FERGUSON**

[10.45 a.m.]

Can you update the House on how the Tasmanian Liberal Government's strong plan for Tasmania is delivering for our economy. Are you aware of any alternative plans?

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## **Recognition of Visitors**

**Mr SPEAKER** - Honourable members, I welcome students from St Patrick's College and Scotch Oakburn College, winners of the Parliamentary Debating Shield.

**Members** - Hear, hear.

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## **ANSWER**

Mr Speaker, it is good to welcome the students to the parliament.

I thank Mr Wood, my friend and colleague in Bass, for his question on the Budget, the economy and the way our plan is delivering for our economy.

The Rockliff Liberal Government is delivering a strong economy for Tasmanians. It means job certainty, food on the tables of Tasmanians and that Tasmanians who left to seek work in previous government administrations are coming home and our population is growing.

I also thank Mr Wood for his question because he has asked me more questions this year than the shadow treasurer. The member has more interest in the Treasury portfolio than the official shadow treasurer. I could count on one hand the number of questions Dr Broad has asked me this year. I could actually count the number of questions from Dr Broad on one finger and that is an appalling lack of interest.

I am pleased to advise the House that the economy is in great shape. The ABS showed in a data release last Friday that our economy grew by a very significant 4.3 per cent in the 2021-22 financial year. That exceeded our forecast. We know this must be a good result because Dr Broad has been relentlessly negative but on that day he did not describe it as disastrous, he did not again claim that we were in recession. That was refreshing. He did not characterise the growth rate as a bad thing. He said it was solid. That is, indeed, high praise from the shadow treasurer and the Labor Party.

However, never fear, true to form, he found a pathway into negativity and some sour grapes. He pointed out that household expenditure on rents had gone up by \$78 million. It sounds like a big number but Dr Broad failed to mention that this was an increase of 1.8 per cent. He also pointed out that household expenditure on transport had gone up by \$199 million, neglecting to point out that the previous financial year transport had been smashed, particularly public transport, because of COVID-19. In fact, in that proceeding year, it was the lowest since 2003. It went very low as a result of the pandemic. Public transport was decimated.

If this is the quality of economic analysis from the official Opposition and the shadow treasurer, Tasmanians can be very glad that they are not on this side of the House. As we know, they cannot count and they certainly cannot manage money. What an absolute howler when the Labor Party agreed with the Greens that state government wages policy should equal inflation - a \$2.4 billion hole in the budget from the Opposition. They would be the only mainstream political party in the country prepared to sign up to that policy. It flies in the face of the urging of the Reserve Bank of Australia.

**Members** interjecting.

**Mr SPEAKER** - Order, order. Treasurer, I will give the Chamber a few seconds to quieten down. We have talked about the standing orders this week. The Treasurer should be heard in silence.

**Mr FERGUSON** - I have to compliment Ms O'Connor because she got them a beauty that day when she made them fall for that trap. It flies in the face of the RBA governor, Dr Lowe, who said only this Tuesday, 'If we all buy into the idea that wages have to go up to compensate for inflation, it will be painful.' Basic economics tells you that if you take this path, it will further fuel the problem of inflation. The RBA has a job; it has been told to bring inflation under control. If you continue to fuel demand like that you are going to continue to fuel inflation and you will have a wages spiral. You will have an inflation spiral.

Dr Broad might look to Dr Chalmers for some advice on this because he has been very clear. On budget night, the federal Treasurer called on governments to not take further steps to make the Reserve Bank's job even more difficult. On this side of the House we continue to take a prudent and responsible approach to budget management - that is what Tasmanians need us to do - and also grow our economy, not talk it down or claim that we are in recession when we have grown by 4.3 per cent and not to even claim a technical recession and be funny about it, or to claim that the state is suffering a population recession when we grew by 30 000 in the previous census.

They have no credibility. Our strong plan is paying dividends. The people of Tasmania know it. We have a record number of Tasmanians in jobs. We have hit our 2030 population target eight years early. Retail trade and exports are booming. The economy is growing at more than triple the rate it was under the Labor-Greens years of 1.3 per cent over here.

Mr Speaker, as I wind up, I was asked if there are any alternative policies. I do not need much time to say it. The alternative is a Labor Party that cannot count, cannot manage money and cannot run their own party.

### **Pathway to Truth-Telling and Treaty - Delivering on Recommendations**

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

[10.51 a.m.]

It is almost exactly a year since professors Kate Warner and Tim McCormack handed down their landmark report on a Pathway to Truth-Telling and Treaty. In that year, there has been radio silence on progressing the report's recommendations from both you and your Minister for Aboriginal Affairs. Indeed, recently your Government could not even commit to

a key recommendation to return kooparooka niara/Great Western Tiers to Aboriginal ownership and management. We know you have been focused on giving Tasmanians another stadium they do not want, need, or can afford, but surely you agree that delivering on truth, treaty, justice, and the return of land should be a core priority of your Government. Will any of the recommendations made in professors Warner and McCormack's report be delivered by your Government in this term of parliament?

## **ANSWER**

Mr Speaker, I thank the member for the question. I reinforce our commitment to a Pathway to Truth-Telling and Treaty. Earlier this year, I and the minister met with representatives from Tasmanian Aboriginal organisations at a gathering in Launceston to have a practical conversation about how to conduct an Aboriginal-led process to guide the way forward. Following that discussion, the minister asked all organisations that had been invited to the gathering to send him their nominations for membership of an advisory group comprised of Aboriginal people to co-design with government a clear and defined process for Truth-Telling and Treaty. Having received and considered those nominations, the Government is now in the process of finalising the advisory group.

Following the release of the Pathway to Truth-Telling and Treaty report in November 2021, the Government committed to providing an update after receiving the report. We wrote to Aboriginal organisations seeking their feedback on the report's recommendations and what the next steps on our journey towards true reconciliation will look like. There was a variety of views in the report's content and recommendations. However, the feedback indicated broad support to take further steps in establishing Truth-Telling and Treaty processes.

Following receipt of this feedback, the former premier and the minister met with members of the Tasmanian Aboriginal Centre and TRACA to discuss what the next steps of this process should look like. As a result of those discussions, the former premier announced in his state of the state Address that the Government would establish an Aboriginal advisory group to work with the Government to establish these two processes and consider the other recommendations in the report. The Government is now in the process of finalising the advisory group and has provided an update on that.

The discussion focused on the concept of an Aboriginal advisory group, a group of widely trusted Aboriginal people who can work together with the Government to get us to the starting point of a Pathway to Truth-Telling and Treaty. It was noted that the proposed Aboriginal advisory group is not necessarily the group that will actually conduct the Truth-Telling and Treaty process, rather its purpose is to co-design the next steps that get us to the beginning of those processes.

We know there have been increased costs to Aboriginal people who have engaged in the process to date, which is why we provided a \$500 000 allocation in the 2022-23 Budget to offset the cost of this process as it progresses. The Aboriginal advisory group will be supported by the Government to do whatever work it feels is needed, including liaising with other jurisdictions, undertaking research, seeking legal advice and consulting with Aboriginal people across the state to capture their views, and members will be remunerated for their time and costs of participating in the group.

So there is progress, Ms O'Connor, with these matters. You asked me about land handback. We are absolutely committed to land handback to the Aboriginal people. I have made that clear as Premier, as did the former premier. We are very committed to that.

### **TASCAT - Actions of Minister in Appointing Candidates**

#### **Ms HADDAD question to ATTORNEY-GENERAL, Ms ARCHER**

[10.56 a.m.]

In responses to questions in this place on Tuesday, you said that you removed the names of some of the people your recruitment panel recommended for appointment to TASCAT because you doubted their ability to uphold the TASCAT code of conduct. Specifically, you said:

I did not consider that the panel had adequately considered whether four of the recommended applicants held other positions that could affect the perception of their impartiality.

Can you confirm today that one of the people the panel recommended for appointment who you removed from the list was former Anti-Discrimination Commissioner Robin Banks?

Robin Banks has previously held a statutory officer position, one she was appointed to by both Labor and Liberal governments, and at no time has her ability to act impartially, without bias, with personal independence or with integrity, been called into question. On Tuesday, you said that because the rejected appointees had been public advocates, the perception of their impartiality was questionable. However, does refusing to appoint someone of such high-standing capacity and qualification for the position, who was recommended by your own panel for appointment, not show that in fact it is your integrity and impartiality that has been called into question?

#### **ANSWER**

Mr Speaker, I thank the member for her question. I am not going to talk about individuals.

**Ms O'Connor** - Oh, come on!

**Ms ARCHER** - No, I cannot talk about individuals as part of a selection process. Members know that.

**Ms O'Connor** - Tell us why you would not appoint Robin Banks.

**Mr SPEAKER** - Order.

**Ms ARCHER** - What I can clarify for the House is that a panel appointed under section 43 of the TASCAT Act is not an independent recruitment panel. It is a panel appointed by the minister for the purpose of providing the minister - me - with advice regarding their assessment of candidates for appointment. Equally, it is not a requirement of the act that the minister appoint a panel under section 43, but I chose to do so nonetheless.

The panel does not make a decision as to who is to be appointed and does not have any such power under the act. Any recommendations made by the panel are not binding on the minister. It is advice to which the minister must have regard to in a decision. The advice of the selection panel is not the only relevant factor and as the minister is responsible for the administration of the act and responsible for advising the Governor in relation to the appointments, it was incumbent on me as Attorney-General to be satisfied that the people I recommended for appointment met the eligibility requirements under section 44(2) and were suitable for appointment having regard to all of the matters in section 44(3).

I was completely entitled to reach a different view about the suitability of applicants from that which was reached by the selection panel. After having regard to the panel's advice, I formed the view that the panel had not adequately considered a number of matters under the act required for appointment. Those matters were directly relevant to selection criterion six, which was preparedness to adhere to the TASCAT member code of conduct and to maintain the tribunal's independence and reputation as well as personal independence and integrity and to promote the highest standard of behaviour.

The requirement of the act under section 44, subsection four, is that I must consult the president of TASCAT prior to the appointments being made. I have informed the House that the appointments were made by the Governor on the 22 August 2022. I consulted with the president of TASCAT on 1 July 2022 to discuss the recommendations of the panel as required pursuant to section 44, subsection four of the TASCAT act. This meeting occurred prior to any appointments being made. We had detailed discussions but I am not going to go into those discussions.

**Opposition members** interjecting.

**Mr SPEAKER** - Order.

**Ms ARCHER** - The Governor made these appointments on my advice. No appointments can be made until they are actually made by the Governor and as such any views I expressed to the department of Justice prior to meeting with the president about who I considered should be appointed, did not and could not amount to an appointment.

When I met with the president I discussed that I took into account the need for TASCAT members to be impartial and independent in my consideration of the suitability of the applicants. This included whether applicants held other positions where they were active public advocates that could affect the perception of their impartiality. I am not the one making that decision.

**Members** interjecting.

**Mr SPEAKER** - Members on my left will stop interjecting. Order.

**Ms O'Byrne** - You are absolutely the one who made that decision.

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**Member Suspended**

**Member for Bass - Ms O'Byrne**

**Mr SPEAKER** - Order, the member for Bass can leave the Chamber until after Question Time. Thank you.

**Ms O'Byrne withdrew.**

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**Ms ARCHER** - The decision on the advice, yes, but in relation to after any appointments, I was concerned that there would be a perception that there could not be the impartiality that is required of that role. Members in this place are very aware of the use of the word 'perception' in terms of any matters. It is okay for them to rave on about perception in terms of conflict of interest and when they are attacking ministers in this place, but when I take it into consideration to ensure that there is not politisation of a tribunal and that the perception of the tribunal's impartiality is not impacted on, apparently that is a bad thing, according to the other side.

**Members interjecting.**

**Mr SPEAKER** - Order. If the Attorney-General could wind up please.

**Ms ARCHER** - Mr Speaker, in winding up, I discussed my views at length with the president about suitability for appointment. I confirm that no advice was given to the Governor in relation to the appointment prior to the meeting with the president of TASCAT. The requirements of the act in respect of these appointments were absolutely followed.

**Government members** - Hear, hear.

**Tasmanian International Trade Delegation to Jakarta**

**Mrs ALEXANDER question to MINISTER for ADVANCED MANUFACTURING and DEFENCE INDUSTRIES, Ms OGILVIE**

[11.03 a.m.]

Can you update the House on the efforts of the Tasmanian trade delegation in Jakarta this week?

**ANSWER**

Thank you very much for that question -

**Ms O'Connor** - Did you have a nice rest yesterday afternoon after you got back?

**Mr SPEAKER** - Order.

**Ms OGILVIE** - It is always good to hear a great question from a great member. Thank you so much.

Mr Speaker, as Minister for Advanced Manufacturing and Defence Industries, I was very pleased to lead the Tasmanian International Trade delegation in Jakarta this week. For me, personally the trip was particularly special as I was able to visit my old hometown of Yogyakarta. As a younger person, I spent a year living there and have such good and strong memories of the beautiful Javanese people - a wonderful people. I was also able, fortunately, to visit the Ramayana Ballet at UNESCO-listed Prambanan temple. It was a marvellous experience.

With the number of high-level meetings focused on building relationships and identifying areas of cooperation across the maritime, defence and security industries, it is clear that the relationship between Tasmania and Indonesia has taken its next step. Post-pandemic, with international travel returning, we are getting back to business re-establishing long-standing conversations, renewing our friendships, and exploring partnership opportunities. We have a mature relationship with Indonesia and they have a good understanding of our clean-green capacity, particularly hydro.

The Tasmanian Trade Investment Mission Plan 2024 aims to grow and diversify economic opportunities for Tasmanian businesses in key areas across the globe and in Jakarta this week that is entirely what our delegation was focused upon. The delegation focused on areas of cooperation related to maritime training and other areas of Tasmania's maritime capability, including shipbuilding in particular, one of the many areas of partnership I discussed at length with our Indonesian friends.

Another area of shared concern with the Indonesians is the development of a skilled workforce and this remains at the core of industry concerns. We know that for our defence industry and our manufacturers, upskilling staff is critical for the sector to be responsive and to experience success in the modern economy. I also see this in my responsibilities as both Minister for Small Business and Minister for Science and Technology in particular. I was fortunate to be well supported in the delegation by qualified representatives from Tasmania's maritime industry, as well as the Australian Maritime College, represented by Rear Admiral Michael Van Balen, and Peter Craven as chairman of the Tasmanian branch of the Australian Indonesia Business Council, and national president, Mr George Marantika.

The mission was coordinated to align with the Royal Australian Navy's Indo-Pacific Endeavour Task Group's visit to Indonesia and its industry engagement program with HMAS Adelaide in port at that time. This provided the opportunity for direct engagement between the Tasmanian industry, the Australian Maritime College and senior Indonesian government and industry representatives. There was also a commitment to engage into the future.

Indonesia recently hosted the G20 Summit. Known as the business arm of the G20, the B20 is the official G20 dialogue forum for the global business community and the discussions included Tasmanian opportunities to be involved in future summits.

I sincerely thank all those who made this trade mission a success, particularly the Australian Embassy, Jakarta, Indonesia, and ambassador Penny Williams, with whom I had the pleasure of spending some time; the Australian Government Department of Foreign Affairs and Trade; our Indonesian friends and connections in maritime; the Australian Indonesian Business Council; and most importantly, our Australian businesses who joined the delegation. We could not have asked for a warmer reception. Thank you very much to our hard-working Department of State Growth.

Mr Speaker, I cannot conclude my answer without also expressing my sadness at the news of the earthquake which occurred in Indonesia during the mission. Whilst thankfully the Tasmanian team is safe, our thoughts and prayers are with everybody in Cianjur. I understand the death toll has now risen to more than 260 people, and many of those lost are school children. The loss of life is truly heartbreaking. More than 22 000 homes were damaged and more than 58 000 people displaced. On behalf of the Tasmanian Government, I immediately extended my deepest sympathies in person at the time, and now do so again here.

## **Gender Identity and Conversion Practices**

### **Ms HADDAD question to PREMIER, Mr ROCKLIFF**

[11.08 a.m.]

Last night your member, Lara Alexander, hosted an extreme right-wing forum in this building in support of harmful conversion practices. To open the evening, she told the forum that people were freer to speak their mind in Romania than here in Tasmania, and called it a 'lightbulb moment'. In 2020, both houses of the Romanian parliament passed a law banning gender identity information being discussed in schools and universities. In April this year the Romanian senate passed a bill banning discussion of homosexuality and gender identity in public spaces. Mrs Alexander told ABC radio that you supported her decision to host this event. Premier, do you also support the statements that she made at the forum?

### **ANSWER**

Mr Speaker, I thank the member for her question. What I can reflect on is Mrs Alexander's first speech in this place, where she spoke about the freedoms of Tasmania in comparison to where she grew up. I found Mrs Alexander's first speech very powerful. I was not at the forum last night but I have made my views clear on the matter before discussion in terms of the forum a few weeks ago and the one last night. As I have said before, our Government welcomes the Tasmanian Law Reform Institute's report on sexual orientation and gender identity conversion practices. It is concerning to hear of any practices in the community of this nature and our Government takes it very seriously.

I have considered the report and have met personally with people who have been subjected to conversion practices in the past. I acknowledge the harm and distress that these practices cause. Our Government wants Tasmania to be a place where everyone feels valued, encouraged, supported and included to be the best they can be.

I am aware that other jurisdictions have introduced various laws in relation to this matter and this is precisely why the Tasmanian Law Reform Institute has looked into this matter to consider options in areas that might need review in terms of our laws. The report is very extensive.

The departments of Health and Justice are undertaking further policy analysis and stakeholder engagement to properly evaluate the TLRI's recommendations and provide further advice to the Government around reform. I can assure you that our Government is committed to making decisions on the basis of expert advice and best practice with a priority focus on the health and wellbeing of all Tasmanians, and I anticipate that community consultation on the draft legislative amendments will commence in 2023.



I am aware, of course, of the discussion in the community. I get a lot of information and feedback from the community in terms of a large range of areas of view with respect to this matter, but I have made commitments to this place and I encourage community discussion.

In encouraging that community discussion, everyone has to comply with the Anti-Discrimination Act, clearly, and I encourage respectful discussion on these matters. That is vitally important given the hurt and trauma that many people in the community, particularly the LGBTIQ+ community, have faced in their lifetime.

### **Gender Identity and Conversion Practices - Liberal Party Attitude**

#### **Ms HADDAD question to PREMIER, Mr ROCKLIFF**

[11.13 a.m.]

Matthew Guy, the leader of the Victorian Liberal Party, recently made it clear that a controversial Liberal candidate who supported conversion practices would not be welcome in his party room. In doing so, he described conversion practices as abhorrent. He said he would not have the Liberal Party supporting, or even tacitly supporting, the practices. He said, and I quote, 'I don't want the party linked to that because we don't agree with it'.

At last night's forum, which was not remotely about free speech, as Mrs Alexander has tried to claim, speakers told the audience, which included minister Guy Barnett, all sorts of untruths about gender-diverse Tasmanians. Are you happy for members of your backbench and senior Cabinet ministers to associate the Tasmanian Liberal Party with conversion practices or do you have lower standards than Matthew Guy, 'Mr Lobster with a Mobster'?

#### **ANSWER**

Mr Speaker, I thank the member for her question. I have been in this place for 20 years. My views on equality, inclusiveness and respect are very well known. I have reinforced that since becoming leader of the Liberal Party. I am very proud to lead a diverse and very capable team of people who are willing, able and committed to representing each and every Tasmanian.

My views on conversion practices are well known. I have committed to changing the law to ban harmful conversion practices; that is the commitment I give. The forum last night, as I understand it, was also attended by Independents in the parliament as well, presumably so they can be informed in terms of other views.

**Mr Winter** - Are you sure about that?

**Mr ROCKLIFF** - I have been informed. I can check that but I have been informed that people attended. It is about encouraging information. My views are well known, as are my commitments in terms of change in this area.

## **Forest Industry - Job Creation**

### **Mr TUCKER question to MINISTER for RESOURCES, Mr ELLIS**

[11.16 a.m.]

The Tasmanian people have not forgotten the disastrous forests peace deal of the last Labor-Greens government, where huge numbers of Tasmanians lost their jobs in regional areas. Can you provide an update on how the Liberal Government is driving growth in the forest industry and supporting job creation in regional communities?

**Opposition members** interjecting.

**Mr SPEAKER** - Order, the minister has the call.

### **ANSWER**

Mr Speaker, I thank my colleague and friend, Mr Tucker, for his question. The Treasurer noted that Mr Wood asked more questions of the Treasurer than the shadow treasurer, Dr Broad, this year. I can also confirm that today, Mr Tucker has asked me more questions about forestry than the shadow forestry minister, also Dr Broad. There are people in this place who might question his work ethic, his drive, and his desire but I am more charitable than that. He has not asked me a question and has hardly asked a question of the Treasurer because he believes in the work we are doing to secure this state, to secure our finances and to back Tasmania's outstanding forestry industry that is employing people right across the state.

The reason we support it is that forestry is good for Tasmania. It is sustainable. It provides the timber we need to build our homes. It provides the fibre we need for a plastic-free future. It stores carbon naturally. It is the lifeblood of towns across the state, from the north-west, west coast, across the north and in the beautiful electorate of Lyons which Mr Tucker represents. It means jobs, not just for now, but because it is a sustainable industry it means jobs for the future. It is the ultimate renewable industry.

Despite that, forestry and forest workers were pummelled for years by attacks from the Greens and rank mismanagement by a weak Labor Party. Since the Liberal Party came to power in 2014 we have helped rebuild the forest industry in Tasmania. Tasmanians well remember when those opposite were in charge and two of every three forest jobs in Tasmania were lost. That was a shame, but now over 5700 Tasmanians earn a living directly or indirectly from our forest sector. They are people working in the bush, people working in our factories, they are in regional communities and cities across Tasmania. They are real jobs helping to support real Tasmanian families, allowing them to build a future of their own choosing.

As well as jobs, exports are up. My colleague and friend, the Minister for Infrastructure and Transport recently tabled the TasPorts annual report. This shows the volume of forest products transitioned annually through our ports is now over 3.5 million tonnes. That is more than a 45 per cent increase from when we came to government, a sign that our approach is working. With the world demanding more sustainably produced wood and fibre products from tier 1 jurisdictions, Tasmania is in the box seat to support our needs and the needs of others to build a renewable, sustainable economy for the future.

As well as jobs and exports, investment and confidence are up. Why is this? It is because leadership matters. This Liberal Government makes no apologies for standing up for our forest sector. Our unwavering support, from the Premier down, has given the industry the confidence it needs to invest and grow and create jobs for Tasmanians.

When we first came to government we had Ta Ann opening their \$15 million Smithton fibrewood mill and Forico reopening their \$9.5 million Surrey Hills Mill. There is also Timberlink's \$63 million expansion of their Bell Bay mill last year and up to \$23 million investment in production and processing across the state, brought about by a \$6 million injection. I want to thank my predecessor, colleague and friend, Mr Barnett, for the Forestry On-Island Processing Program. Tasmanian forestry has the confidence to invest and grow under a Liberal government.

However, Mr Speaker, do you know what the biggest risk to forestry in Tasmania is? A weak Labor government bound at the hip and heels with the Greens. Tasmanians know the devastation wreaked on regional communities through the Labor-Greens Tasmanian Forest Agreement. They see the loss in Victorian timber communities as we speak, as Daniel Andrews and his Labor government make good on their commitment to shut native forestry down and destroy thousands of jobs in that sector. They see Western Australia Labor's knee-jerk decision last year to shut down their native forest sector in 2024, blindsiding the industry and destroying regional communities.

Then, earlier this week, the so-called Teal Independents demanded that federal Labor scrap the Regional Forestry Agreements - a direct attack on sustainable native forestry in this country. Ironically, for the Teals, many of the timbers sought by those in their well-heeled electorates, in their architecturally designed houses, come from native forests, including here in Tasmania.

Tasmanians want Tasmanian timber. Australians want Tasmanian timber. We all want to support Tasmanian jobs. They are not interested in seeing our forest sector offshored to countries with weaker environmental protections than our own. That is exactly what policies like the Greens' would deliver. That is exactly what happens if Labor folds to the Greens and Teal pressure.

Where is Tasmanian Labor on this? I have not received a single question this year. Has the Leader of the Opposition or even the shadow resources minister picked up the phone to their Canberra colleagues? They have not asked me a question. Have they made a case for our sustainable native forest sector or are they so caught up in their own internal chaos? School bus bullies driving the bus, Dr Broad, so that the party of workers has forgotten the men and women working in our forest industry right across Tasmania.

Tasmanians deserve better and that is exactly why this Liberal Government is focused on what matters for Tasmanians, fostering a strong economy that provides jobs and enables the funding for essential services.

**Time expired.**

## **PETITIONS**

### **Call for Prohibition of LGBTIQA+ Conversion Practices**

**Ms JOHNSTON** tabled a petition signed by approximately 91 petitioners and an e-petition signed by approximately 6011 petitioners regarding a call for the prohibition of conversion practices in relation to the LGBTIQA+ community. The petition conforms with the relevant standing orders and rules of the House.

**Petitions received.**

### **Support for StudentWorks Model**

**Ms O'BYRNE** - I have the honour to be the bearer of an e-petition signed by approximately 120 petitioners regarding the proposed changes to operation of StudentWorks in Launceston. The petition conforms with the relevant standing orders and rules of the House.

**Petition received.**

## **QUESTIONS UPON NOTICE**

The following answers were given to questions upon notice:

### **10. ELECTIVE SURGERY - WAITING TIMES**

**Dr WOODRUFF** question to **MINISTER for HEALTH, Mr ROCKLIFF**

**See Appendix 1 on page 98.**

### **9. AMBULANCE TASMANIA - USE OF TAXIS**

**Ms O'BYRNE** question to **MINISTER for HEALTH, Mr ROCKLIFF**

**See Appendix 2 on page 100.**

### **3. COVID-19 - CONTRACTED WHILE A PATIENT AT A PUBLIC HOSPITAL**

**Dr WOODRUFF** question to **MINISTER for HEALTH, Mr ROCKLIFF**

**See Appendix 3 on page 102.**

**16. TASPORTS - SLIP YARDS**

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

**See Appendix 4 on page 105.**

**4. WOMEN WITH DISABILITY - REQUIREMENT FOR ACCOMMODATION**

**Ms O'BYRNE question to MINISTER for STATE DEVELOPMENT,  
CONSTRUCTION and HOUSING, Mr BARNETT**

**See Appendix 5 on page 109.**

**6 and 8. DEPARTMENT OF EDUCATION - STUDENTS WITH DISABILITY -  
RESOURCES**

**Ms O'BYRNE question to MINISTER for EDUCATION, CHILDREN AND YOUTH,  
Mr JAENSCH**

**See Appendix 6 on page 116.**

**TABLED PAPERS**

**Public Works Committee Report - Southern Outlet Transit Lane**

**Mr Wood** presented a report of the Public Works Committee on the following reference:

Southern Outlet Transit Lane, together with the evidence received and the transcripts of the evidence.

**Report received and printed.**

**WORKERS REHABILITATION AND COMPENSATION AMENDMENT BILL  
2022 (No. 48)**

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

**ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL  
AMENDMENT BILL 2022 (No. 46)**

**Bill returned from the Legislative Council with amendments.**

Motion by **Mr Street** agreed to -

That the last-mentioned message be taken into consideration at a later hour.

## **POLICE POWERS (SURVEILLANCE DEVICES) AMENDMENT BILL 2022 (No. 57)**

### **First Reading**

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

### **SITTING DATES**

[11.31 a.m.]

**Mr STREET** (Franklin - Leader of the House)(by leave) - Mr Speaker, I move -

That the House, at its rising, adjourn until Tuesday 28 February next at 10 a.m.

**Motion agreed to.**

### **SITTING TIMES**

[11.32 a.m.]

**Mr STREET** (Franklin - Leader of the House)(by leave) - Mr Speaker, I move -

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

We indicated last night that we may sit past 6 o'clock but I will be in touch with the Leader of Opposition Business, Leader of the Greens and the two Independents across the day. We have listed three bills for debate. Two of those we need to get done. We also want to deal with the message we have received from the Legislative Council. Then we will make a judgment call mid-afternoon as to where we go from there.

[11.33 a.m.]

**Mr WINTER** (Franklin) - Mr Speaker, I will say to the Leader of the House, thank you for your excellent communication generally throughout the year. We have appreciated it, or I have. I believe Ms O'Connor has as well and the crossbench -

**Ms O'Connor** - It has been refreshing.

**Mr WINTER** - particularly in terms of the times that the House may or may not sit. I know you cannot get it exactly right. You cannot know exactly what is going to happen. We appreciate the fact that we have been updated throughout the year about what the House is likely to be doing for the week.

It cannot be unsaid though about the lack of progress of a legislative agenda by the Government through this place or the other place throughout the year -

**Members** interjecting.

**Mr SPEAKER** - Order. The member for Franklin has the call.

**Mr WINTER** - We do not know exactly how many bills the other place will finish today. What we do know is that the very likely outcome of this parliamentary year for this Government will be the lowest level of progress in a non-election year in its time in government. It has been a truly unusual year for this place particularly for the Government given the number of resignations we have had. In fact, almost a third of the caucus since last year's election has now vacated. We are now here with a very different team from the one Tasmanians elected in 2021.

**Ms Archer** - And we are a great team.

**Mr WINTER** - The Attorney-General says, 'We are a great team'. I will leave that for her own opinion.

**Ms Archer** - We are. We actually like each other.

**Mr SPEAKER** - Order. The member who is on his feet should be heard without interjection.

**Mr WINTER** - Mr Speaker, if the Attorney-General wants to continue to interject like that, she is welcome to. The Attorney-General says, 'We actually like each other'. I am not sure that is quite right. It is not the way we saw it, particularly over the last couple of sitting weeks, with Government members sitting there particularly uncomfortable over a number of issues which we are sure there is not complete unity on. The stadium is the first one where we now have their federal colleagues -

**Mr Street** - We have people here waiting for other formal business, Mr Winter. You do not have to speak for the full seven minutes.

**Ms White** - You do not have to interject.

**Mr Street** - Oh, please.

**Mr WINTER** - I would be done if you were not interjecting.

We will see what happens in the other place today but it is going to be a very poor year for the Government and for this place when it comes to a legislative agenda, if there was one; it is difficult to see with the number of bills.

I want to reflect on the comments of the Deputy Premier on Sunday night as I watched him, when he said if Labor's measure of success is more laws to tell Tasmanians how they should live their lives, then they are on the wrong track. What I took from that is that the Deputy Premier is basically saying to Tasmanians, 'the less we do, the better for you'. That is what he said - the less this Government does, the better for Tasmania. I cannot disagree with

what he said. He says that the less this Government achieves through this place and through the other place, the better off Tasmanians will be. From some of the legislation they have passed through this place it is hard to disagree with the Deputy Premier.

We look forward to, and I think Tasmanians would like to see, a more stable government next year than the one they saw this year. Fewer resignations and a more stable government able to deliver more bills through this place is what Tasmanians will hope for next year and for a better year than the Government has had this year.

[11.37 a.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Mr Speaker, briefly, because there is some very important other formal business that we need to get on with shortly, we are comfortable with sitting late. I am not sure there will be a need to sit late, but at least we are giving ourselves that opportunity.

To counter what Mr Winter has said, I genuinely think that what Tasmanians really want is for the people who work in this place, however possible, to find whatever common ground they can. I know we Greens can be really combative and difficult in here - I am not denying any of that - but we are in times where Tasmanians are looking to their political leaders and community representatives to find whatever common ground we can on the big challenges that face us, from climate to COVID-19 to the future of children and young people and to the protection of nature. People are really yearning for less factionalism, less fighting and, however we can, in a parliamentary Westminster system, to find those areas where we can agree on and make some real progress.

**Motion agreed to.**

## **MOTION**

### **Recognition of Service - Mr Shane Donnelly**

[11.38 a.m.]

**Mr ROCKLIFF** (Braddon - Premier) (by leave) - Mr Speaker, I move -

That the House:

- (1) Acknowledges the service of Shane Donnelly to the Tasmanian House of Assembly during his 34-year career in the Tasmanian Parliament, the most recent seven of which as Clerk of the House.
- (2) Expresses its deep appreciation and respect for his knowledge of parliamentary practice, precedent and procedure, as well as his sound judgment in advising all members of this place.
- (3) Further expresses its gratitude for his good humour, patience and leadership as Clerk of the House.
- (4) Conveys its best wishes for a long, happy and healthy retirement.



It gives me great pleasure to contribute to this motion recognising the contribution that Mr Shane Donnelly has made to the Parliament of Tasmania and therefore to the people of Tasmania. Mr Donnelly will retire as Clerk of the Tasmanian House of Assembly on 31 January 2023 and today marks his final day as Clerk of this House.

Mr Speaker, I have had the pleasure of working with Shane over the entire 20 years I have been a member for the Tasmanian House of Assembly and this parliament. Shane commenced work in the House of Assembly in 1988. I was 18 when he was appointed to the position of third Clerk-at-the Table.

Throughout Shane's extensive career as a loyal servant of this parliament, he has performed myriad functions and roles, highlighting the long contribution he has made to this parliament and our state. These include all the different Clerks-at-the-Table roles, as secretary of nearly every committee in the House, as well as senior management positions of the House of Assembly and Legislature-General, and as an honorary office holder in the Commonwealth Parliamentary Association Tasmanian branch.

There is no doubt about the significant influence Shane has had on this place. In 2015, this was recognised with his appointment to Clerk of the House of Assembly. This was a clear endorsement of Shane's capacity, knowledge and experience.

As Clerk, Shane has been responsible for leading a number of important changes to the function of operations within the House of Assembly. His knowledge and analysis of parliamentary practice is second to none. Notably, in 2017 Shane conducted a comprehensive review of Standing Orders and rules of the House. The committee unanimously agreed to the proposed amendments and recommended them to the House of Assembly, which subsequently unanimously adopted them with approval from Her Excellency, the Governor, on 4 September 2017.

Shane started his parliamentary service with the fondly known whispering bulldozer, Robin Gray, as premier in 1988. All in all, Shane has worked with seven governors, 10 premiers and eight speakers over his 34 years.

**Ms White** - He deserves a medal for that, too.

**Mr ROCKLIFF** - That demonstrates that one, he needs a medal, Leader of the Opposition, and two, members of parliament, ministers, premiers, leaders of the opposition, we come and go, but largely the Clerks stay the same. That is a good thing. Continuity and consistency are very valuable in this place, as is an immense knowledge of the Standing Orders. I am sure that if Shane was ever to pen his memoir of the full 34 years, it would make a fascinating read for all Tasmanians.

Notwithstanding Shane's sound judgment on parliamentary matters, I am somewhat surprised that he is a passionate supporter of the Hawthorn Football Club. On reflection, considering that since he was born he has likely witnessed 12 out of the 13 premierships, his decision to support the Hawks may be vindicated.

The Clerk's unflappable patience in the Chamber is undeniable. Mr Speaker, I am sure you can attest to that, as other Speakers can, as well as many other members - Shane has been of enormous assistance to all of us over the journey. I am immensely impressed with the ability

of the Clerks and Shane, of course. This place gets enormously heated and complicated at times, in terms of procedural complication and points of order and all sorts of things happening. Shane's calm demeanour, quiet, measured, whispering in the ear of the Speaker, 'This is what's happening', is how the control of the House is maintained. It is a testament to not only Shane's capacity, intellect and knowledge of the Standing Orders but also his commitment to parliamentary democracy and for the people of Tasmania to have their say through the voices of the people elected to this place.

One of my regrets is that this was a 35-seat House of Assembly in 1988. In 2025, it will be another 35-seat House of Assembly. I would like you to be here to see the dynamics of an extra 10 members. For those of us who are lucky enough to be returned to this place at that time, it might be a very different, more robust but more democratic place. Shane, your advice has been sound. Your calm demeanour during the heat of passionate debate has guided us back to the issue at hand and your counsel has been important to many of us.

I hope that you will be able to enjoy a well-deserved, long and healthy retirement. I have mentioned the Hawks but also, as a passionate cricket fan, I trust you will provide the necessary support to the Australian team during the series in England next year and, in doing so, ensure that the Ashes are safely returned to Australia.

I would also like to acknowledge Shane's family, who are with us here today. To Mandie, Laura, Erin and Megan, thank you. There have often been long days and very long hours of work in this place, as we all know. Now, for better or for worse, we will be seeing less of Shane and you will be seeing more of him.

Shane Donnelly, Clerk of the House of Assembly, we thank you for your long and dedicated service to this parliament and, most importantly, to the people of Tasmania.

**Members** - Hear, hear.

[11.46 a.m.]

**Ms WHITE** (Lyons - Leader of the Opposition) - Mr Speaker, I am very happy to rise today to share my reflections on the time I have worked with Shane Donnelly and to wish him all the very best for a happy retirement. It must feel a bit uncomfortable sitting there having us say nice things about you but I am pretty sure you have sat through worse.

Mr Donnelly, also known as The Don, has been a constant guiding presence in this place since I was elected. As the Premier has described, he has been here for a lot longer than many of us, or all of us, and has seen it all.

When he first started work in Parliament House, it was 1988 and he first became the Clerk-Assistant and Sergeant-at-Arms in 1998. When I had a look at what else happened in 1998, I found that it was also the year that Google was founded - something that has become ubiquitous with our use of the internet but is also a very good likeness for how I would describe your role here as the Clerk. You are effectively the Google of the House of Assembly. Whenever there is a query about a Standing Order or interpretation of a sessional order, or a question about how or when certain motions can be moved in this place, you are the font of knowledge.

I, too, want to thank you for your patient guidance on committee work in my early years when I was first elected to this place, your careful choice of words when giving advice on matters to do with this House, and your ability to always find time whenever there is a question or concern. You have a rare quality of treating every matter brought to your door as important and you always give it your full attention and your time. I have never once been made to feel like a pest when I have sought your advice or help. I do take up a bit of your time from time to time. I am sure you would prefer to be spending that time doing something else. That is one of the important qualities you have brought to this role: you have always given time to help others understand how we appropriately use the Standing Orders in this House.

I am sure you would have seen and heard a lot in your time and you could probably write a pretty good book to go with that compendium you have written for the Standing Orders in this place. It might be a bit more of a page-turner than that one. I do not know whether you are going to put that one out but I would definitely be lining up to purchase a copy.

You have also helped to foster a great team here in the House of Assembly, and you and I have spoken about how proud you feel about that. You can leave here with the confidence that this House is in good hands and will carry forward good work.

Thank you for your service to our parliament and your friendship over the years. I will miss your sense of humour, the impossibly small font on your email, and your wise advice. Thank you to your family for lending him to us.

**Members** - Hear, hear.

[11.50 a.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Shane, the Greens cannot believe you are going. We are going to miss you very, very much. We are so happy for you as well that you will find freedom in the outside world beyond this place.

Mr Speaker, in order to function and to be healthy, democracy needs its rules and it also needs those who steadfastly interpret and stand for those rules. In this place that is the role, in many ways, of the Clerk of the House. It is not defined in the job, but to be the Clerk of a House of Assembly in a Westminster parliament makes you a defender of democracy and that is ever so important.

Shane, I acknowledge your deep understanding of this place, its rules, traditions, its people, and your tolerance of us. I believe you have one of the best poker faces in the business. Sometimes I wonder what is going on about half a millimetre behind the surface and what you are really thinking. Often when there is mayhem in here, in the crossfire I look across to you and you are an island of calm in a sea of madness.

I have always appreciated, as the Premier and the Leader of the Opposition have said, the time that you give to members and your patience. I must admit to occasionally having a little heart-stop when you come over to me in the House and you say, 'Can we have a little chat', and I think, 'What have I done wrong,' and usually I have done something wrong.

Shane, thank you for your wise counsel from advice on parliamentary strategy and interpretation of the Standing Orders to checking a leaking tap in the Greens' office. It is true -

the other day we had a tap explosion in the kitchen and there was a knock at the door and it was Mr Donnelly who had come along to help us. It was really lovely to see him.

I acknowledge that you have always treated members in this place fairly and impartially. As a member of a minor party in this place I have always felt safe in coming to you for advice, knowing that you will defend the rights of all members and that you will defend the rights of minor parties and Independents in this place. I enjoy your company very much and your quite dark sense of humour, I have to say.

In our office, it will be our policy and parliamentary adviser, Tom, who is the most grief-stricken by your departure. Some people might go to bed with a copy of the Bible beside their bed. Our Tom, I am pretty sure, goes to bed with your interpretation of the Standing Orders which I might say, is an important body of work. I am sure all of us in this place like to think we understand the Standing Orders but I admit that I am patchy and variable on that front. This volume has been such a fantastic contribution to this parliament and I know how much work it took. On behalf of the Greens, thank you so very much for that.

I note in your parliamentary career you have been a very significant reformer, from the Companion to the Standing Order and Rules, to the redesign of position descriptions. In the documents that we got today, working with parliamentary staff in a collaborative way to make this place the healthiest possible workplace, you are a reformer with complete dedication to the Westminster parliamentary tradition and this place.

I note what was probably a pretty hard time for you as Clerk in 2018, and that is the first time I have seen your poker face collapse, after the election of Ms Hickey into the Chair as Speaker. As you say in your comments here:

I am unable to quantify the number; however, both the quantity and weight of the written advice and rulings I have produced has increased significantly from previous years while fully acknowledging that this was doing my job, the circumstances of the 49th Parliament were unprecedented and required the team of Table Officers, under my leadership, to rise to the many and varied challenges of those extraordinary political circumstances.

On behalf of the Greens I am 'sorry, not sorry' that we did that to you. I know how much it took out of you to keep this place running as smoothly as possible.

In closing, Mr Speaker, I want to say, Shane, go well. You have more than earned your retirement. Enjoy your quiet days. I like to think you will miss us occasionally but do enjoy your quiet time with your lovely wife, Mandie, your children and your grandchildren, with Laura, Erin and Megan. We have asked enough of you and it is their turn now. Go well. Thank you, Shane.

[11.56 a.m.]

**Mr FERGUSON** (Bass - Treasurer) - Mr Speaker, I wish to support the motion and thank the Premier for moving it but, most importantly, acknowledge Shane Donnelly and his extraordinary length of service.

I will be speaking briefly because I feel that each previous speaker has already covered a lot of ground but I would like to acknowledge Shane as I have my own description of him

that I would call him in the corridors, our 'beloved Clerk'. It usually gets a wry smile from him. He has been so beloved by this Chamber, by this group of MPs and by many previous parliaments as well and their groups of MPs.

It is so lovely to see Mr Donnelly being able to be appreciated in this way through this motion. It is unusual but the length of service demands it and for 34 years it can only be described as a vocational call that Mr Donnelly has received and has responded. I am sure colleagues would be aware that the Governor makes the appointment of the Clerk of the House, usually on the advice of the Speaker, and it was a very wise nomination from Speaker Archer at the time.

It was wonderful to see you, Shane, transition from the previous very long standing and highly loved Clerk, Peter Alcock, who I know was one of your great mentors in this place and such a steady hand. As we as MPs appreciate, the Clerks are effectively invisible in this Chamber. They do not wish to and they do not want to be having any attention drawn to them - that is why this motion is so unusual. They move about this place intermingled with ourselves and are not strangers because they are like ghosts in this House but they are at our service.

It would be fair to say that, Shane - I am going to be very careful in my description, particularly noting what Ms O'Connor has just read out from the period relevant in 2018 - there were some chaotic episodes during that time because of the nature of those times and you have been true to your calling. You have been a protector of this House - not individual members, not the Government, not the Opposition, not the crossbench but the overall institution. That is very Westminster and that period of time demonstrated the importance of it.

This House will have further disrupted or unusual times in the years ahead and the conduct of individual human beings is only ever as good as their integrity to be able to carry the day and to be able to honour that 400 year tradition of Westminster democracy.

Shane, I believe you have carried it with incredible integrity. Others have used the words 'patience', 'impartiality'; and I would add to that 'forceful'. I have seen you, Shane, being very forceful in a couple of circumstances which will not be described by me in this Chamber in this debate, and probably will never be written in a memoir, but I have observed situations where Shane has done what needed to be done to protect the will of this House being able to be expressed at different times. I admire that. When I see that in a human being, I admire and appreciate and respect that so very much.

I also acknowledge not just the modernising of the Standing Orders, which has occurred under Shane's time but as others have said, the Companion to the Standing Orders and Rules of the House, now up to its second edition, has genuinely been a wonderful new asset to members of this House. Where we make mistakes in this place, it is usually most likely because we did not study our Standing Orders or the Companion. That would be a commendation to all of us.

Shane, in closing, I acknowledge your wonderful service. In particular, I thank you for your generosity of time and generosity of your spirit, and of course for those of your loved ones who, by lending you to us and their generosity in supporting you in your vocation, we appreciate that your family has supported us as MPs and in particular this House of Assembly.

We wish you all the best. I wish you God bless. I hope you have a fantastic retirement and that you do not spend too much time watching the webcast.

[12.00 p.m.]

**Ms DOW** (Braddon - Deputy Leader of the Opposition) - Mr Speaker, I am pleased to speak on this important motion today. It is great to have your family here with us today, Shane. We feel as though we know Mandie and you quite well but we never get that insight into people's families. It is lovely to have you with us this morning in the parliament.

I have only been here for a short period of time. I actually started here in 2018 which, by all accounts, I did not see anything unusual with the way that you conducted yourself during that time. To me, you have always had the utmost consideration, attention to detail, and you are always so calm and considered in everything you do. You have a great team around you here in the parliament.

During my short time here, when we come to this place it is such a foreign environment. If you have not had that experience of legislation or a legal background, or even having worked in this place before, it is very foreign. I found that when I arrived here, and even through the induction process you were so helpful and, as others have said, always so unbiased in the advice you give and always so willing to give us your time.

I remember that first daunting time when you speak on your first piece of legislation and seeking your guidance at that time, particularly for one of the bills. It certainly was not lost on me the time that you gave me and the attention to detail you gave to the advice you provided me.

I have learnt something new about you today in that you support Hawthorn. I am so pleased. I did not realise that you did, otherwise I would have had a conversation with you before this time around that. Hopefully we get a premiership next year.

I want to thank you very much. Thirty years is a long time at any job but gosh, it is dedication in this job. We cannot do our job without you in your role and to give that level of service to the Tasmanian parliament and the Tasmanian people is simply outstanding.

There might be public commentary about what goes on in this place, about what we do each and every day, but the work behind the scenes that is done is absolutely tremendous. It does not get the level of public credit or honour it deserves, in my view, because the workload you undertake here in this place is enormous.

I thank you and wish you all the very best, for good health and happiness in your retirement. I will miss your wry smile and your dry sense of humour. I would have given a penny many times for your thoughts in this place. I have often looked at you to get a bit of a sense of what is going on in your mind, with the to-ing and fro-ing across this Chamber but, as others have said, you always remain very calm and considered. I have great admiration for you for that.

It has been my great pleasure to know you in this very short period of time. All the very best and thanks once again.

[12.03 p.m.]

**Mr STREET** (Franklin - Leader of the House) - Mr Speaker, I will be brief because I know how much Shane is enjoying this. I want to reflect on 34 years in the one workplace. That is an incredibly long period of time, but to spend 34 years in this workplace in particular is a phenomenal achievement.

I do not want to make it about me, but when I lost my seat in 2018 I came back to work for the Government as a staffer. Occasionally we would have to sit in the Reserve. I had to stop doing that because it was doing my head in that I could not interject or contribute anymore. The fact that you have managed to sit there for 34 years without once standing up and screaming out loud at us to shut up or calm down is a tribute to your demeanour.

I have to say as well, as a new member sitting in the back row, in my initial days I used to think, 'It's getting a bit chaotic in here', and then I would look at Shane and see that his demeanour had not changed, and think, 'Oh, it can't be that bad if he's like that'. It took me 12 months to realise that it did not actually matter what happened on the Floor of this place, his demeanour and facial expression did not change anyway.

To say that I have been on a steep learning curve in the last seven months as Leader of the House would be an absolute understatement. It is not until you have this job that you realise the things that happen behind the scenes that the rest of us do not know about that the Clerks take care of for us to save us the worry. You have to put up with 25 headstrong individuals in this place and, as the Premier said, I cannot help but think the thought of 35 of us being in here in a couple of years' time has led to the decision you have made to leave at this point in time.

From Vince and Tim in my office and me, thank you so much for the last seven months and the help you have provided to me. You have ensured that we have not made too many mistakes and inevitably when we have, it is because Vince, Tim and I have said to ourselves 'We've been at this a while now, I reckon we've got this'. It is not until we do something without your guidance that we get the knock on the door and your head comes around and you say, 'You know how you did such and such this morning? Well, you can't actually do that. This is the solution to the problem'.

I have to say, when unexpected stuff happens that requires the Leader of the House to speak, inevitably a hand will shoot out with a piece of paper here with the right script on it and a message that says, 'Just say this' on it.

I am going to miss your steadying hand. I am going to miss your friendship as well that we have developed over the last seven months. I have to say that the least surprising thing I found out about you is that your wife, Mandie, is far younger than you and so you are going to have to wait a while for her to join you in retirement. When she does I am sure you will enjoy many years of happiness together. To Laura, Erin, Megan, TK, Isla, Naia and Jack, thank you very much for lending Shane to us. Enjoy your time with him after January.

[12.06 p.m.]

**Ms O'BYRNE** (Bass) - Mr Speaker, I can barely imagine that there is not going to be a third edition of this amazing tome. I am pretty sure that the only reason Shane wrote it was to stop those incessant taps on the door, 'Hey Shane, if we look at the standing order in this way, could we', and he would look at you pensively for a few minutes and say, 'Well, yes you could but back in 1947', and give the explanation as to why your idea was completely mad.

I do not know how to do this contribution without joking, because one of the things we have loved about you is your humour and your engagement. I am sure your family do not recognise the person we are talking about. He is utterly silent and never gives away how he feels. He is completely respectful all the time with every bizarre idea we might have, but that is how he has conducted every single day he has worked here.

I have known him since he was the Sergeant-at-Arms when I first came here. I think you were here the day before we renovated the House and we had a stranger jump down onto the Floor when you were Sergeant-at-Arms who had to be dealt with. You then became Deputy Clerk, and when Peter Alcock took his retirement, stepped into your rightful place. It felt like a steady progression.

You have always had, as Ms O'Connor said, that incredible poker face. I do not know how you have maintained it. There have been a couple of times where I have almost thought you had cracked. You probably wished there were masks many years ago in this parliament to enable you to hide in the way you have responded to it.

You have obviously always enjoyed your job and you have worked really hard at it. There have been, as we have talked about, some pretty challenging days, but there has certainly been a spring in your step since it has become known to the world that you would be leaving us behind. Contemplating life without us apparently does not distress you that much.

It certainly does distress us a little because we are going to miss your patience, we are going to miss the knowledge. I would advise against any of us encouraging him to write that book. I do not think that book would mean we would come out anywhere near as well as Shane would come out and it might mean years of litigation, but we would probably read it a lot. You would get quoted in this House a lot - but we know that Clerks do not do that.

One of the phenomenal things about the way you have approached this role and the way you approach democracy is that it is the commitment to making sure that this place is the best it can be each day. We do not always make that easy, but that is the reason the Clerks do not write books at the end: you will be providing advice to the Clerk who takes your place, just as you sought advice from Peter when he moved on from us as well.

I am going to miss seeing you around the corridors. I am pretty sure you might pop in every now and again but that would be to see Colleen and Mandie and not necessarily us, but it would be lovely to see you around the place again. We will all miss your humour and your engagement and the lovely way we get to talk.

When I first got in here we were on a committee and for some bizarre reason we have attempted very poor French to each other in the hallways ever since that. I was trying to work out how to say farewell to you in French and Mrs Alexander will laugh at me if I try to do it, but I could not work out what to say. *Je ne sais pas? Bonne retraite*, Shane.

[12.10 p.m.]

**Ms ARCHER** (Clark - Attorney-General) - Mr Speaker, I do not know where to start. It is very difficult to look at Shane because I know he would have very mixed feelings about leaving this place, believe it or not. When you are here for 34 years, you could not, have mixed feelings about retiring once and for all.



I deeply admire and respect Shane for his defence of the Westminster system. As soon as he started as Clerk, he came to me and the Speaker and we had a discussion about what we could do to reform a few things. I know what he was more excited about was the fact that, as the Clerk of the House, he no longer had to sit on committees; he could delegate those duties to his trusted Deputy, Sergeant-at-Arms and Clerk-at-the-Table.

We can all agree, and contributors have said, that his confidentiality and impartiality is second to none in this place. That is the quality of a Clerk. I was fortunate enough on day one, you could not wish for more in having Peter Alcock and Shane Donnelly as your Clerk and Deputy Clerk. It was then an easy decision when Shane put his hand up to be Deputy Clerk and I made that recommendation.

To Mandie and Shane's family, thank you for joining us today. It is wonderful that Shane can have the support of his family today, as he has throughout his entire career.

Colleen, I know you have provided support as well, just as you have supported numerous Speakers now. Thank you for your support of Shane; that can often go unnoticed.

Everybody has been saying that they do not know what Shane is thinking. I have tried to interpret it on many occasions. I have worked out what the twinkle in the eye means. I am not going to actually say what it means, I might get him into trouble, but I have my interpretation. I have noticed that he does have a poker face but he certainly has a twinkle in his eye, and I will leave it at that.

When Shane became Clerk of the House, one of the things we collaborated on was setting up the Education Office. That is something we are both very proud of. I went to the government and received some funding from the then-treasurer to make the first position available to create that Education Office, largely modelled on what the federal system has. They were brilliant as well. We had a quick trip up there to have a look at how the education office ran there and were terribly jealous of the fact that the federal parliament has a separate little chamber for kids to learn.

Schools are fortunate to have access to this Chamber. They are given the script of, 'don't touch anything', but I have had little notes left from time to time and my lollies have disappeared, little things like that. However, we do get that feedback. I know members get the feedback that the schools really appreciate the Education Office. That is something we can both be very proud of.

Everybody has talked about the book. I do not think people read the book perhaps as much as they should. The purpose for which the book was made was to minimise some of the more basic or repetitive questions that get asked and it is a really easy reference point. I would like to think that every person that takes that Chair reads the Standing Orders. If they do not, there is the Clerk, who is unflappable.

There was that dreadful period between 2018 - sorry, I am going to say it - and 2021. I do not think I have ever used parliamentary privilege in this place but I will use the word 'dreadful' to describe it. That is my personal opinion. I hope that type of period where our Standing Orders get butchered is never repeated. Under you, Mr Speaker, we have returned to the interpretation of the Standing Orders as they should be. You listen to sage and sensible

advice from the Clerk and do not deviate from that. It is a very safe position to take as a Speaker.

I cannot believe that Shane is leaving. I thank him from the bottom of my heart for his advice and counsel. Since I was Speaker, we have retained a professional friendship in this place. I hope that friendship can turn into a friendship outside this place because I really have appreciated the enormous support you have provided me over the years. Thank you very much.

[12.16 p.m.]

**Ms JOHNSTON** (Clark) - Mr Speaker, it is my pleasure to support this motion and to also add my thanks and very best wishes to Shane on his service and for the future.

I am a relatively new member of this parliament. I have only been here a short time. However, it did not take me long to figure out who the person was I had to go to with all my many questions. As an Independent member, I do not have party colleagues to turn to and ask questions about procedures in the House and what is likely to happen on the day and what the schedule is looking like. Shane's phone number became a favourite in my phone very quickly, to make sure I had him on speed dial for all my questions.

I really did appreciate, as an Independent member, the time you gave me when I came into this place to go through the Standing Orders, to understand the procedures for this place and how it functions. It is very difficult as an Independent without party colleagues to provide that support, but you provided impartial, professional advice and it was greatly appreciated. You even took the patience to read over my cheat sheet. I took your lovely rules and simplified them even further to try to make sure I understood them. You had the patience and graciousness to say that the cheat sheet worked.

In my cheat sheet I had written out the time limits for each of the speeches I could have in different kinds of debates and I showed it to Shane. Shane said, 'Yes, that is correct, you have interpreted those correctly', but then politely reminded me that, 'Of course, while these time limits do apply, Kristie, you do not have to speak for all that time'. I have taken that very seriously in my time here. I have tried not to reach the maximum time, to make my contributions focused. That was sound advice on your part, Shane.

Thank you for your patience, particularly with my many questions about what week are we on, or what particular rotation and when private members' time is. It became quite confusing a number of times so your patience with me asking what date we are up to and what week we are has been greatly appreciated.

I acknowledge, as many others have, the dignified and professional way you have provided services to this Chamber and to me, for the way you approach the very important role in our Westminster system. I also acknowledge how much I have appreciated and enjoyed attending the parliamentary education program, which the Attorney-General set up a number of years ago. I am sure other members appreciate attending it.

I always find it amusing that when they are doing the role, Kimbra and Colette will often ask the students who would like to be the Clerk of the House. They talk a bit about the Clerk of the House first and say what an important role it is, really like the boss of the House, so all the kids put their hands up. They are desperate to be this very important role, the Clerk of the House. Kimbra and Colette will then normally start to talk a bit more about what that role

involves and they will say things like, 'If you are going to be the Clerk of the House you have to be someone who loves the rules', and they will hold up the book. You watch quite a few kids put their hands down because they do not want to do that.

Then they will say that this Clerk of the House is a very important person but they have to be able to keep a secret and be discreet; they will hear lots of different things from members and the Clerk needs to be impartial and needs to keep a secret. Again, more kids put their hands down. They will then say things like, 'The Clerk of the House has to have a poker face', and I know a number of members have talked about your poker face, Shane, and, of course a number of kids say, 'We can't possibly do that, we get the giggles when it comes to the debate in the House. I couldn't possibly do that'.

Finally, when Kimbra and Colette say, 'The Clerk of the House has to sit there and not contribute to the debate', a number of people put their hands down. There are usually only one or two children in a classroom who want to be the Clerk of the House and so I acknowledge just how special that role is and what a special person it takes to be in that role.

I thank you because it is such an important role and those children who undertake the role of the Clerk in the little role plays they do really get an appreciation and a deep respect for the importance of what you do in providing guidance in this place.

I will keep my speech short, as I have learnt from you. I want to conclude by thanking you particularly for your services to me in providing that fantastic, frank and fearless advice, your service to the parliament and particularly your service to the people of Tasmania. I thank your family too for lending you to us for such a long time. I wish you all the very best for the future. I hope you enjoy much more time with your family.

[12.21 p.m.]

**Mr BARNETT** (Lyons - Minister for Energy and Renewables) - Mr Speaker, I support the motion wholeheartedly like others in this place and concur with the remarks that have been shared.

It has been a wonderful tribute to the Clerk, Shane Donnelly, after some 34 years, which is quite remarkable. He started here in 1988 and at least one member here was not even born in 1988, so 34 years is a long time. Shane was Second Clerk-Assistant from 1988 to 1998, as I understand it, and then Clerk-Assistant and Sergeant-at-Arms from 1998 to 2013, Deputy Clerk from 2013 to 2015, and Clerk from 2015 to now. During that time as Clerk there have been three Liberal Speakers - yourself, Mr Speaker, on two separate occasions you were in that role and, of course, the members for Clark, Elise Archer and Sue Hickey.

It was 1988 when I first met Shane Donnelly because I had just joined the then premier, Robin Gray, the 'Growler'. I was sitting in the adviser's box as a very junior senior adviser at age 26, so you can work out my age if you want to. That was a very heady time - 1988 and 1989 - and we have talked about the important role of the Clerks. Paul McKay was Clerk from 1982 to 1998 and then Peter Alcock, who I think many in this Chamber remember very well, from 1998 to 2015.

It was at that time as Second Clerk-Assistant that I first met Shane. He has always been kind, friendly and supportive. The remark has been shared during the debate on how supported we feel as members of parliament knowing of that steady hand all the way through, but they

were heady days in 1988. Robin Gray, as premier from 1982 to 1989, lost the election in 1989. We won 17 seats, Labor won 13 and the Greens won five, and it took some time before the Labor-Greens accord was essentially signed. Then in June 1989, in the middle of the night, there was a bit of parliamentary coup. Soon after that I concluded my time as a political appointee with Robin Gray. The Labor-Greens accord commenced in 1989 through to 1992 and then there was a very big switch back to a majority Liberal government.

It has certainly been a pleasure and an honour serving here since 2014 and having that constant professional, supportive eye on the ball, a steady hand - a little bit like the Senate Practice and Procedures - so much eye for detail. I am sure we will all go home tonight and take to bed Shane Donnelly's Companion to the Standing Orders, which we all have and will read at least over the Christmas break perhaps in the lead-up to next year. We will see.

We appreciate your steady hand. We feel confident and sure of that advice, even if at times we disagree or we feel challenged by the advice we might get. It is a wonderful tribute.

Likewise to Mandie and all the family, thank you very much for the opportunity to have Shane supporting us for all this time since 1988. It is remarkable. We say congratulations, well done. Please enjoy your time in the next chapter. We wish you well.

[12.25 p.m.]

**Mr O'BYRNE** (Franklin) - I know this is excruciatingly painful for you, Shane, so I apologise for prolonging this contribution.

Mr Speaker, I echo the wonderful sentiments we have heard today. I know that when we speak today we speak on behalf of those people who are no longer taking seats in this place. The regard you are held in by current and former members is significant. The only blight on your character is your support of the Hawthorn Football Club, and that is something you will need to address in your own time. For the record, I will say that Tom Mitchell has always been a very good footballer. I support him, and he will be wonderful in the Collingwood colours.

Shane, you have been such a tremendous force in this place - in a gentle hammer kind of force way - in holding this place together, holding people to the traditions and holding people to the standards of parliamentary debate and the Westminster system. Personally, when I was elected as a minister, in a complex minority government parliament you and Peter provided advice, support and assistance which was much appreciated and acknowledged in difficult times.

I know a number of members have spoken about difficult times and different elements of this parliament. I am not sure if there has ever been an easy time being in your role, given the complex nature of debates that we see in this place and the kind of contest of ideas. It is never easy. Some are harder than others, but it is never easy, so I acknowledged that when I was a minister.

When I was Leader of Opposition Business in the much-discussed previous speakership, I acknowledged your sage and calm-like advice. There were times when I would be knocking on the door on a parliament morning and poke my head around the corner. You would look up and smile and ask me to take a seat. I would say, 'So Shane, hypothetically', and you would tilt your head, give a little sigh and you would have a smile, grimace, painful look, and say, 'Well, potentially you could do that, but how about this?' You would set us on the straight and

narrow in terms of not giving us any political strategy, but keeping up the standards of the House and the conduct of debate in this House. I appreciate that.

I also acknowledge in more recent times the kindness and generosity of spirit that you have shown me personally. I acknowledge all your work for this place and for the people of Tasmania. It is much appreciated. This is an acknowledgment that is long overdue and hopefully you will hold on to some of the words that are said here today as an indication and as a legacy for the work you have done.

To your family - it is very unparliamentary of me, Mr Speaker, so I apologise in advance - he did a bloody good job and you should be very proud of him. Shane, all the best, mate. Take care.

[12.29 p.m.]

**Mr JAENSCH** (Braddon - Minister for Education, Children and Youth) - Mr Speaker, for eight years I have been walking up to this dispatch box and there has been Shane's face behind it. This will be the last time we do it. I always engage with that face a little bit and try to work out what it is saying to me, first as a precocious backbencher, then as a rookie minister and now as a possibly sometimes over-explaining minister in late-night committee sessions here.

People have referred to the wry smile, which may be a grimace, and the calm eyes which have sometimes felt like a silent sigh, even from above a mask. I thank you for your patience. Here today, I would like to say Shane, thank you and good luck.

[12.30 p.m.]

**Mr ELLIS** (Braddon - Minister for Police, Fire and Emergency Management) - Mr Speaker, it also gives me great joy to say thank you to our beloved Clerk, Shane Donnelly. I am still a relatively new member in this place, and as my colleague and friend, minister Barnett noted, I am also relatively new on this Earth, having been born after the start of the illustrious career of our beloved Clerk.

I have also found his advice extraordinarily helpful. I could not resist the temptation that many others have made to bring a prop to a debate, in contravention of Standing Orders. I had tried to prepare which Standing Order I would be in breach of but I could not quite find it in the book in time so forgive me, Shane. My first copy was far more dog-eared than this new one, but I can quite proudly say that this one does have a personal signature from the Clerk himself. In typically understated style it simply says 'Enjoy', because for all the outstanding work and the complexity of the Standing Orders and the vast tradition of Westminster parliament that it speaks to, the person who wrote it has not tried to take anything away from that institution. Indeed that is the task of the Clerk and the task which Mr Donnelly has discharged so nobly over these 34 years.

I remember coming in as a new member in this place, and when you are on the government benches you quite quickly become deputised in the Speaker's role. While I was still finding my way around the House I had the pleasure of Mr Donnelly sitting me down and explaining what would happen when I inevitably took the Speaker's chair in my first couple of weeks. It was a wonderful meeting and I learnt a heck of a lot, including the precedent when my predecessor Joan Rylah tried to bring the House to order with some quite heated debate coming from the Greens and others, and at a moment perhaps one could say lost control.

I always felt that the advice on that day was extraordinarily helpful and I probably learned more about the place. I was able to find the men's room in this place and, thanks to Mr Donnelly, felt I was more prepared to take the Chair than I was to find the throne in this House.

The work of the Clerk is extraordinarily important to maintain the institution, so I will read a quote which sums up Mr Donnelly's work, from *Time to Build* from Yuval Levin:

We must all accept the responsibilities that come with the positions we hold, and we must ensure that obligations and restraints actually protect and empower us. We need to inhabit these institutions, love them, and reform them to help make them more lovely to others as well.

To our beloved Clerk, thank you for protecting, reforming and guiding this institution in your time.

[12.33 p.m.]

**Mr SPEAKER** - Thank you, members, for your contributions to our beloved Clerk. I am sure that everyone who has not spoken would also appreciate the opportunity, but of course the words have all been said. On behalf of everyone, please accept these contributions.

I will make a short contribution from the Chair.

I know that 31 January is not here yet, but internally you might be pumping the air saying, 'The last question time is behind me'. I know that in discussions with the Clerk that he has some trepidation; he is filled with mixed emotions on the last day of a 34-year career in this Chamber, and the exciting time of retirement and spending more time with his family, which I know he is very much looking forward to.

I, in particular, have appreciated your friendship and guidance over the years, particularly as Speaker. Mostly there is a special relationship with Speakers. It is somewhat of a bond and I have appreciated your thoughts and guidance through my 12 years as Speaker.

Going away to Presiding Officers and Clerks conferences, I have been away a couple of times with you and Mandie has been there as well. I have appreciated those times away from the parliament and the friendship you have afforded to Merrilyn and me. It has been fantastic. I know through those conferences that your experience, knowledge and input will not only be missed in this Chamber but it will be missed nationally, so your peers will not only be wishing they were you and retiring but will also acknowledge the loss of experience and so on through your retirement.

To Mandie, he is going to be around more so hopefully the list on the fridge is growing. He needs to be kept active so keep that list full and do not let him go away on too many trips without you. To his family, he is still a young man who is capable of a lot of work so load him up and keep him busy. Do not let him lounge around.

As I am standing, I ask the rest of the House to stand in support of the motion. We acknowledge Mr Donnelly's contribution to this House.

**Motion agreed to *nemine contradicente*.**

**Mr ROCKLIFF** (Braddon - Premier) - Mr Speaker, I further move -

That a copy of the foregoing resolution be provided to the Clerk of the House.

**Motion agreed to.**

## **MATTER OF PUBLIC IMPORTANCE**

### **Giant Trees**

[12.37 a.m.]

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

That the House take note of the following matter: giant trees.

I start by acknowledging the Tasmanian Aboriginal people of lutruwita/Tasmania, the palawa pakana, who cared for our forests across this island for tens of thousands of years. They honoured and respected them and particularly understood the great importance of the spiritual value of the very old trees within them - the ancient trees, the giant trees.

I draw attention to some of the people in Tasmania today who are doing enormous and important work on behalf of us all to make sure that we understand the global significance of the treasures we have on our island that are significantly at threat from logging as well as other activities, but especially and most importantly from logging by Forestry Tasmania.

Those people are led by the doughty Steve Pearce and Dr Jen Sanger, who together make up the Tree Project. They are amateurs, albeit it be highly credentialled ones. Their mission is to inspire a generation of big tree hunters and to discover, document and protect and ultimately to respect, as we all ought to, our forests of lutruwita and the giant trees within them, because somebody has to do it. The reason that Dr Jen and Steve started the Tree Project was because no-one else was doing that work.

It started in Tasmania in the colonial era. It was started by the Victorian-based big tree legend Brett Mifsud, who commenced looking for giant trees in Tasmania in the 1990s. We owe so much to Brett and his years of dedicated work and what we learnt from it, but that was backed up by the forest conservation campaigns of the Wilderness Society and so many other groups who together worked and built a public interest and understanding about the loss of our forests and about the tall trees that were in them, at Beach Creek near Wayatinah in the 1980s and a decade later in the Styx rally.

Because of that public attention, Forestry Tasmania was forced to come to terms with the reality of what it was removing, and it was required to undertake a survey in 2000 to measure the height of Tasmania's tallest trees. They measured a tree 92 metres tall - a metre taller than the existing Victorian-reported tree at the time. The 10 tallest Tasmanian trees exceeded 85 metres, and that apparently was the measure that inspired Forestry Tasmania to set 85 metres as their threshold for giant tree protection. A completely arbitrary level. It revised the giant tree protection to also include trees of large volume two years later, after it discovered the 404 cubic metre El Grande - that enormous and most beautiful of trees.

For tall trees, we understand a much different measure and this is the work that the Tree Project has done. It has looked at what other states and jurisdictions look at. The work in Victoria, for example, recognises trees that are over two-and-half metres wide as being a significant volume tree. They are protected in Victoria. Trees with a volume of 200 cubic metres or greater are considered to be giants. Big trees are very hard to find. They are different from tall trees. They are often difficult to spot in the canopy, because they have been beaten by the ravages of time. They have been attacked by lightning. Their limbs have been thrust off by huge hurricane-like winds that we can get, particularly in the south-west. They can be, and typically are, much older than other trees. They continue to move outwards as they age, and they store and draw down enormous amount of carbon dioxide from the atmosphere.

Tall trees, if we look at the standard that is being used in other states and other places that properly value their trees, are trees over 75 metres tall. The Tree Project uses the standard technique, which is a wonderful capacity to understand what tree heights there are in the landscape. It is called LiDAR, a scanning process with lasers. It creates spatial data and it is accurate to the centimetre. Really extraordinary. It shows the height of the trees as they come out of the lower canopy. The work of Tree Project has identified more than 200 registered giant trees in Tasmania, with 315 LiDAR hits of 85 metres, and some of those trees have yet to be ground-truthed and measured. That is the work they are undertaking right at the moment.

These trees are a critical habitat. Without them, we would not have the animals that live in our forests. We would not have the swift parrot. We would not have the masked owl and the grey goshawk. We would not have the spotted-tail quoll that lives underneath them. All of these animals rely on those trees for flowering, for nesting, and for the role that they play in the ecosystem and so we have to do everything we can do to document and protect them.

### **Time expired.**

[12.44 p.m.]

**Mr ELLIS** (Braddon - Minister for Resources) - Mr Speaker, I thank Dr Woodruff for bringing this debate to the House. Of course, it is another day and another attempt to shift the goal posts under a productive industry in lieu of an attack on sustainable jobs and sustainable industry creating the most sustainable product that there is. The ultimate renewable: timber.

We see this time and again because the Greens are, fundamentally, constantly looking for ways to shift the goalposts in a never-ending anti-everything campaign. That is their business model, and I think people have woken up to it from the halcyon days that the member spoke of in the 1980s. We live in a different world -

**Ms O'Connor** - Did you look at the last federal election and local government results? I do not think so. Dream on.

**Mr SPEAKER** - Order. The previous member was heard in silence, so should the minister.

**Mr ELLIS** - Whether it is renewable energy projects in the north-west, mining and minerals necessary for everyday life, batteries and renewable energy, on the west coast, or the sustainable native forest sector in the south of the state, the Greens make a habit of attacking regional businesses and regional jobs, sadly, for their own political and ideological ends.



Whether that is the Greens in this place, or their militant arm the Bob Brown Foundation, and people like Jen Sanger who is producing some of this 'work,' and all the while they provide no alternatives and have no plan. Make no mistake, this latest angle of the Greens is just a trojan horse for their real ambition, which is shutting down our sustainable native forest sector.

I am looking forward to injecting a bit of fact into this debate. The reality is that Sustainable Timber Tasmania has well-established policies in relation to giant trees. Tasmania's giant trees are among the largest hardwoods in the world and are of national and international significance. Giant trees can exist in our extensive reserves - we have more than 50 per cent of the state locked up - and protected areas, and also in our public production forests. STT recognises the cultural value of these trees and has well-developed policies and procedures in place for the ongoing protection of these trees. Through its giant tree policy, STT requires that all trees of at least 85 metres in height or 280 cubic metres in volume are protected. Let me just say that again for those who may have only watched Dr Woodruff's speech and thought there were no protections here. Through STT's giant tree policy, they require that all trees of at least 85 metres in height or 280 cubic metres in volume are protected. Giant trees are protected in Tasmania.

If the Greens want to shift the goalposts and talk about different trees, smaller trees, smaller trees than giant trees, then we can have that debate, but fundamentally, giant trees are protected in Tasmania. STT implements this policy by actively searching for giant trees using the LiDAR technology that Dr Woodruff talked about, conducting field confirmation surveys, and by establishing an informal reserve that provides a minimum 100 metre buffer around any identified giant tree. That is the point, Mr Speaker: we protect giant trees. The Greens are interested in shifting the goalposts, not because they want to protect giant trees, but because they want to shut down the forest industry.

**Ms O'CONNOR** - Point of order, Mr Speaker. I ask Mr Ellis to withdraw that. That is offensive to accuse us in here of lying, to say that we do not want to protect giant trees, we just want to shut down the industry.

**Mr SPEAKER** - You will withdraw the word, 'lie.'

**Mr ELLIS** - I did not actually say 'lie', Mr Speaker.

**Ms O'CONNOR** - No, but he has accused us of lying about our motive. Do better.

**Mr SPEAKER** - Sorry, I thought he was accusing you of lying. The fact is, and we have talked about this before, Greens plural can be to anybody, it is a general statement. If you disagree with what a member says, then you have an opportunity to put your point of you forward.

**Mr ELLIS** - Thanks, and yes, that was a bit weird. Is your policy to shut down native forestry in Tasmania?

**Ms O'Connor** - Yes, but this MPI is not a trojan horse for that.

**Mr SPEAKER** - Order.

**Mr ELLIS** - That is all I am saying. You agree, we all agree, we all know you want to do it. We are happy to continue fighting for the native forest sector in this state and you are happy to continue trying to shut down jobs in my community and the community of other members in this place. We know it upsets you when you get called out on it.

**Ms O'Connor** - We are not frauds like you.

**Mr ELLIS** - All you do is change the goalposts.

**Ms O'Connor** - You are a total fraud.

**Mr ELLIS** - All you do is want to shut things down.

**Mr SPEAKER** - Order, Leader of the Greens.

**Mr ELLIS** - All you do is carp and complain and try to hold members in this place to a standard to which you have never even tried to hold yourself. Some of behaviour you exhibit in this place is disgraceful.

We will continue to have this debate, but let us all be very clear: this is about the Greens trying to shut down the native forest industry. That is their policy.

STT employees conduct detailed operational planning to identify giant trees, and a range of other species such as threatened species habitat, soil and water and cultural heritage and cultural heritage within protected areas. Specific measures are included in operational plans to appropriately protect these values. All operations are conducted in accordance with Tasmania's forest practices system and STT's policies.

I was pleased to appoint a new chief forest practices officer just the other day. It is a credit to Tasmania the way that we conduct forest practices in this state. It is nation-leading, it is world-leading, and the attempts by those to still try to source the timber that we need in our everyday lives for more houses, for a plastic-free future, for carbon-sequestering building products. Their attempts to shut down native forestry down in a tier 1 sustainable jurisdiction and ship it off to the third world, to orangutan habitats, quite frankly, Mr Speaker, is immoral and we should be producing that timber here to our high standards rather than shipping it offshore under the Greens' shifting goalposts.

In addition to giant trees, STT also recognises the value of trees that are greater than 250 centimetres in diameter, breast height, but do not meet the criteria for giant trees. During 2020-21 STT introduced an initiative that aims to retain large trees where it is operationally feasible and safe to do so. We are really proud of our forest practices system in Tasmania.

**Time expired.**

[12.51 p.m.]

**Dr BROAD** (Braddon) - Mr Speaker, I rise to comment on the MPI but I must admit I stand here quite dumbfounded. I am really not sure what the Matter of Public Importance is today because there was no call to action. I did not get a sense from Dr Woodruff, the member for Franklin, of why she brought this on today. Maybe that was because the member ran out of time and did not get to the call to action. I heard the member talking about giant trees -

**Dr Woodruff** - You did not listen to what I said at the beginning. Honouring and respecting -

**Mr SPEAKER** - Order.

**Dr BROAD** - and the processes in identifying giant trees and -

**Dr Woodruff** - understanding the central importance -

**Dr BROAD** - Mr Speaker, please. What is the point? The Matter of Public Importance is giant trees.

**Greens members** interjecting.

**Mr SPEAKER** - Order. Sorry, Dr Broad. I have just about had enough of this. We talk about our attitudes in this Chamber and how we treat each other. It is very disrespectful to continually interrupt the member while he is on his feet. It is all right, well it is not all right, but people have one go. To continually interrupt the member on his feet is totally disrespectful and I am not going to put up with any more of it.

**Dr BROAD** - Thank you, Mr Speaker. Big trees are identified in Tasmania. STT has a policy, as outlined by the minister who has just resumed his seat, so if a tree is over 85 metres or more than 280 cubic metres, then it is protected and there is a process. We know that the Big Tree Project is trying to identify as many big trees as it can. Part of that is this 'tree worship' that it seems that parties in the environmental movement do, but it is also about trying to identify as many as they can so that means that for every tree they can identify they get another 100 metre buffer which is more timber that cannot be processed, so they protect more trees so they feel better about themselves.

We know that this state has an amazing record when it comes to forest protection. We know that the Forest Protection Authority is world-leading in the way it administers the harvesting of all forests in Tasmania but we know that half our state is in reservation. We are a net-zero carbon emissions jurisdiction, and yet what the Greens are trying to do is identify whatever process they can to lock up more and more of these 100 metre buffers so that more and more trees get taken out of the harvest management.

We did not really hear the actual benefit of a big tree. We know that we can stand back in awe of a flowering plant that has achieved such a huge height - we can - everybody can do that, but what does it mean from an ecological point of view? The member for Franklin was getting to that, but a lot of times when big trees are discussed it is done in other terms like, 'imagine what this tree has seen in its lifetime'. They talk about the age of the tree and what was going on in the world when that tree was a seedling. That is what the Greens do to put some supernatural context around this.

Worshipping trees is not a new thing. In fact it goes back to Pagan times. We have seen numerous examples of sacred trees and sacred groves all throughout history. No doubt some of my ancestors worshipped trees. I have German heritage and I know that the Celts and the Saxons in Germany worshipped trees, like Irminsul that Charlemagne cut down and turned into a church because it was worshipped by the Saxons. That was one of the ways of converting Saxons to Christianity. There was Donar's Oak that St Boniface cut down and turned into a

church as well, which is somewhere near Hess in Germany. Then we have Yggdrasil in the Norse legends, the tree of knowledge. We have a long history of worshipping trees but we live in a more enlightened world now in that we do not say that a tree has a sacred spirit or a tree is a god.

What you are doing is called anthropomorphism, which is attributing human characteristics to something that is not human whether that be an animal, a god or a plant. If these plants do have feelings then maybe the vegans are in a bit of trouble. We live in a very well-balanced modern society that does value trees. We value trees because half the state is in preservation; that is how much we value trees. That is how much we value our forest practice management.

What the Greens do not understand is that you cannot just leave a forest alone and everything is going to be fine. These forests have always been managed. Eucalypts have evolved to encourage disturbance and if there is no disturbance then what happens in wet sclerophyll forests in Tasmania is that they transition into rain forests. What happens is that if you have your magnificent big trees and you protect them for long enough they will die and will be replaced by rainforest. That is fact.

These forests have evolved for disturbance and they encourage disturbance by shedding leaves, branches and encouraging fire. That is their competitive advantage. The reason these trees have been around so long is because they have not been burnt, there has not been disturbance. What will happen as sure as night follows day, is that at a long enough time scale, they will turn into rainforests and they will not be there any more. As I said, I cannot understand the point of this discussion. Why is this a matter of public importance?

**Time expired.**

[12.58 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - This is a matter of public importance, Dr Broad, because giant trees are important to our wellbeing, they are important to ecosystems and we want to take every opportunity in this place to talk to you, Dr Broad and to you, Mr Ellis, about things that you lack a sensibility for. That is ecosystems, the natural world, the intricacy of the web of life.

The contribution you just made told me that you do not want to see giant trees protected because you sneered at the work of the Tree Project because they are going around the island doing the work that Forestry Tasmania is not doing, identifying giant trees, and you resent the fact that they might identify some that lead to buffer zones that might reduce wood supply.

There is such a white colonial perspective here. We do not live in a more enlightened world. We live on a planet that is teetering on the edge of ecosystem collapse because of exactly that sort of attitude, Dr Broad, and the attitude that we just got from Mr Ellis. We do not live in a well-balanced, modern society. We live in a society that has plundered earth, is damaging ecosystems and driving species to extinction.

**The sitting suspended from 1 p.m. to 2.30 p.m.**

## MATTER OF PUBLIC IMPORTANCE

### Giant Trees

**Resumed from above.**

**Ms O'CONNOR** (Clark - Leader of the Greens) - Mr Speaker, it takes a certain lack of sensibility to sneer at a matter of public importance debate like this and ask what the point is when we are in the middle of a climate and biodiversity emergency.

The minister, Mr Ellis, who very insincerely called Dr Woodruff his 'honourable friend' at the beginning of his contribution then spent the next six minutes and 50 seconds sledging and misrepresenting the Greens, saying Forestry Tasmania has well-established policies around giant trees. Those policies are very narrow in their definition and very different from giant tree policies on the mainland. I will not let the House forget that it was Forestry Tasmania that clearfelled and burnt a forest giant called El Grande, a 79-metre-tall tree with a 19-metre girth, in the Florentine Valley.

I will now go to correspondence members have received from Dr Jennifer Sanger of The Tree Projects. I believe she has presented every member of this House with a poster of the beautiful *Eucalyptus globulus*, Lathamus Keep, which is the biggest blue gum on Earth.

**Mr DEPUTY SPEAKER** - Ms O'Connor, no props, please.

**Ms O'CONNOR** - I was simply referring to it, Mr Deputy Speaker. I hope members have a look at that incredible tree. Dr Sanger says in her correspondence to members:

My husband Steve Pearce and I run an environmental organisation called The Tree Projects. We would like to gift you this poster of the world's largest Tasmanian blue gum. This tree was only discovered in 2021 and sits in the middle of logging coupe DN007B, which is due to be logged in the next few years.

You may have already heard about this tree. The ABC published a news story on this topic that went viral on 4 November. The article illustrated how the tree was found by volunteers and that subsequent visits to the site revealed the logging coupe, which we renamed the Grove of Giants, contains over 150 trees over four metres in diameter.

We were overwhelmed by the response from this article, which was the ABC's best-performing story of the week. People were genuinely shocked and outraged that significant old trees like this are still being logged in Tasmania. We even had a businessman from Queensland who was so distressed by the idea of this forest being logged that he offered to fundraise to try and purchase the land in order to protect it.

What this ABC article has shown to the world is that old-growth logging is still happening here in Tasmania despite many people believing it is a thing of the past. It is directly at odds with Brand Tasmania and the clean green image the state is portraying. The Grove of Giants is not unique. There are

many old-growth and mature forests that are being logged around the state. Many people erroneously believe that the forest peace deal protected old-growth and high-conservation-value forests, but this is not the case. Large areas of the old-growth forest around Wayatinah and Butlers Gorge are being logged, along with remnant patches of giant trees around the state. The Huon Valley alone has lost 25 per cent of its old-growth forests in the last 20 years.

Currently, Sustainable Timber Tasmania only protects trees over 85 metres in height or 280 cubic metres in volume. In comparison, Victoria protects any tree over 2.5 metres wide while New South Wales protects trees over 1.4 metres wide. We have seen many examples here in Tasmania over the last few years where trees 4-5 metres wide are being logged. Our protections for big trees are inadequate and our standards are far below those of other states.

We need to protect our old-growth and mature forests. Not only are they important habitat for threatened wildlife but these forests store the most carbon. Old-growth forests cannot simply be regrown after harvesting. It would take centuries for them to return to mature-age forests. These are forests which are highly valued and culturally significant. People want these forests protected.

We are an organisation that advocates for the protection of all native forests. However, we feel that the highest priority is to protect Tasmania's old-growth and mature forests. The reaction to the news about the future logging of the Grove of Giants shows this is also a priority for everyday Tasmanians and Australians.

Currently, there is not enough timber to meet the legislated logging quota and this is resulting in the logging of these high-conservation-value forests. In 2016 the board of Sustainable Timber Tasmania formally requested a 30 per cent reduction in the logging quota in order to improve its financial liability. The request was rejected.

We would like to see a rapid transition out of native forest logging to a 100 per cent plantation-based industry. However, we believe that an immediate reduction of the logging quota would allow important old-growth and mature forests to be protected. Not only would this make Sustainable Timber Tasmania less reliant on taxpayer funds but it would provide future tourism opportunities and an improved visitor experience.

Tasmania can make a significant conservation gain by protecting our old-growth and mature forests. The easiest way to do that is to legislate a reduction in the logging quota.

As we know, because the Greens moved a bill to reduce the logging quota, our colleagues in this place did not see the economic, social and environmental sense of that. We will be back and we will continue to fight for trees every day of the week and, yes, Mr Deputy Speaker, we worship trees.

## **Time expired.**

[2.36 p.m.]

**Mr YOUNG** (Franklin) - Mr Deputy Speaker, I am extremely proud of our sustainable native forestry sector and the many hundreds of Tasmanians who work in it. As a member for the great electorate of Franklin, I know how important this sustainable, renewable sector is to the community. Forestry is inseparable from the Huon. It has provided secure jobs for generations and it is still doing so - generations of families that are very proud and care deeply about what they do.

Despite the Greens' fantasies, the reality is that Tasmania does forestry well. We do it well because we are blessed with a geography and environment suited to growing trees. We do it well because we do forestry in a way that is sustainable and renewable. As we all know, where timber is harvested from our native forests, it is done in a sustainable way, in accordance with our world-class forestry practices. In fact, in any given year, less than 1 per cent of our native forests are harvested. Whenever wood is harvested from our native forests, it is regrown as native forest. This not only maintains our native forest estate in perpetuity but allows for carbon capture as these trees grow. Tasmania does forestry well because of the innovative, hardworking and creative people the industry attracts.

Sustainable Timber Tasmania's most recent annual report was tabled in this place last month. It showed that our sustainable native forests provide nearly 1.4 million tonnes of timber, including over 115 800 cubic metres of high-quality sawlog, wood that includes the appearance-grade timber we love in our homes and public buildings. Alongside paying over \$100 million to almost 650 Tasmanian businesses, STT also prepared more than 6300 hectares for regrowing. It also planted approximately 117 million tree seeds in a single year to regenerate new forests in Tasmania. It undertook fuel reduction burns on 5600 hectares of bush to protect it from catastrophic wildfires. STT managed 10 000 kilometres of roads to give access to remote parts of Tasmania to firefighters, beekeepers and tourism operators.

Forestry enables us to meet the needs of a modern society and a carbon-constrained world. Whether we are planting a natural forest or an industrial plantation, in time we will grow the only renewable building material, our best alternative to single-use plastics, a store of carbon for decades, if not centuries. While the Greens may not like to hear it, sustainable forestry management is part of the solution to climate change. Our sustainable forestry management approach is reinforced by the IPCC and supports jobs in forestry, rather than the job-destroying lock-ups by those opposite.

Unlike the Greens, we do not agree that ceasing all native forestry is the best approach for mitigating bushfires and climate change. Our strategy is informed by science and not opinions. It aims to balance conservation and use to provide the optimal framework for atmospheric carbon reduction and timber production. Tasmania's large productive forest estate sequesters carbon and provides society with low-emission products.

More than half of Tasmanian forests, almost 1.8 million hectares, are already protected in reserves. Further, the overwhelming majority of trees harvested in Tasmania are plantation and regrowth forests. Plantation timber alone cannot provide the full range of products or meet the current market demand; this is a fact.

**Dr Woodruff** - No, it is not actually a fact.

**Mr DEPUTY SPEAKER** - Order. You were heard in silence.

**Dr Woodruff** - It is not a fact.

**Mr DEPUTY SPEAKER** - Order.

**Mr Ellis** interjecting.

**Mr DEPUTY SPEAKER** - Mr Ellis, order.

**Mr YOUNG** - Sustainable native forestry helps fill the gap and Tasmanians want Tasmania's timber. They want to support Tasmanian jobs. They are not interested in seeing our forestry sector offshored to countries with environmental protections weaker than our own. This is what will happen if the Greens shut down our sustainable native forestry sector. Unlike Labor in Western Australia and Victoria, we do not intend to shut down our sustainable native forestry sector.

Mr Deputy Speaker, I listened with interest last night when Labor stood up and again today defended the forestry industry and the fishing industry, but we know that when push comes to shove, Labor will back the Greens and that means an end to our sustainable forestry industry.

**Dr Woodruff** - I think you are living in the past, Mr Young.

**Mr DEPUTY SPEAKER** - Order.

**Ms Finlay** - Be careful you don't misrepresent people.

**Mr DEPUTY SPEAKER** - Order, Ms Finlay.

**Mr YOUNG** - On this side of the House we are committed to long-term sustainable management of forests for the benefit of all Tasmanians. We will continue to support our investment and innovation in our forest industries in both our native and plantation sectors.

I have met many of the hardworking people in the Huon who are in the forest industry. They are good people, they work hard and they care about what they are doing. We cannot afford to shut this industry down because we care about their jobs.

**Mr DEPUTY SPEAKER** - The question is that the matter be noted. Those of that opinion say Aye, to the contrary No. I think the Noes have it.

**Dr Woodruff** - Actually, the Ayes have it, Mr Deputy Speaker.

**Mr DEPUTY SPEAKER** - Are you questioning the Chair?

**Dr Woodruff** - I thought you just said the Noes.

**Mr DEPUTY SPEAKER** - I said the Noes have it.

**Dr Woodruff** - I think you have it wrong.



**Mr DEPUTY SPEAKER** - All right, the Ayes have it - sorry.

**Matter noted.**

**JUSTICE MISCELLANEOUS (ROYAL COMMISSION AMENDMENTS)  
BILL 2022 (No. 55)**

**Second Reading**

[2.43 p.m.]

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

That the bill now be read a second time.

The Justice Miscellaneous (Royal Commission Amendments) Bill 2022 implements a number of the Tasmanian Government's commitments to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and takes proactive action to respond to the experiences of victims and survivors participating in the criminal justice system.

The bill amends a number of acts that influence the prosecution of sexual offences and in particular, child sexual offences in Tasmanian courts. These reforms will make tangible improvements to the experience of people affected by sexual violence to participate in criminal proceedings and will hold people to account for failing to protect our children, as well as better reflecting the nature of offending perpetrated by those in positions of authority.

I personally acknowledge and thank the victims and survivors who shared their stories through the royal commission and during the recent public hearings of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings. I have personally been deeply affected and moved by their courage and commitment to improving the systems of government and protecting Tasmania's children. I also acknowledge the families of victims and survivors and those people who have not been able to share their stories.

There is still much work to do but it is my genuine hope that this bill, together with the other work that our Government is progressing, will better protect Tasmania's children in the future. I again acknowledge the experiences of victims and survivors, their families and people who have supported them. The failure of our systems to support you has been abhorrent. I wish to unreservedly apologise and express my personal commitment to protecting children and preventing child sexual abuse.

I will now turn to the amendments contained in the bill. The bill introduces a new crime of penetrative abuse of a child or young person by a person in authority. A person will be guilty of the new crime if that person is in a position of authority in relation to a child and that person has sexual intercourse with that child. For the purposes of this crime, a child is any young person under the age of 18 years.

The person is in a position of authority in relation to a child if the person is a teacher at an educational institution the child attends; is a parent of a child or the person is in a significant relationship within the meaning of the Relationships Act 2003 with a parent of the child;

provides religious, sporting, musical, and other instruction to the child; is a religious official or spiritual leader in a religious or spiritual group attended by the child; is a health professional or social worker providing professional services to the child; is responsible for the care of the child and the child has a cognitive impairment; is employed or providing services in a prison or a detention centre; is employed or providing services to a child within the meaning of the Children and Young Persons and Their Families Act 1997; or is the employer of the child. Importantly, a parent of the child in the context of this crime is broadly defined and includes a step-parent, a surrogate parent, an adoptive parent, a foster parent and a guardian of the child. The new crime does not apply if the accused person is under 18 years of age.

In addition, the bill introduces the crime of failure to protect a child. This crime is a preventative measure against child sexual abuse by promoting personal and professional accountability for people within organisations. A person within an organisation is guilty of the crime if they form a reasonable belief that there may be a substantial risk of child sexual abuse and fail to take reasonable steps to reduce or remove that risk. The accused person in this crime is not the potential or actual perpetrator of child sexual abuse. The potential perpetrator of sexual abuse for the purpose of this crime is a person associated with an organisation. People associated include employees, managers, volunteers and others, as well as covering subcontracting arrangements or other agreements with third-party organisations to exercise care, supervision or authority over children.

The crime requires individuals in positions of authority to take appropriate action to protect children from perpetrators associated with the organisation by holding these people to account for wilfully or negligently failing to take all reasonable steps to protect children from child sexual abuse. What constitutes reasonable steps will depend on the circumstances and the nature of their position with the organisation.

This crime will apply to all people in organisations that exercise care, supervision or authority over children, whether as a primary function or otherwise. These types of organisations include religious organisations, educational settings, hospitals, councils, State Service agencies, organisations providing out-of-home care and accommodation services, education and childcare services, sporting groups and so on. Those protected by this crime are children and young people under the age of 18 years who are under the care, supervision or authority of a relevant organisation.

Importantly, it is not necessary to prove that a sexual offence has been committed for a charge to be brought against a person for failing to protect a child. The crime also applies to child sexual offences committed outside of Tasmania, as long as the substantial risk of sexual offending occurred in Tasmania. Consistent with the Government's approach to similar crimes, this crime also specifically precludes a person from using the religious defence that the relevant information was obtained in the context of a religious confession.

In response to the royal commission, the Standing Council of Attorneys-General, or SCAG, joined together to formulate model provisions for the uniform evidence law jurisdictions to address barriers to the admissibility of relevant evidence of an alleged perpetrator's tendency to perpetrate sexual violence against children. Similarly, the royal commission's suggested changes to improve the use of coincidence evidence in relation to child sexual offence cases. The bill introduces the model provisions developed by the uniform evidence law jurisdictions and reflects current best practice in responding to child sexual offences. The new test requires, unless there are exceptional circumstances, the admission of

evidence of a defendant's tendency towards a sexual interest in a child or children in child sexual offence matters.

The same rule will apply in relation to coincidence evidence where two or more witnesses declare similar acts were perpetrated on them by a defendant being used to prove that a defendant did an act that is an issue in the proceedings before the court. These reforms are important and seek to counter the insidious nature of sexual offenders who often offend opportunistically and in private settings. The bill also abolishes statutory limitation periods that apply to some summary sexual offences consistent with the royal commission's recommendations.

Accordingly, the existing the 12-month limitation period for the offence of assault with indecent intent contrary to the Police Offences Act 1935, is removed by the bill. The amendment will have retrospective effect to enable historical offences to be pursued by investigating and prosecuting authorities. In addition, the bill abolishes the two-year limitation period that applies to the offences of making, reproducing or procuring a child to be involved in making child exploitation material under the Classification (Publications, Films and Computer Games) Enforcement Act 1995.

On 1 March 2021, this Government established the Witness Intermediary Scheme pilot. I am proud to advise the House that since the pilot commenced, witness intermediaries have assisted and supported almost 700 children and adults with communication needs to effectively participate in the criminal justice system. I thank all those involved in establishing the pilot and I also acknowledge the support for the pilot demonstrated by Tasmania Police and the judiciary. There are now 29 specialist witness intermediaries working in all regions of the state. They are making a tangible difference to the experiences of children and adults engaging with police and the courts.

To reflect what we have learnt to date, the bill includes a number of amendments to assist and streamline the use of witness intermediaries. Specifically, the bill makes changes to the operation of the Witness Intermediary Scheme pilot by clarifying that a witness intermediary is not required to give an oath or affirmation prior to preparing an assessment report or attending a ground-rules hearing; providing that a court may make orders for the distribution of materials necessary for a witness intermediary to assess a witness and prepare an assessment report; and enabling a court to use a witness intermediary without an assessment report in certain circumstances.

In addition, the bill amends the Criminal Law (Detention and Interrogation) Act 1995 to enable police officers to reflect that the facilitation of the use of the witness intermediary is a factor in determining what constitutes a reasonable time for questioning or investigation before bringing a detained person before the court.

The bill also makes a number of additional changes to the Evidence (Children Special Witnesses) Act 2001 that seek to improve vulnerable complainants' engagement with the criminal justice system. These amendments extend the ability to admit audio-visual recordings of police interviews as all or part of the evidence in chief of adult victims of special witnesses in sexual offence or family violence offence proceedings. The bill also extends the use of pre-recording of audio-visual evidence to any other witness where it is in the interest of justice to conduct the pre-recording and the parties agree. This reform will assist the timely management of criminal trials.

Finally, the bill amends the Victims of Crime Assistance Act 1976 to remove the limitation period for a claim of compensation for applications including child sexual abuse. This bill reflects the Tasmanian Government's ongoing strong commitment to support victims and survivors' effective participation in the criminal justice system while strengthening Tasmania's criminal justice system to reflect the current best practice evidence base for this type of offending.

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

[2.55 p.m.]

**Ms HADDAD** (Clark) - Mr Deputy Speaker, this is significant legislation and significant changes. I recognise the work that the Attorney-General has done in implementing, over a series of acts, the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The Labor Party has supported each of those. It is a significant body of work that the Attorney-General has been responsible for and in some areas, Tasmania has led the way in implementing some of those recommendations. We still await implementation of some others, of course, but clearly this is a very serious and emotive topic for the parliament to be dealing with.

It is worth putting on the record the fact that an enormous amount of work has gone into not only this bill, but the other legislation that this parliament has considered since the royal commission concluded its recommendations. That work has occurred, of course, in the Attorney-General's office, and also in her department and across the legal sector. This is one of a series of legislation that the parliament needs to consider to fully implement those recommendations.

I want to thank a lot of those people, particularly for the briefing that I had yesterday, both Amber and David from the Attorney-General's office, and Jeremy and Oliver from the Attorney-General's department. I recognise the strength and bravery of victims/survivors who have shared their stories with the royal commission, and the significant impact that bravery has had in shining a light on some of the worst types of offending that can occur, and the fact that there has been a national approach now to introducing model laws across the country, to introduce those recommendations. I know some are being implemented in different ways across the different jurisdictions in Australia. Arguably, this could not have happened had those victims/survivors not had the strength to come forward and share their stories.

It is significant to put that recognition on the record again today, and to thank those people for sharing their stories, and those who love them and support them. I believe much of what has been achieved through that royal commission would not have been possible had it not been for the bravery of those victims/survivors coming forward and sharing their stories and ensuring that Australia nationwide has the robust laws in place that are required to make sure that that kind of offending can never happen again.

The Opposition is hopeful that this bill will be the first order of business for the new year in the Legislative Council. Obviously, we are debating it downstairs on the last day of parliament. I know how seriously everybody in this parliament across both Chambers takes the issue of child sexual offending. I know that in consulting with my upper House colleagues, they are very hopeful that this will be among the very early orders of business to be considered in the upper House in 2023.

The bill makes changes to a series of acts. I note that some of those changes are procedural or consequential. I will confine most of my comments to the substantive changes in the bill. First, I want to focus on the removal of limitation periods from a number of pieces of legislation. From the Classifications (Publications, Film, and Computer Games) Enforcement Act, the limitation period is removed with regard to bringing forward cases where child exploitation material may also have involved a child victim or a young person. Similarly, the limitation period for the offence of indecent intent is being removed from the Police Offences Act and the limitation period is being removed from the Victims of Crime Assistance Act 1976 where a victims of crime case may involve an instance of child sexual abuse.

That is a very welcome change to be consistently removing those limitation periods across a range of legislation. It makes sense procedurally because, if we think about things from the experience of a victim/survivor, it would be very frustrating to have different legal options or avenues available to you but to find that some of those avenues had limitation periods attached while others did not. It makes complete sense for the parliament to act in a way that removes limitation periods across the different statutes that sit on our books to ensure that, whenever there is any case involving the possibility of child sexual abuse, limitation periods do not apply. That is consistent with the recommendations of the royal commission.

I forgot to add when I was making my opening remarks that I know from the briefing I had yesterday that this bill has also been consulted with the Tasmanian commission of inquiry which is still undertaking its work. They have had the opportunity to make comment on this bill, which I think would only have had effect of strengthening the provisions in this bill. I know that other stakeholders across the legal sector have also had that opportunity to comment on the draft legislation to make sure it is the strongest it needs to be.

The Criminal Law (Detention and Interrogation) Act is being amended to ensure that the time during which the questioning or investigation of a suspect is paused or suspended to facilitate the use of a witness intermediary is relevant to the reasonableness of a period of detention before bringing a person before court. We heard from the minister in her second reading speech in terms of the practicality of when questioning or investigation needs to be paused and that amendment to that legislation will deal with the instances where that occurs.

The Evidence Act 2001 is being amended to provide that the principles or rules of the common law or equity preventing or restricting the admissibility of evidence about propensity or similar-fact evidence are not relevant when applying tendency and coincidence provisions; that a court, when assessing the probative value of tendency or coincidence evidence, is not to have regard to the possibility that tendency evidence or coincidence evidence may be the result of collusion, concoction or contamination; that a rebuttal presumption that certain tendency evidence relating to child sexual offences is presumed to have significant probative value; and to set out matters that may not ordinarily have been taken into account by a court to overcome that presumption and determine that the evidence does not have significant probative value; that coincidence evidence includes evidence from multiple witnesses claiming they are victims of an accused person, which is used to prove on the basis of similarities in their evidence that the accused person did a particular act; and lastly that tendency evidence or coincidence evidence adduced by the prosecution about a defendant is inadmissible unless the probative value of the evidence outweighs the danger or unfair prejudice to the defendant rather than substantially outweighs.

In the briefing, I heard that since some of those previous changes to the Evidence Act around tendency evidence and coincidence evidence were enacted, there has been an increase in the types of evidence that can be brought forward when it comes to cases involving child sexual abuse. The result of that has been better protection for young people subjected to this kind of offending.

The Evidence (Children and Special Witnesses) Act is also being amended. Those amendments will provide that video recordings of interviews will be able to be used as whole or part of evidence for certain categories of witnesses; that the pre-recording of audiovisual evidence extends to other witnesses where it is in the interests of justice to conduct the pre-recording and the parties agree, so that is broader than just a case of dealing with child sexual abuse; that a witness intermediary is not required to give an affirmation prior to preparing an assessment report or attending a ground rules hearing; that a court may make orders for the distribution of materials as necessary for a witness intermediary to assess a witness and prepare an assessment report; and that the court can order the use of a witness intermediary without an assessment report in certain circumstances.

That first change regarding witness intermediaries I am told is made to reinforce the original legislative intent around whether or not a witness intermediary is needed to give an oath or an affirmation. The intent was that they do not need to do that but, out of an abundance of caution, the courts have required that. I have also heard anecdotally about the value of the witness intermediary scheme and that it has been very useful for many people attending court. When those changes were coming through that place, it did feel like that was going to have a very positive ongoing impact for people who need to face court and who might be vulnerable witnesses or -

**Ms Archer** - I think they have used them for the commission of inquiry as well.

**Ms HADDAD** - The commission of inquiry as well. I remember, minister, you gave some practical examples of the kinds of things that witness intermediaries would be able to do in order to assist people to give their evidence in court. By all accounts, that is rolling out very positively for people facing courts in Tasmania.

It is also positive that this change has extended to other cases as well. In other words, other cases will be able to use video-recorded evidence. We were a bit less mobile throughout COVID-19 than people have been generally, but there have historically always been court delays when people are unavailable. If the parties agree, and it is not going to be to anybody's detriment for video evidence to be presented instead of waiting for people to be physically available to attend court, in the long term could only improve the flow-through of cases through the court system and possibly assist with some of the backlog issues that exist in the courts.

Perhaps the most substantive changes being made by this bill are those made to the Criminal Code and that is the creation of two new crimes in the code. First of all, there is the new crime of penetrative sexual abuse of a child or a young person by a person in a position of authority. That crime will provide that a person who is guilty of that new crime if that person is in a position of authority in relation to a child and that person had sexual intercourse with that child. The bill provides a non-exhaustive list of some examples of organisations where that position of authority might be present, for example a teacher in a school or the parent of a child in a significant relationship, people involved with religious, sporting, musical or other institutions, health professionals, social workers, people responsible for the care of children

and young people employed in a prison or a detention centre where young people are detained or present.

As I said, it is a non-exhaustive list which is an important factor because the intention is to be focused on the relationship rather than on the organisation. The new offence is not so much focused on what the organisation might be or why the young person is at the organisation, but rather on the nature of the relationship and that being one of power imbalance because there is a person in a position of authority.

I recognise that this section is needed and it complies with recommendations from the royal commission. In particular, it is required for young people who are 17, the age of consent. Previously there have been defences mounted where there has been a position of power and definitely there has been a relationship of authority of a much older perpetrator and a 17-year-old victim, and defences were mounted that the young person gave consent. That defence will now be removed. The offence will apply when any young person is involved. It is not exclusive to 17-year-olds but it is necessary because at the moment, under section 124, that offence can be used when there is sexual intercourse involving a person who is under 17 and if there is a position of authority present then that can be considered as an aggravating factor. This new section applies to anybody under 18 so in effect, when there is that relationship, that power imbalance in a position of authority with a 17-year-old or younger victim, a defence will not be able to be mounted that the young person consented.

The second new crime being created by this bill is the crime of failure by a person in authority to protect a child from a sexual offence. A person will be guilty of that crime if they are employed by a relevant organisation and hold a reasonable belief that there is a substantial risk that a child may become the victim of a child sexual offence by a person associated with that organisation, and they fail to take reasonable steps to reduce or remove that risk. That will apply to all people in all organisations that exercise care, supervision or authority over children, whether that is a primary function of the organisation or not, but where young are present. Again, it is a non-exhaustive list of organisations because the intention of the new offence is to protect young people from sexual abuse.

The way it was described to me yesterday in the briefing is that the focus is on the safety of children and young people, and creating that legal obligation and criminal penalty for people who are in positions of authority and have the capacity to take reasonable steps when they suspect that there might be a situation of child sexual abuse, that there is an obligation to report. That is not dissimilar to the mandatory reporting requirements when people have suspicions of child neglect and the child safety system is alerted. The responsibility lies on the suspicion that there might be an offence committed involving child sexual abuse and focuses on that obligation to report.

One of the things I asked about in the briefing was that the second offence does not rely on a charge or conviction for the actual offending so it could be the case that there is a reasonable suspicion but, in fact, there has been no offending. It was explained to me in the briefing that, yes, that is the intention, similar to the child safety system. People can make reports to the child safety system around child neglect that might be unfounded. It was explained that this would operate in a similar way, in that the focus is on the obligation of people in positions of authority who have the capacity to take reasonable steps to take those reasonable steps if they suspect. Can the Attorney-General put a little bit more information on the record about how that might play out when it comes to providing that evidence and pursuing

people for perhaps not having taken reasonable steps to report, versus people who might be taking those reasonable steps, as is expected under the new offence, but no charges flow from that reasonable suspicion?

This legislation, as with the other pieces of legislation the Attorney-General has brought through this place to implement the royal commission's findings, has the same thing at their heart, which is to protect young people from sexual offending, some of the worst kind of offending that can occur in a young person's life. It can cause lifelong lasting damage that can ruin the lives of victims/survivors and also those who love and care for them. The bill has the Labor Party's support, as did the other pieces of legislation brought through this place by the Attorney-General around implementing the royal commission's findings.

As I said earlier, my upper House colleagues are hoping that it will be the first order of business when they return in 2023. I have no doubt that is the expectation of others and the hope of those working to support those victims/survivors in Tasmania to bring their cases forward through the courts.

[3.15 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Mr Deputy Speaker, we can all agree on the goal of making Tasmania the safest place in the country for children and young people, just as we can all agree that the state has a long way to go before we achieve that goal. This has been made clear to us through the vital work of the Commission of Inquiry, the witnesses who came forward, victims/survivors, whistleblowers, as well as the testimony of multiple state servants, some of them in very senior positions. There is a question mark over the capacity or will to protect children in some circumstances in the evidence that came before the Commission of Inquiry.

This legislation, the Justice Miscellaneous (Royal Commission Amendments) Bill 2022, has been a long time in the making. It is a recommendation made by the Royal Commission into Institutional Responses to Child Sexual Abuse back in 2016-17. We will be glad to support this bill. We recognise it is one part of a suite of legislative reforms being delivered by the Attorney-General. There are two more bills that should sit alongside this legislation: the Child Safe Standards Framework and the Reportable Conduct Scheme. It is a matter of regret that the House has not been able to deal with all those three bills in this sitting before we rise for the summer break.

The bill before us is the result of recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The bill primarily sets out to achieve six things. It removes the last remaining limitation periods in respect of child sexual abuse. It introduces an offence of penetrative sexual abuse of child or young person by person in position of authority. It introduces an offence of failure by a person in authority to protect a child from a sexual offence. It provides that the time during which the questioning or investigation of a subject is paused to facilitate the use of a witness intermediary is relevant to the reasonableness of a period of detention before bringing a person before the court.

I commend the Attorney-General on the Witness Intermediary Program and the excellent results it has achieved so far to support vulnerable victims who come before the courts.

The bill also reforms relevant tendency and coincidence provisions, including by not allowing the court to consider the possibility that the evidence may be the result of collusion,



coercion or contamination when determining the probative value of this evidence. It extends the ability of audio-visual evidence to be used, which is so important to victims/survivors and it allows for the court to use audio-visual evidence as a primary testimony. It also introduces a person being in a position of authority as an aggravating factor in sentencing.

The Greens support the removal of limitation periods, which is so important for victims because we know it can take many years to report. As we heard in the briefing yesterday - and we are thankful for the briefing - it takes on average more than 20 years for victims/survivors to be able to come forward and report.

These amendments, as we understand it, are the last remaining amendments needed to bring us into line with recommendation 30 of the Criminal Justice Report of the Royal Commission, which states:

State and territory governments should introduce legislation to remove any remaining limitation periods or any remaining immunities that apply to child sexual abuse offences, including historical child sexual abuse offences, in a manner that does not revive any sexual offences that are no longer in keeping with community standards.

During the briefing we asked if there was likely to be any attempts to contact people who had previously reported offending to Tasmania Police and who were advised that it could not be progressed to investigation and charge because limitation periods applied and had expired. I would like to test with the minister if she can advise the House whether Tasmania Police keep any records that would allow for this information to be collected and would enable contacting people who may now be able to have their case pursued. Are there any communication campaigns planned around this to let victims/survivors know they may soon be able to bring their cases forward for investigation?

The introduction of a failure to protect offence is very welcome and very much needed, particularly in light of some of the matters raised in the commission of inquiry. I go now to the closing address of the commission of inquiry from 13 September 2022 and Counsel Assisting Elizabeth Bennett in closing. She makes some very important observations and says:

Commissioners, we can see that an emerging theme this week is the significant impact on decision-making by senior leaders such as department secretaries in relation to protecting children when there is a failure to provide them with accurate and critical information, and whether or not this contributes to a culture of plausible deniability. These are serious matters, commissioners, which will require further consideration by you over the coming months, including as it relates to the individual responsibility of some.

A particular case I want to talk about is the former manager of the Ashley Youth Detention Centre, Patrick Ryan, whose matter came before the commission. Ms Bennett says in the closing address:

We explored with Mr Ryan his knowledge and role in a number of the events we explored in the course of the Ashley hearings, including information about Lester and how, after being the subject of an allegation of child sexual

abuse he had been purportedly moved to a policy role, it appears he still had contact with children, including potentially the strip-searching of a child, whether there was minimisation in the understanding of or subsequent report of sexual abuse of Henry, or whether the reporting of those matters was misleading to his superiors.

It also covered the circumstances of how children were isolated or unit-bound in the response to the December 2009 roof incident, and whether this approach was contrary to the laws and policies designed to protect human rights.

Commissioners, these matters raise serious concerns about conduct, including the conduct of Mr Ryan, which you may wish to consider closely over the coming months.

Of course, Mr Deputy Speaker, that situation is salient to the legislation and the new charge of failing to protect that we are debating today.

There was also some quite shocking evidence given about the sequential failure to protect children at the Launceston General Hospital and questions over a number of senior state servants and managers, and those matters no doubt will be addressed by the commissioners in their report.

In the closing address, Counsel Assisting Bennett talked about the LGH's response to the disclosures of sexual assault from Zoe Duncan. This response was led by Dr Peter Renshaw. We heard from Dr Renshaw of the steps he did and did not take when Mr and Mrs Duncan reported their concerns that a doctor at the hospital had abused Zoe. Dr Renshaw recognised that a complaint made by Ms Duncan in May 2001 was a professional boundary violation which could have been connected with child sexual abuse. Dr Renshaw accepted that he ought to have mandatorily reported the abuse of Zoe Duncan earlier, but otherwise appeared in our submission by his demeanour and attempted contextualisation of the actions of Dr Tim, to have failed to grasp the gravity of the allegations made by Zoe Duncan. She said:

While we welcome Dr Renshaw's apology for his speculation about whether Zoe Duncan was abused, commissioners, you may find his evidence demonstrated a lack of insight into his role and the impact of his comments that is astonishing of a person who has held a senior role in a hospital for 35 years.

In the context of Dr Renshaw's evidence, it is open to question the LGH's ability to establish and embed a culture of reporting concerns.

That is exactly why we need structural law reform that brings in a child-safe framework, a reportable conduct scheme and these two key new charges, but particularly in this context, the failure to protect events.

Then we have the talk of a lack of transparency accountability in the response by Dr Renshaw, which eroded staff and community trust in the LGH's response. We heard in evidence, and it was again highlighted by Counsel Assisting Bennett, that Dr Renshaw was not aware of any marked changes to systems and processes at the LGH in response to Mr Griffin's

offending - and the House does not need reminding, but for the record we are talking about paedophile nurse James Griffin - could not identify how he could now be satisfied as to the safety of children at the hospital.

While he did not embrace the finding, Dr Renshaw accepted it was open to the commission to find that the leadership at the hospital was dysfunctional following the death of Griffin. She says:

Commissioners, the two health days raised serious matters in relation to the conduct of some individuals, which you may wish to carefully consider over the coming months.

In her contribution on the closing address, president, Commissioner Marcia Neave, said this:

The commission has heard horrifying evidence about failures in existing systems and cultures. While some of these failures occurred many years ago, others are very recent. Many contemporary failures have been shown to have echoes of or direct links to past failings. Problems in systems and cultures have included - and this is not a comprehensive list - some institutional leaders showing limited concern and curiosity about the risks of abuse, including failing to ask questions about warning signs of abuse; limited understanding of child sexual abuse and harmful sexual behaviours; flawed systems which discourage children, young people, their families and whistleblowers from coming forward; failures to hear the voices of people who have already had difficulty in being heard, particularly Aboriginal people whose children are over-represented in Tasmanian children. [TBC]

A final quote from Commissioner Neave:

We have heard evidence that responsibility for past failings has not been solely the responsibility of one person, one department or one government. Rather, we have heard that collectively Tasmanian governments, past and present, have failed to adequately prioritise the safety of children and the wellbeing of victims/survivors.

The commission of inquiry will hand down its final report and recommendations in May next year. However, the bill we are debating today is a very important part of that suite of legislative, policy and funding reforms that are required to achieve that goal of making Tasmania the safest place in Australia for children and young people, as it should be.

The failure to protect events reflects recommendation 36 of the Criminal Justice Report of the royal commission that states:

State and territory governments should introduce legislation to create a criminal offence of failure to protect a child within a relevant institution from a substantial risk of sexual abuse by an adult associated with the institution as follows:

- a. The offence should apply where:
  - i. an adult person knows that there is a substantial risk that another adult person associated with the institution will commit a sexual offence against:
    - a child under 16
    - a child of 16 or 17 years of age if the person associated with the institution is in a position of authority in relation to the child
  - ii. the person has the power or responsibility to reduce or remove the risk
  - iii. the person negligently fails to reduce or remove the risk.
- b. The offence should not be able to be committed by individual foster carers or kinship carers.
- c. Relevant institutions should be defined to include institutions that operate facilities or provide services to children in circumstances where the children are in the care, supervision or control of the institution. Foster care and kinship care services should be included, but individual foster carers and kinship carers should not be included. Facilities and services provided by religious institutions, and any service or functions performed by persons in religious ministry, should be included
- d. State and territory governments should consider the Victorian offence in section 49C of the Crimes Act 1958 (Vic) as a useful precedent, with an extension to include children of 16 or 17 years of age if the person associated with the institution is in a position of authority in relation to the child.

The bill also establishes a new offence of penetrative sexual abuse of a child or young person by a person in position of authority. The Royal Commission into Institutional Responses to Child Sexual Abuse had three key recommendations in relation to this offence and this bill captures two of those three recommendations. The 27<sup>th</sup> recommendation of the Criminal Justice report was state and territory governments should review any position of authority offences applying in circumstances where the victim is 16 or 17 years of age and the offender is in a position of authority however described in relation to the victim. If the offences require more than the existence of the relationship of authority, for example, that it be abused or exercised, states and territories should introduce legislation to amend the offences so that the existence of the relationship is sufficient.

The 28<sup>th</sup> recommendation of the report is state and territory governments should review any provisions allowing consent to be negated in the event of sexual contact between a victim of 16 or 17 years of age and an offender who is in a position of authority however described in relation to a victim. If the provisions require more than the existence of the relationship of

authority, for example, that it be abused or exercised, state and territory governments should introduce legislation to amend the provisions so that the existence of the relationship is sufficient. These two recommendations appear to be covered by this bill. Our concern is that recommendation 29 is not addressed in this bill. Recommendation 29 of the Criminal Justice report reads:

If there is a concern that one or more categories of persons in a position of authority (however described) may be too broad and may catch sexual contact which should not be criminalised when it is engaged in by such persons with children above the age of consent, state and territory governments could consider introducing legislation to establish defences such as a similar-age consent defence.

Instead of similar-age provisions the only defence to this new offence in the bill we are debating today is marriage. We argue marriage is not an appropriate contemporary benchmark for a legitimate relationship. This offence establishes that:

Any person who is 18 years of age or older is guilty of a crime if that person is in a position of authority in relation to a child, any person under the age of 18, and that person has sexual intercourse with that child.

It is presumed that a person in these circumstances cannot give consent. A charge under this offence is penetrative sexual abuse of a child or a young person by a person in a position of authority. One of the matters that makes this distinct from other sexual offences towards children or young people is that it is not subject to the age gap provision contained in section 124 of the Criminal Code that sets out:

- (a) That person was of or above the age of 15 years and the accused person was not more than five years older than that person; or
- (b) that person was of or above the age of 12 years and the accused person was not more than three years older than that person.

In this offence it is a strict assessment of whether one party is over the age of 18 and one party is under the age of 18. As far as we can determine they could be merely a day apart in age. It would be helpful if you could confirm this, Attorney-General.

Another key element of this offence is that a person has to be in a position of authority. The definition of a person in a position of authority is a non-exhaustive list that includes, for example, a teacher/pupil relationship; a parent or a parent's partner; a person who provides religious, sporting, musical or any other instruction to the person; a religious official or spiritual leader in relation to a group attended by the person; a health or social worker providing services to the person; an employer or person in position of authority with respect to the employment conditions or status of a person. It is our understanding that this offence means that if any of this non-exhaustive list applies and one party is over the age of 18 and the other is below the age of 18, there is no ability to give consent for the purposes of this offence.

Finally, the only defence provided for is if the people are married. Attorney-General, we have several concerns we ask you to address. We are concerned that two people of a similar age, perhaps only one day apart in age, could be deemed unable to have a consensual sexual

relationship on the grounds of, for example, one of them is tutoring the other, one of them is a manager at McDonalds and the other works there, one of them is a coach for a similar-ages sports team. It is our understanding that any of these relationships between an 18- and 17-year-old could see the 18-year-old convicted of an offence that essentially labels them a pedophile and rapist. Can you confirm this?

I would also like to address the defence of marriage. Our understanding that this is here to prevent the criminalisation of legitimate relationships. I have to say, this is an antiquated measure of the legitimacy of relationships, even though we know under the Relationships Act a de facto relationship has the same standing as a traditional marriage. We do have some questions about this. Take the example of a 17- and an 18-year-old in a sexual relationship where one of them is a tutor or a manager at a fast food venue where they both work. Attorney-General, can you confirm, if they are married, the 18-year-old is safe from prosecution, but if they are not married they could be charged and convicted of penetrative sexual abuse of a child or young person by a person in a position of authority, essentially labelling them a paedophile and rapist for the rest of their life and they would have no avenue of defence open to them? The defence of marriage suggests there is an acknowledgement that legitimate relationships can exist in these circumstances. The problem is marriage is not an effective or appropriate measure of legitimacy of a sexual relationship.

During our briefing it was put to us the prosecutors would be unlikely to bring charges in certain situations. Attorney-General, do you believe that it is reasonable or safe for such extreme discretion to be provided to prosecutors? Surely you do not believe it is okay for people who are not engaging in unethical conduct to be potentially guilty of very serious offences under the criminal code, and for the only safeguard that prevents them from being convicted and being labelled as a paedophile and rapist, no doubt causing significant damage to them for the rest of their lives, is to be left to the whim of prosecutors?

The reason these sorts of discretions are not good enough is that however highly someone might think of the people who wield them, there is no guarantee that over the next 5, 10, or 15 years no-one will ever make the wrong call. That is why it is so important that we do get the letter of the law right. This being the case, why has a similar-age defence not been provided, as is recommended by recommendation 29 of the Criminal Justice Report, and which exists in other similar criminal code offences.

I can indicate, Mr Deputy Speaker, that contingent on the Attorney-General's answers, we do not have any amendments for this bill, and do not necessarily see the need to go into committee, but we would like to have some clarity on that specific legal question and circumstance that we have raised.

In closing, I thank the officers from the department and Ms Archer's office who provided the briefing yesterday. It was very helpful, and I know it was all done at short notice but that is the way it is on a last sitting week. I also acknowledge that we can disagree on some things or even many things on any given day, Ms Archer, but I commend you and the people who you are working with, people like Amber, who have been critical in making sure that we bring legislation into this place that reflects the recommendations of the royal commission, and equally importantly puts in place the legal structures and the legal frameworks to keep children safe.

[3.39 p.m.]

**Mr O'BYRNE** (Franklin) - Mr Deputy Speaker, I will rise to make a short contribution on this amendment bill and, in doing so, indicate my full support for the bill. I acknowledge the work of many people to bring reform such as this to the fore.

Obviously, this wave of legislative reforms has been born from painful experience and people being in the most awful of circumstances, and not being able to have justice and have those perpetrators and people involved in these crimes as outlined in royal commissions, and what we are hearing in the commission of inquiry, having those people brought to justice and having a system that will enable justice to be had.

I acknowledge the work of the Attorney-General on this. I know that this is part of national reforms and Tasmania now, apart from Victoria, is the last state to bring forward these kinds of reforms at this moment in time, because we know there will be some more reforms coming through off the back of the commission of inquiry and the painful stories and the awful experiences we are hearing that young Tasmanian people are being and have been subjected to. I acknowledge their bravery in providing their evidence to the royal commission and commission of inquiry because, out of their bravery and their voice, significant change and movement forward in improving the legislative and justice environment for victims/survivors is occurring.

In terms of this bill, I also acknowledge the work of the minister's office and the people from the department. I am from a lay background and think I did my best in understanding some of the legal principles. I repeated back to them, 'I think this is what it means in my understanding', and at one stage asked one of your people to stop explaining because I was getting more confused about some of the legal principles.

Essentially, this is about making sure that we have a justice system that is easier and more open for victims to have their stories and experiences heard before the courts in a manner that will ensure there is a level of justice achieved for people and we have a number of amendments that will be part of this bill and to different bills to ensure that there is consistency.

We have the new crime of penetrative abuse of a child or a young person by a person in authority. We have a new crime of failure to protect a child, acknowledging the evidence of the royal commission, which has had hurdles in the judicial system in terms of being able to hear various evidence and to ensure that a level of balance is obtained in terms of not only the evidence but the responsibility of the issues around consent that have been previously argued, which, through evidence to the royal commission and to the commission of inquiry, have been manifestly exposed as no longer appropriate to be considered in such a way.

I will not go through them line by line, but essentially it is about dealing with issues such as how people's and victims/survivors' evidence is heard and the support they are able to be provided. The environment in courts when evidence is supplied can be quite intimidating for victims/survivors and witnesses. Being able to facilitate that witness evidence is crucially important so that people feel they are able to tell their story and witnesses, supporters of witnesses and supporters of victims/survivors are able to ensure that as best as possible in reliving these harrowing moments of their lives, they are able to get the level of evidence required for the courts to make these decisions and for the court system to deal with perpetrators and deal with what are clearly crimes and justice to be achieved.

When you look at the psychological damage to many young people by these acts and the time it takes for people to come to terms with what happened to them, and at what point in their life they feel able to tell their story and to take the necessary steps to seek justice, the limitation periods being removed and the retrospectivity are important for that. A crime is a crime. The period of time that has previously been in place is clearly and manifestly inadequate. We need to ensure that there is some consistency across all of the amendment bills.

In terms of the contribution by the member who previously spoke, I am supportive of a number of questions she has put on the record. I think that is interesting, because we know that this is an area that will be consistently prosecuted. Parliaments and attorneys-general should never move on from this area of reform. There will be evidence come through that will mean there will be more amendments and more legislative requirements to ensure that justice is found for victims/survivors.

I do not want to talk at great length. I understand that the shadow minister had quite a detailed submission in terms of areas of the amendments and the bills that will consequentially be amended because of the amendment bill. I am in complete support of this. This is very important work. I acknowledge the work of attorneys-general across the country to provide some harmonisation, because we know that has caused in certain cases a number of complicating issues. A wave of reforms going across all our states and territories is crucially important to provide a level of consistency and provide police and the judicial system the powers and supportive environment they need to bring people to justice when they perpetrate these kinds of abhorrent crimes.

I commend the bill and commend the work of the Attorney-General and look forward to the debate.

[3.47 p.m.]

**Ms ARCHER** (Clark - Minister for Justice) - Mr Speaker, thank you for your indulgence. I thank members for their very thoughtful contributions on this matter. In reference to Ms O'Connor's comment that these things happen quickly in the last week, there has been a lot of work that has gone on towards the end of the year. That often happens in our offices and certainly the work that funnels from our departments and indeed the timing of the commission of inquiry and that sort of thing.

My apologies for the short notice, but I wanted to bring this on first today to ensure that it at least got through our House and knowing that it was a relatively short bill in comparison to some of the other chunky bills we deal with, it would be relatively well accepted by everyone.

I will move to the questions. Ms Haddad asked how the crime would work in relation to showing that a person took reasonable steps. That is the new crime of failure by a person in authority to protect a child from a sexual offence. The royal commission recommended that state and territory governments introduce legislation to create a criminal offence of failing to protect a child within a relevant institution from a substantial risk of sexual abuse by an adult associated with the institution, which was recommendation 36 of the Criminal Justice Report. It is our Government's expectation, and indeed the expectation of the Tasmanian community, that organisations and institutions will actively take steps to keep children safe, and this new crime will ensure that these steps are taken.



In relation to how the new crime will operate, the accused person is the person within an organisation who fails to remove the substantial risk of a child sexual offence. The person is guilty of this crime if they are employed by a relevant organisation and they hold a reasonable belief that there is a substantial risk that a relevant child may become the victim of a child sexual offence by a person associated with the relevant organisation and the person fails to take all reasonable steps to reduce or remove that risk. This crime will apply to all people in organisations over the age of 18 years that exercise care, supervision or authority over children, whether as a primary function or otherwise.

What the reasonable steps are in a particular case will very much depend on the nature of the person's position within that organisation. The person associated with the relevant organisation who is the potential perpetrator of child sexual abuse includes a person who is over the age of 18 and is an employee, officer, volunteer, contractor or agent but not a person who solely receives a benefit from the organisation. It is not necessary to prove the acts of child sexual abuse have been committed for the purpose of this crime. As I have said, what constitutes reasonable steps to remove or reduce the risk to a child depends on the nature of that association with the organisation.

Ms Haddad referred to the failure to protect and does it require a conviction for the sexual offence. That new offence does not require that there is a charge or conviction for a sexual offence in relation to the child. The relevant elements are that the person has a belief of a substantial risk and fails to take all reasonable steps to remove that risk. It is therefore the inaction in response to the reasonable belief that a risk exists that is the essence of the offence.

This is where it is quite a groundbreaking offence and one that is as a direct result of the royal commission's recommendations because there have been so many failures in this regard. I do not need to point to the examples. I know Ms O'Connor has pointed to some and we are well aware of them. That is why this crime has been created.

Moving to Ms O'Connor's question, first, about whether Tasmania Police maintain records of matters that have not been able to be brought forward. Yes, they would. However, I cannot see whether it is practical for them to contact people or whether that contact would be welcome. You have to be careful.

**Ms O'Connor** - Do you think it might be worth exploring, though? If you have reached the point where you went to Tasmania Police to report and you were told a statute of limitations applied, you have reached that point.

**Ms ARCHER** - Whether there is an intention to contact people who they previously have not been able to be brought would be a matter for the Tasmania Police or the Director of Public Prosecutions (DPP). There is no impediment, though, for this to occur. It would be up to victims/survivors. Of course, I urge them to contact police if they wish to do so. We will make every endeavour to publicise this through the media and through the Department of Justice website. We will be encouraging the commission of inquiry in its commentary. Whether or not they want to note that this has been done in their final report is a matter for them but that would be something that could be encouraged as well because I know that many victims/survivors will be reading that report. That is something we will do and encourage where we can.

Moving to recommendation 29 and whether it is my or the Government's position whether it has been adequately implemented. This was the preferred approach following feedback from the commission of inquiry, so it is intentional and it is accepted that charges can be brought when close in age. This is deliberate.

The DPP retains his - currently a he - his general discretion to charge. His consideration will be relevant to the discretion he exercises. We do not accept that it is not safe to leave it to the discretion of the DPP. He and future DPPs will always be highly experienced and exercise this discretion in relation to charging crimes not only regularly but with the greatest expertise. The DPP is also able to issue guidelines on charging to Tasmania Police and does so very regularly to ensure that if crimes are being charged at that level, there is process to follow.

There are always arbitrary cut-off ages in crimes, even with 'close in age' defences. That is why the DPP has discretion. If a similar age defence was included, it is our view that you would undermine the relevance and impact of people being in a position of authority. Again, this is something we have been engaging with the commission of inquiry on.

**Ms O'Connor** - Did you get written advice from the commission of inquiry that this was preferred?

**Ms ARCHER** - No, it was not written. Meetings were held.

**Ms O'Connor** - Have other jurisdictions taken this approach in how they have applied the royal commission's recommendations in law?

**Ms ARCHER** - Yes. Let us not forget also that being in a position of authority is currently a negating factor in relation to consent under section 2(a) of the code. Mistake of age is still a defence to the crime. The commission of inquiry observed that there would be cases that required sensible consideration by the DPP in not pursuing them. I imagine that a lot of those examples you have provided -

**Ms O'Connor** - The manager at McDonalds?

**Ms ARCHER** - Yes. They are not going to be pursued in circumstances where it is obvious that it should not be pursued. There was another question from you -

**Ms O'Connor** - The marriage question.

**Ms ARCHER** - Yes, thank you. Section 13 of the bill inserts section 124(4) of the Criminal Code Act 1924 to provide that the new crime of penetrative sexual abuse of a child or young person by a person in a position of authority does not apply to sexual intercourse between persons who are married to each other. This provision takes into account the complexity of human relationships, acknowledging that there may be circumstances in which one party has a position of authority over the other party in an activity that those married persons do. For example, one party to the marriage may be the coach of a sports team in which the other person is a team member. This section is designed to ensure that lawful sexual conduct is not unintentionally criminalised as a result of this new crime.

Under Tasmanian law, significant relationships are defined in section 4 of the Relationships Act 2003. Those relationships must be between two adult persons. This new

position of authority crime relates to penetrative sexual abuse between an adult and a child or young person. Marriage, unlike significant relationships, is regulated by Commonwealth law, specifically part 2 of the Marriage Act 1961, which allows marriage to occur with a person who has attained the age of 16 or 17 years in exceptional circumstances, as detailed in section 12 of that act. It also requires the consent of the parents for that marriage at section 13. Therefore, marriage is the only type of formalised relationship that needs to be provided for under this section. This crime cannot and should not make an exception for significant relationships as those relationships cannot, under Tasmanian law, occur between an adult and a child or young person, by reason of the fact it has to be between two adults. I hope that answers those queries, Ms O'Connor.

**Ms O'Connor** - If unmarried people can roll the dice and trust the DPP to decide their relationship is legitimate, why is that not good enough for a married person?

**Ms ARCHER** - Sorry, say that again?

**Ms O'Connor** - Is the same not true for unmarried people? If unmarried people - and that is in the scenario where a person could be a day over the age of 18 but the manager at McDonald's and the young person is under the age of 18 - if unmarried people can roll the dice and trust the DPP to decide if their relationship is legitimate, why is that not good enough for a married person?

I guess you have given a plausible explanation for why the word used is 'marriage' and that is because only under Commonwealth law, with certain exceptions, can a person under the age of 18 be married. Okay. Can I ask, with the way these provisions have been drafted, is this what other jurisdictions have done? Have we mirrored other jurisdictions in relation to this exception?

**Ms ARCHER** - Sorry, we have put my department people on the spot but we can at least say South Australia and New South Wales do mirror, but we are just looking at the others at the moment if it avoids going into Committee. Thank you for the House's indulgence, but there are other jurisdictions, yes.

**Ms O'Connor** - We do not need to go into Committee because it is not necessary. Can I ask, by interjection, the commission of inquiry talked to you also, has that been consulted? The marriage exception?

**Ms ARCHER** - With the commission of inquiry, yes. This has come from discussions.

**Ms O'Connor** - I thought that was the framework that gave the discretion to the DPP. Thank you for your indulgence, Mr Deputy Speaker, we are just trying to work it out here so we do not have to go into Committee.

**Ms ARCHER** - We have to recognise legitimate laws under the Commonwealth. There is no escaping that. I am advised that the specific issue about the Marriage Act was not raised by reason of that fact.

**Ms O'Connor** - But it is just necessary to have it in the bill.

**Ms ARCHER** - It is just necessary, yes. Constitutionally, it is necessary.

**Ms O'Connor** - Thank you.

**Ms ARCHER** - A pleasure. Did Mr O'Byrne have any questions that I may have missed?

**Ms O'Connor** - I don't think so.

**Ms ARCHER** - I do not think he had any questions. I think his questions may have been similar at briefings.

I thank the House for not going into Committee, because no-one has indicated it on this last day. I think all parties have agreed it is truly a very important bill for us to move through this House. I will do everything I can - although the other place is the master of its own destiny - to list it as quickly as possible when we return next year on 28 February. I again thank my department, CARCRU, Amber for all her work and David as well from my office.

**Bill read the second time.**

## **JUSTICE MISCELLANEOUS (ROYAL COMMISSION AMENDMENTS) BILL 2022 (No. 55)**

### **Third Reading**

[4.07 p.m.]

**Ms ARCHER** (Clark - Minister for Justice) - Mr Speaker, before the third reading, I have just realised I have forgotten to thank some of the most important people for the year.

I take the opportunity to thank the Office of Parliamentary Counsel, headed up by Robin Webb. They do an extraordinary job. I know many people have mentioned that throughout the contributions earlier today, but this is a chance for me to thank them. It was remiss of me because I put a lot of bills through this place. On average, it is something like 18 or 19 bills per year from Justice, and much of that is very urgently prepared and drafted by OPC. I express on the record my sincere thanks for them dropping everything to accommodate me and my office's needs on occasions, and indeed that of the Government. Thank you.

**Bill read the third time.**

## **CARER RECOGNITION BILL 2022 (No. 33)**

### **Second Reading**

[4.09 p.m.]

**Mr STREET** (Franklin - Minister for Community Services and Development) - Mr Speaker, I move -

That the bill be now read the second time.

It is my great honour today to stand and speak to the Carer Recognition Bill that we have tabled in parliament. Informal, unpaid carers make a huge and often unrecognised contribution

to the health and wellbeing of our communities. People care for their family members and friends because they love them. They may not even consider that they are a carer. There may be people in this place who are carers and who are balancing the demands of work and support for a loved one. The Tasmanian Government wants you to know that we see you, we value you and we support you.

The purpose of the Carer Recognition Bill 2022 is to formally recognise, promote and value the significant contribution of carers in the Tasmanian community. This bill recognises the approximately 85 000 Tasmanians who provide support to family members and friends as unpaid and informal carers. Carers play a significant role in our community. However, many of us are not aware of the enormous contribution carers make or fully appreciate the challenges carers may face every day.

We can become a carer at any point in our lives - as a child, a young person, an adult or in retirement. A carer may care for their family, their neighbour or a friend. Carers provide support to their loved ones because of disability, mental ill health, drug or alcohol issues, dementia or health conditions - from chronic illness, frailty in ageing, to palliative care.

The voice of carers has informed this bill. Carers and peak bodies were widely consulted to develop the bill including the Carers Issues Reference Group, online community consultation and regional face-to-face workshops. Together with my office and department, I have worked closely with Carers Tasmania to ensure we get this right and I want to thank David, Julie and the team at Carers Tasmania for their hard work.

Further consultation was undertaken on the draft bill and we have listened. This is why we are putting forward an amendment to the language used in the definition tabled in the parliament on 15 June 2022. This amendment reflects the feedback we heard. It makes sure we are using the most inclusive and contemporary language when describing mental ill health and disability. This is also why we will be seeking a further amendment to the legislation to recognise informal unpaid kinship carers.

Grandparents who are informally raising grandchildren and other informal kinship carers taking care of children provide a vital service to our community. They ensure that children and young people who cannot be with their parents but are not in formal out-of-home care are being nurtured and are safe. They often do this in extremely challenging circumstances. In consulting on this bill, we have heard stories of informal kinship carers and the vital role they play in family networks, so we have also agreed to recognise informal kinship carers by including them in the bill.

This bill will enact a carers charter which sets out clear expectations of how carers are to be treated and how they are to be involved in delivering services that affect them in their caring role. The bill also sets out the obligations of Tasmanian government agencies to monitor and report in relation to the carers charter and the Tasmanian Carer Action Plan.

It is my pleasure today to announce that, in consultation with members, the terms of reference for the Carers Issues Reference Group are being reviewed and it has been agreed to elevate the group to the new Minister's Care Advisory Council, which I will chair. A key focus of the new care advisory council will be the inclusion of members with lived caring experience, representing a diversity of carers. Carers are experts of their own experience and we want to continue to listen to the voice of carers as we implement the carers charter and Tasmanian

Carer Action Plan. The Minister's Care Advisory Council will provide advice and assist in monitoring formal and new reporting by Tasmanian government agencies on the carers charter and the Tasmanian Carer Action Plan. Shortly, we will open expressions of interest to join the Minister's Care Advisory Council and help us to ensure we are recognising and supporting Tasmanian carers.

This bill recognises carers for the huge contributions they make to our community. It is important that carers are respected as individuals as well as key partners in the broader care support network. As I said, carers come from all walks of life and have different types of care relationships. We have intentionally used a broad term to be inclusive and to ensure a wide diversity of unpaid informal care relationships are recognised.

The bill delivers our election commitment to provide formal legislative recognition of carers in Tasmania for the first time, with the intention to influence cultural and community perceptions towards carers, to value their role and contribution.

Mr Speaker, I commend the bill to the House.

[4.14 p.m.]

**Ms DOW** (Braddon - Deputy Leader of the Opposition) - Mr Speaker, it is my great pleasure to speak this afternoon on the Carer Recognition Bill. It is very important legislation and has been a very long time in coming to this place. I want to make mention that this has been part of our previous election commitments and we have always strongly supported the introduction of a legislated carers charter across Tasmania. Today is indeed a very important day.

I am not sure why it is taking so long to get to the point of today and why, given the fact that one in six Tasmanians are informal and unpaid carers and that over 85 000 Tasmanians are carers, we are the last jurisdiction to do this. In saying that, it is great that we are doing it today. It is a very important day for carers right across our state, and for the significant contribution they make to our community and our economy, that this is recognised in law.

I will read an excerpt from Carers Tasmania's submission to this draft bill because it highlights very important information about why today is so significant:

The introduction and implementation of carer recognition legislation in Tasmania is warmly welcomed. Many carers were surprised to find out that Tasmania is the only state or territory in the nation to not yet have this implemented, particularly considering the rate of carers is high compared with other jurisdictions.

Despite caring roles being diverse and different from situation to situation, many carers report daily frustrations in accessing adequate information and support that is able to facilitate a practical difference. Carers often find navigating services complex and challenging and are regularly met with a lack of empathy, understanding and compassion. Carers also tell us that they are not listened to and important insights that they have to share are not valued or taken into account when care planning occurs.

Carers report financial stress, work stress, social exclusion, time constraints, having to go without and other negative effects to their wellbeing such as poor sleep, physical illness and being burnt out.

In a survey we conducted last year on the topic of carer recognition we asked carers about their needs and the following themes were strongly represented in their responses:

- Practical support
- Financial support and economic security
- Time for self and respite
- Assistance with navigation of systems such as My Aged Care, the NDIS and Services Australia.
- Emotional or psychological support for self
- Transport
- Legal and advocacy support
- Social connection and companionship
- The ability to focus on their own health and wellbeing.
- Access to appropriate and timely support for the person being cared for.

They go on to say:

We are optimistic that, through the introduction of carer recognition legislation, service providers and government agencies in Tasmania become more aware of carers and how to support them. We anticipate that, in turn, carers will have their needs met, which is essential for the wellbeing of both themselves and those they are caring for, as well as increasing the capacity of the carer to continue providing effective care.

During the consultation period Carers Tasmania undertook on this draft bill, a number of carers shared their personal experience. I will share a couple of those with the House:

Mr A, the single father caring for his nine-year-old son who has autism. His son has an NDIS plan but there is not enough funding in the plan for respite or activities. Recently, his son had to go to the emergency department in a north-west Tasmanian hospital and his father was told he was not allowed into the emergency room. Mr A insisted that it was critical for him to be in the room and he would most definitely be accompanying his son. The hospital director eventually came to speak with Mr A which resulted in him being permitted to be present with his son in the emergency room. This is a distressing situation that could have easily been avoided.

Mr B, who supports his 70-year-old wife who has cognitive decline and a number of physical health concerns, received a call from the hospital as his wife had been discharged. The hospital then tried to send his wife home in a

taxi because Mr B was unable to get there immediately to pick her up. Mr B informed the facility that his wife cannot even get into a taxi or into their yard and informed them that this was not acceptable and that they would need to wait for him to get there. Poor discharge practices are common and significantly impact carers' capacity to provide care and maintain their own wellbeing.

These are just a couple of examples. I thank the minister for his announcement in his second reading speech about the introduction of the advisory council because it is so important to hear first-hand from carers, from their lived experience, some of the challenges in accessing care for their loved ones. It is not only in getting additional support for themselves but being able to navigate the myriad of services available across our community. To be able to have that forum and be elevated to that level is very important and great learnings will come from people being involved in that forum and discussion. I congratulate the Government on forming that advisory group.

Despite all that I have said today and read from Carers Tasmania's submission, carers across our state are humble. Sometimes they do not even recognise themselves as carers. They are just supporting those they love. That is why it is so important to formally recognise carers in this legislation here today.

Thank you to Carers Tasmania for the work they do across our community, providing advocacy and connecting people to important services. Any one of us can become a carer at any time. You never know when your life will suddenly change and you find yourself in an informal caregiving role. Our carers across Tasmania come from all walks of life, ages and demographics. As our population continues to age and more Tasmanians are living with chronic disease, more of us will assume informal caring roles. That is just a fact and that is why this legislation, the Carer Charter, and the Carer Action Plan are so important.

This legislation also focuses on the action plan and the importance of this being implemented across government agencies. This is a very good addition. I note that there will be measurement against each of the priorities included in the action plan. Could the minister provide further information in his summing-up about how progress on the action plan will be reported back to the parliament and whether there will be a formal mechanism for that?

The five-year review was highlighted in the Carers Tasmania submission and that is an important addition. I also understand from stakeholders that the consultation period on the bill was quite short. I would like the minister to outline why that was the case. I note the late amendments that have come with this bill. During the briefing my colleague, Sarah Lovell, MLC, and I received, each of these issues was discussed, particularly the definition, inclusion and acknowledgement of Kin Raising Kids and the wonderful work they are doing across our community. It is pleasing to note that those have been included. I know through my discussions with Kin Raising Kids that they will be most appreciative of that. It would be good to understand how that change came about and why there was that second thinking around that.

I also note that by widening the scope of this legislation, additional responsibilities will fall upon Carers Tasmania. I understand they have put forward a budget submission seeking additional funding to be able to do their policy work better and cater better to the growing needs of carers across Tasmania, and the work that needs to be done across our communities. Any



update the minister could provide on additional funding or support to Carers Tasmania to assist with this work would be appreciated.

I also put on the record that including Kin Raising Kids in this legislation is a very good first step but, ultimately, in the work and meetings I have had with many of those involved in Kin Raising Kids across the state, particularly on the north-west coast where I live, there is a whole raft of work that needs to be done to better support them in the work they do and the support they are providing to their family members. This is at a Commonwealth level but also a state level. I would appreciate if you could update the House on any further work that will be done to better support them.

From speaking to them, I understand that many of the issues I raised from the Carers Tasmania submission around financial strain and their own health and wellbeing - there is not a great deal of difference between the strain and barriers experienced by individual carers across our community, no matter whom they are representing or providing care to. They have expressed their concerns to me about a number of issues that require further attention from the Government.

Mr Deputy Speaker, we owe a great deal to all of our carers across Tasmania, young and old, who are providing care and support to their loved ones.

We are pleased to support this bill this afternoon and pleased it has finally come to this place. I put on the record my sincere thanks and gratitude to all our selfless carers across Tasmania. Tasmanian Labor recognises you. We want to work with you and we understand and appreciate the value that you bring to the lives of others but to our community and to our economy. It is my pleasure to commend the bill to the House.

[4.25 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Mr Deputy Speaker, in the tapestry of Tasmanian society, carers are the strongest thread. We do not always see it. It is often a hidden thread, almost invisible, but if it was pulled from the Tasmanian tapestry the whole thing would fall apart. Our society would fall apart so vital is the work of the 85 000 informal carers to Tasmania at an individual and community level.

We are pleased to support this excellent Carer Recognition Bill 2022. It formally recognises, through a statute of the Tasmanian parliament, the vital work of carers; makes sure that we have a carer's action plan so that we are responsive to the needs of carers; and that there is, as a schedule to the act, a charter that places certain responsibilities on government to recognise and respect in tangible ways the work of our carers.

I also thank the wonderful people at Carers Tasmania, David, Julie and everyone who works at Carers Tasmania. The work you do is important to the health and wellbeing of our society but also for carers to know that you are there and always advocating for their rights. It is something we are all thankful for here in this parliament.

We have all, in our lives and in our work, had the great privilege of meeting carers, working with carers or being part-time carers ourselves. As a former minister for community development, it was a genuine delight to spend so much time with carers and Carers Tasmania. In those days it was the formidable Janice McKenna who was running Carers Tasmania.

**Mr Barnett** - Hear hear, a wonderful operator.

**Ms O'CONNOR** - Yes, what an amazing woman.

**Mr Street** - She was an absolute gem.

**Ms O'CONNOR** - She was a machine, that is right. David, you are excellent but you have massive stilettos to fill. Although we understand that Carers Tasmania has been around for almost a quarter of a century, it was the work in those early days that Janice McKenna did to brief across the parliament, constantly knocking on the doors of politicians, ministers and other community leaders and fiercely advocating for the recognition of carers, the respect for their rights, their needs that are often unmet.

I was a newly-elected MP and Janice drew me into that world of Carers Tasmania and the people it supports, and it was such a great privilege. I met carers across the ages, including a wonderful young girl who was looking after her mum who had a quite significant neuro-degenerative disorder. This beautiful child did everything she could for her mum. She would cook and clean, and she would take and make the phone calls for appointments. Sometimes she would miss out on school; that is the human cost that informal carers pay. The connection that she and her mum had was very powerful. Obviously that beautiful girl was made to grow up too soon, because a weight of responsibility sat on her shoulders that most children do not have to carry. I was so glad for her mum that she had her beautiful carer there. Again, it is an area that government needs to be very mindful of, and all the supports that we are able to give children who are carers, and they will not be the majority of carers, but their numbers are not insignificant. We need to make sure that the State of Tasmania, as this legislation says, sees carers who are young carers and recognises that they have a specific set of support from government. It is really important that we always remember some of the informal unpaid carers we are talking about are mere children themselves.

At the other end of the age spectrum, of course, there are carers who are frail and aged themselves, looking after someone they love, again, at a personal, emotional cost, a physical cost, and inevitably, a financial cost. We know that carers' financial needs are not adequately met by the Commonwealth.

Particularly when I was minister, I was often struck by the value and the quantum. It is hard to actually quantify the work of carers and how much pressure that takes off government. Imagine if government was required to do the work of the 85 000 carers in Tasmania. It just would not be possible and yet governments rely on that caring work and, I would argue, do not sufficiently respond to the needs of carers and, particularly, some of those financial needs. This is not about the state of Tasmania, minister, not at all.

This legislation is an important first step, but as Ms Dow was saying, there is another conversation to be had about the tangible steps that governments can take to support the work of carers and the work of Carers Tasmania in their advocacy and support work.

The national carers survey of 2022 is worth highlighting in this debate. There were 691 carers from Tasmania who contributed to the survey. Of those 691, the majority identified as female, who were aged 17 to 79. The average age was 65.5 years. They represented a range of locations and cultural backgrounds. Most identified as Australian and lived in regional locations. Some 21.1 per cent of respondents were working while providing care. Again, we

see this extra unpaid burden that is sitting on the shoulders of many carers, some of whom will be in full-time or part-time work.

Most Tasmanian carers who responded to the survey were caring for a partner. Most commonly, respondents were caring for someone living with a disability. The average age of the people they care for was 63.4 years. In terms of who our carers care for, about 62 per cent are people with a disability; 31 per cent people living with a chronic health condition; 34 per cent frail people; and 26 per cent people living with dementia, which would bring its own significant challenges. I have certainly spoken to carers of people with dementia and it can be very hard work indeed, Mr Deputy Speaker. The survey found that carers from Tasmania typically spent 108 hours a week caring and had been caring for 11.3 years. Nationally, when they have tried to quantify the contribution of carers - and I think this is a massive understatement -

**Mr O'Byrne** - You could never do it fully.

**Ms O'CONNOR** - Yes, you could never do it. This is information provided by Carers Tasmania. If the Government had to find the funds to replace the care provided by our informal and unpaid carers in the year 2015 - so you can imagine now with inflation - they would have had to find \$60.3 billion because they would be funding about 1.9 billion hours of unpaid work.

It is therefore essential that we have a statute that recognises the vital work of carers. If there is a statutory obligation to develop a carers action plan in the legislation - and we had something very similar when I was minister - we are interested to know if the minister, in his second reading response, would like to detail his thoughts on what the action plan might contain, what sort of consultation process you would undertake, particularly with our unpaid carers, what the timing is on the delivery of the action plan and what it might do to tangibly support the work of carers and help them in their daily lives.

As the minister foreshadowed - and we also have a copy here - there has been quite a bit of work go into particularly the amendment to clause 4. I am sure the minister and Ms Dow have had this experience where there had been correspondence back and forth once this bill was tabled. There was correspondence from grandparents raising grandchildren, Kin for Kids, Carers Tasmania, and the consequence of that back and forth has been an addition to the definition of carer. Should the House agree to pass the amendment, it would now read -

'Carer' means a person who provides unpaid care and support to a family member or friend who has a disability, or has mental illness, or has a chronic life-threatening condition, or has alcohol or other drug dependence, or is frail or aged, or is a child, if the person is an informal kinship carer of the child.

We support this amendment. These family members are prepared to step in when there is family breakdown or a parent is having difficulties, and those kinship carers play an immeasurably vital role in giving kids in difficult circumstances that sense of stability, of feeling safe, loved and wanted. It is such an important component of that child's safety system.

My mum was a grandparent who raised my late sister's four children and life was pretty tough for those kids. When mum got hold of them they had nutritious food, they always went to school and they always looked cared for. They were very well behaved after spending a bit of time with my mother. Mum got three of those four boys into university: really great trades.

She literally saved them. She looked after my late sister's children for the best part of eight years. I am ever so thankful for that.

The other amendments which have been put forward by the minister are simply to make sure that the definition of a 'child', which is consistent across Tasmanian legislation, means a person under the age of 18 and that you recognise the Department of Community's Tasmania no longer exists and that this act would be administered under the Department of Premier and Cabinet. Congratulations, minister, on bringing forward this legislation. More broadly, congratulations to the Government for committing to it and bringing it into this House. It is a really important first step in formally recognising the work of carers in our community and making sure that parliament passes law which gives overdue vital recognition to our informal and unpaid carers. We are so thankful to them.

[4.41 p.m.]

**Mr O'BYRNE** (Franklin) - Mr Deputy Speaker, it is an absolute pleasure to get on my feet and speak on the Carer Recognition Bill and indicate my support for it and the amendment as circulated at the outset. I also acknowledge the presence of CarersTas and their representatives in the gallery today. This is a very important day and it has been a long time coming. It is no reflection on the current minister, necessarily, but we are the last state to develop a carers recognition act. I know a number of other states have been at the forefront of this. Maybe they need to go back to their original bills and update them to make it more contemporary because this is one of those areas of public policy where there is a level of leap-frogging.

As the previous speaker, Ms O'Connor said, this is a very important first step in what is a very important part of our community. I would say there would be very few people not to have a direct or indirect benefit or relationship with someone who provides care for a family member or a loved one in our community. Reports and the surveys indicate the thousands of hours, the billions of dollars of effort really does scratch the surface in terms of importance. We live in a community, not an economy. In the ecosystem and the village that we all are a part of, we support people at various points of their lives. Carers play such a crucial role in ensuring that we can survive as a community. I am not overcooking it. It is about people's dignity. It is about their lives and it is about families and friendship groups, ensuring that we can have a dignified life. This bill is an important step forward.

I will acknowledge the minister in a couple of areas. I have heard some pretty dry second reading speeches over the years. They do play a role. In your summing up, no doubt you will have a few more words to say, minister. The importance of the second reading speech is to give indication to the minister's and the Government's intent. With any legislation it is important. It was very heartening to read and listen to your second reading speech, in terms of the heart and the emotion that you put into it. This is obviously something that you personally care about and that is reflected in the second reading speech.

It reflects well on you, minister, as much as I know you are across the aisle. In the cut and thrust of politics I acknowledge your personal commitment. In doing so, I acknowledge the late inclusion of the amendment around the informal kinship carers. I will talk about that in a minute.

It would be good to hear from you about your vision, I suppose, for the establishment and the elevating of the minister's Carers Advisory Council and how you want to incorporate

carers with lived experience into that important forum and how that will drive a whole range of policy areas - not just in the areas that you have responsibility for, minister, but across government and across Cabinet portfolios.

The bill establishes a carers charter and a Tasmanian carers action plan. It has obligations for State Service agencies to implement the Carers Action Plan within that agency. Importantly, the bill includes a review every five years to assess its effectiveness. I know it is a few years away, minister, and given the cycle of politics it may very well be somebody else, but it would be good to hear your views about the kind of person you would seek, or the kind of organisation that you might envisage, to do that review, what that would entail and whether you have given thought to the scope of that review. Is it purely a review of the bill, or a review of the elements that are encapsulated in it, or a more broader review of the sector? It would be good to hear your views on that.

In terms of the late inclusion of informal kinship carers, I believe the member rightly recognises the informal unpaid kinship carers as carers. I will not go into it. Ms O'Connor explained the importance of that role, particularly in protecting children. It is crucially important. It recognises grandparents raising grandchildren and other informal kinship arrangements that provide a valuable service to the community, as you have outlined, and the amendment is very welcome. I have heard personally that kinship carers struggle to access the support services for the children, support services for themselves, financial support and specialised services for the children. Hopefully this inclusion and recognition of kinship carers is the first step to removing some of those barriers so that they can play the role that they seek to play and support the people that they seek to support.

In broad terms, the Carers Charter as outlined in the bill describes that carers are: acknowledged and recognised as such, each with their own individual needs, consulted on the development of policies and procedures that may impact their role as a carer, able to access information and resources that can assist them in their caring role; able to participate in all facets of life, supported and able to access services to ensure their own wellbeing; and the knowledge carers have for those they are caring for should be respected and they are able to raise concerns without fear of repercussions and those concerns are addressed as soon as practicable.

The bill references the Tasmanian Carer Action Plan that was completed last year. It is not in the bill itself and I do not think that would be appropriate. There is a raft of initiatives in that plan which state government agencies will be required to take steps forward towards following and implementing. That would be important. Maybe this is partly the role of the Advisory Council and the work it they will do. It would be good to get your views on that, minister.

Initiatives such as carers' week, community grants for carers and a carers' forum and ensuring State Service work flexibility to support employees who are carers and special consideration of carers who have a social housing application with Housing Connect and lots of other policies as well - we know through listening to the experience of some carers they do feel at times that they are the forgotten heroes of our community, that they are isolated. Building a network beyond what is there and expanding that ecosystem of support, that village kind of environment is crucially important in terms of the work of carers in our community.

Other speakers have referred to the importance of it. Approximately 85 500 Tasmanians are carers. I am sure that does underestimate the kind of formal/informal caring that is occurring. In terms of the stats, 9300 of these carers are under the age of 25. Sadly, carers, because of their love and responsibility that they have for others, have lower workforce participation. They also earn less than other Tasmanians because of their responsibilities and their duties. Acknowledging that, understanding that and valuing their work to our community makes a massive difference to them.

In closing, I support the bill and the amendment, and acknowledge that carers provide an invaluable service to our community. They deserve to be recognised and I hope that the Carers Charter is referred to frequently when considering Government policy more broadly. The bill is welcome, yes it is overdue, we have made that point, but I congratulate the minister and the Government for taking this very important step. In doing so, I acknowledge all of those carers who really make our community work.

[4.50 p.m.]

**Mr STREET** (Franklin - Leader of the House) - Mr Speaker, before I start summing up, I would like to acknowledge David and Julie from Carers Tasmania and thank them for their advocacy and for the work they do. I also acknowledge Mary and Margaret who are in the gallery today, as carers. Thank you very much for the work you do in our community as well.

The first point I will make is that as everybody said in their contribution, it is a good first step. Be assured as a minister and as a Government, we understand that this is only the first step as well. I do not know why we are the last state, Ms Dow, but the fact is we are. Let us celebrate today the fact that we got there eventually. In recognising carers, it is important that it is only the first step. Following on from that is a recognition of the issues they face and what government can do to support them and to improve the quality of life of not only the people they are caring for but for carers as well. If we can make a carer's life 1 per cent easier because of changes that we are making, service delivery or whatever we do as Government departments, then we need to be concentrating on that.

You asked about the change to include informal kinship carers. When I came into the portfolio and was presented with the consultation and feedback, there was a view that informal kinship carers probably should not be included in the bill. I have to say that over the last six months or so, there has been a fairly heavy level of advocacy, particularly from the Commissioner for Children and Young People, who has pushed very hard for their inclusion. In making a decision on whether we move the amendment or not, we have erred towards inclusivity in including them and recognising them as well, and others have spoken about the massive contribution that informal kinship carers make with regard to keeping families together and keeping children in a family setting as much as possible as well. That is why we made the change that we did.

With regard to the increased funding, you identified that Carers Tasmania have put in a budget submission. We have already spoken about the budget submission and we recognise the work that Carers Tasmania does and there will be ongoing conversations about funding for next year's budget after today.

Ms O'Connor asked about the action plan. It is on the DPAC website and it was released last year. My expectation would be that once the advisory council is in place, there will be an update and refresh of the action plan that is ongoing. With regard to accountability, it is my

expectation there will be an annual report delivered by the minister's advisory council which I will table in parliament and that will identify actions that have been taken both against the action plan but also against the charter that exists within the bill and what Government departments are doing to modify or change their service delivery to meet the expectations that are set out in the charter.

One of the examples mentioned was kids as carers. I am sure the Department of Education does a fine job of trying to acknowledge whether that situation exists. By acknowledging carers in this bill, I hope we can increase the level of prominence about the issue that some children have with regard to making sure that they do not sacrifice their education in the caring for a loved one. That is the last thing we want to see.

Mr O'Byrne mentioned that carers earn less. That is an unfortunate fact of life. What we cannot accept is that kids end up with a lesser standard of education or less educational attainment because of the position that they have found themselves in.

The other example I wanted to raise about a government department is that I met with the carer's forum last week, both LGBTIQ members of the members who were being cared for, but also LGBTIQ carers. I heard of an experience of a carer who was not allowed into the emergency department at the Royal Hobart Hospital during COVID-19 because there was a limit to the number of people who could be in there. They were caring for their partner. Their partner absolutely needed their carer with them. They were anxious, in a terrible way mentally, and at that time the emergency department did not recognise the carer as next of kin or as a formal relationship. We do have to do everything we can to educate not just government service deliverers, but all service deliverers.

I will not go into any more details. There were a couple of examples raised at the forum of private service providers showing a basic lack of understanding about some of the issues these carers were facing, and the way that they dealt with them was not just unacceptable but was unnecessary. If there was a better understanding, it would not have affected the service delivery, would not have affected the people delivering the service, but it would have made life so much easier for the carer and the person that they were caring for if there was a better understanding of the situation.

I have covered the increased funding and the reporting back to parliament, the action plan, kids. Are there any questions I have missed?

**Mr O'Byrne** - The review.

**Mr STREET** - The review. My expectation is that the review will be driven by the agency to start off with, but it will be informed by the work of the minister's advisory group as well. That will be not just refreshing the bill, potentially, or looking at reviewing the bill. It will also be reviewing the charter within it, and that work around the action plan, and making sure that is current as well, so that it is not a stagnant document that we just start ticking off things, and when we get to the end of it we go 'okay we are done'. We want to be continually refreshing that through the advisory group and the work of Carers Tasmania to make sure that it is a contemporary document as well.

I hope the tabling of the report in parliament each year means there is some level of accountability on myself as minister to make sure that every Government department, whether they are mine or other ministers', are meeting the expectations that are set out in that charter.

**Ms O'Connor** - Has any thought been given to tabling a copy of the Carers Action Plan? I know it is not in the bill. Do you think it is not necessary? I would have thought it would be a good addition to this debate.

**Mr STREET** - I am more than happy to seek the leave of the House to table the Supporting Tasmanian Carers -

**Ms O'Connor** - Great. You are a minister. You can just table it right now.

**Mr STREET** - Right, there you go.

**Ms O'Connor** - Go, you good thing.

**Mr STREET** - I feel very powerful all of a sudden.

With that, I thank everyone who made a contribution for their support of the amendments. They are relatively simple. Obviously the one around the inclusion of informal kinship carers is the most important one and also contemporising the language that is being used, which we did in feedback with Carers Tasmania and, when I tabled the bill on 15 June, Communities Tasmania still existed. It does not now, so we will change the name over to make sure that is reflected in the legislation that gets passed.

I think that is it, Mr Deputy Speaker.

**Bill read the second time.**

## **CARERS RECOGNITION BILL 2022 (No. 33)**

### **In Committee**

**Clauses 1 to 3 agreed to.**

**Clause 4 -**  
Interpretation

**Mr STREET** - Is everyone happy for me to move both amendments together in clause 4?

Mr Chair, I move the following amendments -

#### **First amendment**

Page 4, definition of carer.

*Leave out* paragraphs (a) to (e), inclusive.



*Insert instead* the following paragraphs:

- (a) has a disability; or
- (b) has mental ill health; or
- (c) has a chronic or life-limiting condition; or
- (d) has alcohol or other drug dependence; or
- (e) is frail or aged; or
- (f) is a child, if the person is an informal kinship carer of the child;

**Second amendment**

Page 4, after definition of 'Carers Charter'

*Insert* the following definition:

'child' means a person under 18 years of age;".

I spoke about this just now. It is to reflect the inclusivity of the bill and the insertion of the definition of a child is to reflect that we have also inserted (f) into the clause.

**Amendments agreed to.**

**Clause 4 as amended agreed to.**

**Clauses 5 to 10 agreed to.**

**Clause 11 -**

Administration of act

**Mr STREET** - Mr Chair, I move the following amendment -

Page 8, paragraph (b)

*Leave out* 'Communities Tasmania'

*Insert instead* 'Premier and Cabinet'.

**Amendment agreed to.**

**Clause 11 as amended agreed to.**

**Schedule 1 agreed to.**

**Title agreed to.**

**Bill reported to House with amendments.**

## **CARERS RECOGNITION BILL 2022 (No. 33)**

### **Suspension of Standing Orders - Move Third Reading Forthwith**

**Mr STREET** - Mr Deputy Speaker, I move -

That so much of the Standing Orders be suspended as would prevent the bill from being read for the third time forthwith.

**Motion agreed to.**

### **Third Reading**

[5.04 p.m.]

**Mr STREET** (Franklin - Minister for Community Services and Development) - Mr Speaker, I move -

That the bill be now read the third time.

Mr Speaker, I did exactly what the Attorney-General did on her last bill. I need to speak on the third reading to thank some people I did not thank before.

To the department staff for their work on this bill, thank you very much for that. To Vince Taskunas, my chief of staff but has also been the community services and development adviser for the last five months and has done a power of work with David and Julie at Carers Tasmania: thank you for your work, Vince, and again, to David and Julie from Carers Tasmania; thank you very much for the work that you do.

I look forward to an ongoing relationship with Carers Tasmania as we institute the Advisory Council, work on the action plan and make sure that the Government meets its commitments under the charter.

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

**Bill read the third time.**

## **ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL AMENDMENT BILL 2022 (No. 46.)**

### **In Committee**

### **Consideration of Legislative Council Amendment**

## **Council amendment to clause 17 -**

[5.05 p.m.]

**Mr JAENSCH** - Mr Chair, I move -

That the amendment be accepted.

The amendment requires the minister to consult when reviewing an environmental standard. The Government will not be opposing the amendment, particularly in the interests of the bill progressing. The comprehensive review of the Environmental Management and Pollution Control Act, which I previously committed to in the second reading debate, will allow us to further consider the amendment in the broader context of the act and will allow public consultation on it.

I thank the Legislative Council for their contribution and their robust discussion on the bill and, again, thank all members in this House for their contributions too.

**Dr WOODRUFF** - Mr Chair, we had a look at this. I do not have our amendments before us but it strikes me as something we would have tried to introduce as an amendment ourselves here during the debate.

The inclusion of conducting public consultation is something the Greens have always strived to introduce into government bills. There are no details about the type of public consultation and the manner in which it would be conducted, the thoroughness and so on. Nonetheless, it is an excellent addition to the bill. I trust that the Government, in undertaking public consultation, would do it in a way that is meaningful and best standard.

We are very pleased to support the amendment.

**Ms DOW** - Mr Chair, I indicate that we, too, will be supporting the amendment.

**Council amendment agreed to.**

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

**Resolution agreed to.**

## **ADJOURNMENT**

[5.09 p.m.]

**Mr STREET** (Franklin - Leader of the House) - Mr Speaker, I move -

That the House do now adjourn.

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## **Order of Business**

**Mr STREET** (Franklin - Leader of the House) - Mr Speaker, I before the Premier speaks, we had listed the residential building bill today as well. We have decided to adjourn early and

not go on with it. I apologise, Ms Butler, and I apologise to Kevin and Sonia who are here to listen to the debate on the bill.

I am extremely sorry. If I was aware that was why you were here I would have let Ms Butler know earlier. We will not debate the residential bill until next year now. My apologies.

**Ms BUTLER** (Lyons) - On indulgence, Mr Speaker, we have Kevin and Sonia Hayley in the House this afternoon. They have sat through the previous bills. They are here to listen to the residential building bill. This bill is important to many people across Tasmania who have been affected by defective builds and it has taken a tremendous amount of work. What these people and so many other people who are watching right now have been through, these changes mean an awful lot to them.

We acknowledge that Mr Street was not aware that Kevin and Sonia were in the House and that it is not a slight on them. However, we need to state for the record that they have sat here for hours this afternoon. This is really important to them. It was a potential opportunity for them to be heard by a tribunal, which this bill would potentially be able to provide to them. We had distributed an amendment in relation to the tribunal. It just means more months of delay for so many people who are caught up in very expensive legal action at the moment. We were really hoping that we would at least be able to start on this bill today.

**Ms O'CONNOR** (Clark - Leader of the Greens) - On indulgence, Mr Speaker, this is a very unfortunate situation. Is it possible for some commitment to be made by the Government about the bill being the first order of business when we return?

**Mr ROCKLIFF** (Braddon - Premier) - On indulgence, Mr Speaker, I understand the circumstances. I have just become aware of the constituents in the Chamber who have been here for some time. I am happy to sit down and discuss your concerns once we officially adjourn tonight, if that would be appropriate and if you are able to do that.

**Members** - Hear, hear.

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### **Christmas Greetings**

[5.13 p.m.]

**Mr ROCKLIFF** (Braddon - Premier) - Mr Speaker, on the adjournment on our final day of parliament for 2022, acknowledging that we have ministers and shadow ministers, a number of people fronting up for GBE scrutiny over the course of next week, it has been a very interesting and busy year. I was reflecting before, that every November on the last day of the parliamentary year way back since 2006, I have sat next to a leader who has delivered Christmas best wishes. It is a great privilege of mine now, as Premier and leader of our team, to wish everyone the very best of greetings for Christmas and the summer period.

I did not expect to be standing here as Premier but Tasmanian politics can move very quickly, as we all know, and you have to expect the unexpected in the wonderful world we live in. It is a wonderful privilege we have been given, to represent the people of Tasmania, both within our electorates and the responsibilities we have more broadly. At times it can be very challenging but mostly enormously rewarding.

Many Tasmanians have harder jobs and are in very difficult circumstances. I will start by giving a very sincere and special pre-Christmas thank you on behalf of all our team to those Tasmanians who have very challenging jobs day in, day out. I know all within the parliament would thank all of those who work every day supporting and caring for Tasmanians. Of course, I talk about our wonderful people at the front line of the many services we support and advocate for.

Our nurses, paramedics and many others in our health services, working day and night, many times in full PPE, particularly in recent times, providing professional health care for Tasmanians. Our police and emergency services who sadly get to see some of the worst behaviours and are first on the scene in the most horrific circumstances when it comes to road traumas. Our firefighters who are there to protect Tasmanians from the always imminent bushfire season and other fire events. Our teachers who nurture our children, our most important assets, every single day and the many people who are on the front line of our public service who do such a wonderful job.

Mr Speaker, earlier today the House had the opportunity to say farewell to a long-standing Clerk and long-serving institution since 1988, Shane Donnelly, on his retirement. Again, I wish Shane very well. Through the contributions, I was looking at the Standing Orders book. Through some of the contributions, I was looking pretty closely at the book as well and the wonderful detail he had provided for us all. I pay tribute again to Shane.

Tonight I also want to thank all other parliamentary officials and staff who, like Shane, have supported us throughout the year, as was reflected in the Chamber this morning. We very much value the support and we could not have got through this without the support of our Clerks. I thank Shane and Colleen, of course, who I do not talk to as much because my office has changed a bit. I was often saying g'day to Colleen across the corridor in my previous role. I miss our little chats. I thank Colleen very much. To the Deputy Clerk, Ms Ross; Clerk-Assistant and Sergeant-at-Arms, Ms Hesford; Second Clerk-Assistant, Ms Murphy, and Clerk of Papers, Ms Morrison, as well for the wonderful support they provide us all.

I also thank the parliamentary officers and assistants, including Charles, Scott, Mary, Kiah, Kristy, Mark and Adrian, providing wonderful assistance to all of us. Sometimes, particularly if you are a new member to this place, it can be a lonely environment but we always have a friendly smile with all the clerks and a warm offer of assistance. I very much appreciate that. To our parliamentary education team, which was mentioned this morning, Kimbra and Colette, for ensuring that our parliament is open and accessible, for our school children especially but for people of all ages. We all welcome with open arms the school groups that come through this place and enjoy our chats with students. That is a wonderful initiative. Kimbra, who leads that, and Colette do such a wonderful job in welcoming all our young people, future leaders, to Parliament House.

I thank very much the broadcasting and IT services. Peter Hancox, who has had a particularly challenging year, in supporting his amazing family and beautiful grandson, Archie. Our thoughts are with Lauren and Archie, and Peter and his terrific family. Thank you to his team: Brett, Jason, Rob, Ben, Angus, Chris and James.

Thank you to Finance and Human Resources and the Maintenance teams - Shane, Gaye, Brendan, Kate, Anna, Angela, Simon and Robert, and to our Parliamentary Dining Room and Bistro Staff.

**Ms Archer** - Hear, hear.

**Mr ROCKLIFF** - We all value them. A welcoming smile from Jo and the team at the Bistro after question time is sometimes very much appreciated. The odd free choccy goes a long way, as well. To Mandie, Simon and John, Jacqui, of course Jo and her team who do a wonderful job and always second guess and cater to our individual needs.

Thank you to the Parliamentary Library and the Research Teams: Marijana, Deb, Krystal, Sue, Sarah, Helen, and Luke, Cassandra, Jayne, Kate, Catriona, Tran and Bryan. The wonderful research assistants provide for all members of parliament.

Thank you to our Hansard team: Helen, Katrina, James and many others who support in that role.

Thank you to all the members of our security team. They are often the first people we see in the morning and the last people we see at night. Thank you to all members of parliamentary security for keeping us safe throughout the year. If I have missed anyone, my sincere apologies.

I would like to very much thank my team that I work with around the state and all ministerial staff as well. I am unable to name all of them. There are quite a few as has been demonstrated in recent times - I have noticed. I really value the work of the wonderful support of our staff. They are truly the backbone for each and every one of us. Having spent 12 years in Opposition, I can well appreciate with more limited resources the value that you would also have with your teams as well. I could not do the job without the wonderful support of all my team, led by our Chief of Staff, Vanessa Field.

I know I speak for every single minister and members in our team for the wonderful teamwork that happens and that is needed to happen to support us to our jobs so we can represent Tasmanians to the best of our ability. I could never forget Steph who has worked alongside me and other Members of Parliament on all sides of politics, who supports me as Electorate Officer. They are really on the frontline when people walk in the door with all sorts of challenges. Often the smallest matter can be supported and they are on their way but they also cop some of the verbal abuse that we cop on social media. Some people actually get off the keyboard and come in and have a spray. I thank the staff very much for doing that job literally on the frontline.

I would like to thank the person that I probably spend most of my time with in this role and that is Rex. I often say that people comment that you work long hours but there is one person who gets up before me, and there is one person who goes to bed after me. That is our ministerial driving team. I thoroughly enjoy Rex's company. Sometimes I have a snooze on the Midland Highway. His phone goes off. It goes quack, quack, quack. He has a duck noise on his mobile phone which wakes me up occasionally. He is a wonderful support, as he is to others he has worked with. He speaks very fondly of all the people with whom he has worked with in previous years. Thank you to Rex, and Sue his wife - Rex spends some time away from home.

I would also like to thank my colleagues in the Parliamentary Liberal Party in this place. I thank you for being so supportive of me personally and supportive of each other. I very much

appreciate that. It has been a year of change, this year, which we have had to adjust to. I appreciate all my colleagues both in this place and in the Legislative Council for their support.

We are refreshed as a team, as busy as the year has been. We have really enjoyed the new members who have joined our team: Simon Wood, Dean Young and Lara Alexander. Thank you for adding to the dynamic of our team, bringing ideas to our team and supporting your constituents in the role. You are very new in the role and I am immensely proud of all the work that you do.

I have not penned a poem like my predecessor. I could have played the guitar but my lessons have lapsed somewhat in the last month or two. Mr O'Byrne is pretty adept at music so I am happy to have a jamming session at some stage with him.

I say thank you to everyone across the Parliament. I respect the roles that you play in terms of keeping the executive government accountable as you should. That is what I did for 12 years. I understand it well and truly. I understand very much that the bear-pit of the parliament is not always reflected when we go outside the Chamber and have a beer or a chat. Often the best moment of this job is when someone from the other side asks how you are, how your family is and acknowledges the work that you do but also hopes that you are going okay as well, which I very much appreciate.

If more of the Tasmanian community could understand that side of our job, I am sure we would be seen in a far better light. At the end of the day, we do our jobs but outside of that, we look after each other as well, I have noticed.

I wish everyone all the very best. The next few weeks are an opportunity to be a little less intense. The politics of the day never necessarily stops but I have always thought that December is the best year in this job -

**Ms White** - Not a year, although it might feel very long.

**Mr ROCKLIFF** - We will run into each other and see each other at school events and those assemblies which are uplifting for us all and certainly unite us all as well. It is a happier time of the year for all of us. We are out and about with our constituents. I hope people take the time for themselves and their family, their friends, refresh and bring on 2023 where we can do the best we possibly can to represent the people who expect us and who have got us here in the first place.

Merry Christmas and a Happy New Year to everyone.

### **Christmas Greetings**

[5.28 p.m.]

**Ms WHITE** (Lyons - Leader of the Opposition) - Mr Speaker, I can never quite believe that we get to this day each year. It has come around so quickly. It is only four weeks until Christmas and I have not really started to think about that yet because I do still feel like it must be at least half a year away, so I can understand if the Premier thinks that December goes for an entire year because it does feel like that.

Christmas is only around the corner and that means the end of the parliamentary year is upon us too. Some of us will be back here next week for GBEs. Aren't we looking forward to those, Mr Speaker? For a large part though, the parliamentary year is done. That means that we have some time now to get back to our electorates, back to our communities, back to our families and spend some time doing our jobs as local members, not just as legislators.

As we reflect back on the parliamentary year, I am struck by the fact that things have not eased up at all. After the high-tension days of 2020 in the height of the pandemic in this place, we all remember, those of us who were here, what that felt like, we still continue on a rollercoaster of sorts. Our time in here has been punctuated since then by an early election, and changes to the faces in these green chairs, as the Premier pointed out; more COVID-19 outbreaks than we probably would have dared to believe when we left this place last year and gave our Christmas greetings and end-of-year thanks; and of course, a change in federal government this year, one which we warmly welcomed, of course, Mr Speaker. We were very pleased to see a Labor government elected federally.

We are also seeing changing economic conditions that have placed increasing pressure on households and businesses across our state. There have been a few more changes over the course of this year that relate specifically to this place, and while none of those changes did occur on our side, I would like to thank those members who have left the parliament and thank them for their service to our community, and particularly, I would like to note outgoing premier Peter Gutwein, especially for his leadership during COVID-19 in those early months when none of us really knew what to expect. It was quite a terrifying time.

We are so very privileged to be elected by our communities to represent them in this parliament. I know that I jump out of bed to start the day, because it gives us another opportunity to do good things, and to work to improve our state. I am very grateful for the fact that I do have that privilege. I would like to thank our Labor team in this place and in the other place for the friendship that they offer me, and the fun and the shared passion that makes working together easy and underpinned by purpose. We have a good group of smart and dedicated, caring and hardworking MPs, and I know that one day they will make an excellent government for our state.

I take this opportunity to thank the great team that supports the work of the Parliamentary Labor Party. At the outset I would like to thank Marcus Atkinson, who has stepped into the role of acting chief of staff and done such a remarkably good job. He is as smart as they come. He is reliable. He is trustworthy and he is extremely dedicated. The work Marcus does is so well-supported by our bright and energetic team who are working so well together, and working so well to support all of us as MPs in this place. I would like in particular to thank Pam, Stewart, Celeste, Bron, Elliot, Craig, Karelle, Heidi, Kate, Sharn, Amina and Rashel, who hold things together, deliver good things for our community each day, and hold us to account as well.

I pay particular thanks to my electorate officers, Kate and Heidi, who provide such outstanding support to our constituents in Lyons. Every day, they are working hard to help people and support our community, and I thank them so much for how deeply they care. I would also like to acknowledge and thank all the electorate officers who support our Labor team across the state. They are the frontline, as the Premier described, for the phone calls, for people walking in, and often they do deal with some incredibly sad and complex situations. They do that with limited resources and often by themselves in those offices, and I know that



is not always easy and it is not always safe. Each of them is incredible and the reality is that we just could not do our jobs without them.

Mr Speaker, I am very lucky as the Leader of the Opposition to have a driver, and I think that I have the best driver of all in Paul Watt. Paul is like a member of our extended family. I am incredibly grateful to him for the care he shows to me and the work he does to support me to do my job every single day, so I would like to particularly thank Paul.

As is customary, Mr Speaker, I would like to thank each and every staff member in this building for the care and dedication they show to do their job with professionalism and to a very high standard. I start by thanking the Clerk, Mr Shane Donnelly, who has received a lot of acknowledgement and thanks today, but it is rightly deserved. I think anyone who provides 34 years of service in any job does a remarkable thing, and particularly in service of our community as you have done, Shane, so once again, thank you very much, and I convey to you all the very best of our wishes for your retirement.

To Laura Ross, Deputy Clerk, who is not here at the moment, but as we all know she is the first female Deputy Clerk in this House's history. I would like to thank her for her help and her work throughout the year, and if it is not inappropriate to say, because I know there has to be a process followed, but I would really love to see her become the Clerk of this House. I believe she is eminently qualified, but it would also be excellent to see her become the first female Clerk of the House of Assembly.

To Stephanie and Fiona, thank you for helping to keep this place running. You do it so effortlessly. To Colleen, who is forever patient, thank you for your help this year. To the wonderful and always smiling Alison, you have got this. Parliamentary officers, Charles and Scott and Parliamentary Assistants Kristy, Mark, Mary and Kiah, thank you all for making sure this place runs like a clock. From the start of the day, to the end of the day, you are here and without you nothing that we would expect to happen would actually happen. I am very grateful to all of you for the work you do.

To Adrian Munnings, thank you for keeping up the good work. It is appreciated everyday but especially every fortnight.

To Peter Hancox and the IT crew, a huge thank you. There is no issue that is ever too big or too small for your team to handle. Thank you so much to Brett, Jason, Rob, Ben, Chris and James for saving my skin on a number of occasions when I forgot to reset my password and been locked out of my devices. They always help me to change it and I do intend to do better at that.

To our wonderful Education Officers, Kimbra and Colette, the young people of Tasmania are gaining such a valuable education about our Parliament because of the work that they do - a much better understanding of civics here in our state and I thank them very much for their work and the dedication they have shown to that program.

To our outstanding parliamentary catering staff, led by Mandie and supported so ably by Jacqui, Simon, John and of course the excellent service given to us at the Bistro by Jo and her band of helpers, Christine, Jade and Renee.

I want to recognise the people who keep this magnificent building in shape, starting with facilities manager Simon, along with Brendan and of course the wonderful people who keep it tidy and clean, Gaye, Shane, Angela and Will.

I would like to thank the very clever library staff: Marijana, Luke, Helen, Sarah, Sue, Krystal and Deb; the very diligent research staff, Bryan, Catriona, Kate, Jayne and Cassandra, and the amazingly talented and extremely patient Hansard staff, Helen, Katrina, James and all the rest of the team who I know work very late into the night on occasion.

Finally, to the security staff: Greg, the supervisor of the great team of Syed, Navila, Benjamin, David, Damien, Busha, Kyriakos, Tamanna, Manisha, Hugh and Andrew.

To finish, I would like to share a few words that have been inspired by last year's poem by the former premier, Mr Peter Gutwein, as he wrapped up the 2021 Parliamentary Year. For those of you who were not here, it is definitely worth going and having a little look at. Here it goes and it is offered in good humour:

There is no hiding that 2021 was not much fun,  
but 2022, was not very good for you.  
A revolving door and standards very poor,  
a football stadium about as popular as Uranium.  
You are looking tired and like you cannot take much more.  
But, in the spirit of Christmas, which is what this is,  
we wish everyone some cheer and some fun.  
Time with your kids or someone else's tin lids,  
some quiet reflection on our state's direction.  
And we will see you back here when that is done.

If I had a bit more time, it would have been a lot better but I did that at 10 o'clock last night. Take care everybody, relax and have a very Merry Christmas. I look forward to seeing you all back here next year.

**Members** hear, hear.

### **Christmas Greetings**

[5.38 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Mr Speaker, it always feels like the last day of school, does it not? It is exciting.

It gives me great pleasure to rise on behalf of the Greens to say some words of thanks and to wish people warmth and goodness over the summer break. We have had a very big year. It is like this place hit 'refresh'. We have a new Premier, we have new ministers and new members. Welcome to you. It has been really interesting from a human point of view to get to know some of our new members in this place. The work of this parliament is often heated, it can be very contentious, we can get stressed and really cranky with each other.

We need to acknowledge that this year the parliament has done some really good work. Obviously, the Greens are very happy that the numbers in the House of Assembly will be

restored at the next state election. The apology that we gave two weeks ago to victims/survivors was the best of us. It was sincere and heartfelt. I have had a number of conversations since then with people who were listening; victims/survivors, families, people who love them and there is a deep appreciation of the apology and a recognition of its sincerity.

I guess it is in those moments when all of the House can come together around a common purpose and understanding that we are at our best. There are many challenges in the world now. It is a very small and finite planet. I think that as a society we are going to have to find a way to tap into the best of ourselves, without taking away from the long traditions of Westminster parliaments where ideas are hotly contested and different positions and values are held, but I think we have a real opportunity and responsibility to look for common ground wherever we can.

Members will know this, that when you are out in the community, if, constituents know, politicians from across parties are working together on something, it gives them a very good feeling on the inside. It is something that we need to be mindful of. I am not being Pollyanna about it but on the big issues, from climate to COVID-19, to the wellbeing of children and young people, I think we have a real opportunity and responsibility to find that common ground, and at least in some debates, we can create that space where we can be constructively have a conversation about a substantive policy issue and, not necessarily agree on every point, but resolve to make something better by working together. I think people would really appreciate that.

One of the things which makes this job bearable, even when it is volatile and hard and heated, is that we are able to talk to each other. I was reminded of this last night. It was a pretty hot day in here yesterday and a few of us were pretty keen to get out so Rosalie, Alice, and I raced to the doors with our gear. People up here were still talking. We got down to the foyer and Mr Winter was on his feet, putting the boot into Dr Woodruff and having a bit of a laugh about that.

**Mr Winter** - I wondered where you were.

**Ms O'CONNOR** - We were not going to sit in here and listen to it. We were standing there, ready to go and watching Mr Winter. Then the Premier rocks up and we started to have a chat. Rosalie asked him about Christmas. Then Elise walks up and then we had Ella, and so there was this tripartisan group of MPs desperate to get out of the building. So desperate.

There is a real unity of purpose in those moments, Mr Speaker. It is that about this place, I think, that makes it meaningful when we can step out of here, as the Premier said, and be kind to each other. In fact, it makes it bearable. If we could not do that, I think it would be cruel and unusual punishment at a psychological level.

I too want to thank all of the wonderful people that make this place hum and tick and function while we go about our jobs. Our wonderful Clerk of the House until the end of January, Mr Shane Donnelly, thank you ever so much; our Deputy Clerk, Laura Ross, again, such talent; Stephanie Hesford, Sergeant-at-Arms; Fiona Murphy, who I see sitting over there, fourth Clerk-at-the-Table; Colleen Donovan, great character, very funny, very warm, great for a chat, who is the Personal Assistant to the Clerk; my beautiful friend of nearly 30 years, Allie Morrison, who I have known since I was a little smart-alec journalist and used to spend a bit

of time here; Scott Hennessy; the ever-patient Charles Casimaty; Kristy Lang, who says so much with her eyes; Kiah Charles, Mary de Groot and Mark Groom.

Thank you as always, Adrian Munnings, for the vital work that you do, and Craig Thorp from the finance team; the Legislature-General staff, Robert Wright, Anna McCarthy and Kate Duggan; our new facilities and services manager, Simon Munn, who I have had the pleasure of chatting to in recent weeks out the front there; the fixer, Brendan Boon; Shane Waterson, such a familiar sight here, always good for a hello; Gaye Batchelor and Angela McCreghan, thanks so much.

I would also like to thank the staff in the office of enlightenment, the education office, Kimbra McCormack and Colette Goyne and just reinforce what has been said in other contributions tonight about the delight of coming into this Chamber to pick up your papers and there are students in here and you get an opportunity to have a chat or watch what they are doing. It fills me with pride in this place that we are such an accessible place, but also hope in the future, when I see how engaged those young people are in the bright machinery of democracy.

Our Parliamentary Library: thank you so much to Marijana Bacic, Deb Jensen, Helen Richardson, Sarah Ravanat, Sue Knowler, Krystal King and Louise Kemsley.

I also want to acknowledge Robyn Webb in the Office of Parliamentary Counsel. It has been very helpful and such a delight to work with Robyn and to be able to make sure that the amendments that we bring into this place are robustly drafted. The Greens remain very thankful that that service is now available to members.

The big brains in the Parliamentary Research Service, thank you to: Bryan Stait, Cassandra Hennessy, Catriona Ross, Jayne McPherson, Kate Roberts, Luke Viecele and Jade Tran Huynh. Jade is quite amazing. Jade works in the research service. She works in the canteen and sometimes, when I go to Salamanca to buy lunch, Jade is working over there too. I am so impressed by that work ethic.

The other fixers in this building, are of course are Computer Services. Thank you to Peter Hancox for your patience and always for your support. On behalf of the Greens I want to wish you and your family a very healthy and happy Christmas, and to send our love and good wishes to Archie. The photos tell me that guy is a real little fighter. Also to Brett Godfrey, Chris Machin, Ben Hughes, James Sly, Jason Hergert and Rob Huck.

The lovely people in the dining room and bistro: Mandie Donnelly, Jacqui Kozakiewicz, John Glinatsis, the chef and Simon Hull, sous chef, Jo Smallhorn, whom I have a huge amount of time for - we have really good chats - Christine O'Sullivan, again Jade, Renee Hale and Jess Stewart.

The Hansard staff, who, while there are many, I am going to name every single one of them because they are the decipherers. The work that they undertake in this place is hard work. I really very much appreciate Hansard. Thank you to Helen Allmich, who any time I go in there and I have something I need fixing, or I just want to have a chat about something, we have a good chat, Katrina Haig, James Reynolds, Harrison Palmer, Henry Rogers, Laura Cusack, Roey Johnson, Kaye Toohey, Anne Baker, Estelle O'Neill, Alanna Balcombe, Andrea Romero, Margaret Peters, Liam Stewart, Susan Hood, Anne-Maree Nuttall, Glenda Radcliffe,

Talley Burch, Gaye Mitchell, Stella Beswick, Karen Cuzzocoli, Skye Dayal, Jenny Morgan, Andie Smithies, Loretta Thompson, Helen Moore, Margot Dawson, Christine Ward, Gabrielle Rish, Michael Dubois, my very good long-time friend, Kate Stewart, Katri Hilden and Damian Bester.

To those who keep us safe, the security team, the ever cheery Greg Phillips, a great sunny face to meet you in the morning, Syed, Ben, Tamanna, David, Kyriakos, Damian, Hugh; Manisha, Navila, Busha and Andrew. Thank you so much for the work you do.

I will wind up by thanking the beautiful people I work with in the Greens team. My partner in time, one of my great mates and someone I trust implicitly, Rosalie. Thank you so much. You make me feel stronger and safe in here and also to our loyal, capable, clever and kind team who are green to their core. Alice - everyone knows Alice, Tom who is very shy and does not like it when I drop his name into the *Hansard*, Steve, Alex, Sophie, Millie and Sandy, and Dan Broom who was working with us for a little time this year.

To everyone here, thank you for stimulating debates, elevating our passions to fight for green values, lots of laughs. Thank you for the laughs and the warmth we can share when we are out of this building.

I thank our new Leader of Government Business for such a collegial approach to the role. It has changed the temperature in here in a positive way. Mr Street, you are very reasonable and I am sorry if this is going to cause you problems later. Everyone has a different style. Mr Ferguson in the role was very competent but you would not necessarily call him soft-hearted when you were trying to negotiate something in the day so it could get a bit testy in here before then and still does, of course.

Mr Speaker, thanks again for not chucking me out too much this year. It could be a failing on my part rather than his but Mr Speaker, I think you have softened as you have grown into the role or maybe we have and that is problematic - but thank you, Mr Speaker, for the steady hand that you apply to this place. I recognise that it is actually the hardest job in this place.

To everyone in here, take good care of yourself and of each other. I will see some of you in GBEs, which we always look forward to. This place can be cruel and unusual punishment at times. We all need to rest and relax and get back to some of the things that matter the most on a human level, and that is the people we care about and the places we enjoy being. I look forward to seeing everyone back safe and sound in late February next year.

### **Christmas Greetings**

[5.53 p.m.]

**Mr O'BYRNE** (Franklin) - Mr Speaker, I get up on behalf of me to wish everyone a merry Christmas.

I echo the sentiments and the love shown across the Chamber for our wonderful public sector workers who go into what is usually a busier time of year, our frontline workers. Parliamentary staff across all of the departments. I will not name you. You have been named and I echo those names in sentiment.

I wish my staff, Meg and George, and the volunteers who come into my office a very merry Christmas. Without them this job is very difficult. It is difficult at the best of times but without your staff and volunteers, it is very tough. I genuinely want to wish everyone across the Chamber a merry Christmas, a happy festive season but particularly to your families. Enjoy your families. They are the ones who bear the brunt of some of the stuff we have to cop. We are out there in the open a lot. Our families also wear that as well.

Mr Speaker and everyone, have a wonderful Christmas, a good break and we will see you in the New Year.

**Members** - Hear, hear.

**The House adjourned 5.54 p.m.**

## APPENDIX 1

### QUESTION ON NOTICE

#### Question No. 10 of 2022 House of Assembly

ASKED BY: Dr Rosalie Woodruff MP

ANSWERED BY: Jeremy Rockliff MP

#### QUESTIONS:

- 1 Were any elective surgery patients 'seen on time' for their procedure in the 2021-2022 financial year, and if so what percentage and what was the average overdue wait time (in days) for those patients waiting beyond the recommended time?
- 2 Did any patients receive elective surgery in the 2021-2022 financial year, and if so what was the number during the 2021-2022 financial year?
- 3 Were any elective surgery patients 'waiting over boundary' in the 2021-2022 financial year, and if so what was the number of patients?
- 4 As at 1 July 2022, have any patients waiting for elective surgery been on the waiting list since prior to 1 January 2019, and if so how many? (25 August 2022)

#### ANSWERS:

- 1 In 2021-22, 57 per cent of elective surgery patients were seen within the clinically recommended time. This is the proportion of all elective surgeries performed during 2021-22 where the patient was within boundary at the time they were admitted for surgery.

Performance in 2021-22 was an improvement from 49 per cent in 2020-21. The average overdue wait days for patients on the elective surgery waiting list was 238 days. As the four-year elective surgery plan continues to focus on long-waiting patients it is expected this number will reduce over coming years.

- 2 In 2021-22, there were 20 314 patients admitted for elective surgery. This is the highest number of surgeries ever performed in any financial year.


As there are revisions to data over time, this figure may vary slightly from that previously referenced (for example, in the Year 1 Progress report) due to data being generated at a different point in time.

- 3 As at 30 June 2022, there were 4 562 patients on the waiting list who were over boundary.

As there are revisions to data over time, this figure may vary slightly from that previously referenced (for example, in the Year 1 Progress report) due to data being generated at a different point in time.

- 4 As at 30 June 2022, there were 105 patients who were added to the elective surgery waiting list before 1 January 2019. This is 228 fewer people (on the waitlist since before 1 January 2019) than were on the waitlist at 31 July 2021, before increased elective surgery activity commenced under the *Statewide Elective Surgery Four Year Plan*.

APPROVED/NOT APPROVED



Jeremy Rockliff MP  
Premier  
Minister for Health

Date: 26/9/22



## APPENDIX 2

### QUESTION ON NOTICE

#### Question No. 9 of 2022 House of Assembly

ASKED BY: Michelle O'Byrne MP

ANSWERED BY: Jeremy Rockliff MP

#### QUESTIONS:

- 1 Has Ambulance Tasmania dispatched taxis to collect and take people to Tasmanian Emergency Departments during the years 2020-2021, 2021-2022 and 2022 to date, and if so on how many occasions by region?
- 2 If patients were taken to Tasmanian Emergency Departments by taxis dispatched by Ambulance Tasmania:
  - (a) How many were because ambulances were not available;
  - (b) What were the triage categories;
  - (c) How many were subsequently admitted; and
  - (d) How many suffered adverse outcomes? (24 August 2022).

#### ANSWERS:

- 1 On 18 October 2021, Ambulance Tasmania introduced a new service delivery initiative that enables Ambulance Tasmania to send taxis to low acuity patients to transport them to health facilities instead of using ambulances and paramedics, where it has been identified an emergency ambulance is not required. . This is in line with many other States, including Victoria and South Australia.

This initiative occurs only after a patient is assessed by Secondary Triage clinicians following a call to Triple Zero.

Upon completion of a detailed telehealth assessment with an experienced Secondary Triage Paramedic or Nurse Clinician, who assesses the patient as not needing an emergency ambulance response AND has no other alternative way of attending their General Practitioner (GP) appointment or pharmacy, or Emergency Department, the Secondary Triage Clinician will organise for a taxi

to attend the patient to help them access other health services at Ambulance Tasmania's expense.

This approach assists to improve front-line ambulance availability to patients that require emergency medical care.


Since implementing this service, a total of 486 taxis (current to end of August 2022) have been arranged by Ambulance Tasmania for transportation of patients to their GP practice, Pharmacy or Emergency Department.

- 60 in the North West
- 96 in the North
- 330 in the South

2

- (a) The determination to send a patient a taxi is linked to their assessed suitability for this service and not the availability of an ambulance. In fact, the use of taxis when an emergency response is not required assists to improve the availability of ambulances to patients that do need emergency related care.
- (b) For enrolment in this referral initiative, all patients who receive a taxi response are triaged as non-urgent by the Secondary Triage Clinicians.
- (c) Of the 486 patients provided taxis, 89 were subsequently admitted to hospital for a broad range of diagnoses. The effective triage determined as non-urgent by Secondary Triage does not exclude the possibility of requiring hospital admission.
- (d) Ambulance Tasmania conducts a clinical review of every taxi referral under this initiative to ensure its ongoing safety and appropriateness. Ambulance Tasmania is unaware of any patients deteriorating or having a negative clinical outcome during transport in a taxi, dispatched by Ambulance Tasmania.

APPROVED/NOT APPROVED



Jeremy Rockliff MP  
Premier  
Minister for Health

Date:

21/9/22

## APPENDIX 3

### QUESTION ON NOTICE

#### Question No. 3 of 2022 House of Assembly

ASKED BY: Dr Rosalie Woodruff

ANSWERED BY: Jeremy Rockliff MP

#### QUESTION:

- I Since 15 December 2021 have any patients contracted COVID while admitted to public hospital, and if so, how many, by day, and hospital? (23 August 2022).

#### ANSWER:

- I Since 15 December 2021 there have been patients who have contracted COVID-19 whilst an inpatient of public hospitals.

The exact number of patients that have contracted COVID-19 within the public hospitals is difficult to ascertain. There is no nationally or state agreed surveillance definition for hospital or healthcare acquired COVID-19. There are also several challenges in determining whether COVID-19 has been contracted in hospital or whether it was acquired in the community, given the variable incubation period of SARS-CoV-2 (depending upon the SARS-CoV-2 strain implicated with a range of 0-8 days for the Omicron variant and sub-lineages BA).

Within the THS/Hospitals South, in the absence of a national or state definition, healthcare associated COVID surveillance is undertaken utilising the NHS (UK) Nosocomial COVID-19 Case Definition which is based upon the objective parameters of date of first positive SARS-CoV-2 test result paired with the date of hospital admission, and was developed prior to emergence of the Omicron variant.

Utilising this definition, hospital onset COVID-19 is defined as onset after day 3 of admission and further subclassified into indeterminate healthcare-associated (day 3-7), probable healthcare-associated (day 8-14) or definite healthcare-associated (from day 15 onwards). Utilising this definition, from the December 2021 until August 2022, there have been 422 patients who have had hospital onset COVID-19. Due to the complexity of transmission, it is important to note that not all of these patients would have acquired COVID-19 following exposure whilst an inpatient.

The patients listed in Appendix A would meet one of the following definitions used to identify Hospital-onset COVID-19:

- a) Hospital-onset indeterminate healthcare-associated (HO.iHA): positive test from day 3 to day 7 of admission, inclusively.
- b) Hospital-onset probable healthcare-associated (HO.pHA): positive test from day 8 to day 14 of admission, inclusively.
- c) Hospital-onset definite healthcare-associated (HO.HA): positive test from day 15 of admission until day of discharge, inclusively.

APPROVED/NOT APPROVED



Jeremy Rockliff MP  
Premier  
Minister for Health

Date: 26/9/22

**Appendix A:**

Breakdown of Hospital-onset COVID-19 patients:

	North-West	North	South	Total per month
Dec-21	0	0	0	0
Jan-22	10	0	5	15
Feb-22	0	0	0	0
Mar-22	0	0	0	0
Apr-22	0	13	23	36
May-22	15	17	11	43
Jun-22	3	2	37	42
Jul-22	76	99	61	236
Aug-22	14	27	9	50
Totals	118	158	146	422

## APPENDIX 4

### QUESTION ON/ WITHOUT NOTICE

Question No. 16 of 2022  
House of Assembly

**ASKED BY:** Hon Rebecca White MP

**ANSWERED BY:** Minister for Infrastructure and Transport, Hon Michael Ferguson MP

#### QUESTION:

Ms White to ask the Minister for Infrastructure and Transport – In relation to TasPorts' boat slips:

- (1) Where are all the slips owned by TasPorts located?
- (2) Of the slips owned by TasPorts, please provide the details of:
  - (a) whether the slip is operational;
  - (b) whether the slip is currently taking bookings;
  - (c) how regularly the slip is used;
  - (d) whether the slip requires infrastructure investments;
  - (e) whether any infrastructure upgrades are planned and when they are scheduled to occur;and
  - (f) if the slip is not operational, can TasPorts indicate:
    - i. when it closed and whether there are plans to re-open it, and if so, when; and
    - ii. if there are no plans to re-open it, why not? (18 October 2022)

#### ANSWER:

- TasPorts provides slipyards at several locations around Tasmania which offer survey and maintenance of vessels located in the southern regions of Australia.
- TasPorts regularly undertakes engineering and safety risk assessments of its assets around the State to determine structural integrity and remaining service life.
- The table below summarises slipway facilities around the State as owned by TasPorts.
- Slipways, especially in more regional areas, are challenging assets for TasPorts due to the high level of maintenance and investment required.
- Although the facilities are often collocated, the operation of slipways is not core business for a Port organisation.
- In addition, some carry legacy environmental liability and TasPorts is focused on ensuring optimum outcomes moving forward.

CA

Slipway location	In Operation	Available for booking	Regularity of use	Need for investment? Planned upgrades?
Port of Bell Bay	Yes	It is not a bookable slip – it is within the port secure zone and is for TasPorts workboats only.  Southern Marine Shiplift is a privately owned facility located in Launceston and services Northern Tas.	N/A	TasPorts is currently undertaking a review of all its non-operational port facilities (including all slipways) to determine critical asset and investment requirements and simplified operating models as they align to TasPorts' principal objectives.  This current asset and residual life review will inform next steps including potential infrastructure upgrades and operational improvements.
Port of Hobart #1 Port of Hobart #2 Port of Hobart #3	Yes (all)	Yes (all)	<ul style="list-style-type: none"> <li>- 90% approx.</li> <li>- 75% approx.</li> <li>- Variable.</li> </ul>	
Port of Stanley	Yes	Leased (Available for bookings via lessee)	Refer to lessee.	
Port of Strahan #1 Port of Strahan #2	Yes (both)	Yes (to both)	Average of two slips per month.	
Flinders Island	Yes	Yes	Two-three vessels per year.	
Port of Currie, King Island	Closed – see notes	No	Six vessel owners use regularly during the year out of 17 home port vessels.	
Port of Devonport	Closed – see notes	No	N/A	

#### **CURRIE SLIPWAY, KING ISLAND**

- In June 2022 TasPorts was considering temporary repairs to the slipway at Currie Harbour on King Island so that slipping could continue this calendar year.
- In July 2022 advice was received from TasPorts engineers and external contractors to say temporary repairs were not feasible.
- A decision was made to close the slipway while further investigation is undertaken including an assessment of safe operating parameters and long-term asset rectification options.
- This necessary closure, due to the combined effect of ageing infrastructure and continual exposure to the marine environment, removes the only slipway on the Island from use.
- This decision was made to ensure the safety of users until TasPorts determines the best way forward.
- Alternate arrangements have been communicated.

#### **MERSEY SLIPWAY, PORT OF DEVONPORT**

- The former lease at the Mersey Slipway site expired on 31 August 2017.
- TasPorts endeavoured to negotiate and implement a contemporary lease arrangement during 2017 and 2018 but without being able to reach agreement.
- As a result, the lessee retained possession of the Mersey Slipway site on a month-to-month arrangement until 31 December 2021.
- TasPorts worked with the lessee to support the sale of their business, including the establishment of a commercial and contemporary lease arrangement, which must comply with all safety and environmental standards.
- The Lessee was unsuccessful in selling their business as a going concern and TasPorts provided an extended period of 6 months to wind up their operations and satisfy their 'makegood' obligations under the Lease.
- TasPorts notes the previous tenant vacated the property in October 2022.
- Upon the site being vacated a number of environmental issues were discovered in regard to site contamination. As a result, TasPorts has formally lodged a *Report of a Known or Likely Contaminated Site (Environmental Management and Pollution Control Act 1994 Section 74B)* to the EPA on 13 September 2022.
- TasPorts is seeking these issues be fully understood and remediation to be undertaken prior to seeking a new Slipway Operator.
- The negotiation of any new lease at the Mersey Slipway site would require appropriate due diligence on potential operators by TasPorts to ensure any future business operations provide the right level of slipway services and comply with all regulatory standards including safety and environmental controls.

CA



APPROVED/NOT APPROVED

  
Michael Ferguson MP  
Deputy Premier  
Minister for Infrastructure and Transport

Date: 22/11/22

## APPENDIX 5

### QUESTION ON NOTICE

#### Question No. 4 of 2022 House of Assembly

ASKED BY: Michelle O'Byrne MP

ANSWERED BY: Hon Guy Barnett MP

#### QUESTION:

(1) Are there any women living with a disability who have applied for shelter accommodation in Tasmanian shelters, and if so, how many for each shelter during:

- (a) 2018;
- (b) 2019;
- (c) 2020;
- (d) 2021; and
- (e) 2022 to date?

(2) Of those women with a disability on the housing register, have any been refused accommodation at shelters due to capacity constraints in Tasmanian shelter accommodation during:

- (a) 2018;
- (b) 2019;
- (c) 2020;
- (d) 2021; and
- (e) 2022 to date?

(3) Are there any women on the housing register that have identified that they are in need of housing due to family violence, and if so, how many?

(4) Are there any women who have identified that they require housing due to family violence applied to Tasmanian shelters, and if so, how many for each shelter for the following periods:

- (a) 2018;
- (b) 2019;
- (c) 2020;
- (d) 2021; and
- (e) 2022 to date?

(5) Of those women who have identified they require housing due to family violence, have any been refused accommodation in shelters due to capacity constraints, and if so, how many for the years:

- (a) 2018;
- (b) 2019;
- (c) 2020;
- (d) 2021; and
- (e) 2022 to date?

## ANSWER:

In response to these questions, it is very important to initially clarify the process for how people access housing assistance.

Applicants apply for housing assistance through Housing Connect's seven regional offices.

Applicants can apply for public, Aboriginal or community housing (social housing). These become social housing applications on the active Housing Register.

Access to homeless accommodation delivered by Specialist Homelessness Services (including crisis, transitional or supported accommodation) is not through the Housing Register.

People may present to a Housing Connect office or contact a non-government organisation provider to seek homeless accommodation.

Therefore, there are different data sets that are used to respond to these questions:

- Housing Register applications data:
    - people with social housing applications on the Housing Register.
  - Specialist Homelessness Services (crisis, transitional and supported accommodation) data:
    - people who present for assistance and assistance is provided (full data available)
    - people who present for assistance and assistance is unable to be provided (sometimes limited data).
- (1) Table 1 shows the number of women living with disability who were assisted by shelters from 2017-18 to 2021-22.

This includes women who have ever reported experiencing disability.

Clients may access assistance from multiple shelters and therefore could be represented more than once.

**Table 1 – Women living with disability assisted by shelters from 2017-18 to 2021-22**

Shelter	2017-18	2018-19	2019-20	2020-21	2021-22
Youthcare EAS South	0	0	0	0	0
Bethlehem House EAS South	0	0	0	0	0
Bethlehem House Container Units	NA	NA	NA	0	0
AK EAS South	4	2	3	0	0
Mara House Medium Term South	4	1	2	0	0
Mara House Crisis South	2	0	1	0	0
Colville Place	0	0	0	0	1
Jireh House EAS South	1	3	2	1	0
Karinya EAS North	3	1	2	1	0
Launceston City Mission EAS North	0	0	0	1	0
Magnolia Place EAS North	7	2	2	0	2
Launch Youth EAS South	NA	NA	NA	NA	0
Launch Medium Term	0	0	0	0	0
McCombe House EAS South	1	1	0	1	0
Oakleigh Accommodation Services EAS North West	4	1	3	2	0
Oakleigh Accommodation Services Medium Term North West	1	2	3	5	4
Warrabee EAS North West	5	3	4	2	2
Hobart Women's Shelter EAS South	8	3	2	3	4
Mt Nelson Units HWS	NA	NA	0	0	0
Container Units HWS	NA	NA	NA	3	0
Youth Futures EAS North	0	0	0	0	0
YFCC Burnie Crisis Accommodation EAS	2	2	0	0	1
YFCC Devonport Crisis Accommodation EAS	1	0	1	1	1
YFCC Medium Term Supported Accommodation	0	1	0	1	0
Safe Space - South	NA	NA	NA	1	2
Safe Space - North	NA	NA	NA	0	1
Safe Space – North-West	NA	NA	NA	0	2
<b>Total</b>	<b>43</b>	<b>22</b>	<b>25</b>	<b>22</b>	<b>20</b>

Notes to table:

- Source – Confidentialised Unit Record File (CURF) Specialist Homelessness Services data

- (2) Table 2 shows the number of women on the Housing Register living with disability over the past five years. This represents applications for social housing – as opposed to shelters as outlined above.

Disability includes applicants who are National Disability Insurance Scheme (NDIS) participant and/or receiving a Disability Support Pension.

**Table 2 – Women on the Housing Register living with disability from 2017-18 to 2021-22**

	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23 (as at 30 September 2022)
Number women applicants living with disability	494	519	530	733	810	867
Total number of applicants	3 216	3 330	3 373	4 144	4 453	4 504

Notes to table:

- Source – Communities Tasmania data.

While overall data is available which shows all instances that people were unassisted by shelters (turnaways) from 2017-18 to 2021-22, as well as a breakdown of the instances where women were unassisted (this is a sub-set of the total), data is not available that goes down to the next level of identification of people living with disability or experiencing family violence that present for assistance and then are unassisted.

- (3) As at 30 September 2022, there are 523 women on the Housing Register who had applications for social housing and have experienced family violence (11.6 per cent of the total Housing Register of 4 504 applicants).
- (4) Table 4 shows the number of women experiencing family violence who were assisted by shelters from 2017-18 to 2021-22.

This includes women who have ever reported experiencing family violence.

Clients may access assistance from multiple shelters and therefore could be represented more than once.

**Table 4 – Women experiencing family violence who were assisted by shelters from 2017-18 to 2021-22**

Shelter	2017-18	2018-19	2019-20	2020-21	2021-22
Youthcare EAS South	0	1	0	0	0
Bethlehem House EAS South	0	0	0	0	0
Bethlehem House Container Units	NA	NA	NA	0	0
AK EAS South	24	37	27	24	30
Mara House Medium Term South	12	19	9	21	20
Mara House Crisis South	7	8	1	12	6
Colville Place	1	18	9	17	19
Jireh House EAS South	115	96	105	112	115
Karinya EAS North	18	21	19	20	13
Launceston City Mission EAS North	0	0	0	0	0
Magnolia Place EAS North	118	67	69	57	43
Launch Youth EAS South	NA	NA	NA	NA	0
Launch Medium Term	0	0	0	0	0
McCombe House EAS South	57	58	62	46	67
Oakleigh Accommodation Services EAS North West	34	26	54	40	22
Oakleigh Accommodation Services Medium Term North West	12	13	20	27	12
Warrawee EAS North West	111	98	101	111	107
Hobart Women's Shelter EAS South	130	142	154	130	133
Mt Nelson Units HWS	NA	NA	9	2	3
Container Units HWS	NA	NA	NA	37	39
Youth Futures EAS North	0	0	0	0	0
YFCC Burnie Crisis Accommodation EAS	21	12	8	5	7
YFCC Devonport Crisis Accommodation EAS	17	8	11	2	5
YFCC Medium Term Supported Accommodation	26	24	14	13	9
Safe Space - South	NA	NA	NA	5	38
Safe Space - North	NA	NA	NA	10	19
Safe Space - North West	NA	NA	NA	19	17
<b>Total</b>	<b>703</b>	<b>648</b>	<b>672</b>	<b>710</b>	<b>724</b>

## Notes to table:

- Source – Confidentialised Unit Record File (CURF) Specialist Homelessness Services data

(5) See response to question 2.

Data is available for instances of unassisted, by shelter and sex.

Data is not available that identifies people living with disability or experiencing family violence that present for assistance and are unassisted.

APPROVED/NOT APPROVED



Guy Barnett MP  
State Development, Construction and Housing

Date:

8/11/22



## APPENDIX 6

### QUESTION ON NOTICE

#### Question No. 6 and 8 (1-7) of 2022 House of Assembly

ASKED BY: Ms Michelle O'Byrne MP

ANSWERED BY: Hon Roger Jaensch MP

#### QUESTIONS:

6) Are there any school psychologist, social worker or speech pathologist positions currently unfilled in the Department of Education, and if so, how many of each? (24 August 2022)

8.1) Are any students with a disability, without a formal disability diagnosis, (i.e. those waiting for assessment, or who are yet to be diagnosed) being funded through the reasonable adjustments model, and if so, how many?

8.2) Have any applications for funding been approved for students with a disability who do not have a formal diagnosis, and if so, how many?

8.3) Are there any plans to cap the numbers of students with a disability who can qualify for additional funding via the reasonable adjustments model?

8.4) Have any students with disability have been suspended year to date, and if so, how many?

8.5) Have any trespass orders been issued on parents of students with a disability in the last twelve months, and if so how many?

8.6) Are any trespass orders currently still in place on parents of students with a disability, and if so, how many?

8.7) Have any students with a disability been subject to restraint in the last twelve months, and if so, how many? (24 August 2022)

ANSWER:

6) The vacancy rates are 3.7 per cent for School Psychologists, 9 per cent for Social Workers and 30 per cent for Speech and Language Pathologists.

8.1) Yes. Evidence of disability is not solely reliant on a formal diagnosis.

As at 25 October 2022, we currently have 456 students across government schools in Tasmania that have been moderated for support through the Educational Adjustment Disability Funding model in 2023 that require a review of the evidence of their disability as this has not yet been confirmed. These students have either been imputed to have a disability or they have early signs of lifelong disability such as Global Developmental Delay that requires confirmation as ongoing disability in the year the young person turns seven years of age.

8.2) Yes. As per the information above 456 students have been approved and receive funding without a formal diagnosis at this time.

8.3) The number of students able to access supports through the Educational Adjustments funding model is not capped

and there are no plans to introduce a cap. All eligible students are included.

- 8.4) As at the end of Term 3 2022, 881 (11.1%) students with a disability have been suspended. This is similar to the proportion suspended by the end of Term 3 last year (11.2%).
- 8.5) The Department does not record this information centrally.
- 8.6) The Department does not record this information centrally.
- 8.7) The Department does not record this information centrally.

  
APPROVED/NOT APPROVED

Hon Roger Jaensch MP  
Minister for Education, Children and Youth

Date: 16/11/22