



**PARLIAMENT OF TASMANIA**

**HOUSE OF ASSEMBLY**

**REPORT OF DEBATES**

**Tuesday 13 October 2020**

**REVISED EDITION**



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

## **QUESTIONS**

### **Brahminy Foundation Program**

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

[10.03 a.m.]

Roger Jaensch has demonstrated that he is grossly unfit for the critical job of protecting vulnerable and at-risk kids. Mr Jaensch has gone to great lengths to defend the Brahminy program seemingly ignorant to damning allegations that vulnerable children have been put at risk. On 2 October the minister said, and I quote -

If we are getting results for those kids we need to ensure that they are safe and we need to let them continue to progress and heal.

Do you support Roger Jaensch's claims that the kids in the Brahminy program are safe and rehabilitating successfully, or will you listen to former participants, and the families of current participants, who say kids are being mistreated and the program is actually leading to greater trauma? Will you show compassion, and personally intervene to bring these kids home immediately?

## **ANSWER**

Madam Speaker, I thank the Leader of the Opposition for that question. I support the minister, Roger Jaensch, and I believe he is doing an outstanding job.

Your question was framed in a way that enables me to comment on both the minister's performance and also the Brahminy program, and I will answer it rather than deferring to the minister.

The Brahminy program is delivered in the Northern Territory in collaboration with the Australian Childhood Foundation (ACF). The Department of Communities Tasmania utilises the Many Colours, 1 Direction program for a small group of young people on care and protection orders and/or youth justice orders, who have extraordinary needs and where care approaches available in Tasmania have failed or are not suitable.

Where the full spectrum of services cannot be sourced in Tasmania, we will source them from where they are available, as we do in other service sectors. We make no apologies for doing so. The Government is aware of the allegations raised in the media and has initiated a review of the program. The review will be completed by the end of October.

The young people currently placed in the program will remain in their placement while the review is under way. Six young people who are all in the long-term, out of home care program are currently placed at NCID. The department contracts NCID to provide a trauma-informed residential placement for young people in collaboration with the ACF. My understanding is that there was a direct visit by a Tasmanian child safety manager as recently

as September, and there are regular, ongoing contacts with child safety officers. I am advised that these young people are safe, they are well, and they are making good progress in their placements.

The guardian for the young people, the secretary of the department, conducted a video call with the young people on Friday of last week to ascertain their views and give them direct access to their guardian. During that call, the young people expressed their clear desire to remain in the program. Their views will also be sought and confirmed directly as part of the ongoing review.

We must remain focused on what is best for these young people and resist the temptation to take a knee-jerk decision that may disrupt the positive progress that is occurring, as they are turning their lives around where other approaches have failed.

I urge those who want to capitalise on reports in the press, to consider the young people who are involved, to understand that there has been direct contact made with these young people recently and they were visited in September.

We will allow the process to take its course, but I emphasise I have full confidence in the minister and his handling of this matter.

### **Brahminy Foundation Program**

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

[10.07 a.m.]

Your minister has resorted to outright lies to cover his failure to protect kids in the Brahminy program. He has claimed that the only complaints about the Brahminy program in the media have been raised by former participants.

In February this year, a parent with a child currently in the Brahminy program was notified that a care concern investigation had been launched by the director of Child Safety Services, looking into the use of restraint, general care and wellbeing, and access to family and privacy for each child. That parent's child remains in the Northern Territory, under the care of Mr Brahminy, and the parent wants their child to be brought home.

Why did your minister deliberately mislead Tasmanians by saying that the complaints made against Mr Brahminy related to former participants, when there are families with kids in the program right now, who are begging for them to be brought home?

What is the status of the care investigation launched in February and what response has that parent received?

#### **ANSWER**

Madam Speaker, I thank the Leader of the Opposition for her question. I will not discuss individual matters in detail. However, I can say that following up specific incidents does not constitute investigations into the program as a whole. It was misleading to say that at the time.

A concern was raised regarding a specific young person resident at NCID. The concern was followed up in February 2020 and, as with all care concerns raised regarding children in out-of-home care, the specific concern was assessed and appropriate strategies were identified as a result of the concerns. Advice on the outcomes was provided to the individuals who raised the concerns. Following up specific incidents does not constitute an investigation into the program as a whole.

I emphasise, these are children and young people who are in extraordinarily difficult circumstances. There was a visit in September to the program and on Friday of last week the secretary of the department, as the guardian of the children, spoke directly with the children involved to satisfy themselves in terms of their wellbeing.

**Ms White** - How do you define 'investigation'? Did the minister lie?

**Madam SPEAKER** - Order, please.

**Mr GUTWEIN** - I bring this parliament back to the issue in front of it. We are looking to get the best outcome for these kids and we are engaged directly with the participants in the program.

There is a review under way and we will allow that to take its course. I am certain we will have more to say on this matter as things move on. I ask the parliament to focus on the kids, leave the politics alone, and allow the review to take its course in the understanding that we are engaged with those young people in the program directly and hearing from them directly. We also had an officer up there in September viewing the program on the ground. We will allow the review to take its course and then if there is more to say we will say it.

### **Brahminy Foundation Program**

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

[10.11 a.m.]

There are six young Aboriginal Tasmanians banished to a remote facility in the Northern Territory because of another failing of your Minister for Human Services. Can you explain why at-risk children on care and protection and youth justice orders are still at Many Colours 1 Direction facility in the Northern Territory despite serious allegations of mistreatment from former residents and their families and credible evidence that the man who runs the place is not who he says he is?

Your minister has initiated a review of the program with narrow terms of reference that do not encourage previous residents or their families to come forward and do not deal with the allegations of a fraudulent identity. Your minister says those young people are in safe hands, but how can we trust a word he says?

The Children, Young Persons and Their Families Act is clear that Aboriginal children in out-of-home care should be placed with or near kin, connected to culture and country, not banished to a remote facility thousands of kilometres away run by an apparent fraud. Why are

those children still there in contravention of the intent of the act? Why does your Government have no apparent plan to bring them home?

## **ANSWER**

Madam Speaker, I thank the member for Clark for her question. I do not have a lot more to add in answer to this, so I will repeat some of what I have said.

The Department of Communities Tasmania utilises the Many Colours 1 Direction program for a small group of young people on care and protection orders and/or youth justice orders who have extraordinary needs and where care approaches in Tasmania have failed or are not suitable.

Where the full spectrum of services cannot be sourced in Tasmania we will source them where they are available, just as we do in other service sectors and we make no apologies for that. This is to get the best outcome for the young people involved.

The Government is aware of allegations raised in the media and we have put in place a review which is under way. There are six young people currently placed at Many Colours 1 Direction who are all in the long-term out-of-home care program. The department contracts Many Colours 1 Direction to provide a trauma-informed residential placement for young people in collaboration with the Australian Childhood Foundation.

There was a direct visit by a Tasmanian child safety manager in September and, through regular ongoing contacts with their child safety officers, I am advised that those young people are safe and well and making good progress in their placement. The guardian for the young people, the secretary of the department, conducted a video call, as I have previously said, with the young people on Friday last week to ascertain their views and give them direct access to their guardian. During that call, the young people expressed their clear desire to remain in the program. Their views will be sought and confirmed directly as well as part of the review.

We have to remain focused on what is best for these young people and resist the temptation for a kneejerk reaction -

**Ms O'Connor** - The Commissioner for Children has no jurisdiction over those kids - they are beyond her reach.

**Mr GUTWEIN** - I understand that there is positive progress being made and these young people are turning their lives around, which is what matters - and I think you know that, Ms O'Connor.

We will continue with the review. As the results of that review are brought to our attention we will provide more detail on this matter. I urge the parliament to focus on the young people in this case. There has been a visit in September, there has been direct contact with the secretary of the department as of Friday last week, and there is engagement. The feedback is that the progress they are making is assisting these young people to turn their lives around. I very strongly argue that we should allow the review to take its course.

## **Federal Budget - Economic and Social Recovery Plan for Tasmania**

### **Mr TUCKER question to PREMIER, Mr GUTWEIN**

[10.16 a.m.]

Can you update the House on how the federal government will provide real benefits for Tasmanians and how it will support our plan to deliver the economic and social recovery of our state? Can you also make us aware of any alternatives?

### **ANSWER**

Madam Speaker, I thank Mr Tucker for that question and his tireless work to ensure that we deliver our plan, which is showing real benefits and outcomes. As a result of the actions we have taken we have had more women than men return to work in terms of the overall numbers of people coming back into the workforce, which is a good outcome.

We warmly welcome the federal Budget delivered last week. It is a budget that will create jobs, rebuild the economy, and secure Australia's future. It is also a budget that delivered for Tasmania and Tasmanians. The federal Liberal Government and the state Government worked in concert and in partnership and have delivered for Tasmania and continue to do so.

We have seen this previously in the extension to the vitally important Tasmanian Freight Equalisation Scheme, the 10-year agreement for the Mersey Community Hospital and most recently in the arrangement which was secured by the Minister for Housing, the retirements of Tasmania's historic public housing debt.

**Ms O'Connor** - Thanks, Jacqui Lambie.

**Mr GUTWEIN** - There is no doubt this federal Budget will help to continue to deliver for Tasmania.

**Members** interjecting.

**Mr GUTWEIN** - Madam Speaker, I hear them on the other side in terms of the debt. You were in government for nearly 16 years and you did not do it.

We are delivering our plan to reboot the economy, rebuild the state, restore growth, business confidence, greater opportunity for investment and generate jobs. We are quietly confident that our plan is working. As recognised by the Grattan Institute, which I am sure you cheer most days, we have provided the most generous support and stimulus package in the nation. Complementing our \$3.1 billion construction blitz which will underpin around 15 000 jobs, we welcome the federal government's \$360 million investment in our roads and bridge infrastructure; projects that will support around 2200 jobs.

We have provided payroll tax rebates for employers of eligible trainees and apprentices at a state level which will now be enhanced by the Australian Government's \$4 billion JobMaker Hiring Credit and the \$1.2 billion investment in boosting apprentice wage subsidies, which will further support new apprenticeships, stimulate the economy and get even more Tasmanians into work.

The Australian Government is putting money back into the pockets of Tasmanians -

**Ms O'Connor** - Not women.

**Mr GUTWEIN** - What, women are not pensioners?

Legislation has passed the Australian Parliament to deliver personal income tax cuts that will stimulate the economy and put downward pressure on the cost of living with more than 165 000 Tasmanians to benefit. The average fulltime worker in Tasmania will receive an additional \$1080 per year. Importantly, 72 000 Tasmanian aged pensioners will receive two further cash payments of \$250, that is \$500 in total. More than 27 000 Tasmanians who receive a disability support pension will also receive two cash boosts of \$250. Tasmanian health care card holders will also be eligible for the cash boosts.

This is additional money in the pockets of Tasmanians who need it most. We also welcome the federal government's announcement of the workforce retention bonus payments for the aged care sector and extending the sector's COVID-19 preparedness measures. This is vital support for our critical aged care sector.

There is also support for Tasmanian businesses. The instant asset write-off for the full cost of eligible capital assets will provide businesses with more confidence to invest in new equipment and build their businesses.

The expansion of tax concessions, including tax loss carry-back benefits, will deliver important support for many small businesses. These initiatives from the Australian Government will support the job-creating engine room of our economy - small and regional businesses.

I am often asked if I am aware of an alternative plan. I have lost the shadow minister - there he is. After 2404 days, I am advised, in opposition Labor has failed to deliver a properly costed alternative budget. Tasmanians deserve to know what your plans are. This week Ms White opposed the tax cuts, describing the significant heavy lifting that went on in the federal budget as the tired, old formula of tax cuts. That is money in people's pockets.

I will come back to the plan. We are still waiting on Mr O'Byrne to do the heavy lifting, to carry the load, to put forward his plan that everyone on that side of the House is too lazy to put together. Far be it for me to pay any compliment to the Greens knowing where we are going to go and what the tenor of this parliament will be, but they do bring down an alternative budget every year. I urge the Labor Party to do the work, to explain what its plan is and put an alternative budget before the people so Tasmanians understand not only what Labor stands for - which is scant little at the moment - but how it is going to pay for it.

### **COVID-19 - Outdoor Consumption of Alcohol**

**Ms OGILVIE question to PREMIER, Mr GUTWEIN**

[10.23 a.m.]

On 26 October travel bubbles are scheduled to open to states, including South Australia, Queensland and the Northern Territory. All of these places allow persons to vertically consume



alcohol in the outdoor sections of pubs, clubs and private functions: that is standing up, having a beer. Young people are out and about at Salamanca. They are queueing up but they cannot get into pubs.

Staff are doing their best but safety is an issue. We hear some customers are taking their frustrations out on staff, which is obviously unacceptable. If we do not relax the rules a little, we are going to have the unworkable and impractical situation where visitors to Tasmania will face tougher restrictions than in their home states.

Premier, we need consistency. People are frustrated and concerned. Will you move to allow outdoor consumption of alcohol at Tasmanian pubs and clubs to align our rules with states like South Australia?

## **ANSWER**

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

Today is a very important day. A decision has been made to open our borders. You might have missed one or two. The ACT is involved as well. The ACT, Queensland, the Northern Territory, South Australia and Western Australia. Obviously we will keep New South Wales on advisement for another week to see what happens in that state. Victoria will be out for some time, as all of us in this parliament can understand.

Today is important because Tasmanians need to remain vigilant. Tasmanians need to be responsible as we take this step forward. Tasmania, without doubt, is one of the safest places if not the safest place on the planet. Public Health believes that Western Australia, South Australia, the Northern Territory and Queensland are likewise and that they pose very low risk.

With Public Health's view on standing and drinking I understand some of the difficulties. Late last week I visited the north of the state. I had a meal out on Thursday night and visited the hotel. I could not believe how well organised that place was. I went into the public bar and sat down and chatted with some of the people there. They were all spaced and on stools and doing the right thing. I know that it is difficult. I spoke with the publican. He said that it can be challenging. What they understood is that it is in their best interests to keep them safe, so they are following the rules.

We have been through a very difficult period over the past six to seven months. This is the most challenging period now as we open up. It is important that we keep rules in place that will keep people safe. I encourage those who gather with scant regard for the rules to follow the rules. These rules are there to protect you. More importantly, they are there to protect your family, your community, your ageing grandparents, your friends.

While some would say they have been conservative through this, I think that at a time when there is a worldwide pandemic you want a conservative and responsible Public Health unit.

I urge those people who are not following the rules to follow them because they become even more important when we start to mix with people from other states.

With the processes that we are putting in place we will take every step we can to ensure that Tasmanians are safe. Importantly, Tasmanians need to take steps themselves. While the rules are difficult, while the rules can be frustrating, I urge Tasmanians to stay the course. While you might argue that other jurisdictions have more lax rules, in other cases they have tighter rules. In Queensland, for example, I do not think they have changed from smaller venues having two square metres and larger venues you go out to four square metres. I believe that is the same rule in the ACT.

In Tasmania we have the two square metre rule. It is difficult and frustrating for some people who are asked to be seated while they consume alcohol. The rules are put in place by Public Health. I will take their guidance. The Government will take their guidance. They have stood us in good stead. They are well aware of the calls for relaxation. Dr Veitch made the point this morning that it is important that we do not stray from remaining vigilant, from doing the right thing and, most importantly, have good hand hygiene, cover your coughs and sneezes, ensure you socially distance and follow the rules.

If you feel unwell do not go to work. Please do not go to work. This caught out Victoria and it has caught out other jurisdictions. Stay home, get a test and ensure you are COVID-19 free. Most of us are programmed, regardless of how we feel, to get up in the morning and go to work. That has to change.

In the main, Tasmanians are doing the right thing but I urge people to follow the rules and take personal responsibility for their actions.

**Ms Ogilvie** - They want to follow the rules, but they are queueing up and they cannot get in, when they are already there.

**Mr GUTWEIN** - Those matters are being considered. In relation to a relaxation of the rules, I will follow Public Health guidelines and their advice every step of the way because they have kept us safe.

### **Brahminy Foundation Program**

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

[10.30 a.m.]

Damning allegations have been raised that Allan Brahminy is not who he says he is. There is strong evidence to suggest that Brahminy's real name is Allan Leslie Stauffer and that he concocted his entire elaborate back story about being abandoned as a baby and adopted by an Aboriginal family. These allegations undermine the entire foundation upon which the program has been based. Yet your Government continues to pay \$5000 per week, per child, to an alleged fraudster. Incredibly, Roger Jaench's internal review will not conduct background checks or investigate Mr Brahminy's claims about his indigenous background.

If Mr Brahminy was a teacher or another professional responsible for the care of young people, they would be stood down while the investigation into all allegations took place. Recently, Mr Rockliff did exactly that when historical allegations were made against a teacher

in the north of the state. Your Government is ultimately responsible for the safety of these children and you cannot ship them out of sight and out of mind and pretend they do not exist.

Why is your minister refusing to investigate Mr Brahminy's potential identify fraud and why will you not personally intervene and bring these children home?

## **ANSWER**

Madam Speaker, I thank the Leader of the Opposition for that question. I have made the point that there is a review under way.

**Ms White** - Mr Rockliff stood a teacher down while the investigation took place. How is this different?

**Madam SPEAKER** - Order, please.

**Mr GUTWEIN** - We are contact with the participants of the program. Through the review, I am advised that the department will consider how concerns raised regarding Mr Brahminy's identity impact on the program and the safety and wellbeing of the young people involved. That is our key consideration and responsibility.

I also understand that we have two senior and experienced staff members in the Northern Territory right now, talking with the young people and the program staff. We are taking these matters seriously. There was a visit by staff in September. There was direct contact with the young people in the program with the secretary - the guardian - on Friday of last week, and we have people in the Northern Territory at the moment.

We have had direct feedback and contact with the young people in the program and we will continue to engage with them. We will allow the review to take its course and we will provide the outcome.

## **Ministerial Accountability**

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

[10.34 a.m.]

On the last sitting day of the last sitting week, your Minister for Human Services knowingly misled parliament over a previous Government decision to weaken tenancy protections. The lie is there in black and white, and so is the *Hansard* record of Mr Jaensch doubling down on his dishonesty.

When former attorney-general, Steve Kons, was caught lying to parliament in 2008, he was sacked by then premier, Paul Lennon, who understood his position was untenable. Even Paul Lennon understood that a lie to parliament is a sackable offence. However, you have not only stood by Mr Jaensch, you have reinforced his dishonest line that a decision of Cabinet is not a decision. It is like trying to tell us that black is white and day is night.

This is the standard you have set: a standard where dishonesty and the twisting of language is not only acceptable, it is encouraged and reinforced by you. How can it be that your standard of ministerial accountability is even lower than Paul Lennon's?

**ANSWER**

Madam Speaker, I did not hear the Labor Party jumping in to defend Mr Lennon there, which is surprising.

I thank the member for Clark for her question. I am disappointed by her actions in this matter. This parliament has worked collaboratively to ensure that we can deal with a world-wide pandemic. Processes were put in place in response to the pandemic - and as a result, the Greens were inadvertently given some Cabinet papers they should not have received. The staff member knows she should not have received the papers.

**Ms O'Connor** - Do not go after my staff member.

**Mr GUTWEIN** - It is disappointing.

**Ms O'Connor** - I do not get up in here and lie my face off.

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

**Mr GUTWEIN** - The Leader of the Greens has gone about this in a devious way, and it is very disappointing.

**Ms O'Connor** - It busted your minister and it busted your Government for trying to weaken tenancy protections. I was doing my job.

**Madam SPEAKER** - Order, please.

**Mr GUTWEIN** - I am not going to go into the deliberations of Cabinet but there was no final decision by Cabinet to change the law. That was very clear.

**Ms O'Connor** - Here we go - day is night; black is white; yes is no.

**Madam SPEAKER** - Order, please.

**Mr GUTWEIN** - There was no final decision to change the law. The minister's comments in parliament were quite correct in that regard. Until the final decision by Cabinet to change the law, and the release of a bill for public consultation and then introduction to this place, there is no decision by Cabinet to change the law. That is the bottom line.

Unfortunately, the actions of the Leader of the Greens say more about her than it does about us. We work collaboratively -

**Ms O'Connor** - Sure, just answer the question. Your standard is even lower than Paul Lennon.

**Madam SPEAKER** - Order, please.

**Mr GUTWEIN** - I am most disappointed by how quickly that side of the House has returned to the politics of old. The minister has not lied to the House, let me be clear -

**Opposition members** interjecting.

**Madam SPEAKER** - Order.

**Mr GUTWEIN** - How quickly the parliament has returned to the politics of old.

On this side of the House we focus on keeping Tasmanians safe, protecting us from a world-wide pandemic, putting a budget together - the most important budget that the state has ever faced - and ensuring that we prepare for the bushfire season. And yet, the Leader of the Greens has attempted - in a devious way - to spring a trap. It has not worked.

The minister was correct: there was no final decision made by Cabinet to change the law. That decision has not been taken. The Leader of the Greens knows that.

Those on the other side of the House should reflect on their own conduct in this instance.

### **Skills and Training - Economic Recovery**

**Mr STREET question to MINISTER for EDUCATION and TRAINING, Mr ROCKLIFF**

[10.39 a.m.]

Can you update the House on how the federal and Tasmanian governments are investing in skills and training to keep our economic recovery on track?

### **ANSWER**

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

Last week we saw a federal Budget handed down to kick start our economy - a budget which is supporting Tasmanian business to take on apprentices and trainees while also investing in training placements in areas of jobs growth.

One of these initiatives is the federal and state-funded JobTrainer program which will go live this Saturday. The \$21 million JobTrainer program will deliver up to 7000 additional free or low-cost training places at a critical time for Tasmania. It will give students free choice where they train across both TAFE and the private training providers.

JobTrainer will focus on young Tasmanians and the unemployed and help them get the skills they need. Through successful negotiations with the federal government, industries critical to Tasmania's recovery will benefit. That means more training in health, aged care and disability, tourism and hospitality, building and construction, aquaculture, agriculture and advanced manufacturing. That is not all. Job training complements our Skills Fund program

which is open right now. This Skills Fund round is investing \$3 million to training existing workers in our key industries. That is the plan.

We and the federal government are giving Tasmanians the best skills opportunities possible to get them back on their feet. Last week we saw a federal Budget that is putting money in Tasmanians hands right now. Right now business across Tasmania can access the new federal Boosting Apprenticeship Commencements program which gives businesses employing an apprentice or trainee a wage subsidy of up to 50 per cent. With an additional \$1.2 billion available nationally over four years, it will encourage 100 000 new apprentices and trainees and is the boost we need. That means there has been \$5 billion invested by the federal government for extra training places since the pandemic began.

Housing Industry Association managing director Graham Wolfe said:

This new assistance will mean that not only are apprentices kept in the jobs they have today, but new apprentices can find work, businesses can continue to build and Australia can maintain a healthy level of skilled tradespeople into the future.

Federal budget skills measures and our state-funded skills programs are driving Tasmanians into recovery. We have a budgeted skills plan and it is working.

### **Potatoes - Importation into Tasmania**

**Dr BROAD question to MINISTER for PRIMARY INDUSTRIES and WATER, Mr BARNETT**

[10.42 a.m.]

Once again, your Tasmania First rhetoric has been exposed as hollow words. On your watch Biosecurity Tasmania green-lighted imports of South Australian potatoes into Tasmania without any consultation with industry or assessment of the full list of diseases present in that state. Your response to an independent audit of the decision is woefully inadequate. A label on a bag of interstate potatoes saying 'Do not plant' is potentially the only thing standing in the way of the decimation of Tasmania's \$400 million-plus potato industry. Do you seriously believe that a label on a package will stop South Australian potatoes being planted or disposed of in a compost heap? How is this decision putting Tasmania first? Why have you not learnt any lessons from the fruit fly and blueberry rust outbreaks?

### **ANSWER**

Madam Speaker, I thank the member for his question and his interest in this matter, although he should know better than to ask a question in the way he has framed it.

**Members** interjecting.

**Madam SPEAKER** - Order, please.

**Mr BARNETT** - Let me explain. We rely on national and international arrangements when it comes to trade and helping to protect Tasmanian agriculture and our natural

environment. The trade of Tasmanian produce including our world-class fruits - our cherries, our apples, our pears - our exports to the mainland and overseas is conducted and assessed in the same way as those that come into the state of Tasmania. We have \$3.5 billion-worth of exports from Tasmania every year - so be careful what you wish for, Dr Broad.

We must ensure that our trade and biosecurity arrangements -

**Opposition members** interjecting.

**Mr BARNETT** - Madam Speaker, I am trying to explain and respond to the question.

**Madam SPEAKER** - Yes, I apologise for the rudeness on my left.

**Mr BARNETT** - Thank you, Madam Speaker. We must ensure that our trade and biosecurity arrangements are upheld. This includes relying on and complying with relevant national and international government agreements, trade agreements and legal expectations. Breaching these arrangements would significantly damage Tasmania's own export markets. That is what Dr Broad is inferring in his question.

The decision in relation to a single Tasmanian company importing potatoes from South Australia was made in accordance with those agreed arrangements for biosecurity and trade. The import of potatoes to Tasmania has never been prohibited but is dependent on meeting strict biosecurity requirements. The South Australian government declared freedom from potato pests and the potato disease but declared quarantine pests in Tasmania.

I have spoken to the potato farmers, other key stakeholders and members of the agricultural community, and I have heard their concerns and responded. I asked the department to look further into this matter and provide their reasoning. The statement of reason was provided and the feedback has been obtained and was provided with those comments.

To inform that review, the department commissioned an independent review. The former Australian Government Chief Plant Protection Officer, Lois Ransom, has undertaken that independent expert review of the available documentation and the feedback from the stakeholders and farmers, and the technical rationale behind the decision, and backed it in, finding that the decision to grant the exemption on the reasons behind it are technically sound and justified. That is the decision of the independent reviewer.

Let me further explain. The review made a number of minor recommendations in relation to the exemption which have been accepted by the secretary who asked for it to be implemented immediately. In addition, the secretary has adopted a new process for reporting on exemption permits and consultation on those with the potential for a significant impact on industry moving forward. I asked the secretary to review the consultation process and communication arrangements. The review has come in and there will automatically be quarterly updates of all these decisions going forward. Further, there will be consultation with industry on matters important to industry in advance of the decision. That is an important measure and part of our process of continued improvement, and the department will implement that consultation process.

What does the TFGA say about this? They have provided strong support for the Government's approach. Yesterday in the TFGA's release they said:

The TFGA strongly commends the initiative to make public on a quarterly basis information on all permits issued and refused under the Plant Quarantine Act. This is a clear step in improving communication between Biosecurity Tasmania and the various sectors. This initiative will be further enhanced by the commitment to undertake industry consultation where there may be significant impacts on an industry sector if a permit is to be issued.

The TFGA applauds the department for their openness and commitment to genuine enhancements of the current system.

We have had an independent review and we have had Dr Broad out in the community saying he is smarter than Biosecurity Tasmania. Of course, you are, Dr Broad. You are smarter than everybody else in this parliament and you are smarter than Biosecurity Tasmania. You are also suggesting that you are smarter than the former chief Australian health plant pathologist. You are the smartest guy.

We take advice from the experts based on evidence, based on science, free from political opinion, free from politicians - all of us in this room, including Dr Broad.

### **Burnie Port - Issues**

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

[10.50 a.m.]

The Burnie Port is a critical export gateway for Tasmania but, under your watch, the master plan for the Burnie Port is going nowhere and existing infrastructure is literally falling apart. On the evening of Friday 2 October, part of the wharf underneath the woodchip loader at berth 7 collapsed while a ship was being loaded.

We understand this was caused by a lack of maintenance and inspections, and the woodchip loader cannot now operate over the full length of the wharf. Ships either have to be turned halfway through the loading process or put into the berth, bow first, and turned when fully loaded, before heading out to sea. Both options increase risk, carry a higher cost for TasPorts and also impede berth 6.

When will the structural problems be rectified to allow the wharf to be returned to full, unrestricted operations?

### **ANSWER**

Madam Speaker, I thank the member for his question. TasPorts has advised there was an infrastructure incident at berth 7 at Port of Burnie. At approximately 6 p.m. on 3 October during woodchip loading operations, a finger pier structure on berth 7 failed, dropping approximately 400 millimetres below main deck height. The incident occurred as the ship loader moved off the main wharf onto the finger pier into the final stages of loading.

As part of normal operations, loading ceased immediately. Personnel onsite at the time of the incident were safe and well and no injuries were sustained. TasPorts has undertaken



appropriate land site and marine risk assessments and has secured the infrastructure to reduce any further risk of damage to other structures.

I advise the House and the member that further investigations are under way, together with appropriate planning for repairs. I was also advised that the vessel alongside the *Sumatra Express* sustained no damage as a result of the incident and was scheduled to depart at midday the next day.

It is anticipated that there will be minimal disruption to shipping operations at the port as a result of this incident, while repair works are undertaken over coming weeks.

That was the advice I received around the time of the incident. I thoroughly reject Dr Broad's claims that TasPorts is not maintaining its infrastructure. It is an unfortunate incident which has been handled professionally and competently. I again ask Dr Broad to cease his attacks on the good people at TasPorts. He has made a habit of it in this place and with anybody else who will listen to him.

This Government and TasPorts have a big vision for Burnie through the \$80 million master plan which TasPorts has announced, and which Dr Broad welcomed. He has also continued to attack TasPorts with his false claims - which he has still not withdrawn - about coxswains and the harbour master being present in Tasmania -

**Dr Broad** - Where is the harbour master now, minister? Is the harbour master in Tasmania?

**Madam SPEAKER** - Order, please, order.

**Mr FERGUSON** - This member must cease his attacks on TasPorts and the good, hardworking people at TasPorts who are doing a mighty job to keep our ports not only up to date, but to improve them with their infrastructure program. Their program includes the ship loader which is being conducted by TasRail at Burnie Port - a project Dr Broad struggles to support. That is a vital piece of infrastructure, a great enabler for the minerals sector in Tasmania and it is about growing jobs.

I reject the member's attack on TasPorts. We will continue to invest in our infrastructure across Tasmania, strongly supported by the federal government, which is enabling a fantastic infrastructure upgrade pathway, after the years of neglect under Labor.

### **Infrastructure Investments**

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

[10.54 a.m.]

Can you update the House on how the infrastructure investments announced in last week's federal Budget will deliver for Tasmania?

**ANSWER**

Madam Speaker, I thank the member for Lyons -

**Ms O'Byrne** interjecting.

**Madam SPEAKER** - I think she is happy to be back at parliament. You are happy to be back at parliament?

**Ms O'Byrne** - I am, Madam Speaker.

**Madam SPEAKER** - I do hope you let the minister speak.

**Mr FERGUSON** - Madam Speaker, I thank the member for Lyons for his question. This is an important issue and I am pleased to update the House on the funding commitments recently announced by the Australian Government - a very good budget for Tasmania - and the Tasmanian Government is very pleased.

By working with the Morrison Liberal Government we have secured over \$400 million in roads and bridges funding for Tasmania - \$400 million of Commonwealth investment in our infrastructure. The projects will build on our existing \$3.1 billion construction blitz and ensure that we have a strong pipeline of infrastructure investment providing confidence and certainty to our construction industry. I am pleased to note that the federal Budget included more than \$59 million in additional funding for works as part of our \$500 million Midland Highway action plan - a strong partnership with the federal Liberal Government that has delivered a much safer and efficient north-south corridor.

**Opposition members** interjecting.

**Mr FERGUSON** - The member who interjects did not upgrade one kilometre of the Midland Highway north of Brighton but we are well past two-thirds of achievement under that 10-year action plan. Infrastructure envy is what you hear. The Morrison Government has provided \$12 million in new funding towards the upgrade of freight bridges around the state and a further \$1.5 million towards the implementation of intelligent transport systems on the Tasman Highway.

**Opposition members** interjecting.

**Madam SPEAKER** - Order, please. Stop having conversations between you. Thank you.

**Mr FERGUSON** - Madam Speaker, in addition, \$72 million in funding has been allocated to the Tasmanian roads package. This funding includes targeted upgrades on the Bass Highway between Deloraine and Devonport, upgrades on Bridport Road and targeted upgrades on the West Tamar Highway between Exeter and Launceston - fantastic news for regional infrastructure.

Combined with the Tasmanian Government's contribution to the roads package, this will mean a total investment of \$90 million in these important regional freight and commuter highways. The Australian Government not only made those commitments, but also included two very significant stand-alone investments.

The first investment is a major \$130 million upgrade of the Tasman Bridge. The Tasman Bridge is the most significant river crossing and road segment in the Tasmanian road network.

It is a critical connection for vehicles and active transport across the Derwent River, and carries more than 72 000 vehicles every day. After the *Lake Illawarra* tragedy, modifications in the 1970s widened the bridge from four to five lanes and steel maintenance walkways were cantilevered from the main structure. People use these structures for cycling and walking, but they were not designed for that purpose. As we are all aware, there are other risks with that infrastructure and this House has been focused on finding a long-term solution. Those pathways need to be modernised. We need to remove them and mitigate those risks. In doing so, we need to strengthen the main structure of the bridge to withstand the additional load - the wind shear and the weight. The strengthening work will ensure that the Tasman Bridge can also accommodate projected future traffic growth until at least 2070, extending its life by 50 years.

I am also pleased to advise the House that the federal Budget includes funding towards the \$187 million duplication of the Midway Point and Sorell causeways. This is a game-changer for the South East Traffic Solution. This commitment completes the set, complementing the works that are now commencing under the South East Traffic Solution - not just the interchange, but also the Sorell bypass and the Midway Point project that we have brought forward. In concert with the SETS projects that are now coming out of the ground, the duplication of those two causeways will mean four lanes from Hobart right through to Sorell. This is a massive project. The suite of projects takes the total investment on that corridor to nearly \$350 million.

The Liberal Government is achieving this by working closely with the federal government. I know the Labor Party has infrastructure envy. We know the Greens oppose infrastructure - that is understood.

We know that the Labor Party wanted us to spend less on infrastructure. We are spending more on infrastructure because that is employing Tasmanian men and women and it is giving us a safer road and bridge network.

### **Burnie Port - Issues**

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

[11.00 a.m.]

A wharf failure underneath a heavy loader in operation is a serious event. It was very fortunate and we are thankful that no one was injured. Given the seriousness of this significant infrastructure failure there is concern among workers at the port that WorkSafe was not immediately notified at the time of this event. Was WorkSafe asked to investigate this incident? Will you commit to making the findings of any investigation public?

### **ANSWER**

Madam Speaker, I do not have advice on that question. He could have directed the question to the relevant minister but I am happy to take it on advice and provide a further answer to the House at a later hour.

## **Energy and Agriculture - Initiatives**

### **Mr STREET question to MINISTER for ENERGY, Mr BARNETT**

[11.01 a.m.]

Can you outline what initiatives in your portfolio areas have been announced as part of the 2020 federal Budget that will benefit the Tasmanian community?

### **ANSWER**

Madam Speaker, I thank the member for his question, his interest and his support for these important sectors, agriculture and renewable energy. For Tasmanians and Tasmania, the federal Budget is a win-win. We are delighted when it comes to agriculture, when it comes to water, and when it comes to renewable energy.

Good news under our Liberal Government. Under a Liberal Government taxes will always be lower, whether it is at a federal level or at a state level -

**Mr O'Byrne** - You have introduced two new taxes in the last 12 months alone.

**Madam SPEAKER** - I am trying to listen, minister.

**Mr BARNETT** - The Liberal Government in Tasmania recognises that agriculture is a cornerstone of our economy. It recognises renewable energy as our greatest economic opportunity for the next decade. It is little wonder we are celebrating the federal Budget of last week.

Water is liquid gold. Our irrigation infrastructure is transforming our rural and regional communities. It is creating jobs. It is increasing the production and opportunities for those farmers and those in rural and regional areas creating and producing fine Tasmanian premium fresh produce. We are proud of it. We are delivering. We are doing this in partnership with the Australian Government. We are doing this in partnership with the farmers and the landowners. We are on track to achieve our target of \$10 billion farmgate value by 2050.

We are on track. We have the pipeline to prosperity tranche three. The first five projects, the Don, Sassafras Wesley Vale, Northern Midlands, Fingal, Tamar, are all on track. They are progressing with federal and state government support. With our farmers we are delivering.

We are pleased that in the federal Budget last week there was \$2 billion for the national water grid, which will deliver more water infrastructure around Australia. Tasmania will get its fair share. We will fight to ensure those projects go forward: not only the projects we have in mind but even more down the track. Water is liquid gold and we know it delivers jobs and boosts our rural and regional areas.

The federal Budget has delivered \$328 million to support our agriculture and seafood exports, whether it is our cherries, salmon, abalone or rock lobster into the Asian markets and beyond. The exports are \$3.5 billion a year. Getting that air transport support is really appreciated. There was \$155 million for our farmers to support them through the recovery from drought. This is appreciated, but it is more than that.

There is the growing renewable energy industry. We are so pleased with the federal government's support in the Budget for Project Marinus. There is \$250 million in three transmission projects around Australia and Marinus Link has been identified as one of those three. This will form the basis of a special purpose vehicle with the MOU that we are negotiating to progress this project to a financial investment decision by 2024. It is all in the federal Budget. What did Michael Bailey from TCCI say about it? What did industry say about it?

The Marinus Link will provide Tasmania with a renewable energy jobs bonanza at a time when we need it most as well as setting Tasmania up to be the renewable energy battery of the nation.

The other side is whingeing and knocking and criticising. They cannot help themselves. They have no plans, no policies. Whingeing and knocking. You have nothing.

We have \$1.9 billion in the federal Budget. We are going to get our share of that for new and emerging technologies. When it comes to energy, when it comes to reducing emissions, we will be there. This supports Tasmania's renewable energy prowess and our credentials and our renewable hydrogen opportunities. We have world-class water, world-class wind. We are delivering low cost, reliable, clean electricity. We are the epicentre. We have a plan to be the epicentre for renewable energy, not just for Australia but the globe. We are on track.

The Leader of the Opposition chirped in, saying the federal government has the tired old formula of tax cuts. That is putting money into the pockets of Tasmanians: \$1000 to the average Tasmanian and you are opposing it. We are sick and tired of the negativity of the other side.

**Ms O'CONNOR** - Point of order, Madam Speaker. Standing Order 48, apart from the fact the minister is spruiking a failed economic trickle-down policy, he has had sufficient time for a Dorothy Dix answer. I ask you to maybe sit him down.

**Madam SPEAKER** - Have you finished, minister? Ten seconds.

**Mr BARNETT** - I will wrap it up. The Liberal Government is delivering jobs and economic prosperity for Tasmania. We are sick and tired of the negativity on the other side. Come on board.

### **Government Infrastructure Projects - Apprentice Ratios**

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

[11.07 a.m.]

You have claimed to have accepted all the recommendations of the Premier's Economic and Social Recovery Advisory Council. One of those recommendations is to mandate apprenticeship ratios on all government contracts, which is consistent with Labor policy. At the heart of the pandemic more than 20 000 people lost their jobs and sadly around 11 000 are still out of work. You have promised to build Tasmania out of recession but the building and construction sector is already experiencing critical skills shortages. It is more important than

ever that we do everything we can to train people for the jobs that are available. What is the current ratio of apprentices on government infrastructure projects?

## **ANSWER**

Madam Speaker, I thank the Leader of the Opposition for that question. I would have to check to be certain of my answer, but my understanding is that we have already mandated it. I think it is 20 per cent of the workforce needs to be apprentices on government projects. I will need to check the numbers. You would understand that I would not have with me today the numbers for all government projects. I am happy to seek advice on that question and provide a response to the Leader of the Opposition.

The infrastructure spend the Government is engaged in over the next two years is nearly \$2 billion. The other side talked about jobs for women. Women are tradespeople. Women are engineers. If you invest in infrastructure and civil works then aggregate demand increases. The best way to increase aggregate demand is to invest in civil and infrastructure projects. That flows right across the community. That is why of the nearly 80 per cent of Tasmanians who have returned to work since the peak of the pandemic more than 50 per cent of them are women. More female jobs have come back since the height of the pandemic and the peak of the job losses back in May. That indicates the strength of our economy and the resilience of Tasmanian businesses, but first and foremost it indicates that the plan we have outlined is working.

I reiterate the point that I made earlier. It is about time the Labor Party started taking lessons from the Greens in terms of alternative budgets and delivered one themselves, and have the courage of their convictions to explain to Tasmanians what they stand for and, importantly, how they will pay for it. That is what is required from a political party in this place; they should be more than a whingeing, carping lot. I have said on many occasions that whingeing is not a platform and complaining is not a policy, yet we get more of it.

Regarding the question that was asked, I will seek some advice and provide what I can to the Leader of the Opposition.

**Time expired.**

## **ELECTRICITY, WATER AND SEWERAGE PRICING (MISCELLANEOUS AMENDMENTS) BILL 2020 (No. 40)**

### **First Reading**

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

## **BUILDING AND CONSTRUCTION (REGULATORY REFORM AMENDMENTS) BILL (No. 2) 2020 (No. 39)**

### **First Reading**

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

## MOTION

### Leave to Move Motion without Notice

[11.17 a.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens - Motion) - Madam Speaker, I seek leave to move a motion without notice for the purpose of moving the suspension of Standing Orders to debate Notice of Motion No. 365, which reads -

That the House has no confidence in the Minister for Housing for the following reasons -

- (1) In response to questioning on 24 September 2020, the minister said he is 'not aware of any decision' to make it easier to evict tenants without genuine or just reason.
- (2) A Cabinet minute shows that a previous Cabinet decision was made to remove the 'genuine or just' requirement from section 45 of the Residential Tenancy Act 1997.
- (3) It is implausible that the minister was not aware of a Cabinet decision in his portfolio.
- (4) The minister has misled the House over a serious matter of fairness and reasonableness in his portfolio.

We are in this position because, on the last sitting day of the last sitting week, we asked the minister, Mr Jaensch, whether he was aware of a decision to weaken tenancy protections by removing the 'genuine or just' provisions of the Residential Tenancy Act 1997. Mr Jaensch got to his feet in this place and said -

I am not aware of any changes proposed or undertaken regarding making it more difficult. I do not know what decision Ms O'Connor might be referring to.

I was referring to this Cabinet decision made on 24 August to reverse a previous Cabinet decision to remove the 'genuine or just' provisions from the act. This is urgent because, for the past two weeks, a question of confidence has hung over the head of the Minister for Human Services.

It was a mistake, to say the least, for the Government not to allow the no-confidence debate to proceed. We had prima facie evidence of a minister of the Crown misleading this House, lying to this House and, therefore, the people of Tasmania. But such is the arrogance of the Liberals in government, they were not only not going to allow the debate but we had the Premier backing in a lying minister and, in fact, reinforcing the untruth, which is so shameful.

When you look at the Premier's press conference of that day after the PESRAC announcement on Thursday 24 September - I have a transcript here - I have counted in this one relatively short exchange 16 untruths, I will call them, 16 distortions of language, where the Premier says, 'No decision has been made by Cabinet to change the law'. Yes, it was, and then

it was reversed. Mr Gutwein says, 'No decision has been made by the Government to change the law' - yes, it was. The Premier says, 'Cabinet has not made that decision'. Yes, it did, Madam Speaker, and then reversed it on 24 August this year. Then he says they have not made a decision to introduce legislation to parliament. Yes, Cabinet did, and then it reversed it on 24 August in a pandemic. The Cabinet minute is very clear. The decision says -

Cabinet today deliberated on the materials submitted to it in relation to the Residential Tenancy Amendment Bill 2020 and agreed to -

(1)(a) ...

(1)(b) ...

(1)(c) - vacate the previous Cabinet decision in regard to the Director of Housing v Parsons matter (the Parsons matter) and not proceed with the proposed amendment to remove the genuine or just requirement -

**Madam SPEAKER** - Ms O'Connor, you are not to get into a substantive debate at this point.

**Ms O'CONNOR** - Thank you, Madam Speaker. I will just finish my sentence -  
in the context of an order for vacant possession.

What we had on that day was a series of lies. We had lies in this place and then we had lies outside this place.

I remind the House of the level of portfolio responsibility Mr Jaensch has and why this is so important. There is barely a Tasmanian whose life is not touched in some way by Mr Jaensch's portfolios. There are at-risk children in the out-of-home care system. There are the 13 000 social housing tenants. There are Aboriginal Tasmanians who have been let down by this minister who sends our at-risk Aboriginal children to the Northern Territory to be put into the care of an alleged fraud.

This minister is responsible for the planning system in Tasmania which touches the lives of every Tasmanian. This minister is responsible for our beautiful national parks, our World Heritage Area and our Crown lands, our public lands. This minister is responsible - and I use the word loosely - for the Environment portfolio. He is responsible for the protection, or otherwise, of species such as the endangered giant wedge-tailed eagle, the critically endangered swift parrot, and the endangered masked owl.

This minister has huge portfolio responsibilities and yet the Government, through its arrogance, let a question of confidence hang over his head for a full two and a half weeks because it did not have the humility to allow the debate and resolve the question, or perhaps it was not sure of how the numbers would ultimately fall on the day. Perhaps the decision was made as an insurance policy until the Government could be sure it had shored up the numbers to protect Mr Jaensch.

I have said this before and I will say it again, because the Liberals do not seem to be listening. To be a minister of the Crown is an enormous honour and a huge responsibility. It requires the highest standards of integrity, honesty and decency. When you are talking about a portfolio like Human Services, you need to have someone of real heart, clarity, honesty and



integrity administering that portfolio. It touches the lives of so many Tasmanians. You need to have a minister for that portfolio who is capable of telling the truth, even if the truth is hard to tell.

It is urgent that we have this debate and that the House resolves the question of confidence today.

[11.24. a.m.]

**Ms WHITE** (Lyons - Leader of the Opposition) - Madam Speaker, I can indicate that the Labor Party will be supporting the seeking of leave, as we did last time when this debate began in the parliament following the issue where the minister was asked a direct question and he lied in his response when he said -

I thank the Leader of the Greens for her question. I am not aware of any changes proposed or undertaken regarding making it more difficult.

This is very important. We have all spent the last few weeks continuing to talk about why it matters that we have this debate. I was very surprised that the Government did not grant the seeking of leave last session. This matter has remained unresolved and has hung over the minister's head for the entire period the parliament has not been sitting.

I reflect on some comments that have been made in the past by the Premier when matters of confidence have been brought forward when he apparently had more integrity. I look back at what he said in a press release in 2009 when he said -

In the Westminster system of government there is no more serious charge than that of misleading parliament.

This is a very serious charge and we need to have the debate. That is why we supported the seeking of leave the last time we had this discussion. We support it now because in the Premier's own words, in the Westminster system of government there is no more serious charge than that of misleading parliament.

It is very clear that Roger Jaensch misled parliament when we last sat in this place and that matter needs to be dealt with today. It is clear in black and white in the words he said at that time and that he has repeated since. The minister had every opportunity to correct the record at the earliest opportunity. He did not take that opportunity but instead backed in the lie. That is why he has now found himself in terrible trouble because the Premier is down in that deep, dark hole they are digging together and has embroiled all of them in the unfortunate situation that Mr Jaensch has found himself in, that he did not speak truthfully at the time when he was asked the question.

It is very clear from the code of conduct for ministers and members of this House what is expected. I will remind the House that 'a member must not mislead parliament or the public in statements they make, whether the misleading was intentional or unintentional'.

**Madam SPEAKER** - We are not allowed to get into the substantive debate.

**Ms WHITE** - Thank you, Madam Speaker. This is relevant to the seeking of leave because the code of conduct says a member must not mislead parliament or the public in

statements they make, whether the misleading was intentional or unintentional, and a member is obliged to correct the parliamentary record or the public record at the earliest opportunity.

Mr Jaensch did not do that, and he has never corrected the record. He has continued to repeat the lie. That is why we support the seeking of leave so we can have the debate about whether this parliament has confidence in the minister, Mr Jaensch.

[11.28 a.m.]

**Mr FERGUSON** (Bass - Leader of Government Business) - Madam Speaker, the Government will not be opposing the seeking of leave motion today. However, that is qualified support for this debate to be held because we simply will not be supporting the substantive motion. No doubt in their zero-policy Labor-Greens deal blood lust, they want to waste the entire day. They do not want the House to be able to do its actual business, looking after the needs of Tasmanians. Inevitably, the zero-policy blood-lusted bonded-together Labor-Greens party will want this debate to be running forever and a day.

For the avoidance of wasting time, the Government will, in the next procedural motion, ensure that we have an appropriate time limit provided so that there is all the opportunity required -

**Opposition and Greens members** interjecting.

**Mr FERGUSON** - Do you want the motion to be debated? Madam Speaker, we will support on a limited basis the ability for both sides of the debate to have their fair say, but after 4 o'clock we want to get back to Government business, the business of the House. That is a fair and appropriate amount of time to be provided.

I make it very clear that this side of the House is backing in our hardworking and very strongly committed minister, who has been truthful. The lie is, in fact, the one being promoted by members opposite.

The longer we speak on the procedurals, the less time there will be in the substantive debate so I suggest we get on with it. I make it very clear that this side of the House, while supporting the notion of the debate being held, is not going to be taking a backward step in defending our minister.

[11.29 a.m.]

**Dr WOODRUFF** (Franklin) - Madam Speaker, it is really important to set some tones and standards for this debate. We are talking about a minister who is responsible for some of the most vulnerable people in Tasmania and for some of the most precious places, our wildlife and our flora. It is entirely inappropriate for the Leader of Government Business to stand up and use violent terminology to talk about the motivations of the Labor Party and the Greens -

**Mr Ferguson** - Blood lust to have someone sacked.

**Dr WOODRUFF** - No, it is very inappropriate -

**Mr Ferguson** - I will say it again.

**Madam SPEAKER** - Order, minister, that is not helpful.

**Dr WOODRUFF** - to stoop to that level of going on the attack when we are here today because this Government refused to address the severity of Mr Jaensch's lies, refused to take responsibility, refused to uphold the standards of ministerial conduct, and refused to uphold the standards of this parliament.

Since we were last here moving this same motion in parliament, this minister has gone from bad to worse. He has doubled down on his lies. The Premier has been in the press spreading mistruths, perjuring the minds of Tasmanians who want to understand what is going on. He has been continually spreading mistruths. It is appalling to have a Premier trying to protect a minister who has such important and serious responsibilities that he is clearly incapable of upholding, but the Premier has done damage to his own reputation. I hope the Premier reflects on the importance of his role and the standards he has set over the past six months during COVID-19 and what this continued support for Mr Jaensch's lies will do to his reputation. It will be a stain on him.

I hope in the debate we have today that the Premier reflects on that and backs away from supporting a minister who is clearly incapable not only of doing his job by the standards of the portfolio responsibilities that he is not upholding, but is incapable of telling the truth.

We must have this debate today. It has to be extensive. The Government has to not gag the debate. Every member of the House should speak about this. The minister is responsible for children who he sends to the Northern Territory. He is responsible for children who are at risk of suicide, adolescents at risk of suicide, family violence, child safety. He is failing to update and protect them in the guidelines. This is material that has come out just in the past two weeks, since parliament, more day on day. The Westbury eagles - this is a minister who cannot step in to protect threatened and endangered species -

**Madam SPEAKER** - Sorry, we are not having substantive debate at this point.

**Dr WOODRUFF** - No, Madam Speaker, but this is why we need to seek leave today, because all of this has come out in the last two weeks. My point is that this minister is incapable of learning from where we were. We called him out last time but he keeps going on so we must have this debate. Every member should speak. We should all have time to speak. If the Government does any less than that it will look terribly bad for it.

[11.33 a.m.]

**Ms OGILVIE** (Clark) - Madam Speaker, I have said publicly I support the suspension of Standing Orders to enable this debate to come on. I feel there has been a bit of water gone under the bridge and it is a good idea that this matter be cleared up.

**Leave granted.**

## **SUSPENSION OF STANDING ORDERS**

### **Debate a Motion Forthwith**

[11.35 a.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens - Motion) - Madam Speaker, I move -

That so much of Standing Orders be suspended as would prevent Notice of Motion No. 365 from being brought on for debate forthwith.

**Madam SPEAKER** - You can speak to it because it is just a procedural motion.

**Ms O'CONNOR** - That is right, it is just a procedural motion. I am happy to cut short my contribution on this as long as we can immediately move on to the motion of no confidence.

Reflecting briefly on the Leader of Government Business' contribution, it is self-defeating to the Government to try to limit debate on this no confidence motion. To restrict it to end at 4 p.m. means not only will not every member of the House be given an opportunity, but not every member of the Government or its backbench will be given an opportunity to defend a minister who is accused of lying to the parliament and to the people of Tasmania. That sends an unfortunate message to the community that the Government is not entirely sure it wants to have every member on the record defending a minister who has been untruthful in this place.

That is the issue here: restrict the debate and try to mitigate the fallout for a minister who was busted in this place lying to parliament about a plan to weaken the Residential Tenancy Act, to remove the genuine or just provisions so it would be easier to evict any one of the 13 000 Tasmanians who live in social housing.

It is really important that we do not lose sight of that in this debate. The lie began with a denial of the truth that Government was moving to amend the act to make it easier to evict tenants.

**Ms Archer** - We are not.

**Ms O'CONNOR** - Ms Archer, I hear you interjecting there. You are very lucky, so far, that we have not asked you questions about this because this is in your portfolio and you must have been central to that decision. In our electorate of Clark there are thousands of people who live in social housing and in precarious tenancies.

**Madam SPEAKER** - Ms O'Connor, you are straying into substantive debate.

**Ms O'CONNOR** - So we do need to suspend Standing Orders, we do have evidence of a minister misleading parliament.

The Greens have no confidence in Mr Jaensch to tell the truth. He had an opportunity after the first lie to get up and correct the record and save himself and his Government colleagues two-and-a-half weeks of pain and the stink now that is hanging around Government - the 'Jaensch stench'. Instead of getting up and saying, 'I was wrong, I misinterpreted the question', or whatever excuse he wanted to find, Mr Jaensch got up after his first lie and lied again, comforted in that by the fact that the Premier was prepared to warp the truth at best in order to defend the minister. So let us have this debate.

I say this in closing - given the breadth of Mr Jaensch's portfolio responsibilities, given his conduct in this place on any number of issues that relate to his portfolio, his blinding arrogance, pomposity, but his inability to answer a straight question honestly, I cannot see the Greens again having confidence in Mr Jaensch, no matter how the vote goes. That is sad

because the minister did not correct the record at the first opportunity. He dug in on the lie in here and then outside. He went on ABC morning radio, was interviewed by Edith Bevan and lied again. I know that as a result of Donald Trump's toxic influence on democratic nations around the world that some people think that we have entered the post truth era, and that there should not be consequences for lying because everyone lies these days.

A minister of the Crown should not lie; they are bound not to lie. There is a ministerial code of conduct; Mr Jaensch breached it, and he breached the parliamentary code of conduct. We have no confidence in Roger Jaensch.

**Madam SPEAKER** - I urge any further speakers to stick to the point.

[11.39 a.m.]

**Mr FERGUSON** (Bass - Leader of Government Business) - Madam Speaker, I will be moving to amend the motion that has been put for suspension and I will speak to that in a moment.

What I have just listened to demonstrates that this is a stunt because the member wants this to go for 12-and-a-half, maybe 13 hours. The member would only be happy if 25 members -

**Ms O'Connor** - Do you remember what it was like when you were in opposition, 57 hours of parliament's time, 57 hours?

**Mr FERGUSON** - I will come to that. The member wants to be here until midnight playing her stunt, playing her game with her friends in the Labor Party, the Labor-Greens stunt. It was a stunt last sitting; it is a stunt today. Nonetheless, we are prepared to get it out of the way.

How you manage your time is a matter for you, Labor-Greens opposition. On this side of the House we will be defending our minister and when there is a vote you will find us on the record.

I remind the member that there was a time when she was in power and she was a minister of the government, and it was a very regular occurrence that you would limit debate. So do not come in here and give me a new history with your pre-truth era nonsense.

These matters need to be addressed. The Government is comfortable having the debate. Pound for pound you will not have a case to make, because the arguments that will be put by you - if they are as weak as I have heard through the media in the last couple of weeks, weak as water - we will defend our minister quite comfortably.

It is important that we get to the orders of the day. In case any of you have not had a chance to have a look at the orders of the day, we will be dealing with residential tenancy support through COVID-19. If I did not move this motion, we would not get to it today.

For all those obvious reasons, and it is not like you ever would have thought that a 13-hour debate was warranted but, nonetheless, there will be a debate today. The Government will agree to the suspension of Standing Orders, not because we have a concern about our hard-working minister, but because we are prepared to engage with you on this. We will defend

our minister. The House will sit late tonight in order to ensure that the business of the day is not curtailed, and we will make you work and we will get these bills dealt with. You are not going to avoid debate on those three important bills we have listed today.

Every minute of further debate or a division will take away from the debate that will conclude at 4 p.m., subject to this motion being agreed.

Madam Speaker, I move -

That after the word 'forthwith' insert 'and that debate on the motion be completed by 4 p.m.; that in speaking to the motion the Premier, Leader of the Opposition, and Leader of the Greens shall speak for no longer than 30 minutes each and other members speak for not longer than 20 minutes each; that immediately following a vote on the motion the House proceed directly to Government Business; and that for this day's sitting the House shall not stand adjourned at 6 p.m. and that the House continue to sit past 6 p.m.

**Mr O'BYRNE** (Franklin) - Madam Speaker, speaking to the amendment, we will make it clear that we do not believe it is appropriate to gag debate on this important matter. The member who just resumed his seat had the gall to say they were comfortable with debating the motion. That is absolute hypocrisy. You had a chance last sitting week to debate it and you chose to squib it, you chose to gag debate. You chose to run away and failed to defend your minister on a key question of confidence of this House in his role as minister - one of the most important questions that can be asked of a minister.

You say you are comfortable to debate it, but during the last two weeks you have been running as far as you can away from it, showing so much hubris and arrogance that you are digging yourself a bigger hole in every public utterance. The continuation of the original lie by the minister and the Premier and others in this House, in a pathetic attempt to cover his lie, just shows how uncomfortable you are in debating this matter of substance. It is disgraceful.

This is a matter of urgency. A question against a minister in terms of the confidence of this House is an important debate and a question that needs to be put forthwith, that needs to be debated and should not be gagged and guillotined in a way that the member who just resumed his seat has proposed.

It demonstrates that you are covering some of your ministers and backbenchers in not putting them through the ignominy of trying to defend the lie - because we know it is a lie. No doubt in the debate there will be matters of his performance in his portfolio that will be raised. But the question before the House is: did the minister mislead the House? It is a fundamental question and that is why the debate needs to be urgent. The question was made: can you confirm the decision was made by you, and the Government you are a part of, to change the Residential Tenancy Act to make it easier to evict -

**Madam SPEAKER** - Order. All references to lying must be left for the substantive debate.

**Mr O'BYRNE** - The question was very clear to the minister. This is why this is a matter of urgency and we need to debate without a gag to allow all members on that side of the House to defend the lie, defend the mistruth and to defend the misleading of the House.

The question was clear. There is a lot of conjecture and debate around the conduct of this House in question time. It has been said that it is not answer time, it is question time. There is scope given to ministers to respond in a manner and the Opposition -

**Mr FERGUSON** - Madam Speaker, the point of order is relevance. This is a procedural motion on the House suspending Standing Orders and the amendment, and not the substantive debate. He is trying to do a better job than his leader.

**Mr O'BYRNE** - I am arguing that we should not gag this debate because the matter is important. When ministers get to their feet they have a range of options and they are given scope by you, Madam Speaker, to provide an answer in a manner which satisfies the House. It rarely satisfies the Opposition, or the people of Tasmania, because this Government has a track record of avoiding hard answers and avoiding the issues we raise.

When the minister rose to his feet, he could have answered it in a range of different ways -

**Mr FERGUSON** - Madam Speaker, point of order. I ask you to direct the member to relevance, which is the suspension motion.

**Madam SPEAKER** - Yes, I draw your attention to the suspension.

**Mr O'BYRNE** - I am also referring to the amendment and the justification the minister used in gagging debate. I want to articulate this case to ensure that the people of Tasmania are fully aware of the issue we are debating, and what this Government will do to avoid accountability to this House and to them, as the people who put us here to undertake our work faithfully and diligently. Other members have quoted ministerial conduct.

The answer he gave at the time was, 'I am not aware of any changes proposed or undertaken'. That is an unequivocal answer - not 'this is a matter for Cabinet' or 'this is a complex debate and we are working through these issues as government'. That was a black and white answer to a clear question.

When the second question came to him, he realised - or hopefully he realised - the significance of what he had said in the first question. Then the Leader of Government Business jumped to his feet in the debate we had in the last sitting week and tried to clean up the mess that the minister had created, saying, 'the minister has offered to check the Cabinet record'. Then the Premier jumped to his feet and said it was not a lie, he had not misled the House, and Cabinet had not made a decision. The Premier then stated that only legislation is the decision of government. Cabinets make decisions all the time. Some end up in legislation, some get changed, but decisions are clearly made.

The second question to Mr Jaensch was very clear. The Cabinet document made it absolutely clear: Cabinet had made a decision and he had clearly misled the parliament.

We cannot gag this debate -

**Members** interjecting.

**Madam SPEAKER** - Order. I remind this House that we need respectful debate. This is a serious issue and I do not want to see any more of this argument across the Chamber.

**Mr O'BYRNE** - Thank you, Madam Speaker. This debate should not be gagged. It is a matter of urgency. There was a black and white question given to the minister. He chose to answer it unequivocally and in doing so, he misled the House. Since that time, he has doubled down, tripled and quadrupled down. The Government has supported him, not because they believe he has not lied, but because of their own self-interest.

This says to Tasmanians that this Premier and this Government do not believe in the ministerial code of conduct and do not believe in Westminster responsibility of ministers in this House to say the truth. He has had multiple chances to go back and look at the *Hansard* and correct the record and acknowledge what he has done. He has refused to do that. Not only on the day, but for weeks now, this has been a stain on the Tasmanian community and needs to be resolved.

**Time expired.**

[11.49 a.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Madam Speaker, on the amendment, I agree that this debate on want of confidence should not be gagged because what is really clear from the time frame that has been laid out is that the Leader of the Opposition and I, if we talk for half an hour - and I sure can on this one - that will take us up to lunch and then after lunch the Premier will speak and then we have one hour between 3 p.m. and 4 p.m. for every other member in this place to make a contribution on whether they have confidence in Mr Jaensch.

That says a lot more about the Government's faith in its backbenchers' capacity to argue for the minister than it does anything else. We will not support the gag and on principle we need to divide on it because gagging a debate on want of confidence is self-defeating to the parliament. More importantly, it is self-defeating to government because it will be a scant no-confidence debate and not all members will have an opportunity to back Mr Jaensch or not and have their say. It is trying to restrict debate and restrict other members' opportunities to speak to this really important matter of Westminster principles of accountability and transparency.

[11.51 a.m.]

**Dr WOODRUFF** (Franklin) - Madam Speaker, the Leader of the Greens has said it very thoroughly, but as many members in this House feel very strongly about this lie, to have effectively an hour for everyone other than the Premier, the Leader of the Greens and the Leader of the Opposition to speak is offensive and inappropriate in the situation given the gravity of what this minister has done.

**Question - That the amendment be agreed to - put -**

**The House divided -**

**AYES 12**

Ms Archer

**NOES 12**

Dr Broad (Teller)



Mr Barnett  
Ms Courtney  
Mr Ellis (Teller)  
Mr Ferguson  
Mr Gutwein  
Mr Jaensch  
Mrs Petrusma  
Mr Rockliff  
Mr Shelton  
Mr Street  
Mr Tucker

Ms Butler  
Ms Dow  
Ms Haddad  
Ms Houston  
Mr O'Byrne  
Ms O'Byrne  
Ms O'Connor  
Ms Ogilvie  
Ms Standen  
Ms White  
Dr Woodruff

**Madam SPEAKER** - In accordance with Standing Order 167- and due to the currency of COVID and the necessity to get on with the Residential Tenancy Bill - I will cast my vote with the Ayes.

**Amendment agreed to.**

**Motion, as amended, agreed to.**

## **MOTION**

### **Want of Confidence in the Minister for Housing - Motion Negatived**

[11.57 a.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Madam Speaker, I move -

That the House has no confidence in the Minister for Housing for the following reasons -

- (1) In response to questioning on 24 September 2020, the Minister said he is "not aware of any decision" to make it easier to evict tenants without genuine or just reason.
- (2) A Cabinet Minute shows that a previous Cabinet decision was made to remove the genuine or just requirement from Section 45 of the Residential Tenancy Act 1997.
- (3) It is implausible that the Minister was not aware of a Cabinet decision in his portfolio.
- (4) The Minister has misled the House over a serious matter of fairness and reasonableness in his portfolio.

Madam Speaker, this House should not have confidence in the Minister for Human Services. The Minister for Human Services knowingly, deliberately and wantonly, lied to parliament on the last sitting day of the last sitting week. He was asked a direct question by the Greens whether or not he was part of a Cabinet or Government decision to change the

Residential Tenancy Act 1997 to remove the 'genuine or just' provisions to make it easier to evict tenants.

We know that Mr Jaensch was right in the thick of this decision because it came about as a result of a full bench of the Supreme Court decision last July in favour of Mr Gregory Parsons, a 55-year-old disability pensioner who had been living in his Glenorchy flat for 10 years, whom Housing Tasmania sought to evict. Thankfully, because of the hard work and the dedication and commitment to at-risk Tasmanians of the Tenants' Union of Tasmania, the case was found in favour of Mr Parsons.

In Estimates last year, off the back of that full bench of the Supreme Court decision, my excellent colleague and friend, Dr Woodruff, asked Mr Jaensch what the Government's response would be to the full bench of the Supreme Court decision. She said at the back end of the question -

What are you intending to do with those Housing Tasmania tenants who have been evicted into homelessness, who are not provided with reasons for their eviction or an opportunity to have their decision reviewed?

The minister replied -

Housing Tasmania will take time now to consider the various implications of yesterday's court decision.

A little later in the questioning -

I confirm that Housing Tasmania will consider the implications.

A number of times during that exchange at the Estimates table when Dr Woodruff doggedly questioned the minister on behalf of Housing Tasmania tenants, he said he was waiting for Housing Tasmania's advice. This is from the Estimates transcript of 5 June last year where he said in another answer -

We will be considering that matter and how it was dealt with in that case and what its implications are for the future and I will wait for Housing Tasmania's advice.

That was June last year where the minister responsible for the lives and wellbeing of Housing Tasmania tenants said he was awaiting Housing Tasmania's advice on how to respond to the Parsons' matter. That is why we asked him the question: the only reason the Government would make a decision to remove the genuine or just provisions is to make it easier for Housing Tasmania to move on tenants. The decision that Cabinet did make and later reversed on 24 August was a direct response to the Supreme Court decision, which found against Housing Tasmania and therefore against the Tasmanian Government.

This raises quite significant and substantive questions about what advice Housing Tasmania gave to Mr Jaensch in response to the full bench of the Supreme Court decision.

What is certain is that Mr Jaensch knew that a decision had been made to amend the Residential Tenancy Act 1997 to weaken the protections for tenants. Because of this Cabinet

decision that I hold here, that was made on 24 August, we know that the decision to reverse the previous decision to remove the genuine or just provisions was made five months after we went into a pandemic emergency. For five months it was Government policy to make it easier to evict tenants.

I seek the leave of the House to table this Cabinet decision. I have given a copy to the Labor Party. I have given a copy to Ms Ogilvie. We know that the Government has a copy.

**Mr FERGUSON** - Point of order, Madam Deputy Speaker. For the reasons that have been articulated in a letter from the Premier to Ms O'Connor, the Government will not be supporting further distribution of the letter, regardless of the fact that Ms O'Connor has already been circulating it far and wide. Documents brought before the House ordinarily attach privilege which is in special circumstances when a document is not already public. For the reasons that we are not prepared to support any further stunts we will not be agreeing to this particular motion.

**Ms O'CONNOR** - I am not going to divide in the middle of my contribution because that is something the Government would enjoy very much. It says an awful lot about this Government's arrogance, its contempt for transparency, that it will not allow a document which verifies a minister's lie to be tabled.

Yes, we have distributed it, not out of a 'gotcha' moment as the Liberals would have it, and not for some blood lust for a minister's scalp, as Mr Ferguson said this morning. We have distributed it so that Tasmanians understand what this Government would have done to disadvantaged tenants in the middle of a housing and homelessness crisis.

Before the pandemic hit, we were in the middle of some of the harshest times for Tasmanians who were looking for a home. We were 11 500 homes short of what was needed; homelessness on the increase and this Government was going to change the law to make it easier to evict people into homelessness. That is why the Cabinet decision should be on the parliamentary record.

Because Mr Ferguson is running cover for a lying minister I will now read the Cabinet decision into *Hansard*. This a decision that was made on 24 August 2020 under the Minister for Building and Construction, my colleague, Ms Archer.

The title is Residential Tenancy Amendment Bill 2020 and the document says -

Cabinet today deliberated on the matter submitted to it in relation to the Residential Tenancy Amendment Bill 2020 and decided to -

- (1). Agree and approve drafting to finalise the Residential Tenancy Amendment Bill 2020 subject to the following amendments -
  - (a) introduction of provisions to provide for the enforcement of minimum standards by the Residential Tenancy Commissioner;
  - (b) amend provisions introduced due to COVID-19 which allow a tenant or landlord to apply to the Residential Tenancy

Commissioner to break a lease if its continuation would cause severe hardship; and

Here is the kicker for every one of the 13 000 Tasmanians who live in social housing.

- (c) vacate the previous Cabinet decision in regard to the Director of Housing v. Parsons matter and not proceed with the proposed amendment to remove the genuine or just requirement in the context of an order for vacant possession.

The Cabinet decision goes on.

Despite what the minister tells us, that he was not aware of any change that had been made or proposed, he was. It went to Cabinet. We know that this minister was waiting for advice from Housing Tasmania following the Supreme Court decision so we know that he was right in the thick of this decision. He would have been briefed on this decision before it was made. He was part of a conversation with the relevant minister, the Attorney-General, the Minister for Building and Construction. He was part of a whole-of-government decision to weaken tenancy protections.

Yet, when we asked him in this place, 'Can you confirm your response to that judgment in the Parsons case that a decision was made by you and the Government you are part of to change the Residential Tenancy Act to make it easier to evict tenants without genuine or just reason?' the minister in the space of about five metres, between his chair and the lectern, had decided not to tell the truth because he stood up at this lectern and said -

I am not aware of any changes proposed or undertaken regarding making it more difficult. I do not know what decision Ms O'Connor might be referring to.

A lie. A direct and obvious lie. He knew exactly what decision the Greens were referring to. He was part of that decision. If we did not have the Cabinet decision to confirm the lie, that lie would have stood on the public record. The minister thought he would get away with it because did not know we had a Cabinet document.

It is shameful for a minister of the Crown to knowingly lie in this place; a minister who is responsible in policy and portfolio terms for some of our most disadvantaged people.

When I interjected on that question, I said -

Point of order, Madam Speaker this is very important. Relevance. It is not about the pandemic response, it is about a decision made by Government to change the law to make it easier to evict tenants.

Mr Jaensch says -

Madam Speaker, to change the law the Government needs to bring the law to the parliament and argue its case. We have not done that. I do not know what else Ms O'Connor is referring to.

That is a lie. It is a clear and direct lie. Remember at this point he did not know we had the document so he was prepared to double down on a lie, a minister of the Crown. Then when I said -

On the second question your integrity is in question. You have misled the House. How do you explain yourself?

Mr Jaensch said -

Madam Speaker, I thank the member for her question. I would be happy to review the Cabinet record and the decision referred to and take further advice on the matter.

To use a colloquialism, at that point of question time I am quite sure that Mr Jaensch was pooping himself because he knew he had lied and he had been busted by a Cabinet decision. When we sought leave to move a motion of no confidence, in a very brief contribution Mr Jaensch said -

Madam Deputy Speaker, consistent with my previous response in response to the question from the Leader of the Greens my answer was correct.

Lie.

Madam Deputy Speaker, any decision by the Government to change the law would need to be tabled in this place and until it is tabled no final decision has been made.

We are being treated like idiots. Cabinet makes decisions about all range of matters. Some of them relate to legislation. Some of them relate to policy, some will be for appointments. A decision is a decision is a decision. The Cabinet handbook says a decision of Cabinet is government policy. There is no qualifier around that language in the Cabinet handbook. The Cabinet handbook does not say a decision by Cabinet is not a decision until legislation hits the floor of parliament; that is a distortion of the truth. It is Orwellian to try to make us believe that that is the case.

Then in an embarrassing exchange, as the minister tried to run away from the television cameras and the journalists the next day at the Commissioner for Children and Young People's ambassador event in Launceston, we got this from Mr Jaensch -

Cassy asked a question without giving me very much context. I answered to the best of my ability.

Apart from not being honest, if that answer was to the best of Mr Jaensch's ability, he is incompetent to be a minister of the Crown overseeing the lives and wellbeing of children in the out-of-home care system, people living in public and social housing tenancies, and every other vulnerable person who sits within his area of portfolio responsibility.

Then we had a question from the ABC's Edith Bevin on *ABC Mornings* -

Can I ask, why did you tell parliament you were not aware of any changes proposed or undertaken regarding changing the state tenancy laws so people living in rentals could be evicted without genuine or just cause?

Mr Jaensch replied -

Because the Government has made no decision about changing the law and therefore, when Ms O'Connor asked me whether a decision has been made to change the law, the answer is no.

Madam Deputy Speaker, that is a brazen lie. You cannot devolve into past, future and present tenses and a whip around language to try to get away from the fact that you lied to parliament by lying again to a statewide radio audience. How can a minister of the Crown say 'Because the Government has made no decision about changing the law'? The Government did make a decision; it 100 per cent did make a decision before the pandemic and it reversed that decision on 24 August, which means that for five months of the pandemic emergency it was Government policy to change the law to make it easier to evict tenants.

Then the follow-up question was, 'Did you mislead parliament?'. Anyone who is rational and had a look at the debate knows that the answer to that question is yes, but Mr Jaensch said to ABC listeners -

No, I did not mislead the parliament. Cabinet deliberates on complex matters sometimes at great length, going backwards and forwards over them before authorising that amendments or changes to laws be drafted for the purpose of consultation and then approve for tabling in parliament. Now, that process hasn't happened on the matters Ms O'Connor raised and therefore no decision has been made to change the law.

One of the problems with lies, as my mother always told me, is that if you keep lying to back in a lie, you will dig yourself into a very big hole. That is what this minister has done. Once he refused to correct the record on the first lie and once the Premier came in and defended him on that lie, then objectively Government members and the minister felt they had no other choice but to embark on a continued lie to the people of Tasmania.

For someone who loves the Westminster system of parliament very dearly and is a bit old-fashioned about all of us trying to uphold its finest ideals, this is a depressing scenario we are in because we have clear evidence of a minister not being truthful in this place, breaching the parliamentary code of conduct, breaching the ministerial code of conduct and being dishonest to the people of Tasmania. Yet there are no apparent consequences for it. Not only are we apparently in the post-truth era, Madam Deputy Speaker, we are in a post-consequence era where the Government has decided the best course of action is to pretend the lie did not happen, defend the minister and carry on regardless, hoping it will just go away. Well, it will not because there is now a stink that hangs over this minister and will hang over him all the way to the next election.

You pay a price in this job if you are a minister of the Crown and you lie to parliament and so you should. The price you should pay is for you to resign or be sacked. That is what happened to Mr Kons. I have the infamous 'shreddergate' letter here somewhere, where Mr Kons as attorney-general denied that he had made a decision relating to Mr Simon Cooper's

appointment and lied again on the second question. Both of those first questions were asked by my former colleague, Kim Booth. The third question was asked by current Senator Nick McKim and it was on the third question when the shredded and sticky-taped document was produced that it was clear that Steve Kons had knowingly lied to parliament.

Then premier, Paul Lennon, basically said in shorthand - not that I was there or anyone else in this place as far as I know - 'Mate, your position is untenable, you've got to go', and Steve Kons went. That is because Steve Kons had breached the ministerial code of conduct and, as a minister of the Crown in a Westminster parliament, Steve Kons had nowhere else to go and his premier understood that. Even Paul Lennon understood that when a minister lies to parliament, they have to go. They have to resign or be sacked.

We have had no humility from the minister or the Premier on this issue, only lie after lie. The press conference that the Premier was part of on that same day is a masterclass in the distortion of language. It is Orwellian. Because the Government had nowhere to go and the minister had clearly lied, they decided to get into an exercise of past, present and future tense and replace the word 'was' with 'has been'. That is what happened when you have a look at the transcript. Emily Baker from the ABC asked the question about Mr Jaensch - 'Is he lying or incompetent?'. The Greens would argue, *prima facie*, both. The Premier said -

The question was in terms of whether or not the Government made a decision to change the law and no decision has been made by Cabinet to change the law.

A decision was made by Cabinet to change the law and then that decision to change the law was reversed. You have a Premier of this state blatantly misrepresenting the facts and twisting language. Further on he said, 'No decision has been made by the Government to change the law' but yes, it had. He also said, 'Cabinet has not made that decision'. Yes, it most certainly did and then it reversed that decision on 24 August. We know that because the Cabinet decision is here. How can a Premier stand at a press conference and say, 'No decision has been made' when it has been made and then reversed?

Further on, he says, 'We have not made a decision to introduce legislation to parliament', but they did previously. 'No decision has been made by the Government to change the law', he said after Alexandra Humphries asked him a question. Emily Baker comes back with, 'Premier, with respect', trying to get some clarity, and Mr Gutwein says -

I made that clear today and with respect again, I am not going to get into the process of Cabinet deliberations ... other than to say Mr Jaensch was correct and there has been no decision to introduce legislation to change the law.

Further on he said -

At the end of the day, the Government has not made a decision to change the law.

This is shameful. If my children had lied so blatantly to me like this, I would have sent them to their bedroom. The Government did make that decision and then reversed it. Further on he said, 'No decision has been made to introduce that legislation', but then, because the

journalists kept asking the question the language changed subtly, because the Premier knew he was in a corner and he says -

There has been no final decision. If and when there is, we will obviously introduce legislation. We will stand behind that but the Cabinet has not made a decision to do that as yet.

Further on -

In this case, Cabinet has not made a final decision.

So, the emphasis has changed from there being allegedly no decision - and we know there was - to there being no 'final' decision.

Further on -

Cabinet had not considered final legislation on that particular matter.

This is the closest we get in that press conference to the Premier admitting that a decision had been made because towards the end of the exchange with journalists he says -

Cabinet had not considered a final decision on this particular matter, and in terms of this decision -

So, we know there has been a decision now, and the Premier has confirmed it -

In terms of the matter you talked about, Cabinet deliberates about a range of matters but no final decision has been made.

And, he closes with - until a decision is made on the legislation and whether to introduce it or not -

No final decision has been made.

On that day we had a minister lie to parliament three times in the House, and we had a Premier - at best - distort the truth 16 times in 16 different answers to questions at the press conference.

How far we have fallen, when it is apparently acceptable for a minister to be untruthful about a matter that relates to the lives of thousands of Tasmanians. Then we have the Premier backing him and reinforcing that untruth. The next day - the same day Mr Jaensch tried to flee from cameras in Launceston - we had a conga line of Liberal ministers saying they were backing Mr Jaensch to the hilt. The Government dug some trenches and barricaded itself in behind them, sticking together and hoping that the fallout would not hit them. Now - because they did not have the courage to allow a no confidence debate on that last sitting day - for two and a half weeks there has been this miasma of dishonesty hanging over this minister and every Government member who has attached themselves to him. That will not go away, because we are talking about a culture here.



This is the inevitable consequence of a culture that began back when Will Hodgman was Premier, back in 2014 - when spin, propaganda and lies, such as when minister Groom stood at the lectern here and told an outright lie to parliament; where not answering questions in this place, fobbing off questions at the Estimates table and misleading Tasmanians through journalists and press conferences occurred. When that becomes the culture of a government, then a member of that government - a member of Cabinet - understands somewhere inside, that it is okay to lie because you will be protected. It is a cultural issue.

Regrettably, this Premier - who has done an outstanding job of keeping Tasmanians safe and thereby earned significant respect in the community - has not upheld a high standard of integrity for his ministers and, in fact, has dragged himself down into the muck of the minister who lied to parliament.

This is on the Premier more than anything else, because he should have said to Mr Jaensch that day, 'I know we are all part of that decision and I know you were trying to protect us all from being exposed for weakening tenancy protections, but you have to understand that your position is untenable. You have been found out to be lying. Go and sit at the backbench and in a little while maybe you can come back. I have some other interesting projects for you'. That did not happen. We had whole-hearted, unflinching support for a lying minister. Following that terrible day, I had quite an amazing letter from the Premier.

Sometimes, Madam Deputy Speaker, when people are cornered and angry they lash out and they are not completely rational, and they might not think things through. The first sign was the Government not allowing the no confidence debate.

The second obvious sign was the letter I received from the Premier on the Saturday morning - or possibly late on the Friday, as it is dated 25 September. In this extraordinary letter the Premier seeks to blame the Greens for a staff member's suffering, a blameless staff member. Every one of us here who has worked in an office has made a mistake in the past and they are just mistakes. There is no blame to be attached to that staff member, but the Premier tried to make us apologise to the staff member in the minister's office. What arrogance. Had Mr Jaensch told the truth, the Cabinet decision would not have seen the light of day. The Premier tried to put the blame on us, and that is a feature of the conservative mind set. It is always somebody else's fault. It is just the way they operate. It is always somebody else's fault.

Then the Premier tries to accuse us of not upholding the principles of the Code of Conduct for Members of the Parliament of Tasmania. He very selectively quotes that a member must not use official information which is not in the public domain or information obtained in confidence in the course of their official duties or position to the advantage or benefit of themselves or another person.

I will pause there for a moment. We had those Cabinet documents for more than a week. We thought very carefully and talked to each other very thoughtfully about how we would respond to having those documents. As a former Cabinet minister, I was particularly hesitant and cautious. In the end it was the fact that a decision had been made that would expose thousands of Tasmanians on low incomes and living in rental properties to risk - whether in the public or private rental market. We have no confidence in Mr Jaensch. He is a brazen and knowing liar.

**Time expired.**

[12.28 p.m.]

**Mr GUTWEIN** (Bass - Premier) - Madam Deputy Speaker, I absolutely refute that last statement by the Leader of the Greens.

This side of the House has full support in Mr Jaensch. He is an excellent minister. A man of integrity. A man who has done his very best to provide better outcomes for the people that he is responsible for as minister. He has demonstrated across the breadth of his portfolios that he is diligent, hardworking and honest. Importantly, he has shown the best intentions of dealing with the challenges that face the people he has been tasked with as minister. He has our full support.

The Government has decided there are more important matters than spending the next 12 hours on a stunt motion. There are important matters, such as ensuring we deal with our COVID-19 response and the Residential Tenancy Act.

Some of the commentary that went on was extraordinary. We have allowed this debate to run until 4 p.m. Under the previous government, the point needs to be made - and by 'previous government' I am speaking about 2010 to 2014 - that there was a total of 14 no confidence or censure motions moved, and both Mr O'Byrne and Ms O'Connor were members of that government. There were six out of 14 that were allowed, there were six that were provided with a limited debate time, which is exactly what they were arguing against, and there were two that they rejected completely.

We have a pandemic to manage, we have legislation before this House, we have work that we need to get on with, yet anybody reading that debate would think we were committing some form of heinous crime in attempting to limit this debate to 4 o'clock this afternoon, which is plenty of time for the points to be made that both sides of the House want to make, and yet they completely disregarded their own actions when they were in government. Hypocrisy knows no bounds.

I will go to the nub of the Leader of the Greens' arguments before I begin my substantive contribution. From *Hansard*, the question was whether a decision was made to change the law. That is what Ms O'Connor said. Cabinet had made no decision to introduce legislation into this place and, until it does, no decision is made to change any law. I could hear an interjection from Mr O'Byrne over there, but he knows that that is correct.

**Ms O'CONNOR** - The decision was made not to proceed with the proposed amendments. Point of order, Madam Deputy Speaker. I am really concerned that the Premier is wilfully misleading the House here, because the Cabinet document says 'Not proceed with the proposed amendments' -

**Madam DEPUTY SPEAKER** - That is not a point of order, Ms O'Connor.

**Ms O'CONNOR** - Let me finish, Madam Deputy Speaker.

**Madam DEPUTY SPEAKER** - What standing order are you -

**Ms O'CONNOR** - Standing Order 45, relevance. The Premier has misled the House. A decision was made and he is trying to pretend it was not made.

**Madam DEPUTY SPEAKER** - Thank you, Ms O'Connor; the Premier will resume.

**Mr GUTWEIN** - Madam Deputy Speaker, I was quoting directly from the Leader of the Greens when I said the question was whether a decision was made to change the law and, as I have said, until Cabinet makes a decision to introduce legislation in this place, no final decision has been made in terms of changing the law.

Roger Jaensch, in his role as Minister for Housing and Minister for Human Services, has made a significant contribution to the people of Tasmania. He represents his portfolios with compassion and integrity. Anyone who has dealt with Mr Jaensch knows that he is a person of great empathy. I will put on the record today that he is without question one of the hardest working and most genuinely decent people in this place. I will also put on the record that Mr Jaensch is achieving great things for Tasmanians and this petty politicking from the Opposition will not detract from that.

In terms of the substantive debate that is before this place, I am not going to be discussing confidential Cabinet deliberations. I have made that very clear. As I have said, in respect of changes to the law, which was the question that was asked, there is no change to the law unless there is a final decision by Cabinet to introduce legislation into this place, and no decision was made to do that.

**Ms O'Connor** - It is called a 'proposed amendment'. The decision says, 'proposed amendment'.

**Mr GUTWEIN** - Madam Deputy Speaker, it was the same process under the previous Labor-Greens government and the member who did his very best to overshadow his leader when he made his contribution, knowing full well that he might grab a couple of seconds on the television tonight, said the same back in 2013 in terms of a similar question. David O'Byrne said -

This matter is before Cabinet. I am not going to speculate on the decision. Once Cabinet makes their decision the legislation will be tabled in the House and members will have an opportunity to debate that when it comes to the House.

**Mr O'Byrne** - Yes, 'the decision'. I cannot believe this.

**Madam DEPUTY SPEAKER** - Order, Mr O'Byrne, you can have your turn to make your contribution later. The Premier was respectful during the previous contribution. I ask that he be shown the same respect.

**Mr GUTWEIN** - I am not engaging him in the debate; I am pointing out what a hypocrite he is. Let me read that again -

This matter is before Cabinet. I am not going to speculate on the decision. Once Cabinet makes their decision the legislation will be tabled in the House.

That is the point.

One of the points I want to go to is that in relation to any final decision on legislation, draft legislation would be released for public consultation and amending legislation would be brought to the parliament. That has not occurred. To be very clear, that has not happened and it will not happen. Furthermore, the minister answered the question factually, the only way he could.

I will touch on the letter I sent to Ms O'Connor in good faith. You can sit there and have a wry smile on your face. We have worked closely together over the last six to seven months -

**Ms O'Connor** - That is why this is so disappointing.

**Mr GUTWEIN** - What is so disappointing is that you wrestled for eight days with the fact that you had Cabinet documents that clearly pointed out that the Government had not made a decision to change the law in terms of making it worse for public housing tenants. Quite the contrary. What you decided to do in a very devious way was try for a 'gotcha' moment. Perhaps thinking back, you have spent a lot of time today talking about the glory days when you had Mr McKim and Mr Booth in here, going through the processes of unpicking ministers but, in this case, I thought you would have acted more responsibly. I really did and it disappointed me.

In relation to the letter that I sent, there are some in this place who went out and said, 'Imagine emailing Cabinet papers around'. We had to change and pivot because of COVID-19 and a departmental liaison officer in the minister's office made a mistake and felt terrible for it. What you could have done with those documents, knowing full well that the public housing tenants you have attempted to make a case for, and drive fear and loathing into, with respect to this Government in your contribution over the last couple of weeks, knowing that for public housing tenants there was going to be no change, the Leader of the Greens understood that but she still went for the 'gotcha' moment.

**Ms O'Connor** - It was not a 'gotcha'. What would you have done if you had received a Cabinet document that impacted on your stakeholders?

**Madam DEPUTY SPEAKER** - Order.

**Mr GUTWEIN** - I could not help but think about the frog and the scorpion story. I am sure the Leader of the Greens has heard that story.

**Ms O'Connor** - Yes, I was wondering which one you think you are.

**Mr GUTWEIN** - The frog and the scorpion are having a discussion about how to get across the swollen river and the scorpion says to the frog, 'Would you carry me across, you can trust me, I'm not going to sting you. There's no way in the world that I'm going to sting you and cause harm to both of us'. What happens in that story is that the frog allows the scorpion to climb on its back and they get halfway across the swollen river and the scorpion stings the frog. As they are sinking beneath the torrent the frog says to the scorpion, 'Why did you do that?' and the scorpion said, 'I couldn't help it, it's in my nature'.

What we have seen is the Leader of the Greens return to type, even though she knows, and the member that sits behind her knows, that we are in the most challenging period of this

pandemic, but you return to type. It is unfortunate, yet, as per that story, it is in your nature and that is what we should expect.

Mr Jaensch has demonstrated over time he is a minister prepared to work hard in his portfolio. He has negotiated and got an outcome on the public housing debt, which we argued for for a long period of time in opposition. After 16 years in government, Labor and then Labor and the Greens could not bring it about. Even when they had coalition partners in the federal parliament they could not bring it about. Mr Jaensch delivered that and that will build more houses. As the minister he did a fantastic job in that area.

I want to touch on his Environment portfolio for a moment. We have one of the most genuine, middle-of-the-road Environment ministers who really cares about the environment looking after that portfolio, and you still find fault. It is extraordinary. He has worked night and day to get better outcomes in that portfolio, the infrastructure investment that will support and underpin the level of visitation that those parks have seen. People from around the world have realised they are such a fantastic asset. He has worked night and day to ensure that we invest in those parks, that we protect what is so very special about them and, importantly, we also provide better access for Tasmanians and visitors from both this country and across the world. He should be thanked for that.

They drew that into the debate and drew in the Brahminy situation. As minister, he has taken the necessary steps. His departmental people were up there in September. His secretary - the guardian for those young adults - was directly engaged on Friday of last week with them. There are people on the ground at the moment. There is a review under way and we will be guided by the outcome of that review. It would have been easy under the circumstances for him to take a knee-jerk reaction and deal with the politics. What he wanted to do - and I support him in this - is ensure that the best interests of those children were front and centre in his thinking. That is what he has done.

Difficult as it is, knowing that we would get questions today on that matter, and there have been questions raised publicly over recent times, he has stood firm and done what is in the best interests of those kids. While politically difficult, he has looked at this through the prism of the best interests of those kids. That is what is important. Roger has approached the Community Services portfolio with a view to ensuring that he can make a real difference to people's lives.

He has applied himself in the most serious and diligent way to this duty and his record speaks for itself. Under Mr Jaensch's leadership, the Government is investing almost \$200 million across both the affordable housing action plans which will ultimately provide 2400 new affordable lots and homes and is set to assist some 3600 Tasmanian households. I know, Madam Deputy Speaker, that you have a real interest in this.

The Government is also investing in further actions to address homelessness, which includes expanding the capacity of existing crisis shelters using prefabricated dwellings and more funding to secure cabins, hotel and motel rooms for emergency brokerage accommodation. One of the notable steps he has taken in his portfolio was the installation of 18 new one-bedroom pods at Bethlehem House, 10 new two-bedroom units at the Hobart Women's Shelter, and leases on seven additional family dwellings also to be managed by the Hobart Women's Shelter. He has worked hard, he has worked diligently, and he is getting outcomes.

Under this Government and the hard work of Mr Jaensch, in September last year we entered an agreement with the Australian Government to waive the historical housing-related debt. On the other side of the House I see heads shaking, but I make the point that in 16 years you had the chance to get an outcome and never delivered -

**Opposition members** interjecting.

**Madam DEPUTY SPEAKER** - Order, the Opposition will be able to make their contribution very soon, in fact next. I ask that the Premier be heard in silence.

**Mr GUTWEIN** - The debt waiver savings as a result of that of around \$58 million over the next four years will be allocated towards additional social housing and increasing targets for the rapid rehousing and private rental incentives programs. It will assist in helping a further 400 households into suitable accommodation, including through the delivery of an additional 300 new social housing properties.

This minister is delivering. This minister is a man of integrity. This minister is a hard-working minister. Furthermore, Mr Jaensch worked hard directly with me and other Cabinet members to introduce the social and economic support package which included a number of initiatives to support Tasmanians with their housing needs in one of the most difficult periods for our community. Over \$1.13 million to assist Housing Connect's capacity to provide statewide brokerage emergency accommodation, including increased mental health and wrap around support services. There was \$2.6 million to expand the Safe Night Space pilot to provide a safe place and 24/7 wraparound support for Tasmanians sleeping rough in Hobart, Launceston and Burnie. There was \$500 000 to support unaccompanied Tasmanians under 16 years and at risk of homelessness, and \$100 million to deliver up to an additional 1000 new social houses in partnership with community housing providers. That investment will change the face of Tasmania. Mr Jaensch is the minister overseeing it. He has been fighting hard to ensure that those funds could be directed through his portfolio to meet the needs of the people that desperately need support.

In other supports, the Government committed to not increasing rent for social housing tenants and not count Australian Government emergency payments as income for the purposes of calculating rent contributions, leaving more money in the hands of low-income households and local economies at a cost of around \$6.7 million.

Under Mr Jaensch's leadership we have increased funding to the Private Rental Incentives Program. We brought forward funding of \$14 million and new funding of \$10 million to deliver 220 social housing dwellings by 2022, 18 months earlier than planned. We broadened the eligibility requirements for the HomeShare program, with a \$9.3 million commitment to reduce the initial cost of buying a house. It was something Mr Jaensch was very passionate about.

We continue to invest record amounts to deliver social housing and affordable housing for Tasmanians who need it most under this minister. In addition, with Mr Jaensch's full support, the Government has delivered a model for extending care for young people in out of home care with an extension to age 21, providing step-down support for young people in family-based care as they transition to independent living.

Under the minister's leadership, the Government has introduced the advice and referral line. As a result, families are receiving the support they need early, before they come into contact with the statutory child safety system.

The Under-16 Homelessness Taskforce has also been implemented, and the foster and kinship carer helpline has been launched. Twenty-five additional child safety officers and other frontline staff have been recruited, to assist the Strong Family, Safe Kids redesign and the successful trial and ongoing delivery of intensive family engagement services. These services are designed to ensure we can deliver intensive support to families on the brink of entering the statutory service system, enabling children to safely remain in the family home.

Under minister Jaensch's watch, a significant investment in additional staffing resources has occurred to help restructure the Child Safety Service into a more contemporary service. There are also achievements in the minister's other portfolios, such as the ongoing work to finalise Tasmania's Waste Action Plan and initiatives to achieve our target of having the lowest instance of litter in the country by 2023.

Driven by minister Jaensch, this Government has developed and proclaimed the Housing Land Supply Act 2019, which will deliver approximately 700 lots for new residential development at Rokeby, Devonport, West Moonah, Newnham and most recently Huntingfield.

Under minister Jaensch's key areas we have had the major projects bill pass through both Houses of parliament with only minor amendments, and have supported and funded councils to prepare their local provision schedules to implement the Tasmanian planning scheme.

Under the leadership of minister Jaensch, the elder abuse prevention program is a model of excellence helping to support those who are vulnerable in our community. I know you have also done significant work over the years in this area.

Additionally, in the minister's portfolio the Tasmanian Government is continuing to deliver on our commitment to reset the relationship with Tasmanian Aboriginal communities. In July this year, Tasmania became a proud signatory to the new national agreement on Closing the Gap. The historic agreement ensures the equal participation and shared decision making by Aboriginal and Torres Strait Islander people and Australian governments, on the closing the gap priorities. The agreement builds on the Tasmanian government's important work in recent years, in the journey of reconciliation and resetting the relationship with Tasmanian Aboriginal communities. The minister is now working closely with all Tasmanian Aboriginal communities to develop the Tasmanian Government's implementation plan. I have met with a range of communities and they trust minister Jaensch. He will continue that very good work.

This is important and substantial work. It is important we get it right and the minister is doing a very good job. He is the right person for that job and has the full confidence of the Government to deliver this whole of Government implementation plan. Minister Jaensch's strong track record speaks for itself.

I will now touch on some of the comments I made in parliament this morning, about how disappointing it is that this place has so very quickly returned to the way that it was pre-COVID-19.

**Opposition members interjecting.**

**Madam DEPUTY SPEAKER** - Order.

**Mr GUTWEIN** - If we had a culture in this place where members on the other side did not try for 'gotcha' moments -

**Opposition members** interjecting.

**Madam DEPUTY SPEAKER** - Order.

**Mr GUTWEIN** - We have already been back to look at your 2013 statements to know.

**Opposition members** interjecting.

**Madam DEPUTY SPEAKER** - Order, the Premier has only four minutes remaining. I ask that the members show respect and allow him to make his contribution in silence please.

**Mr GUTWEIN** - Goodwill was built up as we worked together to save people's lives - and then what you have done? You have indicated yourself that you wrestled with it, but you thought at the end of the day that a 'gotcha' moment and politicking were more important than the solid relationship we built up trying to save people's lives.

At the same time you received Cabinet papers, not because of a leak from a disgruntled public servant or somebody who was overly concerned about the Government's actions; not something that fell off the back of a truck because somebody wanted to damage the Government or felt that we were going down the wrong policy path; but because of a simple mistake with an email. Blind Freddy would have been able to see that the email received by the Greens was not intended for them. They should have done the right thing, but they did not.

**Ms O'Connor** - What would you have done? We did the right thing by tenants.

**Mr GUTWEIN** - I would have done the right thing. COVID-19 has changed everything, as you know. You had a chance, as did those on that side of the parliament, to lift the standard, to move away from the politics of old - but no, you came looking for 'gotcha' moments. I find it extraordinary that the Leader of the Greens would have stooped so low.

Mr Jaensch is a man of integrity. He has the support of the Government and the full support of this side of the House. However, I make the point to demonstrate again the politics that have been played. We suspended the House when the situation was really difficult, and I stood in this place said we would exercise the powers that had been given and we would do so responsibly. I believe I have demonstrated that is the case.

We all agreed, but then very quickly politics emerged and there were calls for the House to be brought back, for inquiries and committees to be established. We needed to look like New Zealand. It was important that they could scrutinise the Government. The Leader of the Opposition, Ms White, was loudly banging this drum.

Parliament resumed in August - when there was significant public discourse and calls for the parliament to be returned so that the Government's COVID-19 response could be scrutinised. Interestingly, in the month of September, during two-weeks sitting, I was asked just six questions on COVID-19. Fifty-four questions were possible in the two-weeks sitting and only six were related to COVID-19. I believe that demonstrates you had some level of



confidence of the Government's handling of COVID-19, and also that you resorted to politics, as you have done today.

**Time expired.**

[12.58 p.m.]

**Ms WHITE** (Lyons - Leader of the Opposition) - Madam Deputy Speaker, we support the motion. We do not have confidence in the minister, Mr Jaensch. One thing COVID-19 has not changed, Premier, is our obligation to uphold the Ministerial Code of Conduct and to act with integrity and honesty at all times. The Premier, in his rather feeble defence of the minister, said -

Until Cabinet makes a decision to change the law, no decision has been made.

That was the argument the Premier made in trying to defend the minister. However, he overlooks what the minister said in this House in response to the question from the Leader of the Greens -

I am not aware of any changes proposed or undertaken.

The minister did not say - 'No decision has been made'. He said that he was unaware of any changes 'proposed or undertaken'.

He lied. It is black and white. It is blatantly obvious. It is shocking to me that instead of correcting the record at the earliest opportunity we are here having this debate. This could have been very easily dealt with at the time, because he said that he was unaware of any changes 'proposed or undertaken'.

He did not say that 'no decision had been made', and that ignores the fact that the Cabinet minute is titled 'decision'. Clearly a decision was taken by Cabinet, and then a second decision was taken by Cabinet. The minister lied.

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

## **SUSPENSION OF STANDING ORDERS**

### **Want of Confidence in the Minister for Housing – Motion Negatived**

**Resumed from above.**

**Ms WHITE** (Lyons - Leader of the Opposition) - Madam Speaker, before the lunch break, I was making the point, in response to the Premier stating that COVID-19 has changed everything and this should be our focus, that the one thing COVID-19 has not changed is our obligation to uphold the parliamentary Code of Conduct and for ministers to uphold the ministerial Code of Conduct.

We were talking about the reason that we are in this place having this debate about this motion, which is one of confidence in the Minister for Human Services, Roger Jaensch. The Cabinet handbook says that the decisions of Cabinet are government policy. It does not say it

has to come to the parliament for it to be a law. It does not say that there is some other protocol that needs to be met. It says the decisions of Cabinet are government policy.

The minister was asked a very straightforward question by the member for Clark, the Leader of the Greens and it is his answer that has got him into hot water. That was -

I am not aware of any changes proposed or undertaken.

He did not say that no decision has been made, which is what the Premier's defence is relying upon. The Premier's defence is relying upon his argument that no decision has been made because no laws have been changed or no bills have been tabled in this parliament. It ignores the answer from his minister, which was -

I am not aware of any changes proposed or undertaken.

The minister did lie to this House when he provided that answer. If he was unable to understand the question that was asked, or if he misheard the question, he had every opportunity to come back into this place and correct the record. He chose not to do that. In fact, what he has done is repeatedly doubled down on that lie and claimed that no decision was ever taken because no laws were ever changed.

That defies logic. It is not a reasonable defence. It ignores his responsibility, both to this House and to the people of Tasmania, but also his responsibility to uphold the ministerial Code of Conduct, which relies on him being an honest person and telling the truth at all times. If he has misled he needs to correct the record at the earliest opportunity.

The Premier shared a bit of a fable, an old tale about a frog and a scorpion. Another one that might be a bit more pertinent is about a spider - what a tangled web we weave when first we practise to deceive. That would be more fitting in these circumstances rather than your frog and scorpion fable. The problem with this minister's response in this parliament, which was a lie, is that he has entangled all of you in that messy lie. All of you on the Government benches have now been embroiled in a very deceitful practice. I still cannot comprehend why the minister was not able to provide a truthful answer when asked the question.

If he was not able to provide full facts and information at the time, why he did not come back into this place and provide an addition to his earlier answer, which is standard practice in this place. We have seen it exerted again today. When the minister was asked a question, he promised to provide further information to the House when he had it available.

The situation before us is straightforward. The Government makes decisions every day and it does not require the law to be changed for those decisions to be given effect. We have seen that most prominently throughout this period where COVID-19 has impacted our state.

**Mr Jaensch** - This is about a decision to change the law. You are twisting this.

**Ms O'Connor** - It was about a decision not to proceed with the proposed amendment which would have changed the law.

**Ms WHITE** - Minister, even with that interjection, you ignore the way that you answered the question when it was asked of you, which was that you were 'not aware of any changes

proposed or undertaken'. That is a lie. The leaked Cabinet decision, which is titled 'decision', says quite clearly that 'Cabinet will vacate the previous Cabinet decision'.

You took two decisions. It was proposed. The fact it was not passed into law does not mean that you did not make a decision, that you were not considering giving effect to a change in law that would have made it easier for you to evict tenants across Tasmania, particularly those in public housing and social housing in the portfolio area that is your responsibility.

I have written to the Premier asking for him to undertake an independent investigation into the breach of the ministerial Code of Conduct. I have done this because it is clear there has been a breach. If the Premier thinks that the ministerial Code of Conduct is worth the paper it is written on, he will uphold it. He will hold his ministers accountable to particular standards and when they have breached them there will be consequences for that. Right now, there are no consequences for a minister of the Gutwein Liberal Government if they lie to parliament.

I wrote to the Premier about this matter and I asked for him to ask that there be an independent investigation. I did that because there is precedence for this. When Adam Brooks lied to the parliament three times, the premier, Will Hodgman, commissioned an independent investigation into the breach of the ministerial code. That set a precedent.

There was a particular standard under former premier Will Hodgman that if somebody breached the ministerial Code of Conduct at least there would be an investigation to understand the details of that alleged breach. That was undertaken by the Secretary of the Department of Premier and Cabinet. With the Gutwein Liberal Government we have a complete disregard for process, a complete disregard for the ministerial Code of Conduct, and a complete disregard for precedent that has been set by his predecessor, Will Hodgman.

While the minister is watching YouTube videos on that side of the House, we are dealing with a very serious matter where we are talking about want of confidence in a minister.

**Members** interjecting.

**Ms WHITE** - I am bitter from you. You will not even be coming back into this place, mate. The minister has breached the ministerial Code of Conduct. He has lied to this House.

Peter Gutwein, the Premier of this state, has failed to require that the minister uphold the ministerial Code of Conduct. I do not know why the Premier has not found time to respond to our sincere inquiry asking why he is not going to undertake an independent investigation, or ask for one to be undertaken, into the breach of the ministerial Code of Conduct.

A precedent was set that would help to clear up this mess, which has been dragging on for a matter of weeks because you gagged debate on this when we were last in session. It was good enough for Will Hodgman, it was good enough for Adam Brooks; it should be good enough for you, Premier, and it should be good enough for Mr Jaensch to be held to the same standards, as soppy as they may have been at that time. What we know in this place is that Adam Brooks lied to the parliament and he ultimately resigned, which is what this minister should do as well.

The Premier's defence of Mr Jaensch was pretty feeble. For a half-hour contribution, half of that time was spent going through a shopping list of different items in his portfolio areas,

some of which are important announcements in portfolio areas. As we all see from daily updates across the data that is provided through his own department, delivering on those announcements is also a point of weakness for this minister.

He is responsible for some of the most vulnerable people in our community, people who are in social housing, children in out-of-home care, family violence, as well as some important economic areas like planning. None of these areas have been appropriately progressed to meet the promises that the Government made when it took office. There is always much fanfare around announcements, which was the shopping list the Premier spent about 15 minutes going through in his attempts to defend his minister. The delivery has not matched the rhetoric.

Mr Deputy Speaker, why does this matter? This also goes to whether we have confidence in this minister, because he has not been able to competently execute his duties and roles as a minister of the Crown for Human Services, Planning and Housing, and the Environment - areas which are very important for our state. We have a situation right now where there are six Tasmanian children who are still in the Northern Territory despite serious allegations being made about the Brahminy program and the identity of Allan Brahminy, as he calls himself. Serious concerns have been raised about the care of those children who the state Government has a duty to make sure are safe and well, and well cared for.

Mr Jaensch is the responsible minister - and this is not a story that has come recently. We have been raising concerns about the Brahminy program for a number of years, going back to 2016. It was shocking to hear the recent allegations in the media about the Brahminy program. At that time the minister said he was unaware of those allegations until they were aired in the media. Yet we know that in February, his own department launched an investigation into care concerns that had been raised with him about the welfare of a child who was still in that program.

Another question the House has not yet resolved is whether the minister misled the public when he responded to a question about the allegations of care concerns regarding those children in the Brahminy program, and whether there was an ongoing concern. That child is still in the program. It is not complaints made by previous participants of the program, as the minister responded. It is also about children who are still in that program; six Tasmanian children who should be brought home. In any other circumstance where there was a provider of care for any young person, if there was a serious allegation made about the welfare of those children, those children would be removed from that program, or that person stood down while investigation took place.

You do not leave vulnerable children in the care of someone who could potentially be abusing their trust and the responsibility they have as the adult in that relationship, while you do a review. We have seen that most recently when allegations were raised about a teacher in the education system in Tasmania. The minister for Education stood that teacher down while the investigation took place - which is the only right and proper action to have taken.

The question is, why are those six children being treated differently, when serious allegations have been made about their care arrangements, in a program costing the Tasmanian Government \$5000 a week per child. Why have those children not been brought home while the review takes place? If those allegations are found to be truthful, minister, you will have left those children in that situation for the last few weeks when they could have been brought home once you started that investigation.

Mr Deputy Speaker, none of us want that. There is an opportunity for the Premier to act here, to intervene to bring those children home and make sure they are reunited with their families and their communities. Mr Jaensch continues to back the Brahminy program, and we have serious concerns about the truthfulness of some of his responses to questions, particularly when he says the complaints were made by past participants of the program. We know one of them was made by somebody who is still there and that his own department in February this year launched an investigation. This is another example of our concerns about this minister's ability to do his job, particularly when it comes to the welfare of vulnerable children and young people in Tasmania.

Then there are the multiple occasions when this minister has not told the truth about what is happening in his Housing portfolio - another area of his responsibility that touches the lives of thousands of Tasmanians. It is critically important that we build more social housing. It is woefully inadequate when only five houses out of a promised 80 are built in one year from the waiver of the Commonwealth housing debt. This information was reported in your own housing update, so this is information provided by your own department. You might shake your head, but this is published data provided by your own department, very clearly showing just five homes were built out of a promised 80.

The Government might come in here and say, 'We waived the housing debt; we are better than you', but in the 16 years that Labor was in government our commitment to housing and building affordable housing was unwavering. We built many more houses and substantially reduced the waiting list, particularly in our last four years in government. Now look at how the waiting list for public housing has blown out - nearly 3600 Tasmanians waiting. That is not just individuals. That is households waiting for affordable housing. Priority applicants are waiting a year to be housed. The waiting list has blown out by nearly 50 per cent since you took office. These are appalling statistics, but even worse, they are people's lives and livelihoods. This is your responsibility, minister, and when you come into this place and say that your Government has built 400 houses each year, that is also a lie.

In the last session of parliament, you said your Government had built 400 homes each year. That is a lie, and you cannot repeat the lie to make it seem you are telling the truth. Your Government has a habit of saying something over and over again, shouting people down until it gets into people's heads and they think that must be the truth, but it is just rhetoric. You lie so many times that people think that it must be true but it is just rhetoric. Hollow words - like all the announcements this Government continues to make. They sound good - whether it be infrastructure projects, reforms, or commitments to build social housing, but the delivery does not even go near to matching the rhetoric.

We have seen a litany of failures across elements of Mr Jaensch's portfolio, one after the other. Planning reform - stalled. The promise of a state-wide planning scheme to make it simpler, faster, cheaper, or whatever other rhetoric you choose to wheel out - it has not happened. These are the responsibilities of this minister, and the Premier comes in here and has the gall to say that the minister is doing a good job.

On any indicator, looking at any of his portfolio responsibilities, it is quite clear that he is failing. Our biggest concern about those failings is the impact on vulnerable Tasmanians, but more pertinent than all of that is the statement that he made to this House last session that was not truthful. The fact is that he got up in this place and he lied, and the Premier has failed

to hold him accountable. The Premier, by his own words in a press release on 10 November 2009, said -

In the Westminster system of government there is no more serious charge than that of misleading parliament.

They were the standards the Premier, Peter Gutwein, used to have. He used to talk about those standards when it was somebody else's responsibility to hold a minister accountable and make sure they do not breach the ministerial code of conduct - or if they did, that they would be held accountable. However, when the Premier, Peter Gutwein, is in charge, when he is the responsible person, the ministerial code of conduct is not worth the paper it is written on. His own minister can come into this House and tell a bald-faced lie and get away with it. They not only get away with it - they can repeat that lie and have the Premier support them to repeat that lie.

This is the culture of the Liberal Government. The Premier comes in here and says, 'What a shame we have a culture in the parliament that we might call out the behaviour of a minister who lies', and that it is some kind of 'gotcha' moment. It never would have been the case if the minister had not lied in the first place.

I have no doubt that the Leader of the Greens deliberated for quite a while about whether to use that Cabinet minute that was inadvertently leaked to her through no fault of the staff member. I never heard Ms O'Connor allege there was any fault or any blame there. I have no doubt that she thought very carefully about how she might use that information, but at the end of the day it was a very straightforward, down-the-line question that was asked. It was not a trap. It was not set up as a 'gotcha' moment. It was a straightforward, down-the-line question asking the minister to confirm or deny whether his Government, whether he as the minister, had considered changing the law to make it easier to evict tenants.

Where is the trap in that? That is a question you could ask a minister any day of the week. Ms O'Connor asked it on that day because it was important to ask, not just because she had the Cabinet minute but because Tasmanians deserve to know if the minister or the Government was planning to change the tenancy laws to make it easier to evict people without just cause or genuine reason.

The minister had a choice when he got to his feet and came to the lectern to give his answer. He could have chosen to tell the truth - which he did not - to say, 'After the Supreme Court decision that was made into Mr Geoffrey Parsons, we looked at what our response would be as a government. We considered how we might change the law but we decided not to.' He would not have been breaching any cabinet-in-confidence in doing that. He would not even have had to refer to any Cabinet decisions because it is a matter of fact and on the public record that when that decision was made by the court last year, there was much public discussion about it. Everybody was aware of the significance of that decision and the Government stated on the record at that time that they were taking time to consider what they might do and how they might react.

It was entirely appropriate for Ms O'Connor to ask a question following that decision by the court and the public comments that had been made by the Government at that time to ask whether they had had enough time to consider that decision and what their action might be. The problem for the minister in his answer is that he said he was not aware of any changes

proposed or undertaken - not even proposed, and that is where he lied. That is the lie, and the problem for the minister is that he did not correct the record. This matter could have been dealt with on that Thursday in quite a straightforward manner but he chose instead to repeat the lie.

I am staggered that we are having this debate after two and a half weeks because the minister failed to do the simplest of things. That also goes to his integrity as to what kind of person he is and what kind of minister Premier Peter Gutwein is willing to have in his Cabinet. This is a question of integrity, it is a question of culture, and it is a question of good ethics, as much as it is a question of whether there had been a breach of the ministerial code of conduct, a breach of the parliamentary code of conduct and a breach of the Standing Orders of the House of Assembly that very clearly say a member must only make statements in parliament and public that are, to the best of their knowledge, accurate and honest. A member must not mislead parliament or the public in statements they may make. Whether any misleading was intentional or unintentional, a member is obliged to correct the parliamentary record or the public record at the earliest opportunity, in a manner that is appropriate to the circumstances.

Mr Deputy Speaker, the minister has breached the ministerial code of conduct, he has breached the parliamentary code of conduct and he has breached the Standing Orders of this House. He has to be held accountable for that.

This motion of no confidence is a most serious motion. The minister really has no choice but to resign or for the Premier to sack him, because we will not be able to believe anything he says ever again.

On another point, the Premier indicated that this was another stunt, ignoring the words that he used to subscribe to in that in the Westminster system of government there is no more serious charge than that of misleading the parliament. We have already agreed to sit late today. We are happy to sit as late as necessary to make sure we deal with all the items on the blue because there is no more important debate to be had than this one.

This is the most important matter before the House. It has been hanging over the head of the Government for the last two and a half weeks and every member in this place should be able to put their views on the record. Every minister, every backbencher, every Independent member, every Labor member and every Greens member should be able to contribute to this debate. The fact that this has been guillotined and will end at 4 o'clock denies that opportunity to members and there will only be about one hour left for all other members to make a contribution.

I want to hear from the minister and hear him defend and explain himself. I want to hear his contribution on this matter because his response to the seeking of leave when we last had the debate was very short. It did not say an awful lot; in fact it says more about him than you probably expected at the time. What we had anticipated is that he would take the time to come back and update the House at a later hour but instead he doubled down on his lie. He was given ample opportunity at that time by the Leader of the House to take the time needed to consider his answer and come back to the House and correct or update the record. Instead, he doubled down on the lie.

In our opinion this is a very black-and-white issue. There is a clear, leaked Cabinet minute that says that there is a decision with a decision at the top. There is a clear record of the question that was asked of the minister and the response he gave which was that he was not

aware of any changes proposed. That is a lie. He did not take the opportunity to correct the record, either in his second answer given to a question that followed that one asked by the Leader of the Greens on the seeking of leave and the debate that transpired after that event, or at a later hour in the House and, in fact, he doubled down on it.

We do not have confidence in this minister to undertake his responsibilities as a minister of this state, not only because he is failing to adequately do what is required of him in his portfolio, whether it be Housing, Human Services, Planning or Environment, but fundamentally because he lied to this House and there have to be consequences for that. There have to be consequences for lying to the parliament and to the people of Tasmania.

Mr Deputy Speaker, we support the no confidence motion in minister Jaensch and I look forward to him providing an explanation of how he can defend his decisions.

**Time expired.**

[2.58 p.m.]

**Mr JAENSCH** (Braddon - Minister for Housing) - Mr Deputy Speaker, I did not and would not ever mislead this parliament. Ms O'Connor would have the Tasmanian people believe that the Government can make changes to our laws without telling anyone and that she has somehow caught this Government in the act of doing just that. I can assure the Tasmanian people that nothing could be further from the truth. This parliament changes laws, not the Government. The Government can only propose changes to the parliament to change the laws. Until Cabinet makes a decision to introduce legislation into this place, no decision has been made to change the law. Until the parliament changes a law, no change has been made.

When Ms O'Connor asked me if a decision had been made to change the law and it had not, the answer was 'no'. I stand by my previous statement to this House.

Any decision by government to change the law would need to be tabled in this place and until it is tabled no final decision has been made. Any government legislation would go through the normal process of public consultation.

I will not break Cabinet confidentiality. I will not provide a running commentary on Cabinet deliberations. The process is quite clear. In this case the amendments have not been finalised. Mr Deputy Speaker, I have not misled the House.

Ms O'Connor, through sheer dumb luck, came into possession of confidential Cabinet documents not intended for her and, by her own admission, spent a whole week working out how she could use them to cause political damage to the Government.

**Ms O'Connor** - No, that's not true. Don't lie again.

**Mr JAENSCH** - She chose me, my character and my reputation as her target and she set a trap -

**Ms O'Connor** - No, Housing Tasmania v Parsons.

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



**Mr JAENSCH** - not because of anything that had actually happened, not because of anything that the Cabinet or I as minister had done wrong, but just because she saw an opportunity to do so for political gain. That is what makes this a stunt. I did not mislead the parliament.

Ms O'Connor says that she has lost confidence in me through this episode. I have lost respect for her through this process, not for pulling a stunt, because that is what wily politicians could be expected to do, but for the ugly character assassination that it came wrapped in. I thought about this last week during Mental Health Week. I thought about it when I attended a youth ambassadors forum the Friday before where Ms O'Connor was talking to a roomful of young Tasmanians about anxiety, mental health, being safe and bullying. I wonder what they would have made of the language she had used the day before and since then in the pursuit of this issue.

**Dr Woodruff** - It sits on your conscience. It eats away at your conscience.

**Mr DEPUTY SPEAKER** - Order, Dr Woodruff.

**Mr JAENSCH** - I can deal with that but if I had been a person more vulnerable to what other people have to say and how people's reputations and their character can be brought into question and attacked in public, that is the sort of thing that could have been more damaging for somebody else. I take this opportunity to encourage Ms O'Connor and the parliament to consider the way we conduct ourselves around issues like this.

I am quite happy for there to be a debate on the substantive motion here and for us to have the opportunity to put our opinions on the table, but -

**Ms O'Connor** - I remember when your colleagues got up one day, one after the other, asking questions about suicide. No low you wouldn't stoop to.

**Mr JAENSCH** - I seriously suggest that the parliament takes this opportunity to take note -

**Mr SHELTON** - Point of order, Mr Deputy Speaker. Ms O'Connor is constantly interjecting. She has tried to have a conversation constantly and I am trying to listen to the minister's explanation. I ask if you could make sure she does not interject any more.

**Dr Woodruff** - We are trying to hear the truth and we are being deafened by the lies the minister is saying. It is hard not to interject when you keep hearing lies.

**Mr SHELTON** - It is disrespectful all round.

**Mr DEPUTY SPEAKER** - Dr Woodruff, that was not an unreasonable request from Mr Shelton.

**Mr JAENSCH** - Thank you. I just wanted to put that on the record because I think some of the standards of behaviour, particularly in the name-calling and playing the person and not the facts of the matter, are no longer acceptable in normal workplaces in Tasmanian life now. We are actively out there talking about the impacts that can have on people and yet this place seems to model the worst behaviour from time to time. I ask for that to be recognised as well.

This matter of character and integrity is important to our roles as parliamentarians and my role as a minister in particular. We need to be truthful, we need people to have faith in us, to trust us in the work we do because it is important work, and there are vulnerable people and complex situations we have to work with, particularly in the portfolio areas I have responsibility for.

There is a case in point right now, a matter that was referred to by the Leader of the Opposition, regarding the six young Tasmanians who are currently in the Northern Territory at the Many Colours 1 Direction program. This is an important and testing issue. They are vulnerable Tasmanian kids with complex needs. They are a long way from Tasmania and at the moment are the subject of a deal of controversy, commentary, claims, allegations and demands about what should be done about them and their circumstances.

I consider this an issue of integrity in how we deal with this as a government and me as a minister. I am proud at this stage of the investigation we are undertaking and that I as minister and this side of the House are the ones asking if those kids are okay, if they are safe and progressing in the therapeutic recovery they were sent there for. Certainly - and I have committed this publicly and put it in action and it is working now - we will investigate every allegation, every case, every suggestion or suspicion that has been raised in the public debate on this issue that goes to the safety and welfare of those kids, even if it involves past cases or past care concerns that have been investigated and dealt with. We will leave no stone unturned to examine that.

Any decision that we make as the guardians of those young people must be made in their best interests, their safety and welfare, based on evidence and professional advice, not a statement made in a television report or a media release from the Opposition or the Greens demanding that we must take certain action. As the Premier outlined before, those young people have regular contact from their Child Safety officers. There are care team meetings on a regular basis. We had Child Safety staff there in September, we have had visits there by the Child Advocate and we have facilitated the Commissioner for Children and Young People to visit. We engaged the Australian Childhood Foundation to work with those kids alongside Many Colours 1 Direction to ensure there are professional therapeutic counselling services on deck working alongside the Many Colours 1 Direction program, which is not just one man.

We have a contract with an organisation called Many Colours 1 Direction. Mr Allan Brahminy is an employee. Every employee of that organisation has the Northern Territory equivalent of the Working with Vulnerable People check. The organisation we have contracted has been through the same due diligence and procurement process that we use for all care providers for young people in our out-of-home care system. The deputy secretary of the Department of Communities Tasmania and one of our most senior and experienced Child Safety officers is on the ground right now today in the Northern Territory, talking and working with those kids and the people who are around them - eyes on those kids to find out for ourselves directly how those kids are going, how they are progressing, whether that is a safe environment for them to be in and what is in their best interests.

That is the advice I will take and that I will make decisions on when it comes to those children's future.

The name that Mr Allan Brahminy goes by and what it might have been before - certainly there have been allegations raised there and we will get our best understanding of that to the

extent that it affects the wellbeing of the children that we are responsible for. Beyond that, I do not really care what someone's name is or what it has been in the past. The checks that we have done on the suitability of those people do not go in to matters of how or where they were born. Those are matters for Mr Brahminy to deal with.

Our focus must be on the safety and wellbeing of those children, and for those young people who have had extremely traumatic backgrounds, who have incredibly complex behaviours, we recognise that if they are progressing well under this therapeutic program we will need very good reasons to disrupt that and bring them back to another form of care and supervision that we can provide here that has not worked well for them in the past. It does not mean that all these programs are ideal and that we should not be continuing to work on new options and capabilities here in Tasmania.

Every decision that we make must be guided by what is in the best interests of those children, not the claims that are made on television or the demands of those opposite for political purposes, as the Premier said.

I will live and die on my integrity on matters like that; the best interests of those kids. I will acquit my responsibilities as a minister in this portfolio, as in Housing, as in Aboriginal Affairs and Planning and Parks and Environment to the best of my ability. I believe very strongly in a person's integrity and passion for what they do.

There is a big difference between questioning that and a political stunt which is what we have seen in this place on this issue.

As I said before, I have not misled this parliament, this House, and I never would. I have an enormous respect for the traditions of this place. I am proud of my achievements and the relationship and trust that I have built them on. While I welcome the opportunity through this debate to examine the issue, I look forward to this matter being behind us and being able to get back to the work that is most important for this parliament and for me as a minister in my portfolios.

On the subject of children in particular, I want to wrap on this. This was an area of my responsibility that I knew least about in terms of portfolio responsibilities when it was given to me. It is one of the most complex, fraught and difficult areas, but it is the one I have developed the greatest passion for. I am proud in the time that I have been Minister for Human Services to have introduced the advice and referral line which is resulting in more people getting help before there is a report that goes in. We are able to extend more support and assistance to more families earlier to make them safe places for kids.

We have introduced the Intensive Family Engagement Service, sometimes linked with an advice and referral line inquiry, which is providing earlier intervention for families, to assist them to be safe places for kids. It is changing the approach that we have had in the past, which has been a child rescue approach, to a therapeutic engagement with families to make them safe places for children. These things involve change in culture and attitude and expectations of our child safety system. That is built on trust and integrity and working with people to make these things happen. I am proud to have been part of that.

We are investing \$7.3 million in a therapeutic youth justice system including a rebuilding of the Ashley Youth Detention Centre. Wherever we can we are working with children through

programs such as Many Colours 1 Direction to divert them from a path of being in incarceration in the youth justice system.

T21, our transition to independence policy and initiative, which is extending out-of-home care beyond the age of 18 years up to 21 for those kids who need it in order to be ready to transition into independent living, is an initiative I have been proud to have brought in, together with the continuing learning incentives, both for young people in out of home care, and the carers who look after them, to support them. It is a financial assistance and an encouragement for them to have the same aspirations and encouragement to continue learning to year 12 or equivalent, that everybody else provides for their own children in their own families, right across the board. I am proud of my achievements.

My integrity and my reputation are important to me. It is appropriate for there to be a discussion here about conduct in the House. I am glad that I and my colleagues have had the opportunity to put our understanding of those matters clearly on the record. I am clear that I have not misled this parliament and I have not done anything wrong. I welcome the opportunity to get back to the work in my portfolios that I am proud of and continuing the track record of delivery that the Government has in these areas.

[3.16 p.m.]

**Ms OGILVIE** (Clark) - Mr Deputy Speaker, I take the opportunity, because I know this is an important matter, to put on the record a couple of things that I believe are important.

The first one is that it is a good idea to clear the air. That is healthy to do. It is good in our democracy to do that, and it is healthy that that is happening today.

Having said that, I have received a grand total of two emails from constituents about this matter, one for and one against. We run the risk in this place of starting to talk about ourselves ad nauseum when what people want us to do is get on to the business of delivering houses.

**Ms O'Connor** - I think they want ministers to tell the truth, Ms Ogilvie.

**Ms OGILVIE** - I will be getting to that. What I would like to do first is read into the record a letter from the Tenants' Union of Tasmania and seek from the Government a commitment. I will speak to that when I get to the end. The letter that I received, and I am sure everybody else has received it, is a copy -

To the Honourable Roger Jaensch,

We were recently made aware that during COVID-19 the Tasmanian Government did not intend to amend section 45(3)(b) of the *Residential Tenancy Act 1997* (Tas) to remove the requirement that 'the reason for serving the notice to vacate was genuine or just'.

The requirement that 'the reason for serving the notice to vacate was genuine or just' provides procedural fairness to Housing Tasmania tenants. For example, the tenant may be provided with an opportunity to remedy the breach or be afforded a right of review.

The effect of the proposed amendment to remove the requirement that 'the reason for serving the notice to vacate was genuine or just' is that Housing Tasmania tenants may be deprived of the opportunity to remedy the breach, or the right of review, and would therefore be denied procedural fairness. We strongly believe that procedural fairness is an important principle that should be guaranteed in all government decision-making including by Housing Tasmania.

Very sensible words.

The legislative protection that section 45(3)(b) of the Act provides is particularly important for Housing Tasmania tenants because of the increased risk of homelessness. Housing Tasmania tenants are unable to afford a home in the private rental market and with a wait list of more than 3300 prospective tenants for social housing properties, and a wait time of more than a year, there is a lack of alternative affordable accommodation available in the event that a tenant is evicted from their Housing Tasmania home.

It goes on to talk about Justice Geason's judgment in *Parsons* against the Director of Housing; I will not read that entire section out, it is quite long. It is obviously not only in this letter but it is able to be searched on AustLII. The net effect is that Justice Geason's judgment was unanimously upheld on appeal to the Full Court of the Supreme Court in the *Director of Housing against Parsons* [2019] TASFC3. What they ask, and I think this is entirely appropriate, is that -

We seek your reassurance that you will ensure Housing Tasmania tenants are afforded procedural fairness by emphatically ruling out any amendment to weaken the protection afforded by section 45(3)(b) of the Act.

I am sure you may have done that already but that is the request and it is signed by Benedict Bartl of the Tenants' Union of Tasmania, Shelter Tasmania's Pattie Chugg, Community Legal Centres' Jane Hutchison, Anglicare Tasmania's Chris Jones and TasCOSS's Adrienne Picone. They are pretty substantial people. That is what people want us to talk about; that is where the rubber hits the road.

As a former lawyer, I could not help myself and delved into the issue of what we are actually doing here today and what the conventions are around misleading and lying to parliament. I formed the view that what we have is a little bit of a conflation of language. When I was being trained in legal practice we were shown that there are many different sorts of decisions that are made and they have different weights attached to them. It would be a very different decision today for me to ask what shoe I should wear today. That is a tactical quick decision to make, which is very different from a complex decision such as, 'Should we invade Iraq?'. There are different weights to these things. There are tactical and strategic decisions.

To say that a person was lying with the intention to mislead when he said he was not aware of a plan to take a certain course of action when that plan had been formulated and then abandoned some weeks previously, without us knowing that he had it in his memory, for me is a difficult proposition. I have seen it play out in courts of law where people have been asked 'Do you recall certain events?', 'Have you seen this document before?', and then that material

is presented to the person who is being asked those questions. It may be the legal training getting in the way of the debate but that is an issue. There is a different construction between where the Opposition is going in relation to the definition of decision and where the Government sits in relation to that as well.

It is important for me to again say that when I was re-elected to this role, I made a commitment to my constituents, and I was serious about this, that I would provide as much stability as possible to our important parliament. I did not say I would make a commitment around confidence and supply. I talk about stability because I am in a very unusual position and I want to see these debates and discussions had. We have an issue with the size of our parliament. We have ministers who are swamped with portfolios and we ought to have another good hard look at how we are doing things in this place. I understand it is politically unpopular, however it is something we need to have a look at.

I would like to comment on a couple of things around the constitutional conventions when it comes to misleading parliament. I did my research, as I am sure others have as well, and the two big cases that came out were John Profumo, the United Kingdom one, and constitutional convention issues around the sacking of Gough Whitlam and the dismissal. There is a range of weights that can be laid on these issues but conventions are not black-letter law. That is something you have to look at in the context of decisions that have been made through the Chair. I sought some advice from the Clerk in relation to that and part of that was to say that accusations of misleading are obviously pretty serious but the true nature of a misleading statement where a statement has been made for the purpose of misleading the House is what the allegation is currently trying to be put about.

I will wrap up in a moment but I want to say about errant emails that that can happen to anyone and it has happened to everyone. I will put it like this: when the generals are fighting you do not shoot the privates. If everybody could just lay off the staff that would be a really good idea. We are capable of looking after ourselves in this place and having conversations between each other. Let us leave the staff out of it. Administrative issues are administrative issues. I have some sympathy for a government that had to rethink how to do government and Cabinet minutes in the middle of a COVID crisis but I have been banging on about us getting digital for so long that I cannot believe we ended up in that position. That is where it is at.

I also have a bit of sympathy for the Leader of the Greens when she says that anybody who got it would have used it. It is politics. It is a tough game. That is where it is at.

**Ms O'Connor** - It is actually about the tenants.

**Ms OGILVIE** - Yes, I agree with you on that.

I will wrap up by saying I liked the parables and the quotes that were used in this debate. I thought they were very clever and very timely. The one about the frog and scorpion is quite bemusing because in this place we have 25 frogs who can all swim and there is no need for anybody to get a lift on anybody's back. We can all speak for ourselves and we ought to do that.

I will wait to hear the rest of the debate before finally forming my view about this matter but I would have to say for me to vote against a minister for confidence reasons I would have to have lost confidence.

[3.27 p.m.]

**Mr ROCKLIFF** (Braddon - Deputy Premier) - Mr Deputy Speaker, I am very pleased to express my absolute confidence and that of the Government's in minister Roger Jaensch. I have found Roger Jaensch to be a person of great empathy and great compassion. He still is a person of great empathy and great compassion, as demonstrated by his statement to the House just a few moments ago. He is well suited to his responsibilities when it comes to Housing and Human Services. He has made a positive difference in a great many people's lives around Tasmania. I have seen his interactions with constituents around our electorate of Braddon, which we share, and his strong support for the entire Tasmanian community and all those people he represents so strongly and vigorously when it comes to his portfolio responsibilities.

Minister Jaensch has made a significant contribution to this Government and to the people of Tasmania. I know he has much more to do and is very keen to deliver on all his commitments across his areas. He is also a person of integrity with a strong record of delivering as a minister for the Crown.

Under our Affordable Housing Strategy, Mr Jaensch has been responsible for delivering record investment into social housing and getting more Tasmanians into housing that suits their needs. Since the Housing summit in 2018 and the establishment of Roger Jaensch as the Minister for Housing, over 1700 households have been assisted through delivery of actions under our Affordable Housing action plans. He is a man of action. The waiving of Tasmania's historic housing debt is an example of that. Sixteen years it took you lot and you did not do anything. I know they are sensitive about it because whenever you raise the issues of waiving that debt, Mr O'Byrne -

**Mr O'Byrne** - You are now misleading the House - Jacqui Lambie.

**Mr DEPUTY SPEAKER** - Order, Mr O'Byrne.

**Mr ROCKLIFF** - you get sensitive because you had 16 years to deliver and you didn't. Roger Jaensch has assisted in securing waiving of that historic housing debt to the federal government. There has been a range of positive outcomes as a result of minister Jaensch's advocacy in this area.

A range of positive outcomes has been delivered for Tasmanians already. A further 280 social houses have been identified and are either under construction, or the contracts are in the process of being finalised, or tenders will be called soon. That is over and above our existing affordable housing action works program. This is not just about the numbers. Each of these homes represents an individual or family who has secure and safe accommodation. It is meaningful and it is life changing. The almost \$200 million investment across our Affordable Housing Action Plan stage 1 and 2 will ultimately deliver 2400 new affordable lots and homes by June 2023 and assist 3600 Tasmanian households.

The minister has also continued to deliver homelessness accommodation. He has been responsible for securing an additional \$5 million towards reducing homelessness and housing stress across Tasmania. This additional investment resulted in a further 35 units of homeless emergency accommodation delivered within 12 months of securing the funds, and is an example of delivery and Mr Jaensch's capability when it comes to his areas of responsibility. These services will ensure that some of our most vulnerable people can access a secure place

to sleep and the services they need to assist them into secure accommodation, and adds to other initiatives to alleviate homelessness and housing stress across the state.

It was thanks to some very passionate and repeated lobbying by this minister that housing became a significant focus in the Government's social and economic recovery package announced in response to COVID-19. These included \$1.13 million to assist Housing Connect's capacity to provide statewide brokered emergency accommodation including mental health and wrap-around support services. The Premier and minister Jaensch have also mentioned that example. Other examples are \$2.62 million to expand the Safe Night Space pilot and provide a safe space for 24/7 wrap around support for Tasmanians sleeping rough in Hobart, Launceston and Burnie; \$100 million to deliver up to 1000 additional new social houses in partnership with community housing providers; \$500 000 to support unaccompanied Tasmanians under 16 at the risk of homelessness; and bringing forward funding of \$14 million, and new funding of \$10 million, to deliver 220 new social housing dwellings by 2022 - 18 months earlier than planned. Mr Jaensch should be acknowledged for these initiatives. They are happening because he fought for them, and Tasmanians in need will be the beneficiaries.

Mr Jaensch has worked equally hard to improve the lives of our vulnerable children. Strong Families, Safe Kids child safety reforms are the most significant reforms the sector has seen in decades. He has delivered, and continues to deliver, a range of key initiatives to ensure families get the help they need early, before they need more intensive intervention. He has overseen the creation of Strong Families, Safe Kids advice and referral line as a single front door for all queries related to the wellbeing, welfare and safety of a child. It also acts as a gateway for families through the family support service system.

He has delivered new intensive family engagement services for families to bring them back from the brink of entering the statutory service system to enable children to remain safely in the family home. He has also delivered a significant investment in additional staffing resources to ensure that Child Safety Services are properly resourced and meeting the needs of children and families. This includes a range of new positions including 25 additional child safety officers and other frontline staff.

By his actions, Mr Jaensch demonstrates that he is enormously capable and passionate about the areas of his responsibility. He is passionate because he has empathy for Tasmanians who are doing it tough. The empathy Mr Jaensch displays when engaging with Tasmanians across the community service sector but also with more vulnerable Tasmanians is there for all to see. Those who have witnessed that and the engagement Mr Jaensch has with his constituents would clearly recognise his commitment to his portfolio responsibility, his diligent work in this portfolio area, and the true passion and drive that he has to improving the lives of all Tasmanians - but particularly those Tasmanians that his portfolio responsibilities encompass. I have seen it and the record proves it for itself.

He has also invested more funding in Tasmania's out-of-home care system. Additional funding of \$16.9 million was announced in the last state budget to meet the growth and demand for out-of-home care services. This is a minister who cares about the outcomes for children in out-of-home care. Clearly, Roger Jaensch has listened and delivered a model for extending care for young people in out-of-home care to age 21, providing step-down support for young people in family-based care as they transition to independent living.



He has also been responsible for providing incentive payments to children in out-of-home care and their carers to encourage further learning, helping kids in out-of-home care stay engaged with their learning to ensure they have the capacity and opportunity to pursue their dreams when they become adults. During the pandemic, which has been a challenging time for every member of parliament and the government as well, as the Premier demonstrated, Mr Jaensch said 'We recognise that vulnerable children and their families and carers will be under even more pressure'.

The minister lobbied for a range of supports including an ICT fund for kids in care and for CatholicCare to temporarily extend the residential care program. Mr Jaensch also ensured there was new money for the establishment of an informal kinship care, liaison and support function for the enhancement of a carer support line during COVID-19. He is a strong supporter of independent and oversight mechanisms to advocate for children and particularly in out-of-home care.

He has supported the role of a Tasmanian Child Advocate - a new partnership between the Child Advocate and the Create Foundation to establish the Youth Change Makers Forum - enabling young people with a care experience to be heard and have input to the system. The Under-16 Youth Homeless Taskforce was also launched by Mr Jaensch, with recommendations from the task force report now being implemented in partnership with the sector - working well with the sector and those involved in community service delivery.

This is a snapshot of what Mr Jaensch is committed to, is passionate about, delivers with compassion, and is continuing to deliver. He has consistently demonstrated he will stand up for those who are vulnerable in our community and need support. If ever there was a minister of any political persuasion who you could rely on to stand up for those doing it tough and for vulnerable Tasmanians, it would be Roger Jaensch. He is responsible for the delivery of 13 initiatives from the Safe In Homes, Safe Boundaries Committee 2019-22 program. These initiatives are making a very real and practical difference in the way family and sexual violence issues are addressed.

The Government's economic and social support package included \$2.7 million for increased support to address family and sexual violence during the pandemic. Mr Jaensch was entrusted with delivering on the Government's major projects planning reform, and he has, with the legislation recently passing through both Houses after years of hard work and consultation and he needs to be commended for that - an enormous amount of work and stewardship.

The new major projects process will certainly provide clarity for investors and the community by coordinating a range of existing approvals in a single process within set time frames and, I note, with multiple opportunities for public scrutiny and comment. This reform is significant and it happened under Roger Jaensch's watch - delivering on a major projects planning reform. This is a significant achievement, and sends a very clear message that Tasmania is open for business with planning laws that are up to the job of assessing complex projects that can significantly benefit our state - and we need that right now more than ever. This has been a year of disruption. People have lost their jobs and have an uncertain future and what we need in this state is certainty right across government and the major projects legislation is an example of that. Mr Jaensch has proven himself to be a minister who delivers for Tasmanians. He is someone I trust and I wholeheartedly give 110 per cent support.

Over the last couple of weeks, we have seen a political stunt derived from a 'gotcha' moment play out. The minister answered a question as best he could while maintaining, as he was required to, cabinet-in-confidence, important principles that all ministers of the Crown must adhere to.

I have been a colleague of Mr Jaensch for over six years and have known Roger Jaensch for a couple of decades and he is a man of integrity and honesty. What he says he will do and, when you look at Mr Jaensch's record as a minister in a relatively short period of time, there are considerable numbers of achievements that have happened under his watch, not only because he is a capable minister but he is passionate about what he does and his empathy and compassion drives him to make a better Tasmania, particularly when it comes to more vulnerable Tasmanians and his caring nature. Not one person in this House, irrespective of your view of this motion, could say that this is not a caring individual who cares deeply about his responsibility and his constituents. Not one person could say that he is not all those things I have just outlined in this Chamber, irrespective of their view on this motion.

I welcome the opportunity to put on record Mr Jaensch's record as a minister of the Crown because any way you want to cut it, this guy is delivering in spades, whether it be his planning responsibilities and the major projects legislation, or affordable housing in his responsibility as Minister for Housing, and his other responsibilities when it comes to vulnerable Tasmanians and ensuring our kids, irrespective of setting, are safe.

The investment and the reforms in those areas demonstrate Mr Jaensch's capability. I stand here as a longstanding colleague and friend of Mr Jaensch, wholeheartedly advocating and demonstrating my support and absolute confidence in his ability and capability as a minister for the Crown.

[3.44 p.m.]

**Ms O'BYRNE** (Bass) - Mr Deputy Speaker, the matter before this House is not about whether Mr Rockliff thinks Mr Jaensch is an empathetic man. It is not about whether the Premier thinks he is a good bloke. It is not about a list of the things that his department has been doing. It goes fundamentally to his ability to stand in this House and tell the truth and this minister has an obligation to do so. The minister must only make statements in parliament and in public that are, to the best of their knowledge, accurate and honest. A member must not mislead parliament or the public with statements they make, and whether any misleading was intentional - and that goes to the matters raised by Ms Ogilvie - or unintentional, the minister has an obligation to come into the House and correct the parliamentary record at the first possible opportunity.

That is what he was supposed to do. We know that the Government was trying to make sure he had time to do that because every single member of Cabinet knew he lied. Every single member of Cabinet was there when those decisions were made. Whether they were rescinded later or not, whether they ended up in legislation or not, every one of you sat here listening to him and knew that he lied. Mr Ferguson particularly knew it because he got up in this House to buy him time. He talked about the fact that the minister needed time to reflect on his answer. When you tell the truth, you do not have to reflect too hard to remember what happened. Mr Ferguson knew he lied and every other member of Cabinet knew he lied. They bought him time. Then what did he do? He got up and doubled down.

**Mr FERGUSON** - Point of order, Mr Deputy Speaker. That is a gross misrepresentation and I reject that.

**Mr DEPUTY SPEAKER** - It is not a point of order.

**Ms O'BYRNE** - The minister can reject it as much as he likes; the evidence stands for itself. There was a Cabinet decision that you all knew about and when your minister got up and lied you all let him do it, and you in particular, Premier, think that is okay because he is a nice guy, he is a lovely guy, you really like Roger.

It does not matter if you like him. What matters is that when members of parliament ask questions of ministers we can have confidence that what they tell us is the truth. Do not pretend there was no wriggle room in all of this because ministers have regularly got up and not answered the question. Ministers have regularly got up and answered some other question because it suits them, and not been drawn to the relevance. This minister, in his contribution, blatantly lied. The question was -

Can you confirm that a decision was made by you and the Government you are part of to change the Residential Tenancy Act to make it easier to evict tenants without genuine or just reason?

The answer was -

I am not aware of any changes proposed or undertaken regarding making it more difficult.

What a lie, because the member who asked the question was able to table the evidence that showed it was a lie. That is the point where you might go, if you are the half-decent bloke everyone says he is, 'I may have misplayed this, I may have mis-spoken.'. Even Mr Groom, when he lied to the parliament, said, 'Yes, I knew I was lying but I did not know how else to answer it'. He actually admitted that. This minister is still doubling down and it matters.

Ms Ogilvie, who is no longer in the Chamber, says that she wants to be convinced about why this matter is different from being in a legal framework where you might not remember something. The Westminster system allows scrutiny of ministers through question time and the only thing we have to ensure we have an understanding and a belief in the way government is being conducted is that those ministers will always tell the truth.

He could have chosen not to answer it, he could have chosen to misunderstand it, or he could have chosen to go off in a tangent. Ministers do it all the time. He chose to lie and then he chose to double down.

On the subject of lies, I cannot let this one go. Everyone stood up and said, 'He's a great guy. We should keep him even though he lies because he managed to get rid of the historic housing debt'. How many lies will you tell to protect your minister? Jacqui Lambie deserves at least a little credit for the delivery of that and none of you have been prepared to give her that, so you will lie to protect someone who lies and that is not okay.

I am looking across at the minister and I do not doubt that he is empathetic and that his department works hard. I do not doubt either of those things, but I now no longer believe that

when he stands in this House he will tell the truth because if he has lied once and gotten away with it he will do it again. If the only way we can measure the behaviour of someone is by their past behaviour, he has now proven that we cannot trust him, and that fundamentally goes to how parliaments work. He could have chosen not to answer it but that is not what he chose to do.

We have very limited time so I will have to be brief because I want to give time for someone else.

In the minister's defence, the Premier gave a litany of things the department is doing and said he was disappointed we were having this political debate, while Ms Ogilvie, quite rightly, said she wants to be convinced of these matters because she may not have got many emails about it. This matter is in the parliamentary debate now because the minister lied and the Premier does not mind. This matter is important to the parliament because any member asking a question of a minister needs to know they will get a truthful answer. The whole integrity of the Westminster system that we are bound by relies on the fact that when asked a direct question, the direct answer you will give will be truthful. That was not the case and you had ample opportunity to fix it.

The code of conduct is very clear that if it was unintentional - and I point out that of everyone around you, surely one of them texted to say, 'Hey Roger, do not forget we did that Cabinet decision. Do not forget that we were all there when we had that Cabinet decision that made this decision'. Do not forget that they were all happy to let you lie and they are happy to cover for you now.

Even if it was unintentional, the member is obliged to correct the parliamentary record or the public record at the earliest opportunity. All we have had from the minister, the Premier and the Deputy Premier, who cannot afford to lose another mate in Braddon, is covering up. All we have had is changing the question to suit the answer that you gave. You were not asked 'Are you bringing legislation to this House' as the primary question. You were asked whether a decision had been made, and you lied. You can try all of the George Orwell *1984* speak that you want. You were asked a direct question and you gave a dishonest answer. The evidence stands for that.

The Code of Conduct we have was adopted by this House on 29 November 2018. When we were all sworn in we signed up to a code of ethics -

As Members of the House of Assembly we recognise that our actions have a profound impact on the lives of all Tasmanian people. Fulfilling our obligations and discharging our duties responsibly requires a commitment to the highest ethical standards.

You failed. It goes on -

To our constituents, we owe honesty ...

By lying in this parliament, you failed again -

We believe that the fundamental objective of public office is to serve our fellow citizens with integrity ...

Failed again -

Members of this Assembly must act not only lawfully but also in a manner that will withstand the closest public scrutiny.

Failed again. It goes on to say -

... there will be occasions on which Members will find it necessary to adopt more stringent norms of conduct in order to protect the public interest and to enhance public confidence and trust.

Well, we cannot expect you to stand up to a more stringent test if you cannot even meet the basic test of not lying in this House.

I will finish to allow the Greens member to have her contribution. This is not about whether he is a good guy. This is not about whether you like hanging out with him. It is not about whether he is empathetic. It is not about what his department does. It is whether, when we ask him a question in this House, we can have any confidence that anything else he says in the future will be true. If everything I have done before is how you measure a person's behaviour, if you can only judge future behaviour on past actions then this minister has lied, will lie again and quite frankly the Premier, Mr Gutwein, does not give a damn.

[3.52 p.m.]

**Mr FERGUSON** (Bass - Leader of Government Business) - Mr Deputy Speaker, thank you for the jump. In the few minutes before a vote is taken on this I want to respond to some of the comments that have been made, including by the member who is just resuming her seat.

It is unfortunate that in this place it appears there is no room any more for grace. This was a comment I made two weeks ago. Ms O'Connor, with that blood lust to try to bring down a minister, did not have any room to allow the minister even to have another look at what he had said at that time. He did come back and say that he was happy with his answer, but in the moment you were there in a heartbeat, just desperate, with your good friends in the Labor Party, to try to bring down a minister in a most unmerited way.

I want to reflect on something that I think is unfortunate and it is a reality that understands that human nature being what it is none of us are perfect. No-one, the previous or current ministers, get everything right all the time. I count myself among them. I have noticed on numerous occasions, including when I have innocently made a mistake and at times have had to come back with a correction -

**Ms O'Byrne** - But he did not come back.

**Mr DEPUTY SPEAKER** - Order, Ms O'Byrne.

**Mr FERGUSON** - If you will just listen - where I have had to come back at times, including to correct an answer, not to add to an answer, to correct a piece of information. What is the history here?

**Dr Woodruff** - This is not about you. The minister has not done that.

**Mr DEPUTY SPEAKER** - Order, Dr Woodruff.

**Mr FERGUSON** - That is the sound of a reluctance to listen to a rational response.

When a minister has even come back with a change in the answer or a correction to the answer or an addition to the answer, as I have done, as I suspect all ministers in their time have had to do, the more recent reaction from this Opposition party is always to claim 'misled parliament'. It has been the new practice of the White Opposition. I now have to add Ms O'Connor. There is no room for grace, no room at all. It bears some reflection that it is to 'intentionally mislead' to use the Westminster term of 'misleading'. It has become a very bad practice of some members of this House.

I hope that Ms White and others do not think that deliberately misleading parliament is a rule that applies only to ministers. It applies to every member of the House.

I stand by Mr Jaensch. I am proud to do so, not just in my contribution but when there is a moment in the near future to vote on this matter, I will count myself among all my colleagues that we are backing him, not just because of the theatrical flourishes about what a good bloke he is, and how hardworking he is. They only add value to the claim of what an important role this minister plays in the welfare and the wellbeing of vulnerable Tasmanians who deserve our support.

Mr Deputy Speaker, if you want to support those kids, support the minister who is supporting those kids. If you want to support the people who are looking for housing and a safe place to live away from violence and away from poverty, support the minister who is bringing in the largest ever investment in housing in the state's history. If you want to support the extra thousand houses in Tasmania, support the minister who, with the support of Jacqui Lambie, but with the predominant work of getting -

**Members** interjecting.

**Mr FERGUSON** - There you go, it is a game. They got triggered by the reference to Jacqui Lambie, because credit where it is due. The proposer of that arrangement was Mr Jaensch and this Government. Somebody else who deserves a lot of credit for the debt waiver is the Prime Minister, Scott Morrison, who was elected by Australians on 18 May last year. It was a great outcome for this state and an outcome that Labor and the Greens could not do in 16 years.

**Ms O'BYRNE** - Point of order, Mr Deputy Speaker, and it does go to relevance. The minister chose not to allow a member of the Greens to have her contribution, and it could be relevant to the debate. Scott Morrison is not relevant to the debate; the debate is about whether or not Mr Jaensch lied.

**Mr DEPUTY SPEAKER** - It is relevant to the debate. It is not a point of order. Continue, minister.

**Mr FERGUSON** - The Prime Minister deserves the credit because it was that level of government which provided the waiver that we are so thankful for.

All members of this House are obligated to tell the truth, at least as they believe it, to tell the facts as they understand them, and to deliberately and always intend to tell the truth. If a mistake is made, we all know what is expected; you come in and you correct the record.

It was the Leader of the Opposition who came into this House and claimed there was an illness cluster when workers at the Royal Hobart Hospital had the 'black lung'. It was this Leader of the Opposition who tried to impersonate a union official to get access to a building site -

**Ms O'BYRNE** - Point of order, Mr Deputy Speaker. Once again it is to relevance. The matter before the House is whether Mr Jaensch lied and whether this House has confidence in him. This minister and the Government may want to go wherever else they want but the matter before the House is about -

**Mr O'Byrne** - No, let him finish because this is rubbish. Let him finish.

**Mr DEPUTY SPEAKER** - Thank you, Ms O'Byrne.

**Mr FERGUSON** - If there is dishonesty, have a look to your right over there. Your own leader has a career built on lies. The Government believes in truth, we believe in being honest, and we will continue to be so. Mr Jaensch is not only a friend, a good bloke, ethical, hard working and caring: all of those attributes add value to the central statement that we make that he has been truthful, he has been honest. The 'gotcha' games that are being played by Labor and the Greens are naked for all to see. We stand by him, we commend him for his work and we support him.

**Time expired.**

**The House divided -**

**AYES 11**

Dr Broad  
Ms Butler  
Ms Dow  
Ms Haddad  
Ms Houston  
Mr O'Byrne  
Ms O'Byrne  
Ms O'Connor  
Ms Standen  
Ms White  
Dr Woodruff (Teller)

**NOES 13**

Ms Archer  
Mr Barnett  
Ms Courtney  
Mr Ellis (Teller)  
Mr Ferguson  
Mr Gutwein  
Ms Hickey  
Mr Jaensch  
Ms Ogilvie  
Mrs Petrusma  
Mr Rockliff  
Mr Shelton  
Mr Tucker

**Motion negatived.**

## **ANSWER TO QUESTION**

### **Burnie Port - Issues**

[4.05 p.m.]

**Mr FERGUSON** (Bass - Minister for Infrastructure and Transport) - On indulgence, Mr Deputy Speaker, in question time Dr Broad asked a question of me in relation to WorkSafe. It would have been advisable to ask the minister responsible for WorkSafe but I have taken advice and am advised that the incident was reported to the regulator, WorkSafe Tasmania, in under 24 hours, well within the required time frame of 48 hours.

## **RESIDENTIAL TENANCY AMENDMENT (COVID-19) BILL 2020 (No. 37)**

### **In Committee**

**Resumed from 24 September 2020, (page 91).**

#### **Clause 6 -**

Sections 24A and 24B inserted

**Ms ARCHER** - Mr Chair, I will resume my contribution in relation to Ms Standen's second amendment to clause 6 relating to section 24A of the principal act.

It is the intention of the bill to give the Residential Tenancy Commissioner, when considering applications for rent arrears payment orders, discretion to find commonsense solutions for tenants and landlords, and that is really key to this provision. The proposed amendment adds unnecessary complexity to the process for applying and issuing a rent arrears payment order. It will slow down the process, leading to uncertainty and frustration for both parties and may lead to perverse outcomes for tenants. I cannot stress enough that the section has been framed to avoid those sorts of delays and stressful outcomes for both parties.

Before I address the matters raised by the amendment in detail, I will explain the rent arrears payment orders in the context of the protections and support that our Government has put in place for tenants and landlords. In particular, the Government has provided significant financial support. It is worth noting that this support is the most generous in the country in terms of financial support available to tenants and landlords. It has received recognition from stakeholders, particularly the Tenants' Union of Tasmania, which has endorsed our approach on a number of occasions - in general terms, of course.

A key objective of this support is to ensure that tenants can stay in their properties, landlords receive rental payments, and rent arrears in the system are reduced. It is not always easy having that approach of those three things but, as best as we have been able to, that has been our core aim. As a result of the combined support from the Rent Relief Fund, the Rent Relief Fund extension that we have announced to 1 December and the Landlord Support Fund all tied into COVID-19, the Government has managed to eliminate rent arrears for a significant number of tenancies which have applied.

When I had my last briefing, I think well over 65 per cent have had all their rent arrears completely paid out and that percentage keeps rising; in my previous report I believe it was at



50 per cent. If it keeps increasing at that rate we hope to have fewer cases of rent arrears left or significant rent arrears. Of course, I recognise there will always be cases where there might still be substantial rent arrears.

I note that due to COVID-19 the Government has done everything within its power to provide support. For example, for 92 out of 177 applicants who have received payment from the Landlord Support Fund, rent arrears have been eliminated in full. Back when those figures were current, over 50 per cent of cases meant that financial support from Government had managed to eliminate rent arrears completely and that is updated to over 65 per cent now. As a result of this financial support, the majority of tenants who might otherwise apply for a rent arrears payment order are no longer in rent arrears and therefore will not require a rent arrears payment order.

It is important to note that the success of these measures in reducing and eliminating rent arrears for tenants will lead to a significant reduction in the number of rent arrears payment orders which are likely to be needed by tenants. This is what we have been concerned about as we exit COVID-19 protections for tenants, that we have as few in that type of situation as possible.

I turn now to the amendment in more detail. The proposed amendment would add criteria for the Residential Tenancy Commissioner to consider when making a rent arrears payment order under section 25A(5) of the principal act. These criteria would require the commissioner to consider the financial position of the owner, form a view with regard to the conduct of the tenant and landlord during the emergency period, and assess the financial capacity of the tenant. These changes make the consideration of a rent arrears payment order more complex and time consuming. Under the model outlined in the bill, the process was deliberately designed to be simple and not require provision of information from both parties.

At this point it would be useful to outline the process included in the bill for the rent arrears payment order. A tenant who is in rent arrears at the end of the emergency period can apply to the Residential Tenancy Commissioner for a rent arrears payment order. The application is to be made in a form approved by the Residential Tenancy Commissioner that will outline the information required to make a decision with regard to a rent arrears payment order. On receipt of an application for the rent arrears payment order, the Residential Tenancy Commissioner will notify the landlord that the application has been received. This will provide the landlord the opportunity to provide the Residential Tenancy Commissioner with any relevant information should they wish to.

In considering an application for a rent arrears payment order, the Residential Tenancy Commissioner must be satisfied that the rent arrears relate to rent that was payable during the emergency period, experienced financial hardship as a result of COVID-19 and has the financial capacity to comply with an order. If satisfied of these facts, the Residential Tenancy Commissioner can, based on the information provided, determine the appropriate schedule for repayment for the rent arrears payment order. Depending on the circumstances of the individual tenancy, this may involve engagement with the tenant, landlord or both.

As you can see, this is designed to be a relatively straightforward and simple process which requires the provision of information by the applicant, enables the landlord to engage with the process if they would like to, while not requiring their participation. This approach

streamlines the application and assessment process and will enable the efficient administration of applications.

In contrast, the amendment adds significant time and complexity to the application and assessment process. For example, on receipt of the application from the tenant, the Residential Tenancy Commissioner will need to seek financial information from the landlord. This information is unlikely to be readily available and may take some time for the landlord to prepare and provide. This has the potential to delay the issuing of a rent arrears payment order.

It is important to note here that throughout the whole of COVID-19, we have tried to make these processes as easy as possible, as simple as possible, not requiring statutory declarations, or substantial proof of certain things. This bill does provide for a landlord to have a say and provide information if they wish. It is not compelling them to do so because to do so, requires added complexity in a case where the landlord does not already have the information they are being asked to provide and indeed, must provide as part of this process if this amendment succeeded.

The amendment also requires the Residential Tenancy Commissioner to form a view with regard to the conduct of each party during the emergency period. For example, the Residential Tenancy Commissioner will be required to determine whether the tenant sought a rent reduction during the emergency period and whether the landlord agreed and acted reasonably and in good faith. To do this, the Residential Tenancy Commissioner will be required to seek submissions and evidence from each party and form a view with regard to the conduct of each party. It is important to note that forming a view of these matters often will not be clear cut and will add time to the consideration of whether to issue an order.

The bill has been drafted, as I said before, deliberately to enable the application and assessment process to be as streamlined as possible. In particular, it is envisaged that the decision will be able to be made based on the information provided in the application from the tenant. It does not require the provision of information from the landlord but enables them to provide their view should they wish.

As I said, in all cases they will be notified. This significantly streamlines the application and assessment process. As members will appreciate the end of the emergency period will be a time of considerable uncertainty for tenants and landlords and these sorts of repayment plans will only be beneficial to alleviate that stress and concern rather than prolong the situation as this amendment would do.

It is imperative that the Residential Tenancy Commissioner is able to consider applications and make decisions with regard to rent arrears payment orders in a timely way. If this is not possible it will further exacerbate the uncertainty and frustration felt by the parties.

I realise these amendments are well-meaning but it is my duty to point out the flaws in the amendment and the reason why the Government will not be supporting the amendment.

There are two matters raised by this amendment. With regard to the proposed criterion included - I may get a chance to finish that.

**Time expired.**

**Ms OGILVIE** - Mr Chair, I rise to note the very fine contribution that is under way and say that I am very much looking forward to hearing more.

**Ms ARCHER** - Thank you, Ms Ogilvie, I only have two paragraphs. I believe it is far better for a minister to explain why they are not supporting an amendment rather than leave everyone guessing. Indeed, when we come to the Acts Interpretation Act 1931 and when people come back on the second reading speech and the matters in committee, we look at it and lawyers also look at it. Interpretation regularly needs to occur so I am not going to be deterred by Ms O'Connor's lack of enthusiasm for my efforts to make a detailed contribution.

I turn to the proposed criterion included at section 24A(6)(c), that the Schedule of the Rent Arrears Payment Order not, if at all possible, place the tenant in rental stress. This amendment will be achieved in practice by the bill as drafted. A Rent Arrears Payment Order can only be issued if the Residential Tenancy Commissioner is satisfied the tenant can comply with the terms of the Payment Order.

In forming this view, the Residential Tenancy Commissioner will necessarily have regard to the financial situation for the tenant, including the impact that complying with the Repayment Order will have on this situation. The Commissioner cannot actually fulfil this section as it currently reads without an amendment without already considering that.

I note the proposed amendment included at section 24A(7), that the Rent Arrears Payment Order be able to be amended. This is counter to the intent of the Rent Arrears Plan which is to provide certainty for both parties regarding the payment of rent arrears.

**Ms O'CONNOR** - I rise to speak briefly, speaking to the amendment, to explain where I am coming from. I respect, minister, that you are very thorough in your responses. I was reviewing where the debate finished on 24 September and there was a reasonably extensive contribution from you on the same amendment. I was mindful of that, and I listened carefully to your explanation for not accepting Labor's amendment, which is very similar to our amendment.

You make a modestly persuasive case that the Residential Tenancy Commissioner should be given maximum flexibility to deal with each case as it arises. I am disappointed that there is not some more guidance in the legislation for the commissioner but I acknowledge and agree with you that following the end of the emergency period there will be considerable uncertainty for tenants and landlords and it is important that tenants particularly are given the certainty to know, minister - and it is your portfolio - that there will be no move, as was originally decided by Government, to remove the 'genuine or just' provisions from the Residential Tenancy Act. That will provide peace of mind to the 13 000 or so tenants in public or social housing but also the people in the private rental market to know that, because people will have paid some attention -

**Ms Archer** - Sorry, you have not asked for me to rule it out - is that what you want me to do?

**Ms O'CONNOR** - Yes.

**Ms Archer** - I will rule it out. I am very happy to rule it out.

**Ms O'CONNOR** - Okay, because as we know, a letter was written by the Tenants' Union of Tasmania, Shelter Tasmania, Community Legal Centres Tasmania, Anglicare Tasmania and TasCOSS wanting a reassurance that there will be no changes to section 45(3)(b) of the act as were originally planned and as a decision had been made to give effect to. I have not seen a response to this letter which was written on 9 October to the Minister for Housing, but if you could give some real clarity on the record that would take a lot of the heat out of this specific issue and how it relates to the lives of tenants.

**Ms ARCHER** - I can respond directly to that. I believe we only received that letter on Friday. I was copied into it. You are right, it was addressed to Mr Jaensch in his Housing portfolio being responsible for public housing. Members know the Residential Tenancy Act comes under my portfolio responsibilities of Building and Construction because of it falling under CBUS and I have already said that we have no plans to do -

**Ms O'Connor** - That is not the same.

**Ms ARCHER** - I am just getting to answering your question. Because Ms O'Connor was not happy with me saying we have no plans to making an amendment to section 45(3)(b) of the act, I can rule it out here and now and make it unequivocally clear that it is ruled out.

**Ms O'Connor** - It is no longer Government policy.

**Ms STANDEN** - Because of the time that has elapsed since the debate, I would like to reiterate the purpose of this series of amendments which were put forward by the Tenants' Union but as I understand were supported by the REIT as well. I do not wish to verbal the minister but that was the advice I received, so I do not think the intention of this is to provide guidelines that favour one party or another but rather, as I set out in my opening comments on this, particularly given the short time frame as the minister has tried to outline, it is really about the fact that there is a commissioner here and not a tribunal.

She could have established a panel to consider matters like this in the way she proposed for the administration of the commercial tenancies under COVID-19 arrangements but she has not proposed that arrangement, so I simply place on the record once again my understanding that this is not about trying to favour one party or another.

Minister, I note that you were trying to get some advice on that. I expect you might respond in just a second but the point is that this is not about second-guessing the professionalism of the commissioner or his office, not trying to override that discretion and decision-making but to make it very clear the guidelines upon which the commissioner and his office would be making these decisions to ensure that protections are there for both tenants and landlords.

**Ms ARCHER** - I know that the commissioner had a conversation with the Tenants' Union last week. They understand our view but they are still supporting their own amendments. As to the Real Estate Institute of Tasmania, you might be referring to a comment they made in the media that said they had some concerns around the bill. My advice and my understanding of their position is that it is not that they are supportive of these amendments that have been put forward by the Tenants' Union and now through you, they just had general concerns and they would be more around landlords not being able to be paid in full for rent arrears and things like that. I do not want to verbal them so I will put that on the record but my

understanding is that it is not that they support the Tenants' Union amendments. I do not think you can put those two together when you are talking about the amendments. It is simply that they each had their own concerns and we have talked with both.

**Ms STANDEN** - Not to labour the point, and I do not wish to verbal the REIT either, but to be clear, I am not responding to media responses by the REIT. This was in relation to direct conversations that our staff had with the REIT at the time, remembering that the time frame was very compressed after the release of the bill and the letter you received that Rebecca White was copied into. The advice we received at the time, and this was a couple of weeks ago, was that the REIT was broadly supportive of the Tenants' Union amendments, at least in respect of this particular one.

Anyway, I am happy to let that go because it is neither here nor there. I am simply making the point that this particular amendment is not intended to favour one side or another. I completely respect the position of the REIT in protecting its members and I am firmly on the public record with my sympathies to landlords as well as tenants who have been hard hit by financial hardship through the COVID-19, just to make that crystal clear.

**Ms ARCHER** - I had a few shaking heads, so I am not going to die in a ditch over this either. We probably have differing views on who said what when, but in any event, I think all parties have an understanding that there is the best of intentions on the Government's part.

We are trying to strike a balance because when parties are exiting from COVID-19 because the emergency period ends, there will still be some hardship so we are trying to make this as easy as possible for people and we do not want a situation where there are many evictions. This is yet another measure for parties to hopefully be able to take up to ensure that the landlord gets paid, that it is not an unreasonable payment plan and is not going to take 50 years to repay. For example, and the commissioner determines that, and at the same time, while a tenant is faithful to that plan and pays on time, they cannot be evicted. That provides enormous comfort and another protection for tenants. We know it is made with the best of intentions all round but we will not be supporting the amendment.

**Ms STANDEN** - I forgot to note that this amendment includes a new clause 8 which specifically goes to the point about varying rent arrears payment orders. I feel that under the current circumstances it is an important provision, given that it will make allowances for the fact that it is a very fluid employment market at the moment. I understand that an application would be made by a tenant under the circumstances that present at the time, but given that these payment orders may reach over several years, let alone months, providing that clarity over discretion for the commissioner and the office is an important suggestion. Again, I support that particular clause within the proposed amendment.

**Question - That the amendment be agreed to - put -**

**The Committee divided -**

**AYES 11**

Dr Broad  
Ms Butler (Teller)  
Ms Dow

**NOES 13**

Ms Archer  
Mr Barnett  
Ms Courtney

Ms Haddad  
Ms Houston  
Mr O'Byrne  
Ms O'Byrne  
Ms O'Connor  
Ms Standen  
Ms White  
Dr Woodruff

Mr Ferguson  
Mr Gutwein  
Ms Hickey  
Mr Jaensch  
Ms Ogilvie  
Mrs Petrusma  
Mr Rockliff  
Mr Shelton  
Mr Street (Teller)  
Mr Tucker

**Amendment negatived.**

**Clause 6 agreed to.**

**Clauses 7 and 8 agreed to.**

**Clause 9 -**

Section 43 amended (Effect of notice to vacate)

**Ms O'CONNOR** - I am very happy for Ms Standen, if she feels strongly, to move the same amendment but you were a bit slow so -

**Ms Standen** - I was taking advice from the Clerk that this is not clause 9. It is new clause 9A so I am in your hands.

**Ms O'CONNOR** - So are you not moving then?

**Ms Standen** - No, I am but it says -

**Ms O'CONNOR** - It says 9A.

**Ms Standen** - Okay. Sit down now.

**Ms O'CONNOR** - Hang on a minute. I do not want to agree to clause 9.

**Ms Standen** - No, well, it is 9A.

**Ms O'CONNOR** - Yes, but we are amending clause 9.

**Mr DEPUTY CHAIR** - No, it is a new amendment. Do you want to speak to clause 9, Ms O'Connor?

**Ms O'CONNOR** - I will just briefly because I have not had the benefit of the explanation that has been given to Ms Standen. The request in the amendments that have been put forward by the Tenants' Union is that a new (cb) be inserted after (ca) in clause 45(3) of the principal act. I will speak to it.

This, of course, is the clause in the Residential Tenancy Act which has been the subject of much debate in this place. This is the clause that allows for tenancies to be terminated. Of

course, there is a series of requirements that the court must be satisfied of in order that vacant possession be delivered to the owner to satisfy that -

- (a) a notice to vacate the premises was properly given; and
- (b) the reason for serving the notice to vacate was genuine or just; and
- (c) vacant possession was not delivered to the owner; and
- (ca) where the premises are social housing and the reason for serving the notice is a reason referred to in section 42(1)(da), (db), or (dc), vacating the premises would not result in unreasonable financial disadvantage or unreasonable social disadvantage, to the tenant; and -

And this is where the Tenants' Union wants to see an amendment, but I understand that what we are looking at here potentially is a new 9A. How that would fit into clause 45 of the principal act, I am not sure. The amendment we seek to have inserted here is -

Section 45 of the principal act is amended by inserting after paragraph (ca) of subsection (3) the following paragraph -

- (cb) where the notice to vacate is served on the grounds of failure to pay rent and the arrears to which the notice to vacate relates are arrears in rent to which a rent arrears payment order may be made under section 24O.

**Mr DEPUTY CHAIR** - We have to move clause 9 before we can go to clause 9A, which is what the amendment is.

**Ms Standen** - Mr Deputy Chair, if I could just briefly explain -

**Ms O'CONNOR** - It is not my amendment, just to be really clear. Because we have not had this conversation, now I am on my feet, the Greens get two goes on each clause. We are in clause 9 of the bill, which seeks to amend clause 45 of the principal act.

**Ms STANDEN** - That is not right. Mr Deputy Chair, if I could just briefly explain because it would be helpful. We did speak, but it was a couple of weeks ago, about the intention of the amendment. Clause 9 of this bill relates to section 43 of the principal act and the suggested amendment is looking to amend section 45, not 43, of the principal act.

**Ms O'Connor** - No, I am speaking to section 45.

**Ms STANDEN** - The point is this clause does not seek to amend section 45. It seeks to amend section 43, Effect of notice to vacate. The amendment from the Tenants' Union is seeking to insert a new subsection in section 45 of the principal act and therefore would need to be a new clause which would be 9A. So it would not be amending clause 9 of this bill, but it would be a new clause 9A.

**Ms O'Connor** - Okay, I will cop that.

**Clause 9 agreed to.**

**New clause 9A -**

**Ms STANDEN** - The Leader of the Greens may wish to add to this but since I originally tabled this third amendment I might as well speak to it. My suggestion based on the advice from the Tenants' Union is that clause 9 of this bill seeks to amend section 43, which is Effect of notice to vacate. The Tenants' Union has highlighted an issue with section 45 in relation to order for vacant possession and this amendment would be to -

**Mr DEPUTY CHAIR** - Ms Standen, could you read out your amendment, please?

**Ms STANDEN** - Mr Deputy Chair, I move -

New Clause 9A to amend section 45 of the principal act as follows -

By inserting after subsection 45(3)(ca) the following subsection -

- (cb) where the notice to vacate is served on the grounds of failure to pay rent and the arrears to which the notice to vacate relates are arrears in rent to which a rent arrears payment order made under section 24A relates -
  - (i) if a condition of the rent arrears payment order has been contravened, that the contravention in all the circumstances justifies terminating the agreement; or
  - (ii) if each part of the total amount of rent in arrears, that is required under the rent arrears payment order to be paid within a period, specified in the order, that has expired and has not been paid before the end of that period, that the failure to comply in all the circumstances justifies terminating the agreement; and

That is where the amendment concludes because the rest of section 45 of the principal act would follow.

The point of this is that there is uncertainty as to the circumstances in which an order for vacant possession should be made and in particular the issues around the genuine or just provision. This amendment seeks to clarify the circumstances under which such an order for vacant possession should be made. I might see if that amendment is consistent with that which the Leader of the Greens was flagging.

**Ms O'Connor** - The wording is the same as the Tenants' Union wording that you have.

**Ms STANDEN** - This was outlined in correspondence to the Attorney-General on 23 September, so some weeks have transpired since this debate commenced and there was a bit of a rush with missed communication between the Office of the Residential Tenancy Commissioner and the Tenants' Union in respect of the provisions of the bill. It is



correspondence that arose after the Tenants' Union had had an opportunity only briefly to consider the bill once it had been tabled.

Given that a couple of weeks have transpired since this correspondence was sent to the Attorney-General, I would appreciate her consideration of the response to this. There has been significant debate in this place today relating to the reason for serving the notice to vacate being genuine or just and exactly the Government's position in relation to that.

I too note the correspondence from the Tenants' Union that sought to clarify the Government's intention in relation to any intention to amend section 45(3)(b) about removing the requirement of the reason for serving the notice to vacate was genuine or just, citing Justice Geason's judgment which was unanimously upheld on appeal to the full court of the Supreme Court in the Director of Housing v Parsons 2019. I too seek the Government's reassurance that it will ensure Housing Tasmania tenants are afforded procedural fairness by emphatically ruling out any amendment to weaken the protection afforded by section 45(3)(b) of the principal act and await the minister's response in relation to new clause 9A which would seek to provide further clarification in relation to that provision.

**Ms O'CONNOR** - I would like to speak to that briefly and to support the proposed amendment. Given the debate we have had in this place going back two and a half weeks now and the issue at the heart of it, which is a Government decision that was reversed on 24 August to remove the 'genuine or just' provisions from section 45(3) of the Residential Tenancy Act 1997, and given the request from the Tenants' Union of Tasmania as well as other community sector organisations to first of all have any changes to this section that deleteriously affect tenants ruled out, and we have had that from the Attorney-General today, the issue is raised that there is uncertainty over what 'genuine or just' means from a legal point of view in the act. It is one of those situations where it should be patently obvious what a genuine or just reason for giving a notice to vacate is, but in legal terms there is often ambiguity. This amendment would deal with that ambiguity by making sure that in all circumstances there is a need for the notice to vacate to be justified in all circumstances.

For example, if a condition of the rent arrears payment order has been contravened and that the contravention in all the circumstances justified terminating the agreement, and if each part of the total amount of rent in arrears that is required under the rental arrears payment order to be paid within the period specified in the order that expired and has not been paid before the end of that period, the failure to comply in all the circumstances justifies terminating the agreement and the tenant is served with a copy of the application.

It would be an act of good faith on the part of the minister given the revelations that in the middle of a housing and homelessness crisis this Government was going to make it easier under the law, or was going to develop legislation that it would bring to this place that would make it easier for people like Gregory Parsons to be turfed out of their home. The best way to mitigate some of the community fallout from a decision that was made by Government and then reversed in a pandemic is for this amendment to be accepted because it strengthens tenancy protections. I do not believe it takes anything away from decent landlords.

There has been an issue over how 'genuine or just' is interpreted, although in many ways that question has been answered by the Supreme Court. Perhaps this is one of those examples where you could send a very strong signal to the 13 000 people who live in Housing Tasmania properties that the Government does have their back, not only in a pandemic but afterwards.

It is very important to place on the record, after all the conversation that happened here today, that the reason we asked the questions on this section of the act in the first place, is because it is our job to represent Housing Tasmania tenants, and people on low incomes who are living in private rental properties.

This was never about a 'gotcha' moment. That is why we thought so long and hard about how to ask the question and whether we would ask the question. At the end of the day, we were concerned there could be a move to amend the Residential Tenancy Act to weaken protections for tenants so they could be evicted without genuine or just reason. That is the reason we asked the question.

As a former minister for Human Services, I still feel very strongly and passionately about the responsibility to speak for people who do not have a voice. People who are living in Housing Tasmania homes are, in many ways, socially and economically marginalised. That is why we asked the question and I want that placed on the record.

I urge the minister to accept this amendment because it is sound and it will make sure that those protections are there for tenants.

**Ms ARCHER** - We need to be very clear about what this amendment actually deals with. It is not the genuine and just provision, but for Ms Standen's benefit - who must have missed my very clear and unequivocal statement in response to Ms O'Connor in the previous amendment, that I ruled out any changes to section 45(3)(b).

Regarding communications with the Tenants' Union, it is correct as I said in my contribution when this matter was last before the House, that there was insufficient time to speak to the Tenants' Union although we did try - and try as we may, we did not connect.

Since then, there have been conversations. I sent a letter yesterday in response to that particular letter, which is a different letter to the one to which I was referring in the previous contribution on the previous amendment, for the purposes of *Hansard*. I have got back to the Tenants' Union.

This proposed amendment, by way of a new clause 9A, relates to section 45 but in doing so it creates a new subsection (cb). This amendment would change the matters to be considered by the Magistrate's Court in the event that a landlord seeks an order for vacant possession. This may occur in the event a tenant has not complied with a rent arrears payment order, has been given a notice to vacate but has not moved out of the property.

The proposed amendment would change the role of the Magistrate's Court from one that is largely focused on whether the requirements of the act have been followed by the landlord, to one which requires significant judgment regarding the facts of the individual tenancy. For example, the Magistrate's Court would be required to determine if the failure of the tenant to comply with the rent arrears payment order justifies the termination of the agreement.

While I do not doubt the ability of the Magistrate's Court to perform this function, I am concerned the impact that allocating this role to the Magistrate's Court will slow the process of repayment and further frustrate tenants and landlords.

When I made this announcement to amend this act as we come out of COVID-19 recovery measures - as we exit the hardship period and the emergency orders - I did so on the basis that I did not want parties to have to resort to having to go to court to get things interpreted or ordered. The repayment plan is to try to keep matters out of court and we are trying to keep things as simple and as reasonable as possible but with sufficient information that informs the Residential Tenancy Commissioner, so he makes a fair and reasonable decision in relation to a repayment plan. As members would be aware, it can take some time for matters to be heard by the Magistrates Court and while this time frame varies according to when it can be listed, that is a matter for the courts. I have no control over that. The Residential Tenancy Commissioner has no control over that. It is entirely a matter for the Chief Magistrate as to how the court conducts its administration. It is typically a period of at least three months. This time frame is likely to be longer as a result of the impact of COVID-19 and the Magistrate's Court time frames for listings.

I doubt any member in this place wants that type of delay to having a repayment plan in place to pay back rental arrears when tenants can run the risk of eviction. It is not the intent of this bill.

I also note that expanding the role of the court in considering these matters may also change the behaviour of tenants who receive a notice to vacate for failure to comply with their rent arrears payment order, leading them to apply to the court when they otherwise might not. This also has the potential to increase the volume of matters considered by the court, further slowing down the consideration of cases to the frustration of landlords and tenants, who I am sure would be very keen to get this sorted out as quickly as possible. However, if they are beholden to this amendment that cannot happen and it cannot happen quickly.

I cannot in all good conscience support an amendment which I do not think achieves the outcomes that members have moved and spoken to in support. I believe there is a perverse outcome to a well-meaning amendment.

**Ms STANDEN** - Mr Deputy Chair, I fear we are headed to another 'agree to disagree' moment in relation to this amendment. My view is consistent with the Attorney-General's in that the aim ought to be to keep these matters out of the Magistrate's Court. We want to have rent arrears payment orders that are fair and reasonable and expeditious in relation to sorting out disputes where they arise. However, rent arrears payment orders are not contemplated by the principal act. That is the point of amending it - to make it crystal clear so that the office of the Residential Tenancy Commissioner, the Tenants' Union of Tasmania and other parties such as the Real Estate Institute of Tasmania are clear on the interpretation of rent arrears payment orders and within the principal act.

Those parties can then provide advice to tenants and landlords around the order for vacant possession provisions of the principal act as it relates to rent arrears payment orders. If that amendment is made, it clarifies matters precisely for the point that the Attorney-General has made and that is to keep it out of courts, to make these grey areas crystal clear. It is not only about the uncertainty that surrounds section 45(3)(b) - genuine and just provisions. It is not just about a signal of goodwill to the sector as suggested by the Leader of the Greens. It is to provide this clarity because the principal act is silent in relation to rent arrears payment orders.

This is new territory in relation to a new administrative arrangement contemplated by this bill. That is the point of having that certainty within the bill, precisely for the reasons the

Attorney-General has outlined - to clarify the matter, to provide advice to the parties, and to keep these matters streamlined and out of the courts where possible.

**Question - That the new clause be read the second time and made part of the bill to follow clause 9 - put -**

**The Committee divided -**

**AYES 12**

Dr Broad  
Ms Butler  
Ms Dow  
Ms Haddad  
Ms Houston (Teller)  
Mr O'Byrne  
Ms O'Byrne  
Ms O'Connor  
Ms Ogilvie  
Ms Standen  
Ms White  
Dr Woodruff

**NOES 12**

Ms Archer  
Mr Barnett  
Ms Courtney  
Mr Ellis (Teller)  
Mr Ferguson  
Mr Gutwein  
Ms Hickey  
Mr Jaensch  
Mrs Petrusma  
Mr Rockliff  
Mr Shelton  
Mr Tucker

**Mr DEPUTY CHAIR** - The result of the division is Ayes 12, Noes 12. In accordance with standing order 257 I cast my vote with the Noes.

**New clause 9A negatived.**

**Clause 10 agreed to and bill taken through the remaining Committee stages.**

**Bill reported; report adopted.**

**Bill read the third time.**

**STATE SERVICE AMENDMENT (VALIDATION) BILL 2019 (No. 52)**

**Second Reading**

[5.08 p.m.]

**Mr GUTWEIN** (Bass - Premier - 2R) - Mr Deputy Speaker, I move -

That the bill be now read the second time.

This bill addresses matters related to the accrual of recreation leave for State Service employees under regulation 21 of the State Service Regulations 2011.

Regulation 21 currently limits the amount of recreation leave that can be accrued to a maximum of two years of entitlements. If an employee is unable to take recreation leave for

two years due to the operational requirements of the agency, the head of agency is to make arrangements for the leave to be taken in the third year.

Although regulation 21 formally limits the accrual of recreation leave, it has been longstanding custom and practice across agencies for recreation leave to be accrued on an ongoing basis and flexibly taken or paid out without this limit being applied.

Agencies have leave management plans in place that aim to keep leave liability below two years of accrued leave entitlements for financial liability and health and wellbeing reasons, but no mechanisms have been put in place to manage accrual once the limit has been reached.

Under regulation 21 as it currently stands, employees have no entitlement to accrue additional leave once the maximum limit is reached and therefore any granting of leave and payment by agencies for such leave has been contrary to parliamentary authority.

The purpose of this bill is to reduce inconsistency between awards and the regulations and to protect past and present employees who have been permitted to accrue, take or have been paid for recreation leave in excess of the maximum limit.

All awards provide for recreation leave entitlements but there is some inconsistency, as not all awards mirror regulation 21. The proposed bill will rescind regulation 21 and therefore allow the accrual of recreation leave to be governed by awards.

If an employee is not covered by an award or agreement, or if an employee's award or agreement does not set out a provision in relation to recreation leave accrual, section 47AE(8) of the Industrial Relations Act 1984 will apply.

The bill will also validate past conduct of agencies in contravention of regulation 21. Past and present employees who have previously taken or have been paid in lieu of taking leave which accrued above the maximum limit will have such leave legally validated to eliminate the risk that those payments may need to be recovered.

The proposed bill is an effective solution to past payments made to employees. However, it does not recognise current balances held by employees but not yet paid above the two-year limit. It is important that current leave balances held by employees are validated, as this ensures the bill fulfils the intention of validating past actions in contravention of regulation 21 and protects employees who have accrued leave beyond the limit. It is especially important that current leave balances held by employees are validated, as COVID-19 has impacted on the amount of planned leave taken by staff.

Therefore, I advise the House that it is my intent to move two minor amendments to clause 5 of the bill to give full effect to the bill's intent. The amendments will operate to increase the scope of validation to include accruals for an employee who, immediately before the commencement date of the validating legislation, has accumulated recreation leave that is greater than the employee's maximum entitlement to recreation leave. I understand that members have been provided with the opportunity to be briefed on the proposed amendments.

The bill, with the addition of the proposed amendments, resolves the issue relating to regulation 21 as it protects both past and present employees, and reduces inconsistency and duplication.

I commend the bill to the House.

[5.12 p.m.]

**Ms O'BYRNE** (Bass) - Madam Speaker, we have a slight disadvantage in that the second reading speech the Premier has just presented was handed to me as he was saying his last few words.

I sought a briefing this morning because we were concerned that the bill presented to the House did not achieve what the bill presented to the House was supposed to achieve, that is the recognition that not only had you taken your leave or been paid out your leave; but the accrual of leave as it currently stands would be validated. We were going to move that amendment, which we no longer have to move.

I have not read the last part of the second reading speech because I was watching it being handed out around the room and hoping to get it. Second reading speeches are important to see and the Premier knows this because should there ever be any question about the intent of the bill the second reading speech is the first point after courts. If the courts identify that there is still some level of disquiet about the intent of the bill the second reading speech is crucial.

I believe the second reading speech reflects what I was told in the briefing: that those two amendments give effect to the issue because as the draft bill stood, if following commencement day employees with maximum recreation leave accruals in excess of two years accrual would stop accruing recreation leave and there would be significant pressure on agencies to be able to resolve this.

That is particularly an issue in areas such as Health. We used two years because it can be 40 days or more than 40 days depending on the award conditions. One of the reasons that leave is not being taken is that it is simply impossible to get anyone to cover your shift. It is hard, particularly in times of pandemic when we were asking people to step up that they were not able to take accrued leave. It would have been concerning had that not been resolved.

I am pleased that that is resolved. It was an eleventh hour thing. The organisations representing workers had not seen the amendment until I circulated it to them at the briefing. When I asked for a briefing this morning everyone was very fast to act upon that.

I did not think I would need to seek a briefing because the union movement was under the impression that the bill would be withdrawn and another one provided that had the appropriate clause in it. That is why we were late asking for it. I appreciate how quickly it was offered.

The other issue I wanted to put on the table, and which I flagged in the briefing, relates to having standardised clauses across all awards which deal with the acquisition and increase in leave after their eight weeks' accrual or their two-year accrual. It seems that what is wanted by the department and the Government - perhaps the Premier can clarify this - is the ability for the employer to say, 'We need you to take your leave and you have to take your leave at this given time'. I understand the intent because that is about managing workforce, managing demand and managing what is happening in our services.

However, the national employment standards that address these issues do not have that as simply a right of an employer; they also have it as the right of an employee to say, 'I have

my more than eight weeks leave or my more than two years entitlements and I need to take it now because that is a right that has accrued to me'. Particularly in Health, it is sometimes impossible to take your accrued leave because you cannot fill the roster if you have that many people on leave.

Staff do the right thing, but the reason we have annual leave is that we recognise that people need to stop and rest and catch up. The only question I have, because I think the amendment the Premier will move in Committee will resolve the issue with the bill as presented, which did not address the problem, is an understanding of where the Government intends to take that. If we are looking at standardising across awards the way leave is taken then we would all prefer an adherence to the national employment standards that gives the same right to employees to require their leave as there might be to employers to require that leave.

Can the Premier address that? That is the only concern I have. I am pleased that the Premier will be moving an amendment to address the bit of the bill that the bill was supposed to address.

[5.16 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Madam Speaker, the Greens will, of course, support the bill. We note that it validates past payments made to current and former State Service employees for leave accrued above an employee's maximum entitlement to recreation leave.

It validates past recreation leave taken by current and former employees where the amount of recreation leave taken was greater than the employee's maximum entitlement to recreation leave. It rescinds an entity known as regulation 21, leaving recreation leave to be dealt with by existing provisions in awards and agreements or the Industrial Relations Act 1984. Just out of interest, perhaps the Premier has some information on regulation 21 - how it came about and how it came to be in such conflict with awards and entitlements, arrangements or agreements.

Now that I have had a look at the amendment Ms O'Byrne showed me, we are comfortable with that and recognise that it actually makes the bill have the effect that it is intended to have.

I want to raise the issue of the State Service review while we are talking about the State Service Amendment (Validation) Bill of 2019. This might be an opportunity for the Premier to put some more detailed information on the record about the State Service review, which is a very significant body of work that is taking place at the moment.

The Greens have already had a briefing with Dr Ian Watt, AO, former Secretary of the Department of Prime Minister and Cabinet, I believe under John Howard. I note that as Prime Minister, John Howard began a process of politicising and cowing the Commonwealth public service. It came from that neo-liberal philosophy of small government. What small government means in a neo-liberal vein is less money going into public services, into the wages that pay doctors, nurses, teachers and the like.

While we have met with Dr Watt and had a very engaging and open conversation, we do not want to see any review of the State Service lead to an erosion of those principles of

independence, of duty, of working in the public interest, of being there for the people and not their political masters in the short period of time, relatively speaking, between elections.

We strongly encourage the Premier to make sure that the Tasmanian State Service Review strengthens the State Service and does not diminish it. The pandemic has taught us that when times are really hard, we need a strong, well-resourced and politically well supported State Service.

The Tasmania Health Service and Tasmania Police have put their energies and resources into responding to the pandemic and keeping us safe during the past six months. We need to have a strong State Service around the country and in Tasmania. I acknowledge that demand in the health system continues to increase, and outstrips the supply of health services repeatedly; and the cost of delivering public health services is on the increase. However, the health system was already under-resourced before the onset of the pandemic.

The federal Budget is winding back the health specific purpose payments to Tasmania, and this will impact the Tasmania Health Service and its capacity to respond to the needs of Tasmanians, not only during a pandemic but also once we are through this truly awful time.

I understand that in approximately one month, the independent reviewer, Dr Watt, will hand the Premier a preliminary report on the State Service Review and, as a result, there will be another round of consultations through December to February. The Greens certainly hope to hear from Dr Watt and the review team. Then, in around March next year, a final report will go to the Premier, and we will see what ensues.

I encourage the Premier to reflect on the past six months, when that strong State Service has supported you and your ministers, and every person in Tasmania.

I note the reference group for the review will provide advice to the reviewer and possibly to the Premier, and will seek the public's thoughts - although it is challenging to obtain an accurate understanding of what people are thinking unless you engage really deeply and consistently in the community.

I also noted in the review materials, that one of the areas that the reference group will advise on is industry best practice. I wonder what that means in the context of the State Service sector because the State Service is not an industry. It is a sector which employs many thousands of Tasmanians. We do not want the State Service to become more like private industry. That is the last thing that most Tasmanians would want.

We want to see those neo-liberal notions of small government not form part of this review as they deprive people of the public services they need. If the purpose of the review is truly to determine whether Tasmania's State Service is fit for purpose, the Premier and the Cabinet need to be open to ways to strengthen the State Service, improve resourcing, and ensure its independence to the greatest extent possible.

I am not naïve about this. I understand the importance of a department working to give effect to government policy and therefore working to a minister or to a premier, and doing everything they can to ensure the work they do meets the expectations of their minister as well as delivering public benefit. We do not want to create a State Service where people are fearful of giving a minister frank and fearless advice, where there is a culture of, for example, not



putting things in writing so they cannot be captured by right to information, or where there are limited opportunities for career advancement through the State Service.

We want to see a State Service where talent is acknowledged and rewarded, and I believe that generally is the case. We also want to ensure Tasmania's unions have a voice in this process. I know there is some measure of engagement with the unions, but we are uncertain how genuine that engagement is. The original brief for the review indicates union representation on the reference group and I am not certain if that has occurred. Perhaps the Premier could answer that question - whether there is union representation on the reference group for the review and whether that reference group is complete.

**Ms O'Byrne** - I understand the reference group was formed after the terms of reference were provided, and that is actually where the process comes unstuck.

**Ms O'CONNOR** - Ms O'Byrne, by interjection, says that union representatives in Tasmania were not consulted on the terms of reference for the review - which go to whether or not it is fit for purpose - and then the reference group was formed after the terms of reference had been developed.

We need to ask ourselves what the purpose of government is, because the state sector is the foundation of a decent government. The Greens will always argue government is there for people and its primary purpose must be to serve the people. While governments of different persuasions will have different interpretations of what that looks like, first and foremost that is what government is there for and we have seen this during the pandemic. We have seen good governments do the right thing. Decent governments step up and provide those services and supports where they are needed.

We have also seen lousy governments, such as the Trump administration, abandon people so we now have 215 000 people in the United States who have died as a result of a criminally negligent response to a deadly virus. That is a country with a particular kind of person as their president who has forgotten what government is about.

First and foremost, government is about the people who elected the government. It is also a compact between the executive, the parliament and the people, and there has to be trust that when the times are really hard, the government will be there for you. Whatever differences I have with this Premier supporting a dishonest minister, over the past six months this Government has been there for Tasmanians, and people know that this Government has their back in keeping them safe from the virus.

Much of that is due to the quality of the people in our State Service. Certainly, for the time I was in government, one of the great revelations and privileges of being a minister was the quality of the people with whom you worked in the State Service.

Perhaps the Premier could give us an update on the status of the State Service review, and also - without pre-empting the recommendations or the findings of Dr Watt - advise the House about your vision for the State Service, or those principles you consider must be retained in our State Service in any review process and in any changes that are made to its basic structures. A State Service which is fit for purpose works in the public interest every time and is well-resourced to do so. It is flexible and nimble, and it is supported by - and supportive of

- the government of the day. Its overriding principle must be to work for the people because before we called it the State Service, we always called it the public service.

[5.30 p.m.]

**Mr GUTWEIN** (Bass - Premier) - Madam Speaker, I thank members for their contributions and their support. Regarding the second reading speech, I thought that had been circulated. It was certainly not my intention to read a speech into this House that had albeit only a couple of new paragraphs inserted that one of you had not seen. With the amendments we are moving, I think the time frame from when the previous premier first tabled this to now provided the opportunity to understand that there were some matters that needed to be revoked and given attention to. Were you looking at making a contribution, Ms Ogilvie?

**Ms Ogilvie** - No, I was listening intently.

**Mr GUTWEIN** - Very good. In terms of the matters that were raised by Ms O'Byrne, future governance of recreation leave is the subject of ongoing consultation with key stakeholders to ensure that the approach to this accrual of recreation leave is fit for purpose and meets the future needs of the State Service.

The ability of employees to give notice and go on leave, as you had suggested with the national employment framework, is being considered in terms of standardised clauses in the awards. That matter is being looked at and we will be provided with some attention. Now that we are working to fix this problem it is important that we fix it with a suitable solution.

Regarding regulation 21, I am told that that has been in place since 2001. In broad terms, it currently limits the amount of recreation leave that can be accrued to a maximum of two years of entitlements. If an employee is unable to take that recreation leave for two years due to the operational requirements of the agency, the head of agency is to make arrangements for the leave to be taken in the third year. What has happened in practice is that obviously it has built up and -

**Ms O'Byrne** - It was designed to stop people not being allowed to take leave but it has not worked in that sense.

**Mr GUTWEIN** - Yes, and that is a reasonable point that is being made.

In terms of the amendments I will move, as I have indicated in the second reading speech, they effectively fix the accrual to the day before the bill receives royal assent. As I outlined, and I will speak to these when we do it, the amendments will operate to increase the scope of validation including accruals for employees, who immediately before the commencement date of the validating legislation, have accumulated recreation leave that is greater than the employee's maximum entitlement to recreational leave. I will be moving those, and I believe that tidies up the bill and the matters that were brought to our attention through this period. There was a suggestion that a new bill would be introduced, but as it was a matter of simply amending the bill before the House, I chose to go down that pathway on advice.

In terms of the State Service review, without pre-empting it, Dr Ian Watt will meet with the reference group in the coming weeks and towards the end of the month, if not sometime in early November. I will receive the first interim report and that will be consulted widely over a period through to around early February.

What is interesting, not that I have been on a road to Damascus in terms of the state sector, it would be fair to say that, in terms of the Tasmanian State Service, there have been people who have gone above and beyond and demonstrated through the pandemic a willingness to not only work exceedingly hard but to be flexible and nimble. In fact I had a chat with Ian Watt recently to say that we need to ensure we can serve the public in the same way that we have been able to deal with this pandemic, which is that, where there is a need, the service is flexible, it is nimble and it can deliver.

In my time in this place there have been things that have impressed me no end in both contributions here but also in contributions in our community, but I have never been more impressed by the work of those we call public servants in the way they have dealt with this pandemic.

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

**Mr GUTWEIN** - It has been an extraordinary period for them and it has challenged many of them, but at the end of the day they have done what we all set out to do in this place and within the service, and that was to ensure we kept Tasmanians safe and served the people of Tasmania to the best of our ability. That is what has happened through this period.

Ms O'Connor, without pre-empting the review, I have had many discussions with Tom Lynch, not so many in recent years, but certainly through my period in opposition and in my early years as Treasurer. The union has always taken the view that promotion should be on merit, that we want to ensure that when we attract people to the service they can see there is a worthwhile contribution they can make and that there is a career path for them.

If you bring it right back - and you made the point that it was once called the Public Service - it is about serving the people of Tasmania. One thing that is interesting, and there is a real learning in this, is that other states have moved to digital platforms much quicker than we have in the ability to pay bills, to engage with Service Tasmania. We need to look at that very closely. We need an app that you can pay your land tax through, that you can pay your registration, that you can engage with government and across -

**Ms O'Byrne** - Most of your online content is not accessible by phones or apps across most of the departments.

**Mr GUTWEIN** - We need to take that step, I absolutely agree.

I make the point regarding our intentions for the public sector that we will honour all the wage agreements. I am not going to move to a wage freeze as other jurisdictions have either tried to or have done so in some jurisdictions. I could not be prouder of the public service and the service they have provided to Tasmanians through this. At the moment when our economy is weakest, the worst thing we could possibly do is withdraw the spending power of those 30 000 employees we have. They deserve to be supported by this Government and they will be.

I hope that gives you an idea of where my thinking is. There will always be things we can do better. There will always be changes that will need to be made, and there will no doubt be debate in this place, but ensuring that the people of Tasmania can receive the service they

need from the public sector is what I want out of the review. That has been my intention from day one.

Ian Watt made the point to me recently that there were challenges and opportunities before the pandemic. The pandemic has provided both an opportunity to see further opportunities as a result of a public sector that has demonstrated that it can work nimbly and demonstrate interoperability when it needs to, and there are some extraordinarily gifted people within that public sector.

The other point I make is that there are some individuals, without naming them here - there will be a time to do that - for the work they have done, I along with this place and the rest of Tasmania, will be forever in their debt.

I will close my comments there, and we will be moving into Committee.

**Bill read the second time.**

## **STATE SERVICE AMENDMENT (VALIDATION) BILL 2019 (No. 52)**

### **In Committee**

**Clauses 1 to 4 agreed to.**

**Clause 5 -**  
Section 54A inserted

**Mr GUTWEIN** - Mr Deputy Chair, I have two amendments to clause 5.

I move -

That clause 5 be amended in proposed new section 54A(1), definition of 'maximum entitlement to recreation leave', by deleting 'that the employee is' and inserting instead 'that, immediately before the commencement day, the employee was'.

While I am on my feet I will do the second amendment as it is in the same clause. I move -

That clause 5 be amended in proposed new section 54A after subsection (3) by inserting the following subsection -

- (x) An entitlement to an amount of recreation leave accumulated by an employee, or former employee, before the commencement day is not invalid solely on the basis that the amount of recreation leave so accumulated was greater than the employee's maximum entitlement to recreation leave.

**Ms O'BYRNE** - We will support this because it gives effect to the intent of the bill which was to do exactly this bit that the amendment deals with. The only thing I want to flag - and I should have done it in my contribution and I apologise - is that if I as a worker today have

60 days leave sitting there, my 60 days would be safe. The question then comes around continued accrual beyond the commencement date. Commencement is from royal assent. Assuming royal assent was 1 November, picking a random date, if I am still accruing leave beyond 1 November, the general principle is that it would then be dealt with by the awards.

Given that broader conversation about the rights of employees to have some say about when that leave is taken that is part of your broader debate, I am a little concerned and want to get something on the record from you. If people think that might not go in a way that supports them, you might have a truck-load of health workers, for instance, suddenly saying, 'I am going to take my leave now because I want to make sure I don't miss out further on because I do not want to have an accrual continuing that I then do not get to access', could you give something on the record that indicates people are not going to be disadvantaged by this inadvertently?

**Mr GUTWEIN** - The point that you make is an important one. I will give a commitment in this place that we will deal with those matters sensibly and responsibly. It is not our intention to change things in a way that forces certain action to be taken in relation to taking leave, as you say, in a rush. We will be mindful of that as we work through it.

The other point I make, and I do not think we will need to do this, but if we find as we work our way through this, and in relation to embedding and ensuring that the awards capture the intent as we move forward, there is a need to come back into this place to move a further validation bill, I give a commitment to do so.

**Clause 5, as amended, agreed to.**

**Clauses 6 and 7 agreed to and bill taken through the remaining Committee stages.**

**Bill reported; report adopted.**

**Bill read the third time.**

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

### **Second Reading**

[5.47 p.m.]

**Mr BARNETT** (Lyons - Minister for Veterans' Affairs - 2R) - Madam Speaker, I move -

That the bill now be read for the second time.

The Anzac Day Trust was established under the Anzac Day Observance Act 1970 to provide grants to service organisations that support the welfare of members of the Australian Defence Forces and their dependents. This followed an agreement between RSL Tasmania, horseracing authorities and the Tasmanian Government to allow horseracing and other sporting events to take place after midday on Anzac Day.

The RSL successfully negotiated for a portion of profit made at those race meetings to be provided to a fund administered by the trust to assist ex-service personnel and their

dependants. It also provided for the trust to receive and disburse bequests and gifts. However, there is no record of the trust having received these.

It was rare that Anzac Day race meetings resulted in a net profit. This led to a change in the act in 1981 to allow an annual payment to the trust of any amount determined by the Treasurer in lieu of the sum derived from race meetings. In 1996 the then Treasurer agreed to index the amount in line with the Consumer Price Index which the former Premier, the Hon Will Hodgman MP, endorsed in 2015.

The act established the trust consisting of four trustees appointed by the Governor on the recommendation of the minister responsible for administering the act. The act was reviewed in 2010 and, based on the feedback received, the trust was retained. The cost of providing secretariat and administrative support is high compared to the size of funding available - \$25 000 in 2019-20 - and the number of recipients.

Since 2011, only four eligible organisations have received funding. In recent years, Hobart Legacy has been the only eligible applicant under an arrangement with Launceston Legacy, where Hobart Legacy applies on behalf of both organisations and 50 per cent of the amount disbursed by the trust is remitted to Launceston Legacy.

The bill provides for the following:

- the winding-up of the Anzac Day Trust and fund;
- the transfer of any assets and liabilities of the trust to the Crown;
- the responsibility for dealing with any current or future legal proceedings and related matters; and
- the repeal of Part III of the act that establishes the trust.

If the trust is wound up, a new approach will be implemented that is consistent with the purpose of the trust to provide funding to organisations that provide welfare services to veterans and their dependants.

Under the new approach, annual funding of \$40 000 per annum will be provided to Legacy in Hobart and Launceston through four-year grant deeds. This approach will provide certainty for Legacy Hobart and Launceston and be consistent with the purpose of the trust. It will also minimise administrative costs associated with the trust for the Government and Legacy Hobart and Launceston.

To ensure that any other welfare organisations that provide services to veterans or their dependants can seek funding support, the guidelines for the Teddy Sheean Memorial Grants Program will be amended to make welfare activities and organisations eligible to apply for funding.

I thank the current chair of the trust, Mr Ricky Bott, and trustees Mr Paul Crew and Mr Wayne Luttrell and all previous members of the trust for their commitment to the welfare of Tasmania's veterans.

I commend the bill to the House.

[5.51 p.m.]

**Ms O'BYRNE** (Bass) - Mr Deputy Speaker, this is a simple and procedural bill that has the support of Legacy. It was discussed at length by the trustees of the Anzac Day Trust Fund. The outcomes of those discussions were, as the minister said, to lead to the acceptance of the repeal to be replaced by a guaranteed grant of \$40 000 each year for four years to be divided between Hobart and Launceston Legacy.

I deal with Launceston Legacy quite a bit as I know the minister does. They are an excellent organisation. They have about 68 active legatees and eight supernumeraries and they look after 188 widows and five children, which is a fair scope. They cover the northern half of Tasmania from Oatlands on, where the beer sign used to change, as they say. They have had 12 widows clubs throughout the north of the state, which assist widows with socialisation and combat the loneliness that many of them feel after the loss of their partners. They are very keen to have any new members as volunteers to assist with what they see as their sacred task of looking after the families of incapacitated and deceased veterans. Legacy Badge Day is one of the ways they fundraise that. I put on the record Hobart Legacy's support of my grandmother when my grandfather died and the great work they did.

I have only two questions for you, minister. You should be able to do this reasonably easily. They were wondering, given it is a four-year grant whether you anticipate that grant to be a rolling grant or whether you think that after the four years it might not be something that is picked up by subsequent governments. They are after an understanding of whether it is four years because you anticipate it might grow along with a need, or what you think that might look like?

When do you anticipate the changes to the Teddy Sheean Memorial Grants round will happen that will allow those broader applications? Do you expect to receive more applications because of the changes being made to it? That is the question I have specifically from Legacy.

I note that we are finishing our final procedural bill for the day and we are almost on track for knock off time. It is a wonder that we had to curtail the previous debate given that we have managed to efficiently to get through what were procedural bills today.

[5.53 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Mr Deputy Speaker, thank you for upholding convention in this place in terms of who you gave the call to. We will be supporting the bill. The establishment of this trust is an interesting short story. On the year of its winding up it has reached a half century. I understand that it is now a thoroughly outdated entity, partly because horse races on Anzac Day were not turning a profit but also because of the modest amount of money that was going into the trust and being divvied up principally between two wonderful organisations, Legacy Hobart and Legacy in Launceston. The arrangement that has been put in place for a \$40 000 fund, presumably rolling beyond the four-year grant depending on what the response is from the minister, is a very sensible response to the need to make sure that we are still supporting Hobart and Launceston Legacy.

I note we have the Teddy Sheean Memorial Grants Program to provide support to organisations and activities eligible to apply for funding. Is the minister going to change it to the Teddy Sheean VC Memorial Grants Program? I should think so.

Just before I sit down to let Ms Ogilvie speak I want to reflect on a conversation that the Minister for Veterans' Affairs and I had at the Estimates table last year, which is an interesting and important conversation. When I was rereading it again earlier today I was quite impressed with how the minister responded to a series of questions without notice about the need in Tasmania for us to not just acknowledge our Anzac veterans and their families and the veterans of World Wars I, II, the Korean War, the Vietnam War, Iraq, and Afghanistan but also to acknowledge the warriors who fought for and defended this island, lutruwita Tasmania, on the arrival of the Europeans.

It is a matter of shame on us as a community that we do not know the truth of our history. We do not tell the truth often enough of an attempted genocide. We do not acknowledge the tenacity and the intelligence, the quite remarkable warcraft, if you like, of the First Nations people who were here when the first Europeans arrived.

The minister and I had a conversation that started in part with Professor Henry Reynolds' book, *Fate of a Free People*. For any person who wants to know more about this island's history I highly recommend that as a foundational read, although a number of magnificent works of historical literature have come since. In many ways, *Fate of a Free People* is a bedrock book to understand what happened here. Professor Reynolds reflects on Anzac Day in his book. He says in this remarkable and powerful book -

Anzac Day will never be an inclusive national day until the nation also commemorates and mourns black Australians who died defending their homelands from invading Europeans.

Such a development might benefit all Australians by providing an antidote to the national tendency to romanticise warfare, to emphasise dying rather than killing, bravery rather than brutality, sacrifice rather than suffering. With frontier warfare as part of the story, the dawn landing at Gallipoli could be juxtaposed with the many dawn raids faced by sleeping Aborigines; heroic bayonet and cavalry charges with such incidents as John Batman's murderous assault on the unsuspecting Aboriginal camp in north east Tasmania and the assassination of true wounded soldiers.

I asked the minister, 'Do you agree that as a society we need to do more, much more, to recognise Aboriginal Tasmanians' contribution to this island, their history as warriors and that we should be prepared to share Anzac Day and other significant military days with Aboriginal Tasmanians as well as commemorate their sacrifices and their warrior skills in the black wars?' Although there was a bit of back and forth between the minister and I on this issue, to his credit the minister acknowledged. He said -

I recognise the role of indigenous Tasmanians in that service in past wars -

So, he was not talking about the black wars but in past wars.

- conflicts and indeed peace-keeping operations over the past 100-plus years. They have served shoulder to shoulder with their Aussie mates and with their Tasmanian mates as part of this great country and serving as part of and supporting this great country. That should be acknowledged.



Following that conversation, the minister went on to note that the Returned Services League of Tasmania is very open to working with Aboriginal people and I understand the RSL is working with some Aboriginal community leaders at least. Mr Barnett said the RSL's view is that they are prepared to have an open dialogue with the Tasmanian Aboriginal people to discuss and talk about the future of the Tasmanian Aboriginal people and their involvement in the Anzac services, specifically the Anzac Day events. I say congratulations, well done. That is to be commended and I support them in that effort.

When I pointed out there is no tangible acknowledgement of the Black War and the warriors who fought for their country, which we need to remind ourselves was never ceded and we are still on stolen land, there is no point of remembrance for the descendants of those warriors who fought so hard to defend their country. I note that after the Estimates hearing, Mr Barnett went to the Parliamentary Library looking for Henry Reynolds' book and I was quite impressed by that. We really need to deal with this. We cannot continue to deny the history of this island or gloss over it and to diminish the warriors and that story.

In closing, I wanted to note a small but very poignant event which took place on 24 September this year in Murray Street. I will read a little bit from the *Mercury* report about 200 years ago - two Aboriginal men were hung near Murray Street, Hobart, over a crime they did not commit -

A Tasmanian Aboriginal leader is calling for change amid the anniversary of a horrific hanging almost 200 years ago. Aboriginal Land Council of Tasmania chairman Michael Mansell said September marked the anniversary of the hanging of two Aboriginal men. 'When the Black War was on in the 1820s, an Aboriginal group were camped over at Bellerive and they were not a part of the war', he said. 'The Governor at the time was under pressure to teach Aboriginal people a lesson, so he ordered the guards to go over and grab the two nearest Aborigines because a shepherd had been killed up near Scamander, Swansea. They grabbed a traditional Aboriginal lawman and the younger Aboriginal man and brought them over here to Murray Street in Hobart, put them through a kangaroo court, and hung them'.

On that day Tasmanian Aborigines honoured the memory of these two men. As Mr Mansell said, the two men could not speak English, they had no idea what was happening, were completely innocent of killing anyone, and these blameless people were hanged. Mr Mansell is now calling for the Government to make the truth about Tasmania's history public.

Mr Deputy Speaker, as you well know because I listened very carefully to your inaugural speech, we have to understand our history and we have to respect it. As an island community, we are limiting ourselves in so many ways by denying the history or refusing to really recognise it and refusing in any substantive way to acknowledge that the human story of this island is tens of thousands of years old and that this entire landscape was shaped by Aboriginal people, every corner of it. Those people fought hard for their country and for today's palawa and pakana people. We must be more than prepared to listen to the truth and we need to acknowledge how much was lost. The whole country was lost, and the least we can do is listen to the truth, tell the truth, return lands, engage in treaty discussions, make sure that Aboriginal people have an enduring place in the Tasmanian Parliament, and change the date of our national day.

We also need to make sure that when we rightly honour the soldiers who fought in Gallipoli and the Australians and Tasmanians who have gone off the war before and since, it is the critical, moral and ethical thing to do that we also acknowledge the first Australians, the first warriors on this land, and we do so in a substantive and sincere way.

The Greens will be supporting the bill.

[6.05 p.m.]

**Ms OGILVIE** (Clark) - Mr Deputy Speaker, I too will be supporting the bill. Winding up a trust is a fairly technical task, legally speaking, and I have a couple of questions for the minister. I am sure you can answer them on your feet. What are the assets and liabilities of the trust that will be transferred? I assume it is less than the \$40 000 per annum that will be given to each Legacy branch, Hobart and Launceston? Is it \$40 000 each or shared?

**Mr Barnett** - It is \$40 000 shared.

**Ms OGILVIE** - So \$20 000 each.

**Mr Barnett** - It is currently \$25 000 and it is going up to \$40 000.

**Ms OGILVIE** - Going up to \$40 000 but with the regions covered?

**Mr Barnett** - Yes.

**Ms OGILVIE** - Will there be some sort of CPI index if that needs to go up?

**Mr Barnett** - I will answer that.

**Ms OGILVIE** - Thank you very much. I will turn briefly to the study of Australians at war and the history of our great nation. I was very fortunate in my younger years, before HECS became a thing and we could afford Arts degrees, to study history, classical studies and philosophy. One of the subjects I really enjoyed and thought all Australians should study was the history of Australians at war. We fought for other countries as well as our own.

In the not-too-distant past I was very fortunate to travel to Israel and visit Beersheba, the site of the amazing cavalry charge of our Light Horse. The Pratt Foundation has built a memorial to the Australian soldiers there and I was fortunate to travel with a group of good and knowledgeable people. In walking around the graveyard at that site, I was absolutely heartbroken to read the inscriptions on the graves, particularly the English boys who died, who were all 16, 17 or 18 years old and the sad inscriptions from their mothers and fathers for their lads who never returned from that place. That was an incredible battle where our Australian men with their whaler horses and their cavalry charge performed a most amazing feat of bravery, courage and success.

While I was there I had the benefit of being able to travel around and see a bit of what was happening in the Middle East in those days and the great friendships that developed across those boundaries and borders. My son was able to travel to France to see some of the Australian-French memorials and in particular stay at La Rochelle, which was the place where the German submarines were housed and experience the great understanding and spirit that the Australians and the French still have to this day. The hand of friendship that was offered by

Australians during the war to the French has never been forgotten and that is a marvellous thing.

In my family my grandfather was a colonel in the British Army in India. He was in charge of the 15th Punjab Regiment which had been tasked with managing the Partition of Pakistan and India, and that was a very bloody partition. He had a Sikh regiment and it was a very difficult time but also a very interesting and incredible time in geopolitics.

I travelled to India a while ago and had the great fortune to meet Gandhi's grandson and was able to say to him while we were sharing a meal that our grandparents also shared a meal at that time during Partition. That is something I will never forget. It was quite incredible.

I believe what we try to remember is our forces are about defence. We have the Australian Army, Navy and Air Force and if we get to space, the limbs of our defence forces are so solid, so strong, intelligent and careful. I never feel prouder than when I see Australians doing humanitarian work. The work they did in East Timor was quite phenomenal and of course when disasters strike, they come out. Who will ever forget the work they did on the west coast when we needed them?

I am a big fan and supporter of our forces and recognise that back in the Anzac Day days we had the British at the helm, which did not always go particularly well if we are thinking about Gallipoli, but from that was forged the true Australian spirit and we as a nation are so much stronger for the fact that we had to work very hard to create our own identity.

I will wrap up on that but on the technical side of winding up the trust, I understand that trusts are expensive to run with auditors and accountants and board members and minutes and all the rest of it, and I hope the new model will be more cost-effective. I hear that we think \$40 000 is enough but let me put a bid in, let us make it \$50 000. Let us just bump that up a little bit and let us index it and keep it going.

[6.12 p.m.]

**Mr BARNETT** (Lyons - Minister for Veterans' Affairs) - Mr Deputy Speaker, I thank all those who have shared their remarks and appreciate the feedback and the support for the bill, and also the support for the veterans and their families in Tasmania, particularly Legacy Hobart and Launceston. I appreciate that and I know there is broad support in this parliament and across the community.

**Ms O'Connor** - They are beloved.

**Mr BARNETT** - They are beloved. As a bit of an update in terms of the north, Legacy Launceston supports 787 widows and 19 children. That is the latest bit of advice. The member for Bass might have had a different figure but that is the latest information. In any event, whether it is up or down a little bit since the latest report, that is probably not the most important thing. The point is that they are out there having a go, supporting our veterans and their families, particularly widows and their children.

With respect to Legacy Hobart, they support 875 widows and widowers and 17 children, so you can understand the importance of their work to support those families.

I suppose I have a bit of a vested interest with my grandfather being in the Royal Flying Corps. He served in World War I and came home and was in the RAAF Association but was also president of Legacy Hobart, so I have a little bit of a special interest there.

I launched Legacy Badge Week a month or so ago at Hobart Legacy and it was a great honour and as a Government we were pleased and proud with our special COVID-19 grant funding support of \$10 000 for Hobart and Launceston Legacy. That support was greatly appreciated because they have been doing it tough, like many others in Tasmania during the COVID-19 pandemic, with their inability to get out and raise funds including during Legacy Week. It has been really tough to be able to raise those funds to provide that support to the widows, widowers and their children in times of need. I wanted to put that on the record. I know others here would be appreciative of getting a bit of an update and to know of that support.

I will now respond directly to the member for Bass, Michelle O'Byrne. Thanks for your wonderful support for Legacy Launceston and all that you do to support them in the community; that is absolutely appreciated. First of all there is the four-year funding commitment so it goes for four years, that is correct. Under the present legislative arrangements it is possible for the allocation to the trust to be zero dollars, but the proposed new approach will ensure certainty of funding for the four-year grant agreement being entered into providing \$40 000 per annum. At the moment it is around \$25 000, so we are bumping it up by a significant increase. It could have been \$25 000 but with CPI - and that is to address the member for Clark, Madeline Ogilvie's response, and again, thank you for your support - it is indexed each year.

I knew there would be a question with respect to ongoing funding support so I wanted to give you further assurance that it is my strong expectation that this funding would be continued beyond the initial four-year grant deed, so much so that I raised this matter with the Premier and Treasurer himself and following that discussion I was able to communicate directly with the chair of the Anzac Day Trust, Ricky Bott, so in the communication I made this response following that discussion with the Premier and Treasurer.

The Department of Communities Tasmania would arrange for a four-year grant deed to be executed with each of the organisations, Legacy Hobart and Legacy Launceston, providing funding certainty over that four-year period. At the conclusion of the initial four-year period, my expectation will be that a new four-year grant deed will be entered into with each branch, so that is the communication that was passed through.

It is probably fair to say that if the views expressed in this place are similar across the Government, the Labor Opposition and the Greens, then we have a very strong expectation that has been raised going forward. I wanted to address that.

There was a query regarding the Teddy Sheean grants and how they might be able to be amended going forward. I want to reflect on the comments of the Leader of the Greens and say yes, they will be called the Teddy Sheean VC Memorial Grants.

**Ms O'Connor** - I thought so.

**Mr BARNETT** - We will be getting the VC in there so they will be under a new name.

**Ms O'Byrne** - You said last sitting that you would be changing it.

**Mr BARNETT** - Thank you, I did, and I am confirming it again because the Leader of the Greens made mention of it and I cannot help but confirm that accurate reflection.

Regarding those changed guidelines to support welfare organisations, I indicate that welfare organisations that may have been ineligible to apply for funding from the trust will now be able to seek funding for such activities from the Teddy Sheean VC Memorial Grants Program. The program provides funding to eligible RSLs and ex-serving organisations annually in two competitive grant rounds of \$50 000 each. The current program is focused on providing funding primarily for the upkeep of memorials and infrastructure. I was at St Helens last Friday reflecting on and checking out some of the funding support we have provided to the RSL at St Helens.

Likewise, the guidelines for this program will be amended to make eligible programs that support the welfare of veterans and their families. It is anticipated that the amended guidelines will be ready for the first round scheduled for February/March 2021. Those guidelines will be in place for the next rounds of the Teddy Sheean VC Memorial Grant round, so I hope that is helpful background and putting on the record the plans for the future.

I think I have addressed that commitment we have given post the four years with respect to the grant rounds and welfare organisations so I will now address the questions with respect to the CPI for Madeline Ogilvie and indicate that with respect to the Leader of the Greens, indigenous Australians have made an incredible contribution during war time. I stand by my comments during Estimates last year. I stand by every word and concur with those remarks. I had the pleasure and honour of opening the Indigenous Australians in War exhibition in Burnie in 2015 and was able to share some remarks at that time about their contribution. I have also written an opinion piece in recent years about their contribution in war time, noting in particular that they were standing shoulder to shoulder with their mates - other Australians, other Tasmanians of a different colour - but they were treated absolutely the same during war time. However, when they came home they were treated differently, in a discriminatory manner, and that is sad and disappointing. I expressed those thoughts in my recent opinion piece and I share them again tonight in this House.

I also spoke about the role of indigenous Australians, during the Centenary of ANZAC commemorations in Launceston in 2018. I am aware of the important contribution they have made and I am sure will continue to make.

**Ms O'Connor** - By interjection, minister, one of the points of the discussion we had was the need for memorial to Aboriginal Tasmanians who fought when the first Europeans arrived: a memorial to the Black Wars and the warriors.

**Mr BARNETT** - I believe we had an initial discussion during Estimates and I am happy to have an ongoing discussion as well. I have spoken with the President of RSL Tasmania, Robert Dick, about their openness to have ongoing discussions with the indigenous community in Tasmania to commemorate and acknowledge what has been referred to as the Black Wars so many years ago. It is very important to note their views, like my own, as this is a separate discussion to Anzac Day or Remembrance Day. On Anzac Day and Remembrance Day I acknowledge indigenous Australians, and all Australians, for their service and sacrifice for us.

With respect to what has been referred to as the Black Wars, that is a different matter and, as I say, the RSL is open to those discussions. I am not sure if they have progressed in those discussions and it may be worthy of follow up.

I am happy to also make reference to Beersheba and I thank the member for Clark for mentioning that battle. It has a special spot in my heart and memory, having visited Beersheba with a parliamentary delegation in 2009 or thereabouts. It was a very special occasion with the memorial to the Light Horse funded by Doug Pratt. It was also of special interest for my wife, Kate, as her grandfather and great uncle both served in the Light Horse. They both trained at Ross and her great uncle served in the Middle East in the battle for Damascus.

There is a lot of history and heritage that we can talk about tonight. We are saying thank you for your service. We are saying thank you to our veterans, and we want to honour them. This is one way to honour them. I know it is a small way but we are achieving it through our support for veteran welfare organisations - Legacy Launceston and Legacy Hobart - by providing extra funding going forward. The feedback from those organisations is very positive.

I am pleased to commend the bill. I acknowledge the strong support around this House, across party lines. I pass on my grateful thanks to all those who have shared remarks tonight and to all those in the community who support our veterans and their families in different ways. We have just come out of Mental Health Week and I note the funding provided by the federal government for veterans health and wellbeing services and centres here in Tasmania. I am looking forward to the work by the University of Tasmania, in consulting with relevant veterans' organisations, stakeholders and veterans themselves over the coming months. This is very important work and I am keen to assess that feedback so we can deliver even better services for our veterans and their families. They need and deserve it.

In conclusion thank you to Kate, Matt and Courtney, and others in the department for your excellent support, not only for this bill but also in supporting our veterans and their families. I commend the bill to the house.

**Bill read the second time.**

**Bill read the third time.**

## **ADJOURNMENT**

[6.27 p.m.]

**Mr BARNETT** (Lyons - Minister for Energy) - Mr Deputy Speaker, I move that the House do now adjourn.

## **Tasmanian State Training Awards 2020**

**Mr ROCKLIFF** (Braddon - Minister for Education and Training) - Mr Deputy Speaker, I rise tonight to congratulate all the finalists and winners from the 2020 Tasmanian State Training Awards, held last Friday. It was a fantastic event and the organisers, especially Jacqui Macqueline, did a fantastic job in a revised format.

Celebrating education and learning is so important to Tasmania and recognition of those participants in our vocational education and training system. It is an exceptional achievement for those who are short listed, and highlights the recognition of their hard work, skills and dedication.

This year's winners are from right across Tasmania and I congratulate them all: Caitlin Radford - Apprentice of the Year; Madeline Wade - Trainee of the Year; Jessica Matthews - Aboriginal and Torres Strait Islander Student of the Year; Heetham Hekmat - Vocational Student of the Year; Mark Mclauchlan - Equity Vocational Student of the Year; Arielle Abrahams - School Based Apprentice/Trainee of the Year; dual winners Henry Rheinberger and Charli White - VET in Schools Students of the Year; Sharon Turner VET Teacher/Trainer of the Year; the Deloraine Amcal Pharmacy - Small Employer of the Year; St Lukes Health - Employer of the Year; Avidity Training and Development - Small Training Provider of the Year; and TasTAFE - Large Training Provider of the Year.

On Friday it was a fantastic display of commitment and passion from all the short-listed nominees and an outstanding achievement by those winners.

We also heard from some of the 2019 award winners. Marek Porter, last year's Apprentice of the Year, gave a very inspirational talk on what the award has meant to him and his family and his long string of achievements across the last 12 months. We also heard from Daniel Ragg, last year's School Based Apprentice of the Year. After attending last year's awards I was pleased to hear Marek and Daniel articulate what the last 12 months has meant to them. They spoke about their personal growth over the course of the last 12 months, and the confidence and the way they articulated their appreciation for the opportunities that vocational education and training sector and those who have supported them in their endeavours was terrific to witness.

Daniel spoke passionately about the benefits of VET in Schools and what the school system provided to him. He is now well advanced in his apprenticeship, moving full time next year and he could not be happier.

I also say a special congratulations to Madeline Wade who, as I mentioned, was the Trainee of the Year for 2020. Madeline's journey is a great story of how things we do in this place can make a significant difference. Madeline is the first student to have gone through kindergarten all the way through to year 12 at Tasman District School. It is a great achievement for Madeline. Tasman District School joined the year 11 and 12 extension program in 2016, which was a perfect time for Madeline to plan and work towards her future career aspirations.

My thanks to everyone involved with the awards and the families, friends and teachers of our finalists. I thank them for the support they have provided to those nominees and finalists. The event for 2020 was very different from the past gala events. We have been celebrating the achievements of those within our vocational education and training sector for some 27 years now, if I recall that correctly.

This has been a year of disruption for many people, but all the more credit to those who were nominated for their awards, and to the employers and trainers who were also nominated. I acknowledge all those short listed, the finalists and winners. It was a great pleasure to be involved last Friday.

## **Break O'Day Employment Connect Project**

[6.31 p.m.]

**Mr TUCKER** (Lyons) - Mr Deputy Speaker, on 30 September I had the privilege of attending the launch of the Break O'Day Employment Connect Project. The Break O'Day Employment Connect Project is a Tasmanian Government funded project. It is a two-year, \$600 000 investment to connect local people with local jobs across the region as part of the Tasmanian Government's 2017 \$4.1 million budget initiative - Tasmanian Employment Partnership Jobs Action Package.

The project is a community co-designed initiative established through an expression of interest process in November 2019, and awarded to the Fingal Valley Neighbourhood House, led by the very capable Mr Gary Barnes. The expression of interest process was adopted to ensure that all eligible community organisations, businesses or consortia were able to apply for the project.

Partnering with the Tasmanian Government, the Tasmanian Council of Social Services and the Tasmanian Chamber of Commerce and Industry have led community and business consultations, and worked closely with communities to develop projects to better service the demands of local employers and job seekers.

The project is led by a steering committee with members from council, the Fingal Valley Neighbourhood House, Hub4Health, a Jobactive provider, the local Trade Training Centre manager and others and is supported by the Skills Tasmania Project Manager administering the grant deed.

It will involve working with businesses and industries to understand their future skills needs and ensuring that Tasmanians have the right education, training and opportunity to meet these needs, and taking action to identify and address the social health and wellbeing barriers to employment.

The South East Employment Hub located at Sorell was officially opened on 20 November 2019, and has employed approximately 100 people and placed them into work within 11 months. This is a model for regional economic development that works. They had great glee in telling Mayor Tucker on the day that Mayor Vincent was very pleased that he was copying him in taking on this project.

Working together with their local workforce development officer and Trade Training Centre, the Employment Hub acts strategically, preparing locals of all ages to meet industry sector needs of the future. We as a community now have the potential for growth to support and help people connect, providing opportunities regardless of their background or where they live or their circumstances.

St Helens is one of the most outstanding regions in Australia. We have an amazing stretch of coastline, beaches, valleys and breathtaking scenery. St Helens and surrounding communities have so much to offer in potential growth as a result of it: St Helens Mountain Bike Trails, expanding oyster leases - at least 65 - as well as waterfalls, the Bay of Fires, Visitor Centre and History Room, the famous northern Tasmanian fishing village, Wilderness Trails and now the Fingal Valley Irrigation Scheme.



Combining all these attributes and many more, north eastern Tasmania is fast becoming the premium destination. Alone, the Fingal Valley Irrigation Scheme has the potential of creating up to 60 full-time positions during construction and a further 78 once operational. The statewide irrigation plan has the potential of creating 2600 full-time jobs. The irrigation water will be used for livestock finishing, dairy conversion, potatoes, poppies and cereal crops across nearly 29 000 hectares.

A guarantee of irrigation water enables farmers to diversify, expand, and value-add as well as providing much-needed reassurance for crop contracts, on-farm investment leverage and, more importantly, creating employment opportunities further down the stream. Tasmania's Jobactive caseload data stands at approximately 35 000, an 80 per cent increase since March 2020. Break O'Day local government area has seen a similar rise of 76 per cent, or an additional 300 people registered with the service. The project links with PESRAC recommendation number 40 -

The state government should drive the development of effective job placement approaches that enable regional-led solutions and provide for employer and job seeker matching at the local level.

COVID-19 has had a significant impact on all Tasmanians. This project is one of a number of initiatives that the Tasmanian Government is supporting to get more people back to work sooner. This is an excellent opportunity to increase labour force participation and provide tailored support for the region's job seekers and employers. The project is bringing key stakeholders together to work collaboratively on a locally led intervention to support the region. The Break O'Day Employment Connect project will enhance service delivery from the existing employment service system, providing targeted training and mentoring for job seekers.

It is a brokering role for businesses seeking support to train new or existing staff. The Tasmanian Government is very keen to both support and learn from these regionally responsive interventions. A similar project is working so well in Sorell. Break O'Day is an exciting example that will guide how communities can work together to understand opportunities for growth and address the social, education and skills, health and wellbeing needs of the communities to drive sustainable change.

It was a privilege to officially launch the Break O'Day Employment Connect program, which is guaranteed to become an integral part within the Break O'Day community, providing potential, community engagement and local leadership and in return providing jobs and opportunities for the Break O'Day region. I would like to finish by welcoming and supporting and encouraging Mr Steve Walley, who is overseeing that in St Helens, and Cindy Kurktukoff, two local people. Steve taught me in grade 6, so well done.

**Members** - Hear, hear.

### **Family Violence**

[6.38 p.m.]

**Dr BROAD** (Braddon) - Mr Deputy Speaker, I rise this evening on adjournment to talk about a very serious issue and that is family violence. In particular, a constituent who came to visit me in my office who is frightened for her own safety. I was so concerned that I wrote a

letter to the Police minister, Mr Mark Shelton, expressing my concerns, especially around a police violence order not being issued.

I will read the correspondence from me and also from the minister. I will give comments at the end because I think this is not good enough. It puts my constituent's life in significant danger, otherwise I would not be raising it. I have done my best to de-identify both my constituent and the perpetrator to try to obviously not lead to any greater issues, especially to my constituent.

I commend the minister for giving me a timely response, which is something I cannot say about a lot of ministers in this place. I have a bunch of letters that have not been responded to. Good on the minister, Mark Shelton, for responding in a timely manner. The letter says -

I recently met with a survivor of family violence at my office to discuss a range of issues, including fear she is experiencing on a daily basis due to a significant history of experiencing domestic violence and trauma over her relatively young years.

Most recently my constituent suffered significant physical abuse, strangulation and threats of murder using a firearm. As a result, the perpetrator was incarcerated for a period of time.

This is a very serious issue. It is not minor in any regard -

My constituent has been housed with Rapid Rehousing, managed by CatholicCare, a program specifically designed to house those affected by family violence while providing safe housing and cocooned by support.

The principle issue at the moment affecting my constituent that I want to bring to your attention is the absence of any protective order, as she has been unable to persuade the police officer to whom she discussed her situation and concerns with that there were grounds to make a police family violence order.

My victim is especially vulnerable due to her gender, cultural heritage and also from a very young age, she has been subject to supervision child protection services including frequent removal and reunification.

She has a long history of not only all sorts of family violence but she is particularly vulnerable. I am paraphrasing -

However, a pre-existing order had been in place that expired on (date) when the perpetrator was incarcerated. He has now been released from prison and recently has been actively trying to locate my constituent's place of residence.

Other significant issues are that the perpetrator was controlling in the relationship, there was financial abuse, there was cohesive control - wanting to know her exact movements at all times. My constituent was and remains intimidated and frightened by the perpetrator. The perpetrator has threatened to kill my constituent with a firearm in the past.

If an order was in place, it would require the perpetrator to surrender his firearms -

Yes, that is right, this gentleman has firearms -

while providing a framework for responsibility for the perpetrator to abide by. Not providing my constituent with a protection order results in her being unprotected from her former partner by a system that is designed to protect those vulnerable in such situations.

As evidenced by the recent Coroner's report into the death of Olga Neubert, if a police officer had taken the time to investigate further the concerns raised by Ms Neubert, there may have been a different outcome. Obviously, very tragic circumstances.

My constituent has genuine concerns for her safety which I share. A preventative approach by issuing an order would provide comfort to my constituent and penalties for the perpetrator.

Yours sincerely

I received a timely response from the Police minister, who said -

Dear Dr Broad,

Thank you for raising your letter in which you outlined concerns raised by your constituent regarding her interactions with Tasmania Police in relation to her ex-partner, the perpetrator.

I am advised by Tasmania Police that a Magistrate issued a Family Violence Order protecting your constituent on (the date) for a period of 12 months. At the time the perpetrator was remanded in custody in relation to matters, including allegation of family violence made by your constituent. He was subsequently convicted a family violence offence and other matters and he has been released from custody.

Over the course of the year in which the FVO protecting your constituent was in place and the nine months since the FVO expired, I am advised that your constituent has not reported any family violence to Tasmania Police.

This obviously changed when the perpetrator was actively trying to find her.

I am advised that on the (relatively recently), your constituent attended the Devonport Police Station and spoke with officers on duty regarding the perpetrator's attempting to locate her.

Obviously she is very concerned.

I am further advised that the information provided by your constituent did not give police cause of any action as it was general in nature. The

information was appropriately recorded on the family violence management system for intelligence.

It goes on to say -

The matter was reviewed by the officer in charge who agrees that there is insufficient new information to warrant an issuing of the police family violence order.

The minister goes on to say -

I can confirm that more recently, as a consequence of your correspondence, the Western Family Violence Unit has referred your constituent's case to the Legal Aid Commission of Tasmania's Safe at Home program office, requesting that they assist your constituent with the preparation of a family violence order through the courts.

Again, thank you for raising your constituent's situation and concerns with me. I trust the information has been provided.

This is not good enough. There is a significant risk. I might add that the perpetrator has a long history of other offending. He has in the past perpetrated significant domestic family violence on my constituent. She is in fear for her life. He is actively trying to find her and they are not grounds for the granting of a police violence order, which is an interim thing until we can go through all the courts and dealing with Legal Aid and so on to get a family violence order through the courts.

I genuinely believe that she holds significant real fear and is not just making this up. This response from the Police minister is good enough. I am not sure what the issue is. The story she recounted to me and the incidents of family violence are horrific. I know that this is not the first case. I will not go into the how, but things have been verified to me from third parties who know this particular individual and indeed know the perpetrator and there is no misunderstanding here. I believe she is in serious danger, so much so that I wrote the original letter.

I am not satisfied with the minister's response. I urge him to have another look at this and particularly what sort of training needs to be in place to make sure that these sorts of things do not happen, because we do not want another case like Olga Neubert. We have to keep these victims safe.

**Time expired.**

### **East Coast Visit - Activities**

[6.46 p.m.]

**Mr BARNETT** (Lyons - Minister for Primary Industries and Water) - Mr Deputy Speaker, as a member for Lyons tonight I rise to speak about my visit to the wonderful east coast last Thursday and Friday where I had the pleasure of an overnight stay in St Helens. It is

having a mountain bike rebuilding effort there and there is a lot of positivity in and around the town. It was terrific.

It was a little bit wet on the way there and you could see a lot of water on the ground and a lot of smiles as well as a result of the good rains we have had in terms of agriculture and the farming community. There were a lot of smiles because the grass is growing strong and growing well during this springtime and of course with the sunshine the grass is growing, the birds are tweeting and things are looking really positive for agriculture in that part of the world.

It was really great to catch up with Greg and Lynette Lynd of Lyndcraft Boats and what a great job they are doing. It is an important manufacturing business. We call it a small business but in fact there are six full-time employees with some other part-time or casual employees as well. It was great to catch up with the fourth-year apprentice Michael and see the fantastic work they are doing building boats for the salmon industry and more recently a vessel that is on the water at St Helens ready to go to north-west Australia, just north of Broome, for barramundi fishing. A fantastic piece of work; manufacturing on the job there at St Helens and getting the job done. I say congratulations and well done to Greg and Lynette and their team at Lyndcraft Boats.

It was to catch up with Greg and also electrician Greg on that particular vessel and also look across to see the pedestrian and cyclist bridge being built by Lyndcraft across the river at St Helens. It is fantastic to see a local business doing the job and getting the job done. Well done on that and it is great to see the success of a small business like that.

I was able to catch up with the veteran organisations in the town including the St Helens/St Marys RSL sub-branch and likewise the St Helens RSL Ex-Servicemen's and Citizens Club. It was great to catch up with President Wayne Cubitt and the auxiliary, have a cup of tea, a bit of a chinwag and see some of the work they have been doing and hear about the fundraising they do to support their veterans and their families, and also to see how well some of the Teddy Sheean grant funds have been used. The cenotaph and the memorial park are fantastic as a result of the work of those veteran organisations to provide that funding support and to make it such a special place on the east coast and making it a highlight for St Helens. Members of the public walk past, see the cenotaph and think of our veterans and I am sure they say thank you to them in their hearts and minds and verbally, especially on Remembrance Day, Anzac Day and other special occasions.

Likewise, it was great to visit next door at the St Helens RSL Ex-Servicemen's & Citizens Club with Mike Singline, the president, and others. I had a bit of a tour around. It has been really tough during the COVID period for them to survive so the COVID \$10 000 grant was greatly appreciated and they are certainly doing the best they can providing meals and support for veterans and their families and the broader community. It is an important part of St Helens.

The next day I was able to head to Bicheno and caught up with Rhonda Taylor, CEO of the East Coast Tourism Association. The level of positivity in and around Bicheno was great and we talked about the tourism sector. It has been tough and they have plans to obviously improve and the vouchers the Premier has recently announced have certainly had some benefits. It was great to visit the Lobster Shack and talk about the recreational and commercial fishing industry and the draft recreational fishing strategy that I am pleased is now out and

about and getting feedback from recreational fishers, commercial fishers and the broader community.

I was able to catch up with Robert Young, the Mayor of Glamorgan Spring Bay a couple of weeks ago. I was able to make contact with Mayor Mick Tucker as well and he was feeling very positive, apart from being a St Kilda supporter and me being a Richmond Tiger supporter. I have not been in touch with Mick since last Friday night but, there you go, some winners and some losers but I am a happy Tiger supporter at least this week with another tough time ahead on Friday night, I am sure, with Port Adelaide.

I want to say thank you for the catch-up to Rhonda Taylor and for the work she is doing promoting tourism and tourism opportunities on the east coast and to commend the Lobster Shack and the good work of the recreational fishing community in that part of the world.

In wrapping up, the east coast is positive and upbeat. It has had a tough time during COVID-19 and I encourage all Tasmanians to get out and about, use those vouchers wisely and visit our coastal towns up and down the east coast. It is a gem and we appreciate that and want to express as much support as possible to get Tasmanians out and about to enjoy the beautiful sunny east coast.

### **Old Beach Cricket Club Midway Point and Sorell Traffic Changes - Impacts**

[6.52 p.m.]

**Ms WHITE** (Lyons - Leader of the Opposition) - Mr Deputy Speaker, tonight I want to talk about a visit I had recently to the Old Beach Cricket Club which was founded in 1896. It is an incredibly old cricket club and has continued to go strong all these years later. I was happy to visit as a sponsor of the club and meet with them as they start to prepare for the new season. They are very excited to be able to get back onto the ground and they have had success in recent years. I had the opportunity to meet with Alex Rogers, a member of the winning premierships under-15 side last season, so they are particularly keen to get onto the ground and to defend their title.

The club has a very strong membership and is well involved with the broader community. The executive has done a terrific job putting that club in a good financial position. They hold a dinner at the club on the first Friday of every month and invite the community to come along. They have terrific facilities there and it is worth going to and meeting the members of that club but also the members of the Old Beach community. I congratulate them and wish them all the best in their application for some money to help them install some solar panels for the club rooms because, as many of us would be aware working with different community organisations and sporting clubs across the state, the costs of utilities, particularly electricity, can be quite a burden for volunteer organisations.

I know for the Old Beach Cricket Club it has been something they have had to find money for each year because they do not just run a cricket club which requires them to use lights at times which consume power, but they also run a community hub and invite people there for meals. They have a bar and they run fridges. All of those things use power and add to the costs of them providing that local community sporting facility. I hope they are successful with

their application to get solar panels for the cricket club, because they are doing an extraordinary job.

The highlight of my visit was being gifted a Bushranger's jumper, which was pretty nice of them to do. It was certainly unexpected but I will wear that proudly. I am very grateful for their hospitality and I will continue to give them my support.

I would also like to talk about another matter in my electorate of Lyons, and that is the Midway Point traffic changes that are going to impact on some local businesses.

I have written to the minister, Michael Ferguson, about the circumstances affecting Shane and Lorna Boxall, who have commercial premises at Midway Point. The original design for the changes at Midway Point would have prevented them from having the access they currently have to their businesses. I am pleased to learn that the design has been amended so they will be able to maintain the access they currently have for those businesses. There is no doubt that the disruption caused by changes to traffic going through Midway Point when that infrastructure project begins will massively disrupt the tenants in their property. This is a mum and dad who have invested their savings into this building. It is their superannuation. If they are not able to tenant these buildings it does have an impact on their livelihood and their income.

Currently they have building capacity for four commercial tenants. Sadly, one of those tenants has already left because of the impacts of COVID-19 and another is set to leave. That was a business geared towards the Asian tourist market and those tourists are not coming to the state or to the country at the moment. They will be left in a situation where not only do they have fewer tenants than they had at the start of COVID-19 but they will have massive disruption to access to their building because of the traffic works taking place at Midway Point.

Based on this, they wrote again to the minister, Michael Ferguson, asking for his advice about how they could be supported, whether that be through some kind of ex-gratia payment or some other arrangement in recognition of the extraordinary disruption their business is going to have to deal with as a consequence of these traffic works. I understand Mr Tucker has been to visit them on site. I also understand that Mr Ferguson called Lorna and Shane Boxall. The advice he gave them was to put a shingle out and say they were open for business.

These are pretty savvy business people. They did not wake up yesterday and invest in a commercial property and decide that they were going to become landlords for commercial tenants. They are capable of putting up a sign saying they are open for business. What they were coming to the Government and minister for support to do, was to help them get through the next two years, which are going to be massively disruptive due to changes to the way the traffic moves around Midway Point and because of the compounding impact COVID-19 has had on their business and the loss of two tenants.

I was disappointed and they were very disappointed with the minister's response to them. I have written on their behalf to the minister seeking a briefing on behalf of my constituents with the department and the minister. I am yet to get a response to that letter. That is disappointing but consistent with the approach I have come to expect from Mr Ferguson.

This is another constituent who has a legitimate concern about what is happening to them that is being ignored by the Government. I raise again the concerns that I have raised previously

about the Gould family who are going to be significantly impacted by the proposed traffic changes around the Sorell municipality, with the Sorell by-pass to literally cut through the front lawn of their heritage-listed home. That will cause enormous difficulty for them.

I understand there still has not been a heritage assessment yet the DA has been lodged with the council. I have written to the minister on behalf of the Gould family asking for a briefing. Again, no response. It is incredibly disappointing.

These are significant infrastructure projects and the communities that are impacted by them deserve to have their voices heard.

**Time expired.**

**The House adjourned at 7 p.m.**