PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF DEBATES

Thursday 24 September 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.

STATEMENT BY SPEAKER
Absence of Clerk

Madam SPEAKER - Honourable members, I advise the House today that due to the absence of the Clerk of the House, the Deputy Clerk will be undertaking his duties.

QUESTIONS

State Service - Review

Ms WHITE to PREMIER, Mr GUTWEIN

[10.02 a.m.]

Madam Speaker, I congratulate the Deputy Clerk, the first woman to be in this position in the history of the Tasmanian Parliament.

Premier, you have restarted a review of the public sector and fast-tracked the interim report date for just four weeks' time, just in time for the State Budget. Public sector workers only have until 9 October to make a submission to the review. How is two weeks enough time to ensure there is genuine consultation with nearly 30 000 public servants? The final report is due in March next year, which means you took longer to draft the terms of reference than you are allowing to complete the full review.

Why are you rushing this process, and why have you ignored the request from the public sector workforce to allow adequate time for workers - including those in the front line - to have their say about matters that could dramatically shape their future?

ANSWER

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

Over the past almost 12 months, the review of the State Service has been well discussed in that the Government was going down this particular path. It is important that we have a review, and that the public sector is fit for purpose for the next 20 years. We began the review processes last September. Dr Ian Watt began his work in November 2019 undertaking considerable consultation, including with, as I understand it, the CPSU in early 2020, prior to the review being placed on hold due to COVID-19.

Dr Watt has now released that consultation paper and is seeking submissions for the first phase of his work. I understand that he is consulting with the key stakeholders and the public

over a four-week period until 9 October, as you have indicated. Dr Watt will provide an initial report to me by the end of October with a final report due in 2021.

I understand the initial report will be mainly directional and will support further consultation through until the final report is delivered in March 2021. I am aware of some criticism from the public sector unions regarding the time frames and consultation process, but they have had engagement since August. Dr Watt and the project team have engaged with those unions both formally and informally to seek input into the review process.

He has offered the CPSU and the Health and Community Services Union to meet with their members directly, to seek their input into the review. He has also committed to engage with them on the directions from the first report later this year as well. The consultation paper that Dr Watt is consulting on is deliberately broad and seeks responses to the focus areas in the terms of reference.

Both our public sector unions and our public servants will have adequate opportunity to provide input into this report. I encourage the public sector unions to engage with Dr Watt as we work through this process, noting that the draft report will mainly be a directional paper and then there will be further opportunity for input from them.

State Emergency Service and Tasmania Fire Service - Amalgamation

Ms WHITE to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mr SHELTON

[10.06 a.m.]

Our State Emergency Service volunteers and our volunteer firefighters are the core of our response to emergency situations like bushfires and natural disasters. These people hold the trust of communities across the state and we depend on them at times of greatest community distress. You have had discussions about amalgamating the State Emergency Service and the Tasmania Fire Service. Yesterday you failed to rule out forced amalgamations of volunteer fire stations. Today, can you rule out amalgamating the Tasmanian Fire Service with the State Emergency Service?

ANSWER

Madam Speaker, I thank the member for her question. First, let me reiterate that the SES and Tasmania Fire Service are two separate identities run under the same department - the DPFEM - and there is no reason to change that. There are no plans for forced closures, as has been insinuated, to close our fire brigades. Yesterday I ruled that out. Labor keep repeating it, but they are ignoring the facts.

Ms White - You voted against our amendment.

Mr SHELTON - As I have said, there are no plans.

Members interjecting.

Madam SPEAKER - Excuse me, please. Let the minister finish.

Mr SHELTON - Regardless of Ms Butler's involvement in any rumours, in this place only Labor and the Greens are calling and talking about closures. There are no forced closures to our brigades. This style of politics with closing things, and the fascination with closing things, is very well known to Labor and the Greens. They are experts in closing things.

Ms O'CONNOR - Point of order, Madam Speaker. Standing Order 45. While this is not our question, it is a serious question. For the minister to devolve into the cheap politics that he is, disrespects the question and all the stakeholders who are concerned to ensure we have good fire management in this state.

Madam SPEAKER - Unfortunately that is not a point of order. The minister may resume.

Mr SHELTON - Madam Speaker, I have already ruled out that there are not going to be any forced closures.

Ms O'Byrne - Rule out forced amalgamations.

Mr SHELTON - Unfortunately it takes a lot to get through to some people. There are -

Ms O'Byrne - Clearly you don't understand. You could rule out forced amalgamations. Just do it and move on.

Mr SHELTON - There are going to be no forced closures.

Ms O'Byrne - What about amalgamations?

Mr SHELTON - There are going to be no forced closures or amalgamations. Are you happy?

Talking about closures, who can forget that Labor and the Greens were going to shut schools? You have asked the question and that allows me a few minutes to reiterate what I need to.

We on this side of the House are not closing things. On the other side of the House, the Greens and Labor shut schools, shut wards and at the same time they sacked nurses. Labor and the Greens also spent $2 million on a police boat, which was closed sooner -

Ms O'BYRNE - Point of order, Madam Speaker. A question, once answered, should be ended. If the minister has finished answering his question maybe we could get more questions in today if they would stop filibustering.

Madam SPEAKER - I know it is a fair point, but the minister has something really important to say and he has another minute.

Mr SHELTON - I do, Madam Speaker. What happened yesterday was that all that Labor was doing was scaremongering and scaring our communities. As we often say on this side of the House, it beggars belief. The Chief Fire Officer yesterday had to reassure TFS members following your assertions. It will not be a surprise in this place to hear that people have been scathing of Ms Butler's claim and also the way Labor members posted fake news on

their social media. The leader-in-waiting, Mr O'Byrne, is one of those who was caught out in the crossfire. One person contacted me directly and said Mr O'Byrne needs a rocket up him for spreading garbage like this.

Ms WHITE - Point of order, Madam Speaker, under Standing Order 45, relevance. The question to the minister was, could he rule out forced amalgamation of the State Emergency Service and the Tasmania Fire Service. If the minister has nothing further to add to this answer, perhaps he should sit down.

Mr FERGUSON - Point of order, Madam Speaker. My only point is to simply allow the minister to answer the question. The question did come from the Labor Party but they are making it very difficult for the minister to answer it. I ask that he be allowed to be heard.

Madam SPEAKER - Yes. This is a nice, kind, safe workplace and we will allow the minister to wind up.

Mr SHELTON - Madam Speaker, the Government is the strongest supporter of our volunteers. While Labor and the Greens engage in rumour and scaremongering, on this side of the House we are building things, recruiting staff, and growing volunteer confidence. We have a hugely successful and popular $2 million grants program that supports our brigades and units. We have strong membership of more than 5500 firefighters and SES, with a culture of pride and community service throughout.

The Tasmanian Fire Commission and TFS regional support for volunteers is strong and the commitment to strengthening engagement with volunteers is undoubtable. That is what this Government stands for, and we reject the baseless scaremongering which has taken place over the last 24 hours.

Residential Tenancy Act - Evictions without Genuine or Just Reasons

Ms O'CONNOR to MINISTER for HUMAN SERVICES, Mr JAENSCH

[10.14 a.m.

During the pandemic, and thanks in part to a Greens amendment, a freeze has been put on evictions in both the private rental market and for public housing tenants. It is a very different picture from last year, when the Supreme Court found against Housing Tasmania in the case of Gregory Parsons, a 55-year-old with an intellectual disability who was evicted without genuine or just reason. In response to that judgment, 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?

ANSWER

Madam Speaker, 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 -

Ms O'Connor - The question was whether a decision was made to change the law.

Mr JAENSCH - I do not know what decision Ms O'Connor might be referring to. What I do know is that decisions were taken early on in the coronavirus response period to ensure people had security of tenure in their housing.

Ms O'CONNOR - 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.

Madam SPEAKER - I do not think that is a point of order.

Mr JAENSCH - 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. What I do know is that as we moved into the COVID-19 response, one of the things we did early on was to ensure people who were facing uncertainty and maybe facing financial and housing stress had the certainty of their tenure so that people could not be evicted during that period from social housing and in the broader market. We have continued to monitor and update that policy as we have gone on in response to people's needs.

Ms O'CONNOR - Point of order, Madam Speaker, under Standing Order 45. First of all the minister said he was not aware of any decision and then started dissembling and talking about the COVID-19 response. The question is, was he part of the Government decision to make it easier to evict tenants before the pandemic? Be careful with your answer, minister.

Madam SPEAKER - Sorry, but it is not a point of order.

Mr JAENSCH - Madam Speaker, there has been no change to the law. Any change to the law needs to happen through this parliament.

Premier's Economic and Social Recovery Advisory Council - Activities

Mr TUCKER to PREMIER, Mr GUTWEIN

[10.17 a.m.]

Can you update the House on the activities of the Premier's Economic and Social Recovery Advisory Council and our plan to rebuild Tasmania's economy and support job creation?

ANSWER

Madam Speaker, I thank the member for Lyons for his question and his interest in this matter. My Government's number-one priority remains keeping Tasmanians safe and secure during the coronavirus pandemic. In parallel with protecting Tasmanians from the second wave of the virus, we are delivering our plan to swiftly reboot and rebuild the Tasmanian economy, restore and grow business confidence, create opportunity for investment and generate jobs, and that plan is working. We have provided the most generous support and stimulus package in the nation.

Despite the pandemic's devastating impacts on jobs, the jobs data released last week by the ABS shows there are now more Tasmanians employed at this time this year than there were

at the same time last year, demonstrating our sensible and measured recovery plan. The data also showed that over 80 per cent of Tasmanians who lost their job as a result of the pandemic have now returned to work or found a new job. Our unemployment rate is the lowest in the nation and that is more evidence of a cautious optimism in Tasmania. This reflects the Government's steady, measured and responsible approach to our recovery.

While we still have a long way to go to recover and build a stronger Tasmania, we should be cautiously optimistic as we continue to work our way through this challenging period. As part of our plan to recover from the impact of coronavirus and rebuild a stronger Tasmania, I requested advice from the members of the Premier's Economic and Social Recovery Advisory Council on strategies and incentives to support our recovery.

I am pleased to advise the House that the Government has accepted all the initial 64 recommendations in the interim report. We are getting on with the job of implementing those recommendations. Eight of those have now been implemented such as: encouraging government agencies to purchase from Tasmanian businesses on an 'if not why not' basis for the next two years; further strengthening the Buy Local policy; providing further support to all enterprises adapting to new COVID-safe workforce requirements; and encouraging common approaches to safe workplace requirements rather than bespoke arrangements for each situation. We have also provided additional support for our businesses and enterprises.

I recently met with the council, who advised me that they are now entering phase two of their consultation process with the Tasmanian community. This will be the most comprehensive, multi-faceted consultation program with the Tasmanian public in the last 20 years.

Specifically, phase 2 will consist of four key elements. First, the council will publicly advertise for recovery ideas. The process will be open to all Tasmanians and all organisations from October until December this year to bring forward their ideas. I encourage all Tasmanians to get involved and provide feedback to the council on how they believe we should meet the challenges of a post-COVID-19 world.

Second, there will be a survey open to every Tasmanian to provide input to PESRAC on their personal wellbeing and their priorities for recovery. The survey will be conducted during October and November. It will seek to understand what aspects of people's lives matter most now and through recovery into the future such as jobs, health, safety, housing and their community.

Third, there will be a series of cross-sectoral workshops commencing in September and running through to November that will provide on-the-ground input on the longer-term consequences and opportunities stemming from the pandemic.

Finally, there will be a series of regional round tables in November and December which will consider those issues that are important to each of our state's regions whilst also maintaining a statewide focus.

The council will consider the feedback it receives through the phase 2 process and it will develop strategies and initiatives to support the state's longer-term recovery from the impacts of the pandemic. The council's recommendations will focus on practical measures that will deliver outcomes over a two-to-five-year time frame to enable Tasmanians to secure their own

future as we rebuild from COVID-19. The council's final report will be provided to the Government in the first quarter of 2021.

The PESRAC process is an important part of our plan to rebuild our economy, to grow business confidence, create opportunity for investment, and to generate jobs. We are optimistic that our plan is working, focusing on job-creating investment and job security for Tasmania.

I hope those on the other side of the House will stop being the prophets of doom, stop their whingeing, whining and carping, and get on board with the program that the Government is rolling out. Confidence levels in Tasmania regarding the Government's policies, and across the business community, are the highest in the country.

Confidence levels are the highest in the country. We are seeing jobs returning, and of the nearly 16 000 new jobs that have come back, the vast majority are females returning to the workplace. More than 80 per cent of those people who lost their jobs at the peak of the pandemic back in May are now back in work. I encourage the other side of the House to get on board and to support the Government's plan, and stop undermining confidence which is what you are trying to do at every opportunity.

Social Media - Online Bullying

Ms OGILVIE to PREMIER, Mr GUTWEIN

[10.23 a.m.]

The Wild West has nothing on the uncontrollable reach of so-called social media. Recently our children were subjected to a heart-breaking video clip embedded in TikTok. Online bullying continues unabated for adults and children alike, and we see some terrible outcomes. Political campaigns can be impacted, and now we see local police officers being targeted online. It is heartbreaking that our society has come to this.

Anyone who has been subject to false, defamatory or nasty online comments knows it is pretty much impossible to defend yourself or get comments taken down. As leaders of this state, we have a responsibility to protect our local people and I for one would like to see a stronger response.

Premier, is it not time to clean this mess up?

ANSWER

Madam Speaker, I thank the member for Clark, Ms Ogilvie, for that question, and the range of matters that you have included in it. We will review the content of that question and I will respond more fully to the member after Question Time, if we can later today, but certainly at the earliest opportunity.

It is important right now that we treat people with kindness, gratitude and respect. Regarding the online bullying that the member has mentioned, it does not matter what forum it is in, bullying is not acceptable.

The member raised a number of examples which I will have my office look at and we will seek some advice and we will respond more fully. Regarding the intent of your question, we will look to see what more we can do, and we will look at those matters you have raised and we will provide a response back to you.

Potatoes - Importation into Tasmania

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

[10.26 a.m.]

Can you confirm that Biosecurity Tasmania has issued a permit allowing the importation of fresh potatoes into Tasmania by Mitolo, one of Australia's biggest potato growers? The massive scale of their operation would undercut local fresh-market potato growers, potentially putting them out of business. Furthermore, this decision also puts the rest of the industry at risk, including processors Simplot and McCain, due to the very real risk of disease.

How has Biosecurity Tasmania been able to approve the importation of such a risky crop without any consultation with potato growers, processors, packers or indeed other stakeholders? Why are you willing to put at risk the jobs and reputation of such an important Tasmanian industry to please a massive mainland potato business?

ANSWER

Madam Speaker, I thank the member for his question and his interest in this matter. I believe it is genuine.

There is no greater supporter of agriculture in Tasmania than the Gutwein Liberal Government. We have demonstrated this for the last six and a half years and you have seen the results of that with growth and opportunity, with increasing the number of jobs with the investment in water which is liquid gold. We are pleased and proud of those in the agricultural sector.

With respect to potatoes, the state produced 430 000 tonnes last year. It is a farm-gate value of $123 million. It is very important and it is worth -

Dr BROAD - Point of order, Madam Speaker. This is about relevance - Standing Order 45. There are potato growers, processors and packers who really want an answer, to know what is going on. They do not want to know the statistics of their own industry. They want to know why these potatoes are coming into the state.

Madam SPEAKER - It is not a point of order but I am sure it is an important question and I ask the minister to try to address it.

Mr BARNETT - Thank you, Madam Speaker. It was a lengthy question and I am providing a comprehensive answer. The stakeholders would be interested in this and know how important it is.

I was making the point that in the value-adding and processing side, it is worth over $435 million to the Tasmanian economy. It is the third-highest contributor to the farm-gate

income behind dairy and beef. That is why we are out there supporting all agriculture, including our potato growers.

I am aware of the decision of Biosecurity Tasmania, made by the Chief Plant Health Manager, based on a risk assessment. I am informed that the South Australian Government has declared freedom of the potato pest, potato cyst nematode, and the disease, bacterial wilt, both of which are declared quarantine pests in Tasmania. Consistent with normal practice Biosecurity Tasmania has formally recognised that status. Tasmania relies heavily on recognition of its own certificates of freedom to underpin its export trade. This is a natural and important process. I have requested Biosecurity Tasmania to attend a meeting with potato producers today - around about now in fact - to inform them of the risk framework and the reasons for the decision. I have been proactive. What is more I have -

Members interjecting.

Madam SPEAKER - Order, please. I want to hear this answer.

Mr BARNETT - This is important, Madam Speaker, and the incessant interjections shows they are clearly not interested in the answer.

Members interjecting.

Madam SPEAKER - Excuse me.

Mr BARNETT - I have written today to the major supermarket chains, Coles and Woolworths, encouraging them to support Tasmanian potato farmers wherever possible. I have written to them to make that position very clear. We are being proactive in this regard. I could be more expansive on that, but they clearly are not interested on the other side.

Residential Tenancy Act - Evictions without Genuine or Just Reasons - Response by Minister

Ms O'CONNOR to MINISTER for HUMAN SERVICES, Mr JAENSCH

[10.30 a.m.]

In response to our previous question, you said -

> I am not aware of any changes proposed or undertaken. I do not know what decision Ms O'Connor might be referring to.

Minister, that is untrue. Here is the Cabinet decision, which says -

> That Cabinet agrees to vacate the previous Cabinet decision in regard to the *Director of Housing v Parsons*, and not proceed with the proposed amendment to remove the genuine or just requirement in the context of an order for vacant possession.

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

ANSWER

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.

Whale Stranding at Macquarie Harbour

Mr TUCKER to MINISTER for ENVIRONMENT and PARKS, Mr JAENSCH

[10.32 a.m.]

Can you update the House on the Macquarie Head whale-stranding response, and the efforts being undertaken by the response team?

ANSWER

Madam Speaker, I thank Mr Tucker for his question.

Ms O'Byrne - Do you need somebody to check it for you first?

Madam SPEAKER - That was not very kind.

Ms O'Byrne - Neither is misleading the House, Madam Speaker.

Madam SPEAKER - No.

Mr JAENSCH - I thank you for the opportunity to make comment and put on the record our response from this parliament to the tragic natural event playing out in Macquarie Harbour right now - one of those events that brings Tasmanians together to help others in their time of need and in this case, another species. Unfortunately, whale strandings are not uncommon in Tasmania, and in this species of whales, but we believe this may be the biggest stranding event on record in Australia.

I have been speaking each day with the Incident Controller, Nic Deka. I spoke with him again this morning, and he has advised that the team has another busy day ahead, but overall they are feeling positive. Efforts will resume again today on what is an incredibly complex rescue effort in and around Macquarie Harbour. Marine conservation experts and Parks and Wildlife Service staff have established an incident management team at Strahan.

The species of whale involved has been confirmed as the long-finned pilot whale. I am advised that while all whales are protected, this species is not listed as threatened in Australia. A number of separate strandings have been identified, with approximately 200 whales stranded at Fraser Flats within Macquarie Harbour, 25 whales at Ocean Beach outside the harbour, and a further 195 whales located inside the harbour at Liberty Bay and Betsy's Bay, which were discovered yesterday morning during helicopter reconnaissance.

The incident is being coordinated by the Department of Primary Industries, Parks, Water and Environment with support and resources from Tasmania Police and other relevant authorities, as well as support from community groups and local organisations. Approximately 65 personnel are involved in the response efforts, including up to 18 trained volunteers. At

least 18 vessels have been made available for use by the response team. The response team has been regularly reviewing the situation, using a triaging system to free the stranded animals and move them by boat out into the Southern Ocean.

I am advised that as of this morning, rescue efforts have successfully moved approximately 70 live whales from Ocean Beach and Fraser Flats, tagged them and relocated them successfully to deeper water. I can also advise the House that the team will attempt to save approximately 20 more live whales today. My advice this morning is that, sadly, on veterinary advice and on animal welfare grounds, four whales will be euthanised today.

Every whale saved is a fantastic outcome, given the very complicated and dangerous conditions they are in, and is a testament to the tireless and skilful work of the response team. This Government has made it clear to those managing the effort that if additional resources are required, we will not hesitate to make them available.

While the focus remains on saving as many whales as we can, we are conscious that the response will shortly shift to a recovery and disposal operation. So far, it is estimated that 360 whales have perished. The management of the whale carcasses will be a significant logistical task, perhaps even larger than the rescue operation so far. The response team is considering options for dealing with the carcasses of the dead whales. Advice has been sought from the EPA as to appropriate disposal options and any approvals that may be required. The team is also coming together with local aquaculture companies to prepare a plan, and we will have more to say on that in the coming days.

I would like to take a moment to thank some of those who are working hard on the ground and in the water, and all those who have assisted them, including DPIPWE's Marine Conservation Program, whose staff are specially trained for this type of event and are the experts we have been relying on throughout this response; the Parks and Wildlife Service staff, along with other staff from DPIPWE, who have so willingly taken a leading role in coordinating the response, especially incident controller Nic Deka and operations manager Chris Carlisle, who are leading the response effort on the ground; and the trained volunteers who have been through Tasmania's official whale-rescue training program and have been on the ground or on-call to assist in the process at Macquarie Harbour.

I also thank the Tasmania Police Service and members of Surf Life Saving Tasmania who, in their different capacities, have been there to assist with managing the safety and movement of people in the water and on land around the rescue operations. Huon Aquaculture, Petuna and Tassal have made their staff, vessels, equipment and local knowledge available to assist in the response. I understand they will be pivotal to the early stages of securing the deceased whales and moving them to the point of disposal, likely to be outside the harbour in the open ocean.

I thank Tasmania Helicopters and the Commonwealth Government for their provision of advice, information and equipment, the West Coast Council, and the Tasmanian Museum and Art Gallery, whose representatives are collecting samples as part of gathering more intelligence about these mysterious events to assist future research into them.

Additionally, I thank the community of Strahan for assisting in the rescue efforts, not only directly, but also cooperating with the crews and the police on the ground to coordinate

movements around the rescue efforts. I thank those in the local community who have been feeding, accommodating and providing general human support to the response team.

Madam Speaker, I am very proud of my department, the community of Strahan, and my electorate of Braddon for coming together and offering their assistance in this time of need. Those directly involved in the response are all trained people doing what they do best, but we know that working with these creatures in these sorts of circumstances can also be very physically and emotionally exhausting. Our thoughts, and probably the thoughts of all of us here in this parliament, are with the response team who have put in the hard yards. They have a tough few days ahead of them rescuing any remaining whales and being involved in the clean-up. I thank them on behalf of all of us, for the incredible work they have done this week.

Members - Hear, hear.

King Island - Freight Service and Issues with *John Duigan*

Dr BROAD to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr FERGUSON

[10.40 a.m.]

Madam Speaker, the community certainly has rallied and come from far and wide to help in this rescue effort.

Minister, TasPorts has confirmed that King Island's freight service has been thrown into chaos again with the news that *John Duigan* will spend at least the next 12 weeks in dry dock in an attempt to fix ongoing problems. This comes only weeks after a previous long stint in dry dock for repairs. This is just another example of your trademark incompetence and complete inability to deliver infrastructure projects. You made the decision to purchase the Malaysian-built *John Duigan* at the cost of $10 million and now its future is in doubt. Are you considering purchasing a new ship to replace the *John Duigan*? How much has this debacle cost Tasmanians and when will the people of King Island receive the permanent, reliable and safe service they deserve?

ANSWER

Madam Speaker, I thank the member for Braddon for his question and his interest in this matter. I am more than happy to respond in relation to the *John Duigan.* Following concerns regarding the performance of the vessel *John Duigan*, it was removed from service to enable further investigations to be undertaken to understand the reasons for the performance concerns. That is, in fact, the very purpose of that first dry dock exercise that took place.

On 31 August, the vessel departed King Island for Adelaide to undertake those investigations in dry dock. I am advised that it has now been confirmed that the vessel will be out of service for up to 12 weeks following the investigations at dry dock in Adelaide, the very purpose of the diagnosis to effect the cure that is needed.

Dr Broad interjecting.

Mr FERGUSON - I suggest you listen to the answer. Inspections of the vessel's prop shaft have determined a replacement is needed which has required components to be sourced internationally. Further to this, a detailed assessment is also under way to determine the root cause of the damage. I am advised the existing charter arrangements are more than satisfying the current freight task, which Dr Broad did not mention in his question, as Bass Island Line is operating at approximately 60 per cent capacity. Bass Island Line is currently investigating alternative long-term charter arrangements if required in anticipation of a busy summer season and the continuity of shipping services to the King Island community will not be impacted as a result of the *John Duigan* going into dry dock.

I am aware of the obvious interest and it would be wrong to rush to a hasty judgment that TasPorts is doing anything other than looking after the needs of the island community. That is exactly why it was this Government -

Dr BROAD - Point of order, Madam Speaker, going to relevance, Standing Order 45. I draw the minister's attention to the question, which was are you considering purchasing a new ship to replace the *John Duigan* and how much has this debacle cost Tasmania?

Madam SPEAKER - That is not a point of order, but I ask the minister to try to address the question.

Mr FERGUSON - I am addressing the question and being directly relevant to it, Madam Speaker. The member uses a derogatory word in respect of TasPorts and Bass Island Line which has stood up using the vehicle of TasPorts by this Government. The debacle would have been if this Government had not intervened when there was market failure on the run.

Members interjecting.

Madam SPEAKER - Order.

Mr FERGUSON - This Government is indeed very grateful for the role that Bass Island Line through TasPorts has been able to provide.

Listen to the interjections, Madam Speaker. It shows that members do not care about the fact that we have put in place a service to step into that market failure.

Opposition members interjecting.

Madam SPEAKER - Order. Mr O'Byrne, I can see it about to leave you - don't.

Mr FERGUSON - That is what we have done. We have stepped in where there was market failure and it is a good outcome for the King Island community if we can keep the trade moving on behalf of the producers on that island and that is what we are doing.

I would be happy to inform the member after question time, if I am able to, in terms of cost and I would also be interested in informing him if there are warranty issues that Bass Island Line intend to use.

The key issue and the key responsibility is to keep the trade moving on and off the island. That is what we are doing and will continue to do. We know Labor has no policy on this. I have had from members who were failures in government -

Opposition members interjecting.

Mr FERGUSON - They are very touchy. The O'Byrnes are again very activated today.

Madam Speaker, it is time for Dr Broad to stop attacking TasPorts. He did it again in recent days when he was saying things that are not true about TasPorts in relation to coxswains. He has been caught out red-handed. In today's *Advocate* Dr Broad told the paper that there is only one coxswain in the Burnie/Devonport area. It is a false allegation. It is for Dr Broad to account for his behaviour and dishonesty. I do not care what his source is, but it is wrong. He has to own his false claims.

Madam Speaker, I will conclude, because I was asked about this at a previous sitting and I have checked again -

Opposition members interjecting.

Madam SPEAKER - Order.

Mr FERGUSON - Touchy. I want the House to know that I have checked again with TasPorts. I want to finish my sentence without this incessant interruption.

Ms O'BYRNE - Point of order, Madam Speaker. The minister is now answering a question from last week. He has many forms of the House to add to an answer. In question time his job is to respond to the question he was asked and when he has finished to resume his seat.

Madam SPEAKER - Thank you for that commentary but it is not a point of order. I urge the minister to wind up while he is ahead.

Mr FERGUSON - I want the members of this House to be aware that I have checked again with TasPorts, and the advice I have is that there are not one but currently three permanent coxswains on roster and a further six casuals available to cover operations at the Port of Devonport and the Port of Burnie.

Custodial Inspector's Rehabilitation and Reintegration Inspection Report

Ms HADDAD to MINISTER for CORRECTIONS, Ms ARCHER

[10.47 a.m.]

Recently you tabled the Custodial Inspector's Rehabilitation and Reintegration Inspection Report which highlighted ongoing and serious problems in Tasmania's prison system. The report highlighted the many factors hampering the delivery of rehabilitation programs to prisoners, including the suspension of programs for inmates, a lack of training for correctional officers, and frequent lockdowns impacting.

Worrying as this report is, it only tells part of the story. A leaked copy of the Custodial Inspector's other report on resources and systems paint a fuller picture of your management of the Tasmanian prison system. That report makes 64 damning recommendations and highlights shocking, unsafe levels of overtime for staff., with 46 per cent of staff being on workers compensation, unacceptable levels of bullying and harassment, as well as allegations of nepotism.

This report first came to light on 23 July. When will the report be formally released and what is preventing you from releasing it today?

ANSWER

Madam Speaker, I thank the member for Clark for her question. If she is talking about the draft report that was leaked, then it has not been formally released by the Custodial Inspector. I certainly have not received that yet. The member should be aware that there is a process, and the report she is referring to is a leaked draft report.

In relation to her mentioning the Custodial Inspector's Rehabilitation and Reintegration Report, that was carried out by the Custodial Inspector, who was an appointment by our Government to assist us to ensure that we are able to improve on our prison system so that we have a decent, safe and constructive environment in which prisoners can address their offending behaviour and prepare for return to the community, and also provide a safe workplace for our very valuable prison staff and most notably our correctional officers.

Had it not been for our Government's approach in appointing a Custodial Inspector, then we would not be aware of some of these issues, in order to be able to fix them. There has been and continues to be significant record-breaking investment by our Government into our prison system that quite frankly, was left broken.

Those opposite were responsible for the decision to close part of our prison - and that was the Hayes Prison Farm - and they have the gall to come in here, week by week and complain about lower numbers of staff, and a lack of infrastructure; all of those issues which our Government is prepared to address and we are addressing them.

Not only have we done significant upgrades to the Ron Barwick Prison, which was left in such a state of disrepair that it had to be addressed first, we have our $350 million infrastructure investment program.

In relation to staff issues, I was able to announce this week that we have started another recruitment course. We have split that. Altogether 42 new correctional officers will come on this year, bringing the total from May 2016 to more than 200 additional correctional officers that our Government has put in place.

The members opposite know I am going to say that not one additional correctional officer was promised by the Labor Opposition when they went to the last election. Not one additional correctional officer, nothing for infrastructure -

Members interjecting.

Madam SPEAKER - Order.

Ms ARCHER - and you come in here, you carp, moan and complain about a report that deals with issues that have been systemic issues. Over the 16 years of the Labor government it continued to decline.

Our Government is addressing these issues. We have new recruits starting. In relation to the Rehabilitation and Reintegration Report, we have appointed a senior policy officer who has the role of ensuring a co-ordinated response to recommendations from the custodial inspector. The Tasmania Prison Service senior managers meet specifically to review recommendations from custodial inspector reports and to progress actions on a monthly basis and this is reviewed in their weekly performance and compliance meetings.

I point out to the member for Clark, that particular report considered and made 39 recommendations with respect to rehabilitation and reintegration, specifically individual case management offender programs, education and preparation for release and employment. All but one of those recommendations have been supported by the department and 25 of the 39 are existing initiatives by the Department of Justice, so they have either already been implemented or they are already addressing those recommendations.

This is what happens when we have inspections carried out in October 2018; we are now in September 2020, almost two years. I can report that the report is being addressed and as soon as we have the final report - the report to which the member refers was a leaked report - we will be able to address those as well.

Support for Tasmanian Farmers and Landowners

Mr TUCKER to MINISTER for PRIMARY INDUSTRIES and WATER, Mr BARNETT

[10.54 a.m.]

Can you update the House on the Government's support for Tasmanian farmers and landowners and our productive soils and landscapes?

ANSWER

Madam Speaker, I thank the member for his question and his interest in this matter and agriculture more generally. He is hands-on when it comes to supporting agriculture in this state and I thank him for his support.

Agriculture is a cornerstone of our economy. It is so important in rural and regional Tasmania, particularly for providing the jobs in those areas. It makes sense - economically, socially and environmentally - to have a practical hands-on approach to sustain our productive soils, our farmland, our rivers and waterways, and our natural resources.

Recognising this, our Government has committed $2 million towards a new Landcare Action Grants Program. I am delighted to announce that 40 applicants from across Tasmania have been successful in the total of $336 804 that will be provided under round 2. Farmers and Landcare community organisations will co-invest with this funding to deliver practical, on-the-ground works for sustainable agriculture and river care. Activities funded in round 2 include managing livestock access to protect our waterways, establishing vegetation on farms to prevent soil erosion and create wildlife habitat, and protecting Tasmania's environmental values.

Today's announcement is on top of the more than $200 000 provided to 38 projects in round 1 of the program. Round 1 attracted an estimated $270 000 of in-kind support from the farmers and landowners, so a total of $470 000 in on the ground works, and that is terrific.

Under the program, Landcare Tasmania will also receive a special one-off grant of $75 000 for an integrated project focused on the greater Meander Valley productive zone. The project aims to enhance agricultural productivity and profitability with more than 20 local landowners taking part. It was a great pleasure for me a week or so ago to join Landcare Tasmania and the local landowners from the Deloraine Landcare Group to discuss work that has been undertaken under this program, including shelter belts. A big thank you to Tim and Pip Schmidt at their property, Woodlands, just near Red Hills at the back of Deloraine.

The latest announcement sits alongside the Government's doubling of money for Landcare Tasmania to $960 000 over four years, and increased funding to the Natural Resource Management of $4.2 million over four years. We are rolling up our sleeves, we are getting on and delivering with our plan and creating jobs, particularly in those rural and regional areas. Our plan, likewise, is to rebuild Tasmania and recover from the COVID-19 pandemic as I have indicated, and as the Premier has made very clear in this House and across the state.

Our plan is entirely in contrast to Labor's 'no plan'. How do we know this? How do we know they have no plan? The shadow treasurer himself said so. He said, 'We have the plan to write Tasmania's future. I will do the hard work needed to put the four Tasmanian divisions in the plan'. It has been nearly 12 months and we are still waiting on that plan. I have some sympathy for the Leader of the Opposition for the consistent white-anting of the Leader of the Opposition. I am sympathetic to the Leader of the Opposition. It is hard. You have great strength, him being incessantly critical -

Opposition members interjecting.

Mr BARNETT - They are chirping in, they cannot help themselves.

Political Donation Laws - Release of Report

Ms HADDAD to ATTORNEY-GENERAL, Ms ARCHER

[11.00 a.m.]

Tasmania has the weakest political donation laws in the country. At the last election your Government made much fanfare about a commitment to reforming these laws, a commitment you and the Premier seem to have walked away from. In 2018 your department conducted a review into these weak laws, with broad terms of reference. Submissions to the review were made in good faith by many community groups and members of the public. The report from this review has been sitting on your desk since December 2019, well before the COVID-19 pandemic took hold in Tasmania. When will that report be released? What is preventing you from releasing it today?

ANSWER

Madam Speaker, I thank the member for Clark for her question. I often say in this House, it feels like Groundhog Day when they run out of questions on a Thursday and they go back to the old chestnut. I will press 'play' now.

The Premier made it very clear in the House last week that our Government has been focused on COVID-19. This is not something that is simple; it is complex reform. We will not be pushed into kneejerk reactions to political posturing in this place. We have it on a daily basis from the O'Byrnes, from Dr Broad, from Ms Butler. It is just a new day of political pot shots and on this occasion, they come back to electoral reform.

We have made it very clear. We have focused on matters that we think are important to Tasmanians and that is their own safety and wellbeing -

Members interjecting.

Madam SPEAKER - Order.

Ms ARCHER - in keeping them safe, getting our economy going and framing up a budget.

Mr FERGUSON - Point of order, Madam Speaker. With this disorderly conduct it is impossible for any person let alone a member of the public watching -

Opposition members interjecting.

Mr FERGUSON - Madam Speaker, if I could be heard.

Madam SPEAKER - Excuse me. I would like to hear the point of order.

Mr FERGUSON - I ask that you would deal with the members opposite and allow the minister to answer.

Madam SPEAKER - Thank you very much. I ask you all to be very calm and rational and hear the speaker.

Ms ARCHER - Thank you, Madam Speaker. The interjections just show what their ambition is today, and it is to keep having political potshots. We are not going to be pushed into kneejerk reactions on this.

As they should know already, we do not have an election due until 2022. This is not simple; it is complex. The last time I answered this question in the House, I went through exactly what has been done in this regard, matters that we have addressed for the Tasmanian Electoral Commissioner in the first tranche of reforms. The fact that we extended the period of consultation on this because of the High Court case, that all needs to be taken into consideration.

As the Premier said, our Government is rightly focused on keeping Tasmanians safe. Those opposite have forgotten about COVID-19. The law reform that I have been working on has involved significant remedies and actions in our recovery and rebuilding from COVID-19.

Burnie Court Complex - Relocation

Ms DOW to ATTORNEY-GENERAL, Ms ARCHER

[11.03 a.m.]

On 11 August you announced in *The Advocate* newspaper your Government's intention to relocate the Burnie court complex to a residential area. This was a shock announcement and to date the Liberal members for Braddon have been missing in action on this proposal. Labor supports the need for an upgraded Burnie court complex and we committed to upgrading the current site at the last state election, as did you. Labor does not support you riding roughshod over local communities claiming you will consult when your mind appears to be made up.

Burnie City Councillors were kept in the dark about this proposal and even had to request a briefing with you. Following this, city councillors said, and I quote from *The Advocate* newspaper:

> Attorney-General Elise Archer has no intention of changing plans to move the Burnie courthouse out of the CBD.

Will you confirm that you have no intention of consulting with the Burnie community or changing your predetermined plans to move the Burnie Court complex out of the CBD to a residential and educational precinct?

ANSWER

Madam Speaker, I thank the member for Braddon for her question. I will pick on that last portion of the question of 'precinct'. I am not quite sure what she is referring to there. The area is zoned 'community purpose'.

In relation to the Burnie City Council, I have confirmed in this place already when they asked this question before, because this is another recycled question from the Opposition. Because they are running out of questions on a Thursday they keep coming back to the same issues that I have already addressed.

The Burnie City Council, through their former general manager, was consulted in relation to this, as were a broad range of stakeholders, specifically legal stakeholders. This is a multi-disciplinary court complex. Everybody, I understand, focuses on the criminal jurisdiction -

Ms White interjecting.

Ms ARCHER - I will get to that, Ms White.

They focus on that but this is a Civil Jurisdiction Court as well. It houses people right up to the Chief Justice of the Supreme Court as well as all his puisine judges, also the Chief Magistrate and her magistrates when they are all on circuit, and there are permanent members of each court, as well as administrative staff and the administration of the courts which members of the public can visit.

Currently, it is a UTAS campus. There are many students there every day. So the area zoned 'community purpose' is very used to people coming in and out of that place. In fact, the decision by the University of Tasmania -

Ms DOW - Point of order, Madam Speaker. It goes to Standing Order 45 to relevance. The question to the Attorney-General was, 'Will you confirm that you have no intention of consulting with the Burnie community or changing your pre-determined plans to move the Burnie Court Complex out of the CBD to a residential and educational precinct?'

Madam SPEAKER - Thank you very much, Ms Dow. You know how much I like Standing Order 45 but unfortunately it is not a point of order. I ask the Attorney-General to try to be as relevant as she can.

Ms ARCHER - Madam Speaker, I am, and I said that I would get to that. It is important for me to address the issues in the question that were plainly incorrect - namely, that the Burnie City Council was not consulted when they were. I have since visited them, yes, and I offered that briefing but there was also a motion for me to go and brief the councillors themselves. I was very conscious in this process, as was my department who have been doing the consultation with stakeholders, that Burnie City Council will be the planning authority as well. That is why I left it then to meet with them personally. It was actually interesting that the councillor who moved the motion did not turn up to that briefing. All others did. That was interesting in itself.

The Government is committed to ensuring that we have an effective and efficient justice system and that it is state-wide. That includes the Burnie Court facilities, which are no longer fit for purpose. We undertook an assessment of the Burnie Court complex. As part of that process a number of issues that were unable to be sufficiently mitigated were identified and that is the reason for moving the site. As I said, deep consultation with the Chief Justice and the Chief Magistrate and other legal stakeholders, and the council itself through the general manager and, yes, we have made that decision.

This opportunity with the University of Tasmania to relocate its Burnie campus from the current Mooreville Road campus presented the Government with the exciting opportunity to develop this site into a modern facility. It will provide better access to justice for those in the north-west and, specifically, Burnie. I am pleased to visit Burnie to see the site for myself. I have confirmed that in this place.

Design works and pre-planning matters are currently being worked through and, as is always the case when we go through planning matters, the community is consulted. We intend fully abiding by all those planning requirements, as the Government always does.

Tasmanian Women's Council and the Tasmanian Honour Roll of Women

Mr TUCKER to MINISTER for WOMEN, Ms COURTNEY

[11.10 a.m.]

Can you please update the House on recent developments in the women's portfolio, particularly the Tasmanian Women's Council and the Tasmanian Honour Roll of Women?

ANSWER

Madam Speaker, I thank the member for the question. As the father of two daughters, Ellie and Posie, I know that ensuring they grow up in a world and a community that has equality and gender equality is something that is very important to him, as well as other members in the Chamber.

Before I begin on what is perhaps my first question as Minister for Women, I acknowledge the work of the honourable Jacquie Petrusma in her role as Minister for Women. Those around the Chamber know that Jacquie has a fierce and dedicated passion in this area, and even though she is no longer Minister for Women, she takes this into all the roles she does as a member for Franklin. I thank Jacquie because she has done a brilliant job of that.

The Tasmanian Women's Consultative Council was launched in 1990, and became the Tasmanian Women's Council following a review in 2001. Twenty years on from that, I have had the pleasure of participating in a number of workshops and meetings with the council. I acknowledge the contribution of current and former members for all the work they have done. In particular, I note my thanks to Annette Rockliff, the outgoing chair. She has dedicated many hours over the years, and on behalf of many Tasmanians I thank Annette.

I am pleased to advise the House today that a restructured Tasmanian Women's Council has been established, and will meet for the first time in October under a revised terms of reference to reflect the current Government's strategic priorities. The council will now comprise eight members and an ex officio chair. Three new members have been appointed to join five existing members, which gives statewide coverage and brings varied skills, knowledge and experiences to the group.

Under this refreshed structure, the Tasmanian Women's Council's broad purpose and functions will be focused on advising strategies, action plans, and leadership and workplace participation pathways, especially for women who are in under-represented areas. I am particularly interested in focusing on regional and rural areas as well. This will ensure the Government continues to work on initiatives that will increase opportunities for women's leadership and participation in industry and civic life, and will facilitate pipelines and opportunities for women's employment and participation in growth areas of Tasmania's economy.

In what has been a very challenging year for the Tasmanian community, it is important, more than ever, that we look for opportunities for women and girls at the front and centre of our vision for a stronger and more resilient Tasmania. I am looking forward to working with the new council members.

Furthermore, I draw the attention of members to the Tasmanian Honour Roll of Women, as it is open for nominations for the next round of inductees. The honour roll embodies the Tasmanian Government's commitment to empowering and promoting the dedicated hard work and contribution of Tasmanian women, while ensuring their achievements are appropriately recognised and never forgotten, so they can inspire future generations.

The honour roll was established in 2005 to acknowledge the important role Tasmanian women have played, and continue to play, at all levels across local, state, national and international fields. It includes women from all walks of life and fields of endeavour, including community service, humanitarian pursuits, business, science and technology, the arts, sports and education, medicine and the environment.

Nominations can be submitted until 16 October 2020 for the next Tasmanian Honour Roll induction, to be held in March next year. We have worked to make the process more user friendly and contemporary. All nominees for inductees to the honour roll are assessed against clear criteria laid out in a refreshed application form, and selected by an independent judging panel.

The significant achievements made by inductees on the honour roll makes inspiring reading, and I encourage everyone to look at the honour roll on the Tasmanian Honour Roll of Women website, and share the stories with the important women and girls - as well as boys - in your life. I ask you to join me in promoting the Tasmanian Honour Roll of Women, and encourage all Tasmanians to come forward to nominate our incredible girls and women.

ANSWER TO QUESTION

Custodial Inspector's Rehabilitation and Reintegration Inspection Report

[11.15 a.m.]

Ms ARCHER (Clark - Minister for Corrections) - Madam Speaker, I wish to correct the record in reference to one of Ms Haddad's questions. My office has only recently received the Custodial Inspector Resources and Systems inspection report. As is standard practice, I will seek advice about the contents of the final report, and as is the case with all custodial inspection reports, the report will be tabled in parliament.

TABLED PAPERS

Answer to Question on Notice No 73 of 2020
Select Committee on Housing Affordability - Final Report - Corrigendum

Mr Jaensch laid on the Table the following papers-

(1) Answer to Question on Notice No 73 of 2020 [refer to page 101]; and

(2) Tasmanian Government's response to House of Assembly Select Committee on Housing Affordability's Final Report: Corrigendum - Pages 15 and 16.

SITTING DATES

[11.17 a.m.]

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

That the House, at its rising, next sit on Tuesday 13 October, at 10 a.m.

Motion agreed to.

MOTION

Leave to Move a Motion without Notice - Motion Negatived

[11.18 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 the following motion -

> 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.

My colleague, Dr Woodruff, is at the moment distributing copies of our no-confidence motion.

To be a minister of the Crown is a great honour and enormous responsibility. It requires the highest standard of integrity and honesty. On the Ministerial Seal, the Letters Patent, a minister is described as trusty and well-beloved. The minister, Mr Jaensch, proved himself in question time today not to be trusty. He lied to the House. That is a grave offence to the parliament and the people of Tasmania. Mr Jaensch has betrayed the trust of the Tasmanian people.

Madam Speaker, this goes to the entire Government because there has been a culture of dishonesty and spin in this Government. It was telling that, when we asked the first question today, the minister's default response was to lie. As he walked to the lectern, he said, 'I am not aware of any decision', but he was and the Cabinet decision proves it. That is a most serious offence for a minister of the Crown. The default position was to lie.

If we go to some background here, on 4 June last year the Supreme Court handed down a decision in relation to Mr Gregory Parsons. There was an appeal led by the Tenants' Union in a case that Housing Tasmania took to the full bench of the Supreme Court which found that Housing Tasmania is obliged to provide security of tenure, safe tenure and affordable housing on the basis that it is part of the objectives under which we operate.

Madam SPEAKER - Excuse me, Ms O'Connor, I have been told that you have to address the subject of leave.

Ms O'CONNOR - Thank you, Madam Speaker. That is right and I am doing that. I am presenting why it is urgent and a matter of public interest.

That case was about a 55-year-old intellectually disabled man who was convicted on the basis of the end of his lease without being given an opportunity to appeal or an explanation for the reasons for his eviction. The appeal was found in favour of the tenant.

In last year's budget Estimates hearing on 5 June, my colleague, Dr Woodruff, pressed Mr Jaensch on the Supreme Court decision and what the Government's response would be. The minister, Mr Jaensch said, 'I confirm that Housing Tasmania will consider the implications'. The minister was well aware of the circumstances of this matter and he confirmed in Estimates that, 'Housing Tasmania will consider the implications'. It is not plausible that the minister was not aware of the decision to remove the fair and just provisions from the Residential Tenancy Act.

Madam Speaker, the Code of Conduct for Ministers says:

> Ministers are expected to behave according to the highest ethical standards in the performance of their duties as they hold a position of trust, and have a great deal of discretionary power which can have a significant impact on citizens of Tasmania. Therefore Ministers must commit themselves to the highest ethical standards to maintain and strengthen the democratic traditions of our State and its institutions.

The minister has breached the ministerial code of conduct.

Further, on misleading statements, the code of conduct says:

> Ministers must not mislead Parliament or the public in statements they make and are obliged to correct the Parliamentary or the public record in a manner that is appropriate to the circumstances as soon as possible after any incorrect statement is made.

Madam Speaker, the minister rose to his feet and tabled some papers shortly after question time and did not take the earliest opportunity to correct the record. The minister has misled the House.

We have seen this before, when previous minister for mining, Adam Brooks, misled parliament at the Estimates table and ultimately had to resign. Steve Kons, in the famous 'shreddergate' case, blatantly misled parliament, and he paid a price for that too. He resigned.

Mr Jaensch should resign. It is a most serious offence to get up in this place and your first reaction is to tell a lie. The minister, Mr Jaensch, was well aware that Cabinet had made a decision to amend the Residential Tenancy Act so it would be easier to evict tenants. He knew that, and yet he walked to this lectern and lied.

When you lie in this place, you are not just lying to parliament. You are lying to the people of Tasmania. You are lying to people who trusted you, who voted for you, who trust you to come into this place and be honest and have integrity, and have their best interests at heart. Mr Jaensch should resign, and if he will not resign, the Premier should sack him.

This is extremely serious. Some members in this place may think we have moved past the age of consequence, but there has to be consequences for a blatant lie to the people of Tasmania.

Time expired.

[11.25 a.m.]

Mr FERGUSON (Bass - Leader of Government Business) - Madam Speaker, the Government will not be supporting this motion of the Leader of the Greens for the reasons I will outline. First of all, I make it clear that while the member who has just resumed her seat may feel like she is onto something, she has actually made no case to substantiate her claim, which she has made over and over again.

In answering your questions, Ms O'Connor, Mr Jaensch has given a commitment to return to the House and provide advice and if necessary update or add to his answer.

He has given that commitment. Ms O'Connor has sought to make her principal argument about why the business of the day should be thrown out in favour of her suspension motion -

Ms O'Connor - That a minister of the Crown lied? It is so serious.

Mr FERGUSON - on the basis that when he tabled his papers he did not choose that moment to provide that extra information. He is currently engaged -

Members interjecting.

Madam DEPUTY SPEAKER - Order. This is a serious matter before the House. I ask that the minister is offered the same courtesy as was offered to Ms O'Connor a little while ago. Thank you.

Mr FERGUSON - Madam Deputy Speaker, the minister and his team are currently engaged in reviewing the nature of the question that was asked by Ms O'Connor in examining the exact words that he said when he spoke to his first answer.

Ms O'Connor - He lied. It was a blatant mistruth.

Mr FERGUSON - You may say that, but people are entitled to natural justice to examine the record to check what they have said, and also to look into the substance of the original question.

Members interjecting.

Mr FERGUSON - Madam Deputy Speaker, it is half past 11 and the minister has given a commitment to you, Ms O'Connor, but you are not prepared to wait for him, are you? These other interjectors are also not prepared to give anybody the grace or the benefit of the doubt even for a moment. The minister has given a commitment -

Ms O'Connor - He had his moment after question time.

Mr FERGUSON - If you would care to listen to a different perspective, the minister has given a commitment to respond further to those questions. You cannot expect to throw out all the business of the day on the pretext of, 'Well, I think is a -

Members interjecting.

Mr FERGUSON - You have moved it; you are wanting to move a no-confidence motion but you have not even given the minister the chance to respond further. You were playing 'gotcha' politics during question time today, making your various claims, but you have not established your claim at all -

Ms O'Connor - The facts speak for themselves.

Mr FERGUSON - You have not established that claim at all. The minister has given an undertaking to provide further advice.

Every minister of this Government is sworn to Cabinet-in-confidence. We are not permitted to discuss Cabinet items and we will not be making an exception today because we are not allowed to. We are not supposed to and that will not be happening.

Ms O'Connor, you have left no room in the way you have comported yourself today for anybody to make any kind of omission in their answer, or to get a word wrong here or there.

Ms O'Connor - It was a blatant mistruth.

Mr FERGUSON - I do not know that because I have not even heard it myself from the minister. We are prepared to allow him the opportunity to give his further answer to the House. I am not going to put words into his mouth. Many of us, and I am one of them, have at times had to add to an answer. In fact, the Attorney-General just now added to an answer. That is the way this House is supposed to work.

Ms O'Connor interjecting.

Madam DEPUTY SPEAKER - Order, Ms O'Connor. I ask that you stop injecting.

Mr FERGUSON - If a member wants to move a motion of no confidence on the basis of misleading the House they have to establish that it was deliberate. They have to establish that it was deliberate lying. You have to do that. You have failed to do that, because you have not even accepted that minister Jaensch has given an undertaking. I do not know when, but it will be today. He will provide you, Ms O'Connor, and members of this House, with the benefit of him taking advice, looking into the matters that were raised, and adding his answer if he feels that it is necessary.

On this side of the House, for the reasons of decency and natural justice, we are not supporting the motion seeking leave today. You continue to interject and make these -

Ms O'Connor - True claims.

Mr FERGUSON - You are being unreasonable. You have not allowed the minister to respond.

On this side of the House, we have confidence in minister Jaensch. For us there is no question before us in relation to that. He is an outstanding minister who cares about his portfolios. He is a caring and decent and truthful minister who is doing an exceptional job in his portfolio.

Were this House to agree to Ms O'Connor's various motions today, minister Jaensch would not be able today to deliver on major legislation for major projects in this House, which he is delivering on behalf of Tasmanians -

Ms O'Connor interjecting.

Madam DEPUTY SPEAKER - Ms O'Connor, I do ask that you stop interjecting.

Mr FERGUSON - because we believe in jobs. We want to see this economy even stronger and rebound through economic recovery.

The Labor Party has no substance, no plan, nothing to offer Tasmanians as we navigate economic recovery. You only have stunts and distractions that you want to throw at important economic reforms that this House needs to look at today. That says an awful lot about the Rebecca White Opposition.

This side of the House will not be distracted. We will not be thrown off course about the economic recovery that we need to see happen in this state.

As for my friend and colleague, minister Jaensch, we are backing him. We are prepared to allow him the opportunity - as we all need at times - to take advice, to look at the record, and if - and I make it a big 'if', because I do not know - minister Jaensch needs to correct his answer, he will do so. If he needs to add to the answer, he will do so with the usual apologies that would be accorded.

We are not going to take lectures from the most dishonest Opposition I have ever seen.

Time expired.

[11.32 a.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Madam Deputy Speaker, that tells you everything you need to hear. That was a woeful attempt at defending a minister who clearly misled the House today. We will be supporting the seeking of leave that has been put forward in this motion, for reasons that have been explained by the member who moved the motion, but also because the Government's defence was flimsy.

The minister had an opportunity, twice, to answer a direct question today, and also at the end of question time could have got up to his feet and corrected the record, which would have been the earliest opportunity. He failed to do that.

The minister who just resumed his seat said that the House has to be able to prove that he misled deliberately. That is not the case, according to the Standing Orders.

Mr Ferguson - It is the case.

Ms WHITE - The case according to whom, to you?

Mr Ferguson - You have to be satisfied that it was deliberate.

Ms WHITE - Are you the judge and jury here? You are not. The parliament will determine whether this minister misled the House. I will read Standing Order 2. The Leader of Government Business does not know the rules of this place. It says very clearly -

> A Member 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 in statements that they 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 -

Madam Deputy Speaker, the Attorney-General got up on her feet and corrected her earlier answer at the end of Question Time. The minister did not.

The minister was asked a very serious question in parliament today that pertains to the wellbeing of a number of Tasmania's most vulnerable housing tenants, and whether this Government was going to - or had considered - making changes. He said they had not. He was cautioned by the member who asked that question to be very careful, which should have given him an indication that there was more to this question, but he gave an emphatic answer and resumed his seat.

He was then asked a second time whether he would like to address that question, and there was a Cabinet minute that was provided as evidence. I do not know how the member got hold of the Cabinet minute, but maybe the splits in the Liberal Government are much bigger than we are led to believe. Who is leaking Cabinet minutes? Someone is out to get the minister, and he has been called out today. He misled the parliament, and he did not correct the record at the earliest opportunity.

What the Government has said, in trying to defend this minister, is that he has to check what he said. He has to check whether he lied before he comes back in to correct the record? He cannot correct the record until he checks what he said, because he cannot remember his lie?

It gets worse. The more Government ministers speak in trying to defend the activities of this minister, the deeper the hole they dig. They do not know the Standing Orders, and the minister clearly misled the House today. It is an incredible breach of his responsibilities as a minister and as an officer of the Government.

We support the seeking of leave. This is an urgent motion that has to be debated now. This Government claims that there is important business they need to get on with. They did not table a single bill today.

This is important for a number of reasons, not only because the minister misled the House, but he has form here, misleading the House earlier this week when he claimed his Government had built 400 houses each year since they came to office. That is a direct quote

from the answer the minister gave in this place on Tuesday this week, when he said that they have a track record of building around 400 new social housing dwellings each year. The minister did not correct the record when he made that statement to the House, either, which was also a lie. This minister has a record of lying to this parliament. He did not only do it today, he did it on Tuesday as well, and he did not correct the record then either.

We do not have confidence in this minister. We do not have confidence in him to be truthful to this place, which is a fundamental requirement of any minister of the Crown.

We also do not have confidence in his ability to uphold the responsibilities of his portfolio, which is looking after some of the most vulnerable people in our state. The minister for five houses - that is what he will be known as - who built only five of the 80 houses that were promised with the waiver of the Commonwealth debt to Tasmania.

More significantly, on Tuesday when he misled the House, he did not correct the record. He was given ample opportunity to do that. Today, when he misled the House, he did not correct the record at the earliest opportunity.

Instead, we have heard from the Leader of Government Business that he has to go off and check what he has said, to see whether he had lied. He should have the guts to get up here and say what happened as a matter of truth. It is a test of his character and integrity.

We will be supporting the seeking of leave. It is critical that we have this debate, and that it is debated today.

Ms O'Connor interjecting.

Madam DEPUTY SPEAKER - Order, Ms O'Connor. This is your first warning. I do not think you want to have three warnings and have to leave on your own motion.

Ms WHITE - The minister has breached the standing orders of this House. I was shocked to hear the answers that he gave today. The mover of this motion has given historical context around this matter and the decision by the Supreme Court. We all understand what occurred at that time. I expect the minister to be well enough across his brief to give an honest and truthful answer in this place about that matter, of which he seemed to have no recollection.

More significantly than that, he should have been able to recall a Cabinet minute in which they had discussed making a decision about changes to how public housing tenants are treated in this state. If he cannot even do that, he is not fit to be minister.

[11.39 a.m.]

Mr JAENSCH (Braddon - Minister for Housing) - Madam Deputy Speaker, consistent with my previous response, in response to the question from the Leader of the Greens, my answer was correct. 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. Any Government legislation -

Ms O'Byrne - That is the best they can come up with in an hour and a half.

Madam DEPUTY SPEAKER - Order, Ms O'Byrne. I have asked you before not to interject.

Mr JAENSCH - Any Government legislation would go through the usual process of public consultation.

I will not breach Cabinet confidentiality. I will not provide a running commentary on Cabinet deliberations. The process is quite clear. In this case, amendments have not been finalised.

Ms O'Byrne interjecting.

Madam DEPUTY SPEAKER - Ms O'Byrne this is your first warning, thank you.

[11.40 a.m.]

Dr WOODRUFF (Franklin) - Madam Deputy Speaker, this makes the matter even more urgent because it is clear that the minister is lying again. It is outrageous and unbelievable - the first time I am aware of that a Government is not prepared to test their confidence in their minister by having the debate. This is an urgent matter. It is much more important than the other matters on the Blue today because it goes to the heart of confidence of ministers in Government.

The Standing Orders make it very clear that ministers must not mislead the House and must correct the record at the first available opportunity. The minister did not correct the record. Ms O'Connor asked a very clear question this morning about the Supreme Court decision against Housing Tasmania in the case of Gregory Parsons, who was evicted without genuine or just reason. The question was, 'Can you confirm in a response to that judgment that a decision was made by you and the Government to change the law to make it easier to evict tenants without genuine or just reason'.

Mr Jaensch said, 'I am not aware of any decision', but the Cabinet paper that we have makes it very clear on 24 August in the matter of the Residential Tenancy Amendment Bill, the decision of Cabinet was to agree and approve drafting to finalise the bill subject to the following amendments: Amendment C was to vacate the previous Cabinet decision in regard to the Director of Housing versus the 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. That means a decision had been made to remove the 'genuine and just' reason for eviction.

The fact that the minister pretends otherwise is a lie. The minister has lied. It is quite clear that there was a decision taken to change the Residential Tenancy Act so that people like Mr Parsons, and all the other tenants in Housing Tasmania who have been bullied and evicted by this Government without genuine and just reasons, would be able to be evicted in future if they change the law. For whatever reason, they chose to remove that amendment. On behalf of tenants in Housing Tasmania properties, we are glad they never proceeded with that.

We have repeatedly pushed them on this matter. Under questioning in Estimates last year, I asked the minister would he rule out the law being amended to give Housing Trust the chance to evict on the basis of the end of a lease. The minister said at the time, 'I can confirm that Housing Tasmania will consider the implications of the full bench of the Supreme Court'. He was well aware of it. So what Housing Trust obviously went and did was to come up with a proposal to get rid of that 'genuine and just' requirement that they have within their policies, that was the sticking point in the case that they lost to the full bench of the Supreme Court.

I am shocked that the Leader of Government Business was unable to support and provide confidence in his minister by having this debate properly. It is clear that they are scared and it is protection racket for a minister who has lied.

What he said just then was no correction of that lie. There was no confirmation of the truth in that the Cabinet document makes it very clear that his department, this Government, this Cabinet, was prepared, at some point before 24 August, to amend the Residential Tenancy Act and remove the 'genuine and just' requirement for evictions in the context of vacant possession.

What sort of Government would have a minister like this, who wheels himself out and lies to parliament under questions. The Greens have pointed out, numerous times, this minister's misleading of the House on a range of matters. We have caught him red-handed in this instance. We have never had the document, but we have the document, Madam Deputy Speaker. It is shameful to see a minister stand up, day after day, posturing, and not able to tell the truth on matters which affect the lives of people like Mr Gregory Parsons, an intellectually disabled man, who was harassed by Housing Tasmania. If it was not for the Tenants' Union standing up for him and appealing the case - Housing Trust took it to the Supreme Court and it was appealed to the full bench of the Supreme Court. Housing Tasmania lost.

This minister was not prepared in Estimates last year to commit that he would not take a case to the High Court against this. This is the level of bullying that this Government is prepared to go to for people who are like Mr Gregory Parsons: intellectually disabled; never given a genuine or just reason; never had any arrangements that were made that he breached; never had any evidence that he did anything other than live in his house and had no reason given to him for why he was evicted from his property.

This parliament has Standing Orders and we expect members of parliament to uphold them. This place expects ministers to uphold them, and the Ministerial Code of Conduct makes it very clear that ministers who mislead parliament must correct the record immediately.

Time expired.

[11.47 a.m.]

Mr GUTWEIN (Bass - Premier) - Madam Deputy Speaker, what a stunt. The Government will not discuss the deliberations it makes during Cabinet. In fact, we swore an oath not to. Government deliberates about many things.

As has been correctly pointed out, when a decision is made to change the law, a bill will be tabled in this place. No bill has been tabled in this place and the minister has correctly put on the record his views about this particular matter. The member who asked the question knows the processes of Cabinet. She has sat in Cabinet and knows those processes well. She also understands that as a government we will not discuss the deliberations of Cabinet. The outcome of those deliberations, relating to a decision to table a bill in this place, that is when a decision is made. That has not occurred.

The minister is one of the most hard-working, genuine, honest people that I have ever met. Regarding this stunt motion, there is no bill before this place, and until there is, no decision has been made on that particular matter.

Ms O'Connor interjecting.

Mr GUTWEIN - The member who interjects knows that what I am saying is absolutely true. There is a process of deliberation and until the bill is here in this place the Government has not made a decision to change the law. When we make a decision to change a law we bring legislation in and we defend it and argue for it. There is nothing before this House.

The minister, as I have said, has been one of the hardest working, most genuine decent people with integrity. There is a process and we will not go into the deliberations of Cabinet until there is a bill before this place and a final decision has been made by the Government on any legislation. When a final decision is made, a bill is brought into this place and is debated and the Government will stand behind it. There is no legislation before this place.

I will touch on the efforts of the minister in regard to the work he has done. He is building houses and putting roofs over people's heads. He is rolling out -

Ms O'BYRNE - Point of order, Madam Speaker. The motion before the House is to seek leave on the fact that the minister lied, not about whether the Premier thinks he is a nice bloke. That is not what is important here.

Madam SPEAKER - Okay.

Mr GUTWEIN - In speaking to the motion to seek leave, we will not be granting leave because the minister has done nothing wrong. As I have said, governments deliberate about many things. When a decision is made to change any law, that bill will be tabled in this place and until that occurs no final decision is made.

Regarding what Mr Jaensch has provided in his contribution today, we stand 100 per cent behind him. He has our full confidence on this side of the House.

Members interjecting.

Mr GUTWEIN - He is a hardworking, dedicated minister with integrity and this House should vote this down for what it is, a stunt.

Time expired.

The House divided -

AYES 10	**NOES 12**
Dr Broad	Ms Archer
Ms Butler	Mr Barnett
Ms Dow	Ms Courtney
Ms Haddad (Teller)	Mr Ellis (Teller)
Mr O'Byrne	Mr Ferguson
Ms O'Byrne	Mr Gutwein
Ms O'Connor	Mr Jaensch
Ms Standen	Ms Ogilvie
Ms White	Mrs Petrusma

Dr Woodruff	Mr Rockliff Mr Shelton Mr Tucker

PAIRS

Ms Houston	Mr Street

Motion negatived.

MATTER OF PUBLIC IMPORTANCE

Whale Deaths on the West Coast

[11.58 a.m.]

Dr WOODRUFF (Franklin - Motion) - Madam Speaker, I move -

> That the House take note of the following matter: whale deaths on the west coast.

I rise today with a heavy heart to mark the deaths of more than 360 long-finned pilot whales. These great sentient beings struggled and fought for their lives after stranding themselves on the west coast. I also rise to give voice to the deep sadness and grief that has flowed forth in the community, being expressed not just by Tasmanians but by people across Australia and around the world, who have watched on with great sadness at the rescue efforts and the footage we have seen for the last couple of days of this enormous stranding.

We first heard of some 270 whales being stranded three days ago on Monday morning and it was terribly sad news that was slowly coming out from the west coast, but that was then followed up by another really sad report. It was reported as 200 whales but we now understand from the minister 195 whales had stranded themselves at Liberty and Betsy's Bay just south of Macquarie Harbour. Those 195 pilot whales it seems have all died.

What we know is that some 450 pilot whales stranded themselves and of these, 230 were at Fraser Flats and 25 at Ocean Beach. It seems with great effort and so much love and tireless work, 70 whales have successfully been moved and relocated back to the ocean. There are 20 more still there today that rescuers are focusing their efforts on to see if they can help them survive.

This largest stranding of long-finned pilot whales is really tragic to see. It is probably the largest in Australia and one of the largest in the world. Whales strand from time to time and as Helen Kempton wrote in the *Mercury* this morning, the sad thing is that we do not know why it happens but we know that the animals' very social nature means that of the 70 whales that are freed, some of them will return to their distressed pods and be stranded again rather than abandon their family.

Whales are highly sociable animals and they remain with their birth pod throughout their whole lifetime. Pilot whales can live for 45 years if they are males and 60 years if they are females. They have calves every three to five years and the calves take milk for up to 15 years. It is an incredibly intimate relationship between the mother and the baby. Their strong family and kinship bond is a main reason that scientists speculate that they strand. If one of them beaches themselves, they hear distress calls and the rest of the pod will try to find them and often be led to their deaths. The sounds they make and call out to each other are heartbreaking for humans who are watching hopelessly from the sidelines, because they are so human-sounding and very piercing and tragic.

Madam Deputy Speaker, I thank and acknowledge all the people who have spent so much time doing everything they can to rescue those animals. The things they have said should be read into the House because they have been there in the freezing waters for days, and the pictures I have seen of men and women standing around in wetsuits with beanies on in the water, and as someone who lives in Tasmania who knows what those western waters are like, they are nearly hypothermic, so people have been in there for days doing incredibly hard work. I thank the Parks and Wildlife Service staff; the Marine Conservation Program staff; Dr Chris Carlyon, the wildlife biologist who spoke so beautifully to Lucy Breaden on the ABC the other day; Nic Deka, who has managed the operation; Tasmania Police who have been there organising rescuers; surf lifesaving clubs; and Petuna, Tassal and Huon Aquaculture staff who have lent their expertise and boats, but as one Petuna staff person said, the hardest work has been done by the people in the water, the people on rescue boats and the people on the sand covering up whales while they die. It has been very difficult for them to go through that experience but they continue at it.

I also pay my respects and gratitude to the journalists who have been on the ground: the ABC's Edith Bevin and Manika Champ who have provided us with as much information as they can; Helen Kempton from the *Mercury*; Sarah Maunder from SBS, and my apologies to other people if I have missed them out. I am sure I have because the information is coming from a place so beautiful and so wild.

Time expired.

[12.04 p.m.]

Mr JAENSCH (Braddon - Minister for Environment and Parks) - Madam Deputy Speaker, I thank Dr Woodruff for bringing on this matter of public importance today. To those following this on the *Hansard* on the public record I also encourage them to take note of a statement I made earlier in question time today on the same matter.

This is a tragic natural event and one that is shrouded in mystery. We have had whales stranding like this forever, it seems. I was reminded this morning by one of the incident management team I was speaking to when I was asking if they had any more understanding of what causes these events, who said whatever it is it has been around for a long time because there is evidence of whale strandings in the fossil record. This is not new, it is still not understood and I think part of the extra tragedy and the human interface with this story is that we have a level of kinship and empathy with this very intelligent marine mammal and we cannot understand how this sort of situation befalls them. It makes us feel a little more mortal too, I suspect.

As we know, efforts are resuming again this morning to rescue as many as possible of the remaining living and fit whales that have a chance of surviving the recovery effort and

being taken out to sea to freedom again. Again, I lay on the table my thanks and appreciation for the expertise, the effort and the work of the incident management team and the volunteers, the workers from the aquaculture industry and those who have assisted to keep people safe, organised, supported and well fed through this time, including those who have cooperated by staying away when their first instincts would be to come forward to help.

One of the reasons for there being not a broader call-out for resources and helpers is the particular environment we are operating in in Macquarie Harbour, and I have learnt more about it in the last 72 hours than I knew before. This is a particularly complex place to be mounting this recovery mission and it may go some way to explaining why the strandings happened in the first place. We have Australia's second-largest natural harbour which empties through a gullet that is 30 metres wide. It is shallow and has shifting sandbanks and rapidly changing currents. This has been one of the factors in making sure that people are safe when they are out in shallow water surrounded by deeper moving water with four-tonne animals in a distressed state. The safety of the humans involved has been a very important factor.

The timing of specific recovery efforts has also been dictated by the environment and the tides and the currents in particular, particularly when releasing weak animals who have already lost condition and are disoriented. When returning them to open water you need to do so with the assistance of currents that will help them move into safer water. That only occurs at certain times of the day, partly because of the normal tides, the lunar tides, that move in and out of the harbour, but also because I now understand that Macquarie Harbour experiences what they call a barometric tide. It is such a separate body of water it also responds to atmospheric pressure, and the movement of water and the water level in the harbour ebbs and flows in accordance with a number of different cycles. The modelling of that and the prediction of the best times to move these animals have been major factors in this complex recovery and may go to explaining to some extent why these whales may have failed to navigate those waters and came to grief at the end.

I understand that the work is under way now with the aquaculture companies' assistance and the use of their vessels to secure the carcasses of the deceased whales, to corral and keep them so that they can be loaded into larger vessels and taken out to sea in those opportune windows. This recovery of the carcasses has to be done in a timely manner before advanced decomposition sets in and they become difficult to handle, but the priority is to remove them from the harbour out into open water. That will take place over the next week with the assistance of the aquaculture companies and their vessels, but also a TasPorts barge, which is on its way from Devonport to the west coast and into Macquarie Harbour, to take over that work as early as Monday - to continue that work and to take these animals out of the harbour and into open water, where they can disperse.

I understand that my department has been in close contact with the federal environment authorities to ensure the appropriate permits and approvals are in place for what will be effectively a disposal of those carcasses in Commonwealth waters.

These are the sorts of matters that have been occupying the incident management team and those advising them over the last few days.

Again, I pay tribute to Nic Deka and the team of people working around him across DPIPWE, across the volunteer group and the citizens of Strahan, and the various services that have supported them for this very complex work.

I encourage them to take pride and heart and a great deal of satisfaction for every whale life saved in their rescue mission, which must also have had some very emotional times and great disappointments when whales have not been able to survive.

Time expired.

[12.12 p.m.]

Ms STANDEN (Franklin) - Madam Deputy Speaker, I thank the Greens for bringing on this very important matter of public importance around the tragic stranding of hundreds of long-finned pilot whales this week. The hearts and thoughts of all Tasmanians would be with those who are involved in the emergency response, making every effort to do what they can to save those beautiful creatures, and to do what they can to make comfortable the last hours of those animals that cannot be saved.

The images in the media of the animals, and their heart-breaking calls - I have heard some interviews on radio and so on with wildlife experts explaining the nature of these beautiful mammals, and how they are very intelligent and human-like in so much as they behave as an entire family.

I must admit, having studied biology and half-majored in zoology at university, I had some understanding of animal wildlife, but no in-depth understanding of whales whatsoever. I never really understood how it is that such a large collection of animals come together. There is so much about this that is a mystery, but there is no doubt about the looks on the faces of those people who are doing the very best and who are very tired after three-plus days of efforts while the light permitted. My heart goes out to them, and deep appreciation and thanks on behalf of the Opposition.

In particular, I note the efforts of the emergency response coordinator, Nic Deka. I grew up on the north-west coast, and the first job I got was working at the Burnie Hospital. A couple of years later, I went into a community development role. Nic Deka at the time was working at Sport and Recreation, while I was managing this community development role auspiced by the Burnie City Council, and working with the university. Together we did some terrific work with his then boss, Helen Langenberg, who is still a life-long friend of mine working in Sport and Recreation.

Nic moved into Parks and Wildlife some years ago. He is a terrific fellow and very physically active, very keen on the environment generally, so it was no surprise to me that he moved into that role. I have no doubt that the emergency response team could be in no better hands, because I know Nic to be a solid, reliable, deeply thoughtful and compassionate and supportive colleague - completely unflappable in an emergency I am sure, although I never saw it while we were working on the Burnie Take Heart Project. I am sure he is a terrific leader with deep experience around community engagement.

I thank him and I thank the many volunteers putting their shoulders to the wheel. I have seen the people clad in wetsuits - it must be very difficult and cold conditions. I am sure there are plenty of people on the land-based effort, too, whether it is feeding people, or caring for their emotional support. I noted that people from the aquaculture industry have no doubt pulled offline from their day-to-day jobs to do what they can to work together in what is usually a fairly competitive industry. I am sure they are working closely together. I know that the EPA officers who have been involved in advising the team have deep expertise in this space, too.

I thank all of those people for their efforts, and I know the resilience of the people in regional Tasmania, particularly down the west coast. The thoughts of all Tasmanians will be behind anybody involved in the effort. I cannot begin to get my head around the complexity of the recovery and disposal effort. To those people who, on the fourth day, continue to wade in those shallow waters that are so very cold, to do their best to save every last whale, I put my thoughts and prayers in their direction.

I have no idea, staring at those terrible scenes of hundreds of whales beached and, sadly, deceased, what would be best practice in terms of disposal of those animals. I note the minister's comments that they will be taken out to open water. I hope that is best practice. I cannot imagine how you would otherwise bury or cremate the remains.

It reminds me, though, how terrific our Parks and Wildlife service staff are in turning their efforts to emergency response efforts, whether it is whale strandings in this instance, or the bushfire response in the last few years. I know there is a casual workforce that provides a surge capacity in relation to bushfire response at least, and I think it was at Budget Estimates last year that I urged the minister to consider the benefit of swelling the workforce to retain those people - in particular, turning that portion of the workforce to the ongoing maintenance work that inevitably gets pushed to one side during any of these emergency responses.

It happens to be at a different time of year at the moment with whale strandings, but it seems to me that the important work of ongoing track maintenance, bushfire mitigation, all of these things are inevitably pushed to one side. As we see the sad impacts of climate change more and more, we will need to be putting our thoughts to that response. My best wishes to everyone involved, and my deep thanks and appreciation.

Time expired.

[12.19 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Deputy Speaker, this is a most heartbreaking tragedy unfolding on the west coast. In some ways, the debate we are having today is a condolence motion for all those lives that have been lost.

I have not seen many front pages like today's *Mercury*. That was a deeply confronting image, so much life lost, and so many questions about why it happens. It is just devastating. We have seen all over the country, and the world, an outpouring of emotion from people who see what is happening on the west coast, and it breaks their hearts too.

I also thank the rescuers and the amazing people from the Parks and Wildlife Service. We have seen rescuers from all walks of life and their frantic determination to save these animals' lives, their utter desperation and ultimately in so many cases their grief at seeing the loss of life of these highly intelligent, sentient, social, beautiful animals.

ABC journalist Edith Bevin said this morning that crews have told how baby pilot whales are swimming in shallow water near their stranded mothers on Tasmania's west coast, knocking into rescuers and swimming between their legs as they try to free the adult whales. She reported one rescuer as saying, 'It's just the grimmest thing and the sad truth that no matter how many you take back to deep water, they're always going to swim towards the clicks and squeals'.

One of the hardest things for people who care to cope with is not being able to understand why whales do this. There has been an analysis of Tasmania's stranding record and it has been found that there is about an 11- to 13-year cycle that is linked to ocean conditions and some of the experts believe that this week's pilot whale strandings fit that cycle, but we need to have long-term records to understand whether there are any environmental drivers or any human drivers, for example, like seismic testing in Bass Strait and off King Island.

As a journalist, in 1993 I went to a whale stranding on Tasmania's west coast and again it was long-finned pilot whales along Ocean Beach. Again we saw people from all walks of life and all points of the compass in Tasmania converge on Ocean Beach to do what they could to save lives. I was telling Dr Woodruff this morning that I got into trouble with the news editor because I could not stand there and just film what was happening. I felt a very strong need to help and that really is not what journalists should do, which is perhaps why in some ways I was not such a terrific journalist.

I read Helen Kempton's piece in the *Mercury* where she talks about the sounds they make as they call out to each other. It struck me when I read that quite remarkable piece of writing that for the first responders and the journalists, an experience like this is life-changing. For Helen Kempton, it seems to me that she has been profoundly affected by these deaths. She said that rescuers made their way to those they hoped could be saved and the animals lay almost still and compliant as teams slid slings under the whales' bodies. I quote marine conservation wildlife biologist Chris Carlyon from Parks and Wildlife, who said that there was very little that could be done to save the majority and this is a natural event -

> We know strandings occurred prior to humans. We do step in and respond but as far as being able to prevent these, there is very little we could do.

The tragedy on the west coast is believed to be Australia's largest stranding ever recorded. The largest was in lutruwita/Tasmania in 1935 when 294 pilot whales were stranded in Stanley. In a time of biodiversity decline when we know that animals are being impacted by human activity on the planet, when so many whales die in one event, it has to have a profound effect on the number of the species.

Madam Deputy Speaker, I will sit down now; I am not going so well on this. In closing, I am deeply grateful to everyone who went to the rescue effort. I know the people who are there did what they could, and are doing what they can. How heartbreaking it must be for them, as it is for all of us. I express my deepest condolences for these beautiful whales.

[12.25 p.m.]

Mr ELLIS (Braddon) - Madam Deputy Speaker, it is with a heavy heart that I too rise to speak on this matter of public importance. I congratulate the Greens, particularly Dr Woodruff, the member for Franklin, on a beautiful and very heartfelt speech about some incredible creatures.

I also thank the minister for his efforts and doing all that he can to help save as many whales as we can. They are indeed mysterious creatures and their impact on the human psyche and the closeness we have to them is quite unique in the animal kingdom that we as two-legged land dwellers would be so close to creatures of the water. The minister expressed it well when

he said the sense of your own mortality that comes with the death of many whales cannot help but hit you close to the guts.

As humanity and people of the world, we are forever fascinated by these creatures. There are so many whale gods throughout so many different cultures. The way we look upon these mysterious creatures is something in awe, something of kinship, something of a strange family that has been separated perhaps for too long. It is no coincidence that Jonah, in one of his hardest trials, spent three days and three nights in the relative comfort and safety, perhaps, in the belly of a whale.

I am a member of the Boat Harbour Beach Surf Life Saving Club and our mascot is a whale. At the time I was lucky enough to live there we used to see whales flapping around down at the beach, some much larger than these pilot whales, and the joy of seeing them from my house was a special memory that I and my fiancée Margot will remember always.

Another place I lived, and have been very lucky to live, is Strahan. I spent a couple of years there. I called it home, and Macquarie Harbour home as well. I fondly remember, after a long day on the tools, swimming at Ocean Beach where some of these whales have come up. To think of that vast and empty beach now crowded with whale bodies is very hard to contemplate. It reminds me of the recounting of the scenes of the *Cataraqui* off King Island when 175 souls were washed ashore on what was an otherwise very empty and endless shore. It really is hard to believe. I worked and swam as well in Macquarie Harbour and that too, like a whale, is a very mysterious and beautiful thing. The minister spoke of the shifting sandbanks and how much we do not know about Macquarie Harbour, and how much we do not know about whales, their size, and their beauty. There are a lot of parallels.

I pay tribute to the people in this situation and pay tribute to our community, the people of Strahan. I know some of you very well and I know how much you will be hurting. The world has much on at the moment - Tasmania and the coronavirus - and as Queen Elizabeth has said, it has been an *annus horribilis*. I can only imagine how the people of Strahan must be feeling. Macquarie Harbour is their harbour, it is much-loved. Ocean Beach is much-loved and to have it as a place of death is extraordinarily hard for these wonderful people who choose to live in one of the most beautiful places anywhere in the world. My heart goes out to the people of Strahan.

I thank our volunteers, particularly my mates in surf lifesaving. You do not sign up to be a surf lifesaver, to go and shift whale bodies. To step up at a time when you are needed is the Tasmanian spirit, it is the surf lifesaving spirit. You do not go into those kinds of roles knowing what to expect, but certainly to go down to the edge of the Earth to do such a needed thing is a wonderful gift to our community and to our world. I want to thank all of those volunteers, not just surf lifesaving, but many aside.

I thank our paid professional Parks staff, TasPorts, and all those who we know this is not your day job and we know that it is probably the last thing in the world that you would want to be doing, but you are and we thank you. Dr Woodruff spoke very movingly about the personal impacts of being in places of a whale stranding and I feel for you all.

Thank you to our fish farmers as well, and like the people of Strahan you have a lot on. It is not a good time to be trying to run a business and make a dollar. To give some of your resources to our people to help out, to help these whales and save some, it is an act of

extraordinary generosity. I want to thank Petuna, Tassal, and Huon Aquaculture for being a part of the community in Strahan and the West Coast.

Time expired.

Matter noted.

JUSTICE MISCELLANEOUS (COURT BACKLOG AND RELATED MATTERS) BILL 2020 (No. 35)

Second Reading

Resumed from 22 September 2020 (page 95).

Ms ARCHER (Clark - Minister for Justice) - Madam Deputy Speaker, I was in the process of summing up. On Tuesday, in the previous debate on the Magistrates Court (Criminal and General) Act 2019, I mentioned what will be provided to the defendant under the disclosure regime.

I have outlined what the defendant will receive in a preliminary disclosure, and when a defendant pleads not guilty in a summary matter they will be provided with a summary offence brief. This includes preliminary brief information that has not already been provided; a copy of any statement relevant to the charges and signed by the defendant that is in the possession of the prosecutor; a copy of relevant statements made by each person to a police officer or person investigating the offence; a copy of documents that the prosecutor at the time of the disclosure is intending to tender as evidence at the hearing; a copy of relevant photographs or audio recordings; and a list of general description of items and other things that are required to be provided in the summary offence brief but which are not practicable to copy or include in that brief or where disclosure or publication is prohibited or limited under any act or law. In this case the brief will include a statement advising that the item may be viewed and the name and contact details of the person who should be contacted to arrange the viewing.

In response to indictable matters, the preliminary brief will be provided prior to the first appearance or as soon as reasonably practicable after the first attendance in circumstances where the defendant is arrested. After the first attendance and before the second attendance of the defendant, the following information will be provided: first, any preliminary brief information and documents that have not already been provided; and a copy of relevant statements made by each person to a police officer or other person investigating the offence.

The prosecutor also has a continuing obligation to disclose any information, document or thing that comes to the prosecutor's attention after the preliminary brief, the summary offence brief, or indictable offence brief have been provided if that information, document or thing would have been required to be provided or viewed.

Further, this will evolve over time under the Preliminary Disclosure Provisions. There is an ability to prescribe in regulations any other items or documents that are to be provided to the defendant. This provision will improve the flexibility of the preliminary disclosure regime as it will provide for advances in technology and science to be accommodated under the regime.

Work continues between police and the DPP to support the new disclosure regime and importantly the Law Society was supportive of this regime established by the act when they were consulted at that time. That is just in relation to disclosure, so I hope that demonstrates to the House how extensive that is.

Dr Woodruff also asked about the timing of full disclosure for non-indictable offences. The Steering Committee for the Magistrates Court (Criminal and General) Act gave detailed consideration to the timing of disclosure under the new disclosure regime in that act. The regime provides for early disclosure of information that can be readily provided at that time and allow a person to make a plea, should they wish to do on the basis of that disclosure.

The information provided in preliminary disclosure should provide substantial detail on the case against the defendant. Many of the documents provided at later disclosure are documents that take time to complete and may not be available at that early stage.

Ms Ogilvie asked a question in relation to computer-related offences. In response to that I can say that the offence provisions for computer-related offences do not include child exploitation offences. The summary version of these offences is contained in the Classification (Publications, Films and Computer Games) Enforcement Act 1995 which already allows for a two-year time limit for the laying of complaints under Section 79 of that act. The offences directed at children themselves are all contained in the Criminal Code and cannot be dealt with summarily, for example, grooming.

Dr Woodruff asked about the 21-day time limit of appeal applications to the Supreme Court as highlighted in the Australian Lawyers' Alliance submission. The Government stands by its reforms in relation to bail. An accused can apply for bail in the Magistrates Court at any time unless they are charged with murder or treason when bail must be sought in the Supreme Court. If an accused is denied bail in the Magistrates Court after a formal bail application they have 21 days to lodge an appeal in the Supreme Court. This does not, however, prevent them from making bail applications in the Magistrates Court in the meantime or after the 21 days. Once a matter is committed to the Supreme Court an accused can apply for bail in the Supreme Court at any time.

I want to return to Ms Haddad's proposed amendment under section 308(4) of the Criminal Code to increase to three years. I have had further discussions in the meantime with very senior officers who I will not name but the member will know who I mean. The reforms included in this bill have been developed in consultation with a range of internal and external stakeholders to ensure they reflect balance between increased efficiency, while not derogating from the rights of the accused nor the interests of justice.

The steering committee actively considered section 308 carefully and considered that this remained appropriate, as a range of other reforms included in the bill will reduce the likelihood of matters making it to the Supreme Court. These reforms include the summary trafficking offences in the Misuse of Drugs Act, the mirror robbery offence called stealing by force, the increase in property offences to a maximum of $100 000, the removal on monetary limits on unlawful setting fire to property, the increase in time restrictions on unlawful computer-related offences and the increase in sentencing ranging from 12 months to three years for indictable matters that may be heard in the Magistrates Court and further, the commencement of charges to jurisdictional boundaries passed in the Magistrates Court (Criminal and General Division) Act passed by the parliament last year.

The steering committee membership includes the Chief Magistrate, the Director of Public Prosecutions, the Registrar of the Supreme Court, the secretary of the Department of Justice and the deputy secretary of Police, Fire and Emergency Management. The legislative working group includes the Law Society, the Legal Aid Commission and the Tasmanian Bar and they were also closely consulted during the development of the bill.

This issue was not raised in formal submissions on the draft bill, therefore section 308 has not been amended and a judge's ability to remit a matter to the Magistrates Court is still limited to situations where the likely sentence is no more than 12 months.

Making significant changes to Tasmania's Criminal Code should not be taken lightly or done on the fly. The steering committee considered that this remained appropriate, as a range of other reforms included in the bill will reduce the likelihood of matters making it to the Supreme Court where the sentence is likely to be 12 months or less.

It should also be noted that the remitting of matters under section 308 occurs prior to the full consideration and airing of evidence in a case. Often at this stage there is no medical evidence, no victim impact statements or psychological assessments of the accused that have been obtained at the time section 308 is determined. These matters have a bearing on the seriousness of the offence. This issue was extensively discussed by the steering committee.

In addition, the remitting of offences can be problematic when there are co-offenders. If an accused is charged with an indictable crime they have the right to a trial by jury. By remitting a matter to the Magistrates Court the accused is denied a trial by jury. Expanding this capacity to remit, as this amendment is seeking to do if Ms Haddad introduces it, would therefore impinge on this right.

Further, in order for a matter to be dealt with on indictment, the Office of the Director of Public Prosecutions have assessed the matter according to their prosecutorial guidelines, which are publicly available, and determined that the matter is serious enough that it ought to be heard in the Supreme Court. The director will be amending these guidelines to provide for the changes in this bill, as I have previously outlined. This assessment process has indicated that the matter should be dealt with in the Supreme Court. This amendment undermines its process where the seriousness of the offence is determined at the time of charging.

To increase the limit in section 308 to three years could lead to some serious matters which our Government believes by their very nature should be heard in the Supreme Court, potentially being remitted to the Magistrates Court without a trial by jury. For example, serious offences such as dangerous driving, causing death by dangerous driving, sexual offences which could include rape, the majority of family violence offences and grievous bodily harm often result in a sentence of less than three years.

I also note that no analysis has been undertaken for the impact of the proposed amendment on the operations of the Magistrates Court, in addition to the changes that are proposed by the bill being put forward by the Government.

As I have said previously, at the time of the application for section 308 not all of the relevant evidence will be available regarding the seriousness of these offences and therefore whether they should be heard in the Supreme Court or not. The prosecution has no right of appeal against the decision to remit under section 308 at any time including after further

evidence is available. The magistrate is bound by a maximum sentence of three years, even where the sentencing outcome may be manifestly inadequate.

Further, these reforms and the director's prosecutorial guidelines have attempted to ensure consistency between offenders, and the proposed amendment would undermine this by providing discretion and provide that different judicial officers may exercise this discretion differently. In conclusion, any proposed change of this nature to the Criminal Code will require further detailed consideration and consultation to ensure these matters were properly addressed.

Because I think I am almost at the end of my time and without needing to extend, I want to thank the department for their extensive work and particularly Felicity and Brooke; my office, as is always the case, for the incredible work they have put in to all these reform packages; and particularly again to the steering committee and the stakeholders on the working group. They have considered this bill widely and I thank them for their efforts. I have thanked them throughout this debate about three or four times and that evidences how deeply appreciative I am of their efforts in arriving at a very well-balanced bill. I urge the member not to move her amendment to section 308 of the Criminal Code.

Bill read the second time.

JUSTICE MISCELLANEOUS (COURT BACKLOG AND RELATED MATTERS) BILL 2020 (No. 35)

In Committee

Clauses 1 to 8 agreed to.

Clause 9 -
(Schedule 1 amended (Criminal Code))

Ms HADDAD - I will start by saying that I am not going to proceed with my amendment. The reason for going into Committee is because the forms of the House meant I did not have another opportunity to address the second reading stage of the bill. I am sorry for the time that it has taken to come into Committee and for you taking the Chair but I did not have an opportunity to formally address the reasons for the amendment and I will confirm that we are not proceeding with it.

The reason for that is that I am satisfied, understand and acknowledge the explanation the Attorney-General has given in her summing-up comments. I want to reiterate that the amendment was moved in good faith and was in no way intended to diminish the important work of the steering committee or the working group.

Indeed, I want to further put on the record my acknowledgment of their hard work. The enormous amount of work that has gone into putting together a bill that works across several departments is no mean feat and it is to be acknowledged in and of itself. That said, this is a step further than that in that it is a massive piece of legislation and has been a huge task for that working group steering committee, who I acknowledge are still working on other aspects of the Magistrates Court (Criminal and General Division) Bill implementation.

At the outset, I want to make it very clear that it was moved in good faith, after it was brought to my attention by a few people who represent clients in criminal jurisdictions in the Magistrates Court and in the Supreme Court.

For the record, the logic behind it was that there was a need to amend section 308 of the code to increase the number of matters that could be remitted, by increasing section 308(4), from one year to three years. At the moment, judges cannot remit an indictable matter - for example, trafficking cannabis or assault - under the code if the sentence has a possibility of being greater than 12 months prison, because section 308(4), limits the magistrate's sentencing power to one year. The reason it is 12 months in the code is because originally, magistrates only had the power to impose that as a maximum on first offenders, so a judge should not remit something more serious than that.

In the view of the people who contacted me, the amendments to the Sentencing Act in the bill we are discussing now mean that this problem will not exist any more. In their assessment, section 308 should be amended as a matter of logic, consistency and good policy. The practical consequence at the moment is that without the amendment, in their view judges are not able to remit some matters to the Magistrates Court, even if all the parties agree it is appropriate, including the judge.

As the Attorney-General has explained in her summing up comments, and what I acknowledge and appreciate, is that this change was not an oversight. It was in fact actively considered by the steering committee, and discussed extensively at the committee and working group level, and considered also by the DPP, who assessed it according to his prosecutorial guidelines.

The Attorney-General, in the former debate and just now, also spoke about some of the complications that the assessment of the steering committee, in terms of whether co-offenders, or where particular matters that in the Government's view should be tried in the Supreme Court, may not be, because of a change to section 308(4).

I acknowledge that the Attorney-General also said she is happy to consider matters further and go through that vigorous process, if that emerges as a problem down the track. But I acknowledge also that the intention of the bill we are discussing today is that there is a diminished likelihood of matters being remitted under section 308 because of the other changes in the bill.

For the reasons that the Attorney-General has outlined, I will not be proceeding with the amendment. However, I again acknowledge that the Attorney-General has put on the record that if this did become an issue down the track, the steering committee or working group may be able to consider it further if required, even after the bill is implemented. If it became apparent that this was an ongoing problem, the Government might want to address that it is on the radar.

Ms ARCHER - I thank Ms Haddad for clarifying that. I accept that it was moved in good faith. The reason for me coming back and making my arguments was in the hope that Ms Haddad had had an opportunity to reconsider, or if she had not, that I would convince her. It is a good result all round, and she accepted that this has been looked at thoroughly by the steering committee and the working group and others, and not raised in submissions.

As I have always said in this place, if the Chief Justice or the Chief Magistrate or the DPP or other stakeholders come to me with issues about how things are working or not working, it is quite common for me to come into this place and deal with these matters - with the justice miscellaneous bill, for example. We usually have about two or three a year at least to deal with matters that we have had a look at and need to address.

As I said, if it turned out that it was not the case - as I have put today in arguing against amending section 308 - then we would deal with that at a later date, as we always do with any other forms of amendment that are required in the interests of an efficient and effective justice system, which as members know - because I say it a lot - is our number one priority in this space.

I take the opportunity to thank members for their contributions, and dealing with this bill this week. It is a high-priority bill, particularly as a consequence of backlogs that have occurred in our courts, which can only worsen throughout the COVID-19 period because of court closures - although I note that the Magistrates Court was still able to deal with quite a lot of matters during COVID-19 by video link. It is amazing what we can with technology when we need to, and also in relation to looking at how we might deal with things in future. We are always looking at ways of creating greater efficiencies within the court, because of course that helps reduce backlogs.

Regarding procedure, COVID-19 has demonstrated for everyone in our court system that there are some things we can deal with efficiently and more effectively. An example of that is appearances from those who are already in prison, and dealing with subsequent charges. As long as it is not a hearing and needing to appear in court, having videoconferences to the prison has worked very well and effectively.

Having videoconferences for legal counsel has also worked very effectively in terms of ensuring we can have more appointments available. That was forced due to COVID-19, but I am now looking at how we can create greater efficiencies in some of those things, and how we can keep them in the longer term. Some of the things we have brought into this House have been COVID-19 measures, but it may well be that I come into this place and make things more permanent in terms of anything that is just not procedural, but required by legislation or regulation.

We know we have the sought-after membership of the Subordinate Legislation Committee. That was aimed at the Chair, because I think he gave up his seat on that for our new member, Mr Ellis, because we all know that the very important work - it sounds like I am being tongue in cheek, but the Subordinate Legislation Committee does deal with a lot of important work. I mention that deliberately, because throughout COVID-19 as well, they have dealt with many of these changes I have needed to make for efficiencies in our court system. On occasions, I have supplied those to my shadow minister, Ms Haddad, and also to Ms Ogilvie, who was interested at the time in some of the notices that we had issued for efficiencies. Overall, members will appreciate that it has been a difficult time not being able to have jury trials and the like because of social distancing.

There are things we are currently doing in the Burnie Court complex because we are not moving from that site for some time while the redevelopment occurs. There is some work being carried out in that court to allow for jury trials to recommence, and that is going to

obviously change the configuration of the court slightly to ensure that we can accommodate the number of jury members required.

With the Supreme Court, it is always the Chief Justice's decision in relation to court closures and the cessation of jury trials, but I do take this opportunity to thank him and the Chief Magistrate for their incredible efforts during COVID-19 - and indeed, still - in trying to get things back to as normal as possible, but still requiring social distancing and hygiene measures. I know the Chiefs have been very keen to get back to business, but have faced some restrictions because of the social distancing required, particularly with our jury members.

With that, rather than make my colleague stand up for less than a minute to deal with his matters, I can probably give the House a bit of an update on something else.

Dr Woodruff - I might have something, if you would not mind.

Ms ARCHER - Okay, I will sit down and let Dr Woodruff say something on this clause.

Dr WOODRUFF - I did not have a chance in my second reading speech to respond to Ms Haddad's amendment. I wanted to put on the record that we support the intention of what she was trying to achieve, but we would appreciate more discussion about it. That could happen at a later date. We expect it will be looked at by the appropriate -

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

JUSTICE MISCELLANEOUS (COURT BACKLOG AND RELATED MATTERS) BILL 2020 (No. 35)

In Committee

Resumed from above.

Mr DEPUTY SPEAKER - Dr Woodruff, did you finish your contribution?

Dr WOODRUFF - Yes, Mr Deputy Speaker.

Clause 9 agreed to.

Bill taken through the remaining Committee stages.

Bill read the third time.

LAND USE PLANNING AND APPROVALS AMENDMENT (MAJOR PROJECTS) BILL 2020 (No. 26)

Bill returned from the Legislative Council with amendments.

Motion by **Mr Jaensch** agreed to -

That the amendments be made an order of the day forthwith.

LAND USE PLANNING AND APPROVALS AMENDMENT (MAJOR PROJECTS) BILL 2020 (No. 26)

In Committee

Mr DEPUTY CHAIR - Members, there are 10 amendments to clause 12. Does the Committee wish to deal with them all concurrently?

Dr WOODRUFF - No, Mr Deputy Chair.

Council first amendment to clause 12 -

Mr JAENSCH - Mr Deputy Chair, I move -

That the Council first amendment to clause 12 be agreed to.

Mr Deputy Chair, my confusion was to do with the fact that our first amendment was in fact Mr Valentine's second amendment and therefore my notes did not concord. The second amendment was proposed in relation to the landowner consent in relation to council-owned and is to be granted by the relevant council rather than the council's general manager, as previously specified in the bill. We are not sure why this amendment was supported in the other place as the provision of landowner consent in regard to council owned land is a matter generally delegated by the council to the general manager anyway. That is, the bill was consistent with established standard practice.

While the Government does not believe the amendment is necessary we will not object to the amendment.

Amendment agreed to.

Council second amendment to clause 12 -

Mr JAENSCH - Mr Deputy Chair, I move -

That the Council second amendment to clause 12 be agreed to.

The second and subsequent amendments - eight in all, from the member for Murchison, Ruth Forrest - relate to making it more explicit that it is not just state government agencies but relevant state-owned companies and government business enterprises that are to be consulted with at various stages throughout the major project assessment process. The Government supports these amendments and we consider them to be sensible and reasonable.

For the eight corresponding amendments associated with this matter of a definition we move that these amendments be accepted.

Dr WOODRUFF - Thank you, Mr Deputy Chair, the Greens will support this amendment. This is a trivial amendment and it is a very tiny matter in the context of the overall significance of this bill.

Let us be really clear: we would not be standing here today if it was not for the failure of the Labor Party to stand up for the community. The Labor Party had within its powers in the upper House, and it had within its powers in the lower House to vote against this bill. We, the Greens, put 19 amendments to this bill when it came before us. The 19 amendments we moved, with the support of Ms Ogilvie, the member for Clark, were substantial and important.

We voted against this bill because it is a stinker of a bill. It is a blight on this beautiful island to have these attacks on the Planning Scheme and the rights of the community to appeal a planning process embedded into legislation. We fought long and hard and we were supported by the overwhelming majority of community groups around Tasmania - by those people who stand up for their community, the liveability of their place and the conservation and protection of natural places.

This has been through the upper House. The amendments we have before us are small and they do not treat the substantial issues which were raised by the Greens with the support of Ms Ogilvie in the lower House. The Labor Party did not prosecute the most important issues that the community laboured long and hard to get their support and commitment on. Despite all the concerns and hand-wringing, despite all the big statements of listening to the community, the Labor Party failed the community groups. Despite the work of the state coordinator of Planning Matters Alliance Tasmania, Sophie Underwood, the Labor Party failed. Ms Underwood said:

> The story of the marathon debate in the Legislative Council is that the Labor Party failed to address community concerns and sided with the Gutwein Liberal Government on every amendment that was not put by Labor.
>
> The Labor Party is putting developers, including those from overseas, ahead of the local Tasmanian community.

Also the Tasmanian Conservation Trust, led by the awesome, long-serving, dedicated persevering Peter McGlone, a true treasure who will never stop fighting for this island, said:

> It is extraordinarily disappointing the Labor Party backed down on appeal rights after supporting them in the lower House.

They might have had an opportunity to do something on the numbers in the upper House but they squibbed on that responsibility and the opportunity to use the power of the vote that they could have exercised in that place. They chose not to take it up because they would rather back in developers, property groups and everyone else who is involved with making a quick buck in this state than they would support the community. They chose to take the Government's lines to argue their way out of backing in appeal rights. Peter McGlone made it very clear that the Labor Party backed down on appeal rights after supporting them in the lower House. This backdown mirrors their backdown on poker machines following the 2018 state election.

What a shocking display of inaction, ineptitude and disrespect for all the people who have been in and out of their office, time after time. People have met with members of the Labor Party, individual members, with Ms Standen, with Ms Dow, and other members of the Labor Party, including the Leader, Rebecca White. Time and again the members of the Labor Party have talked about their concern and how they are listening and are interested, but when

it comes to the vote they back down every time. The community has noticed this. You have not got away with it and they understand that we will keep fighting on behalf of them.

We will support this small amendment - do I have more time, Mr Deputy Chair?

Mr DEPUTY CHAIR - You, do, Dr Woodruff, but please ensure that your comments are relevant to the actual amendment we are discussing and not another second reading contribution.

Dr WOODRUFF - Thank you, Mr Deputy Chair. I believe the community is interested to hear why the Labor Party might have supported such a tiny amendment and -

Mr DEPUTY CHAIR - Dr Woodruff, please do not disregard the Standing Orders.

Dr WOODRUFF - Mr Deputy Chair, I am making the obvious point about this amendment. This is a trivial amendment that the Labor Party supported but they did not support the other important significant amendments which would have made a substantial difference to this bill. Yes, the Labor Party might have supported something like this but they could not get out of bed and do their job, which is to stand by the community and even support the amendments they supported in the lower House. That is how gutless they are.

What a grave disappointment they are to people who have voted them in and hoped that they might stand by them around things like skyscrapers, Cradle Mountain, Mt Wellington, Mt Roland, the Westbury Prison, Cambria Green and all the other developments around the state that could potentially get called in under this major projects bill.

The group of people on the east coast of Tasmania who are fighting against Cambria Green still have not heard from this slippery minister to give some clear information about whether he is going to call in the Cambria Green development. The Labor Party members were not at the East Coast Alliance AGM last weekend. I wonder why. They would not have wanted to front the community after their pathetic effort.

We will support this amendment but we wish there were many more significant amendments that had come down to this place because I can be quite confident that the amendments that we have here will make no significant difference to the impact of this bill.

Ms DOW - We will be supporting this amendment as we did in the upper House. We do not have any concerns about it. It is merely procedural about a different use of terminology.

I am not mistaken in thinking that this bill passed the lower House with the support of Ms Ogilvie and Labor and it passed the upper House. Yes, we did move some amendments in the lower House that looked at the issues raised with us by the community. I met with PMAT and others a number of times and listened to them, but in this place we must make balanced decisions and take into account the views of the entire community we represent. That is what we have endeavoured to do as part of this process.

Labor has always said we supported the intent of the reforms. In fact, it was a Labor government that introduced the projects of regional significance process through the Tasmanian parliament, which this process adds to. We do not shy away from the fact that we support sensible development and believe a balanced approach to development and planning reform will lead to better economic, social and environmental outcomes in the long term for

Tasmania. We are very disappointed that the Government has not communicated the contents of this bill to the community very well. It is not our job to defend government legislation.

Ms O'Connor - It is your job to defend your own decisions in here.

Ms DOW - Which we have done.

Mr DEPUTY CHAIR - Ms Dow, I will give you the same warning I gave Dr Woodruff, which is to please be relevant to the amendment we are on. I understand Dr Woodruff opened this can of worms but I am giving you the same warning that I gave her to please respect the Standing Orders. Keep your comments to the amendment we are discussing.

Ms O'CONNOR - Point of order, Mr Deputy Chair. As you are aware, there is extensive and significant precedent for members speaking to a clause or an amendment and not being specific exactly to the words in the amendment. It would be regrettable if the decision was made from the Chair at this point to overturn that longstanding convention.

Mr DEPUTY CHAIR - On the point of order, I have been taking advice from the Clerk and I will continue to do so. There was some latitude given but I am still trying to uphold the Standing Orders as they are, which is that you need to be relevant to the amendment.

Ms O'Connor - Both the speakers are being relevant in their own way.

Ms DOW - I will not speak for a long time but I want to make reference to the point around appeal rights which was an amendment put forward by Labor in the lower House. At that point in time it was put on the record for the debate and the discussion of the merits of that process being included in the legislation. Following that point there are many things that took place, including correspondence from the minister, which was quite astounding at the time that there would be that level of intervention from the Government.

However, as I said, talking a balanced approach and considering all the views of stakeholders and additional professional advice that was made available to Labor in the upper House, we did not pursue the right of appeal amendment. We had hoped that in the time elapsed between the bill coming before the lower and upper House that the minister may have looked to redraft the amendment to accommodate the genuine community concerns. That was not the case. Labor respects and values the role of the Tasmanian Planning Commission and would never move an amendment that undermined the TPC and in fact sought to strengthen the role of the TPC in the development assessment panel process.

In conclusion, we will be supporting the legislation and the amendments and believe that we have given this great consideration. A huge amount of work has gone into this bill. It is a large, complex piece of legislation. Let us be frank, unless you have individual experience with planning, it is sometimes difficult for the community to truly make sense of our planning scheme - which is quite technical - and the planning legislation that accompanies it.

There was an opportunity for the Government to provide really good, clear, consistent information about this bill, and what it would mean to planning processes in Tasmania. I am disappointed that they failed to do that.

Dr WOODRUFF - I want to respond to the comments Ms Dow made in the context of this amendment, which is a small amendment, and the fact she said that the bill was complex.

Yes, it was a very long complex bill, and I think my reading of what she says was that some how she thinks the community did not understand the gravity of the bill and the 209 pages -

Mr DEPUTY CHAIR - Dr Woodruff, please. Be careful.

Ms DOW - Point of order, Mr Deputy Chair. Dr Woodruff is misrepresenting what I said. That was not my intention.

Dr WOODRUFF - Mr Deputy Chair, I said I believe that was your intention. I did not say it was your intention. That is my interpretation of how I heard your words. I am not telling you what your meaning was. I am telling you what I heard, and Mr Deputy Chair -

Mr DEPUTY CHAIR - Dr Woodruff, the amendment is -

> Leave out 'State Service Agency' (wherever occurring) and insert instead 'relevant State entity'.

That is the amendment that we are on.

Dr WOODRUFF - Yes, that is right. There are a number of consequential amendments that are the same as the one we just passed. This is the second, and I believe there are at least three more.

It is important to understand that the community responded to this bill. The background for this amendment that we are looking at was a very short consultation time of the draft of this bill. Extremely short. The comments that people made - they were doing that during the height of COVID-19 restrictions, with an incredibly short amount of time. A month to respond to a 209 page bill - was it six weeks?

Mr Jaensch - Ten weeks.

Dr WOODRUFF - I am not sure that is the way it was, Mr Deputy Chair. It was a very short amount of time, during our COVID-19 period, and this has been in the making for years. There was no reason to rush through a consultation process without having had fact sheets, or clause notes, or any guidance, for the community to interpret, what then was 206 pages of very detailed legislation.

My point, Mr Deputy Chair, is that despite that, there were hundreds and hundreds of submissions on this bill. People spent hours poring over the detail, and they were very well acquainted with the intent of each and every paragraph, each and every section, and subsection in this bill. They are very clear, and they know this bill is going to fundamentally remove rights of appeal over planning decisions. The Labor Party could have hobbled the worst parts of this bill if they had supported the amendments that the Greens and Ms Ogilvie supported in the lower House, and if they had some guts in the upper House.

Let Ms Dow not pretend that the community did not have every understanding and intention, despite the complexity of this bill. They worked very hard, through the Planning Matters Alliance, to spread the word about exactly what was happening in this bill.

Ms DOW - Point of order, Mr Deputy Chair. I want to make the point that I was not insinuating, and I should not have to defend the comments, because they have been misinterpreted.

Mr DEPUTY CHAIR - That is not a point of order, Ms Dow. You have a chance to make another contribution if you want, once Dr Woodruff has finished.

Dr WOODRUFF - Thank you, Mr Deputy Chair. The Labor Party could have hobbled the worst parts of this bill, and they had the chance to make some serious and important changes. The Labor Party did not vote with Ms Ogilvie and the Greens on the amendments that we moved to remove the minister's power to influence the process of the development assessment panel.

Ms O'Connor - They were not even going to vote on their own amendments until we called divisions.

Dr WOODRUFF - That is absolutely right. The Labor Party did not vote with the Greens' amendment that Ms Ogilvie supported, to require the minister to table his decision to declare a major project in this House - because if they had, we, the parliament, would have been able to consider this as a disallowable instrument and have some debate on the matter.

These major projects are circumventing parts of the Land Use Planning and Approvals Act, and they are doing that with the purpose that the minister has undue influence in parts of this process. The minister's influence in the process of the assessment of the criteria for who will sit on the development assessment panel is way too close to the Tasmanian Planning Commission's role in overseeing that process.

Mr Deputy Chair, the minister should have no role, no role at all, in anything to do with planning matters and planning decisions on individual projects in this state. It is set up for the problems that we have seen in Victoria, in New South Wales, in countries all around the world that have allowed ministers and governments to get close to planning approvals. We only have to see what has happened in the Docklands of Victoria, for example, in the heart of Melbourne, to understand that this is not something that we want to have here. Yet, we have a situation where we could have skyscrapers called in under this major projects legislation. We could have the cable car. We could have the Westbury prison site dragged in if the community has their way and are successful in fighting that off.

Labor did not do their job. The community understands they failed them on this very important test.

Council second amendment to clause 12 agreed to.

Council third amendment to clause 12 -

Mr JAENSCH - Mr Deputy Chair, I move -

That the Council third amendment to clause 12 be agreed to.

The amendment to leave out the words 'Secretary of a State Service Agency' and insert instead 'Secretary, or chief executive officer, of a relevant State entity' is a partner amendment

to the first one we considered. It recognises that, in the range of relevant state entities included in the definition of the first amendment, the equivalent titles of the heads of those agencies may not be 'or Secretary' - they may be 'chief executive officer'. It is a sensible amendment for clarity following the first amendment. The Government is happy to support it.

Council third amendment to clause 12 agreed to.

Council fourth amendment to clause 12 -

Mr JAENSCH - Mr Deputy Chair, I move -

That Council fourth amendment to clause 12 be agreed to.

Council fourth amendment to clause 12 agreed to.

Council fifth amendment to clause 12 -

Mr JAENSCH - Mr Deputy Chair, the Government supports the fifth amendment. I move -

That Council fifth amendment to clause 12 be agreed to.

Council fifth amendment to clause 12 agreed to.

Council sixth amendment to clause 12 -

Mr JAENSCH - Mr Deputy Chair, the Government supports the sixth amendment. I move -

That Council sixth amendment to clause 12 be agreed to.

Ms O'CONNOR - Briefly, Mr Deputy Chair, it is important to remind the House during this debate that we are processing amendments that were moved and accepted by the Legislative Council. Yet this minister had written to Legislative Council members saying if the bill was amended that he would withdraw it completely. That was a deliberate and overt threat to the Labor Party which obviously caved in, but it was a hollow threat because here we are debating amendments to a bill that apparently was going to be 'unworkable' had there been any amendments to it. Again, this minister is a serial misleader.

Council sixth amendment agreed to.

Council seventh amendment to clause 12 -

Mr JAENSCH - Mr Deputy Chair, I move -

That the Council seventh amendment to clause 12 be agreed to.

Council seventh amendment to clause 12 agreed to.

Council eighth amendment to clause 12 -

Mr JAENSCH - Mr Deputy Chair, I move -

That the eighth Council amendment to clause 12 be agreed to.

Council eighth amendment to clause 12 agreed to.

Council ninth amendment to clause 12 -

Mr JAENSCH - Mr Deputy Chair, I move -

That Council ninth amendment to clause 12 be agreed to.

Dr WOODRUFF - My understanding is that this will remove the role of 'the general manager in relation to'. In proposed section 60P Circumstances in which declaration of a major project can be made, subsection (2)(b) is -

The Minister may only declare a project to be a major project under section 60O …

> (b) if all or part of the land on which the project is to be situated is land owned by a council - with the consent of the general manager in relation to the council;

I am not aware of the discussion around the moving and the debate around this amendment. Can the minister clarify that it would seek to have the consent of the council and not have a delegation of that power to the general manager? The minister is nodding, so it must go through the council, and not go through the council via delegated authority to a general manager. It has to come to the full council for discussion for agreement. Is that correct, minister?

Mr Jaensch - I am happy to clarify when you have concluded.

Dr WOODRUFF - I can say, Mr Deputy Chair, that the Greens voted to amend this when it was in the lower House because we do not believe that this should be something that the minister has the power to declare a major project. We remain concerned at the role of the minister throughout this bill and the undue influence of the minister in making these decisions. Clearly this whole bill is problematic. In that context it must be more desirable to have a council be empowered to make decisions rather than to hand over that power by a delegated authority to the general manager. On that principle alone, we support the amendment, unless the minister can provide more information that would show there was another interpretation of what I understand this to mean.

Mr JAENSCH - For clarification on the ninth amendment, my advice is that the result of the amendment is that landowner consent in relation to council-owned land would be granted by the relevant council rather than the council's general manager, as previously specified in the bill. We are in support of the amendment and move that the amendment be agreed to.

Council ninth amendment agreed to.

Council tenth amendment to clause 12 -

Mr JAENSCH - Mr Deputy Chair, I move -

That Council tenth amendment to clause 12 be agreed to.

The tenth amendment, which the Government supports, on page 73, proposed new section 60X, subsection (2) -

Leave out the subsection.

The removal of this clause which allowed the panel to delegate its functions and powers, the Government supports as it removes an anomaly that was previously identified but not addressed. We support the amendment.

Dr WOODRUFF - This amendment relates to proposed section 60X, Powers, procedures and liability of Panel.

The Greens moved an amendment to insert a new 3(a) into this proposed section because the procedural guidelines that are issued by the commission have to enhance, rather than detract, from the public's opportunity to participate in the assessment process. It should require them to be consistent with Part 3 and include an obligation to comply with natural justice, something that is enshrined under the Tasmanian Planning Commission Act. At a minimum, natural justice and all that flows from natural justice, including the right to appeal decisions, to be properly heard, the right to timely and fulsome consultation processes, open and transparent hearings and accountability of processes, should be enshrined in the procedural guidelines.

That was not supported. It was supported by Ms Ogilvie. It was not supported by the Labor Party and did not get into the bill. That is a shame.

As to this amendment, does its removal from the bill have the effect that the commission is not able to enable the panel through some other form than this legislation, to nonetheless appoint a delegation of power to a person to work on other functions or powers of the panel? Does its removal still finally curtail the opportunity for the commission to empower the panel to have delegates?

Mr JAENSCH - For clarification, the advice I have is that the subsection to be removed is a subsection which allows the panel to delegate its functions and powers. It is an anomaly and we agree that this clause should be removed. I believe at an earlier stage of drafting it had been an intention to remove it, so it has been picked up and we are grateful for it.

The principle at work here is that the commission delegates its powers to the panel for the purposes of the major projects assessments and the panel should not have the ability to then delegate on those powers. It is an established principle under the legislation.

Clause 8(1) - Delegation by the commission under the Planning Commission Act - The commission may delegate any of its functions or powers other than this power of delegation. This is about ensuring that the Planning Commission, which is the head of power, can appoint a panel to do things using those powers but that panel cannot then subsequently delegate those powers willy-nilly to anybody else to do. This keeps the decision-making power close to the independent Tasmanian Planning Commission and people it directly delegates only.

Dr WOODRUFF - Thank you minister for clarifying that point. You just said it keeps decision-making power close to the commission. That sums up the problems that the community and the Greens have with this bill. This bill does not keep the decision-making

power close enough to the commission and it does not keep out the role of the minister, the role of governments, the role of donations from big corporations, from developers; it does not keep those bodies away from planning decisions in this state.

We thoroughly reject this bill. We acknowledge the long and hard work of the Planning Matters Alliance Tasmania of the Tasmanian Conservation Trust and of more than 60 groups around the state which have fought long and hard on this. We will not stop speaking up for those communities and they certainly will not stop speaking up for the places that they love, whether it is their community and the liveability that they have always had and that they want to hold on to, whether it is the beautiful values of the state that people get out of bed for and go and fight for whenever they have a threat because they know that nothing is more dear to them than holding on to the beauty of where they live.

I have never been to a place in Tasmania where I have not met a person who deeply admires and loves where they live. It is that love of place which stands us in good stead as a state because people will not let go. The people are tenacious and they will continue to fight off people, fight off developers, fight off the privatisation of places that they love, fight off the big developments like on top of Rosny Hill where you have Hunter Developments wanting to whack a hotel on top of the last endangered stand of the leafy sun orchid.

You have the beautiful Lake Malbena where this Government wants to open up that island to helicopters to despoil the wilderness values of which the Wilderness World Heritage Area is the profound custodian.

This Government will do anything to flog off places around the state for a buck and they will do it behind closed doors. This minister had a motion against him because of his inability to stand in this place and tell the truth. When you have that relationship, people are deeply concerned and they do not believe this bill is going to do anything like protect them and the things they love. When there is a developer coming along there will not be a fair and even playing field or a place to challenge a decision, an incorrect assessment or a political influence. Thanks to the Labor Party standing with the Liberals today, that is what we have.

It is principles before politics every time for the Greens. That is not the case for the Labor Party and they have shown it is politics before principles on this matter and on their bed they will have to lie for that decision and the community knows that. We reject this bill and we will continue to fight for the communities who have fought against it as well.

Council tenth amendment to clause 12 agreed to.

Dr Woodruff - Divide.

Mr DEPUTY CHAIR - It is too late. No-one voted no, Dr Woodruff.

The question is that I report a certain resolution.

The Committee divided -

AYES 21	NOES 2
Ms Archer	Ms O'Connor
Mr Barnett	Dr Woodruff (Teller)
Dr Broad	
Ms Butler	
Ms Courtney	
Ms Dow	
Mr Ellis (Teller)	
Mr Ferguson	
Mr Gutwein	
Ms Haddad	
Ms Hickey	
Mr Jaensch	
Mr O'Byrne	
Ms O'Byrne	
Ms Ogilvie	
Mrs Petrusma	
Mr Rockliff	
Mr Shelton	
Ms Standen	
Mr Tucker	
Ms White	

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

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

Second Reading

[3.23 p.m.]

Ms ARCHER (Clark - Minister for Building and Construction) - Madam Speaker, I move -

That the bill now be read a second time.

This bill amends the Residential Tenancy Act 1997. It provides for amendments to that act to diminish the effects of the COVID-19 pandemic on landlords and tenants. It incorporates issues that have been identified since amendments were made to the act by the first COVID-19 Disease Emergency (Miscellaneous Provisions) Act in March 2020.

On 4 September 2020 I announced that the Tasmanian Government would extend the emergency period under the Residential Tenancy Act until 1 December 2020. At the same time, I announced that the Tasmanian Government would bring legislation to the parliament to introduce repayment plans for tenants in rent arrears at the end of the emergency period.

This bill acquits that commitment and makes further changes to the Residential Tenancy Act to:

- enable the minister to declare a subsequent emergency period should it be required; and

- allow general repairs to be undertaken during a subsequent emergency period, should it be safe to do so.

Before I turn to the specific provisions of the bill, I would like to outline the protections and support which have been put in place for tenants and landlords during the COVID-19 pandemic. Tasmania was the first state to put in place protections for tenants as a result of COVID-19. These protections included:

- preventing tenants in rent arrears from being evicted;

- allowing tenants and landlords to negotiate reductions in rent; and

- allowing tenants and landlords to apply to the Residential Tenancy Commissioner to break a lease where its continuation would cause severe hardship.

Further protections were subsequently introduced by notice. These protections prevent rent increases and further restrict evictions.

The Tasmanian Government has also provided financial support to tenants and landlords. This financial support is the most generous of any state or territory in the country and includes:

- the COVID-19 Rent Relief Fund, which provides up to four weeks rent to a maximum of $2000 to support rent reductions for tenants experiencing rental stress as a result of COVID-19. On 4 September I announced that tenants could apply for a second payment from this fund, bringing the maximum support available of $4000 per tenant; and

- the COVID-19 Landlord Support Fund, which provides up to $2000 to landlords who have tenants in rent arrears as a result of non-payment of rent.

These protections and support have been significant. They have enabled Tasmanian tenants to stay in their homes, particularly when the health aspects of the COVID-19 pandemic were most acute. I would like to acknowledge the efforts of tenants, landlords, property agents and the Office of the Residential Tenancy Commissioner, who have worked together during this period to support these outcomes.

The purpose of this bill is to make amendments to the act to support tenants in rent arrears at the end of the emergency period and to future-proof the act in the event that COVID-19 returns to Tasmania.

I now turn to the specific provisions of this bill.

The first matter I would like to draw members' attention to is the rent arrears payment orders included in clauses 6 and 9 of the bill. These provisions allow for tenants in rent arrears because of COVID-19 to be able to apply to the Residential Tenancy Commissioner for a rent arrears payment order. On receipt of an application for a rent arrears payment order, the bill

requires the Residential Tenancy Commissioner to notify the owner of the property as soon as practicable.

The bill also provides for the Residential Tenancy Commissioner to make a rent arrears payment order. To make a rent arrears payment order, the Residential Tenancy Commissioner must be satisfied that the tenant:

- is in arrears for rent that was payable during the emergency period;
- has experienced financial hardship as a result of the economic effects of COVID-19; and
- has the financial capacity to comply with the order.

Making an order will mean the tenant is obliged to pay the rent they owe according to the terms, conditions and duration of the order. The landlord is advised of the tenant's application for an order and once an order is made both parties receive a copy of it, so each party clearly knows their obligations.

Making this order will then protect tenants against eviction for unpaid rent if the rent referred to in a notice to vacate is related to rent in the commissioner's order. However, tenants who do not comply with the conditions of an order will lose this protection against eviction for unpaid rent. Appeal rights are provided regarding the commissioner's decision to either grant or refuse an order.

The second matter I would like to draw to the House's attention is the ability to reinstitute the emergency protection provisions that were incorporated into the act in March this year, should they be required, therefore clauses 4 and 5 introduce the concept of a 'subsequent COVID-19 emergency period'. If certain conditions are evident, the minister, by issuing an order, may declare a subsequent emergency period which will reinstate the COVID-19 protections for vulnerable tenants.

The conditions when it may be reasonably necessary to declare this extended emergency period are to mitigate any significant widespread hardship caused, or is likely to be caused, to a significant number of tenants by the effects of COVID-19 and the risk of its spread. If an order is made declaring this period, the current emergency protections for tenants in the act would be reinstituted. These protections include a ban on a landlord enforcing a notice to a tenant to vacate premises for unpaid rent, as found in clauses 8 and 9, and the restrictions in section 56 of the act on a landlord's right of entry to premises, as found in clause 10.

Clause 7 of the bill modifies the rights of parties regarding the performance of general repairs to rented premises. This is distinct from a landlord's right to carry out emergency or urgent repairs. Section 32 of the act provides that tenants are obliged to maintain the premises and to allow the landlord to inspect any repair work performed. However, to enforce physical distancing for public health reasons, the tenant protection powers inserted in the act in March 2020 restricted landlords' access to premises. As a consequence, section 32 ceased to apply at all during the declared emergency period.

An unforeseen effect of that amendment was that most general repairs required by the tenant or are necessary to protect the landlord's investment may not be carried out during the

emergency period, even though the initial strict physical distancing restrictions have now been relaxed.

The amendment overcomes this problem by allowing the Residential Tenancy Commissioner to decide, by publishing a notice in the *Gazette*, whether the prohibition in the act on performing or inspecting general repairs will be ended early. This is similar to powers the Residential Tenancy Commissioner has and has used for property inspections which, as a result of a notice by the Residential Tenancy Commissioner, resumed on 1 July 2020.

If that notice is made, section 32 will then apply again and operate normally, even though the declared COVID-19 emergency period has not been ended. This would allow general repairs to be performed or checked, with a prior notice to a tenant of any intended entry for inspection of repairs.

Madam Speaker, we have kept Tasmanians safe and secure during the COVID-19 pandemic and are well prepared for the challenges of the future. The Tasmanian Government recognises the daily challenges faced by landlords and tenants during this time of financial hardship and we have monitored these throughout the emergency period to date.

By supporting Tasmanians who rent or own rental properties, this bill will ensure tenants and landlords have suitable protections in addition to offering a path forward coming out of the COVID-19 emergency period without the need for court proceedings.

I commend the bill to the House.

[3.32 p.m.]

Ms STANDEN (Franklin) - Madam Speaker, I commend the minister for bringing this bill before the House and indicate from the outset that Labor will be supporting it. Labor has been consistent in looking to find the right balance in protecting tenants and landlords throughout this pandemic. I acknowledge it has been a very difficult and complex area and commend the Office of the Residential Tenancy Commissioner who, I believe, has done an exceptional job throughout this period carrying out the legislative changes that have been brought through this place.

On that note I also thank the minister's office and the Residential Tenancy Commissioner for providing me and my colleague, the shadow minister for building and construction, a briefing yesterday morning. Time flies. This bill was only tabled this week and we recognise the importance of acting quickly to have these matters addressed through amending the Residential Tenancy Act through this bill.

One of the three purposes of the bill, as I understand it, is to deal with the possible declaration of a subsequent emergency period. One of the challenges of legislating to protect tenants and landlords in this period is the uncertainty around how long this pandemic will continue to impact the private residential market. As I and Labor have said from the beginning of this pandemic, the last thing we want is people facing homelessness at a time of pandemic. What we are now realising, now the initial health emergency has passed, is that we are still confronting a substantial period of social and economic recovery, and it is beholden on all of us in this place to ensure that our laws extend the protections to those who are most vulnerable.

It was immediately obvious to me that those private residential tenants were vulnerable from the outset, particularly in a private rental market that has been increasingly unaffordable,

and knowing that there is substantial pressure on social housing. It has been clear in my mind from the outset that we need to ensure, where possible, that tenants remained housed. However it has been brought to my attention and those on this side of the House - and I am sure members right across this parliament - the unintended consequences on some landlords who are investors and are reliant on the income from their investment.

I am sure, as I think the Attorney-General has said, that there has been substantial good intent - and exploring this with the Residential Tenancy Commissioner, too, I know it to be the case. In the vast majority of cases, there has been very goodwill shown between landlords and tenants, and flexibility shown to come to arrangements, whether informal, probably in the majority of cases, or formal, through the office of the Residential Tenancy Commissioner. I thank landlords and tenants for their flexibility, kindness and compassion in reaching those agreements.

Nonetheless, there have been some instances brought to my attention, and others, where people have unfortunately been doing the wrong thing. The Attorney-General has been consistent on this, and I support her in saying that this is not an excuse for a rental holiday. Where people are not experiencing financial hardship, it is beholden on tenants to continue to do the right thing, to pay the rent where they can afford to. I am sure that is true in the vast majority of cases, but I have heard of cases where, unfortunately, landlords have been saddled unfairly with thousands of dollars of rent in arrears.

I have moved a little from the declaring of the emergency period, and understanding that we do not necessarily know how long this emergency period will impact the residential housing market and rent arrears payment orders. I do support and congratulate the minister for bringing forward this legislation that deals, in a structured way, with rent arrears payment orders.

In the area of general repairs, we moved from a situation where there was a heightened sense of concern for health and social distancing, which remains the case. It was a sensible and balanced approach to move from banning, in the first instance, non-essential inspections and repairs, to now performing and inspecting general repairs, which is a reasonable place to be.

In the briefing that my colleague and I received, we explored a range of things. The legislation was only brought before the House this week, and I was concerned to ensure that it was not unduly rushed, and there had been consideration of a range of things. I wondered if, for instance, a time frame limit, a percentage or a figure, in relation to the rent arrears payment orders had been considered. My mind was going to - perhaps ludicrous - situations where, let us say, there was $3000 in rent arrears owing, and it was proposed that a tenant would repay it at something like, let us say, $5 a week for the next umpteen weeks. If you extrapolated that, it would be several years.

I was keen to ensure I understood where the reasonableness would lie. I was reassured in the briefing with the Residential Tenancy Commissioner that, in considering the conditions of the payment orders, that it would be a consideration. So, instead of arbitrarily capping time frames, percentages or amounts, I am satisfied that there is considerable discretion and trust in the office of the Residential Tenancy Commissioner to make sensible decisions that would be in the balanced interests of both parties.

I sought assurances around what happens if parties do not agree, and I believe there might be more discussion around mediation processes, et cetera.

We asked about consultation. I understand there has been some consultation within the limited time that has been made available. I have been in touch with Shelter Tasmania, the Tenants' Union and the Real Institute of Tasmania. I understand that all those organisations are broadly supportive of the intent of the bill, and that it will not diminish the effects of the COVID-19 pandemic on landlords and tenants. I do not wish to verbal those organisations in saying so, but I believe that is the case, and that provides me with some reassurance.

I have received some correspondence, which was addressed to the Attorney-General, from the Tenants' Union that outlines a number of suggested amendments. I will come to those in a minute.

I asked the question about who applies, because in the case of the COVID-19 Rent Relief Fund, there has been concern from some tenants that the landlord needs to apply in that case. Nonetheless, on very few occasions, as I understand it, there has been some latitude and leniency through the Residential Tenancy Commissioner to allow tenants, in the case where there has been an intractable dispute between tenants and landlords -

Ms Archer - Do you mean that they receive the payment, rather than apply? Yes, the tenant applies, but the landlord gets paid.

Ms Standen - Yes, I beg your pardon. The tenant applies -

Ms Archer - When it is broken down, that is when the payment can be paid.

Ms STANDEN - Yes, it can be paid without the consent or the application of the landlord. That is a good arrangement. I was wondering whether something similar ought to be contemplated in the context of this bill. In this one, the tenant applies. Am I right about that, Attorney-General? I was wondering why not the landlord? Suffice to say, the briefing does feel like a month ago, not a day ago, because it feels like a long week. Could you go over some of that territory for the House to reassure us what happens when there is a broken-down relationship between tenants and landlords? Realistically, that is the situation in hopefully a minority of cases, but it does occur.

I covered the ground around the COVID-19 Landlord Support Fund. I am satisfied that it is an entirely different and standalone initiative announced by the Attorney-General a couple of weeks ago, and it can proceed without legislation. That is my understanding of the situation.

I understand that the rent arrears payment order takes into account the impact of COVID-19, hardship, and that can include a reduction in hours as well as interruption to work and loss of employment, as well as capacity to repay. I was advised that the payment order is substantially based on guidelines from Western Australia and that, as a consequence of entering into a payment order, there is a requirement to notify the owner that the tenant cannot be evicted. I was looking for reassurance that that is the real purpose of this legislation. Ultimately, if there is an adequate and binding agreement in the order then what we are looking for is for tenants not to be evicted so long as they comply with the terms of the order.

On the matter of who applies and balance, I am conscious in all of this of the imbalance of power between tenants and landlords, particularly in this very tight housing market. I know there has been a little easing of the private residential market in the last six months or so, but

we do not know exactly what lies ahead. A case in point is the short-stay accommodation sector. We had a second data report that was recorded to the end of March and are awaiting the third data collection report that would be through to the end of June quarter. About half of the properties that were listed in the Greater Hobart area were shared premises but that still left over 800 properties that were entire dwellings. That was before the peak of the pandemic which is why it will be very interesting to look at the third data collection report to really begin to grapple with what I think will show a substantial impact of the pandemic. I am expecting to see a further transfer of some of those properties given that visitation is still low and projected to be so for some time. I expect to see the transfer of those properties into the private residential market.

I am advised that most of those properties are at the top end of the market and although there would be some people who can apply for that I am concerned with the great majority of people in the residential market who are lower-income families. It will take some time for that easing of pressure at the top end of the market to flow through and benefit lower-income Tasmanians who are the point of all of these legislative changes and protections. They are the Tasmanians most likely to be hard hit by the pandemic, having lost their jobs, lost their hours and having interruptions to work. Rental unaffordability is still a very serious issue in Tasmania. I would describe the rental market as precarious. After all, the private rental market does the heavy lifting in the overall residential market, with social housing being the safety net for those who find the private rental market unaffordable.

I asked questions about consultation. It is good to see the REIT, Shelter Tasmania, TasCOSS and Tenants' Union all broadly supporting the intent of this bill, although I am not sure in the time frame that was available whether they had a chance to really examine the bill in detail. If the minister could elaborate on consultation and provide an assurance around that, that would be good.

We explored the emergency period. It is an excellent provision to ensure that the emergency period can be turned back on by order around the same provisions that have been available for the establishment of orders and notices through the *Gazette* and subsequently extended in terms of the residential rental protections around an evictions moratorium and so on. We need to have that kind of flexibility within the legislation because inevitably at some point we want our borders to be reopened. With that, there is the vulnerability or the possibility of a second wave and until there is a safe and effective vaccine or treatment available and broadly taken up by the community, who knows, it could be years, we need to ensure this legislation provides these protections. I hope that it will be sooner than that but that is the task we have before us.

I asked about how the provisions of this bill would be communicated or marketed. I thought it was an excellent initiative of the Residential Tenancy Commissioner to really get on the front foot by direct email to some of the people who have been in contact with the office having concern for, in particular, the rent arrears payment where there have been concerns raised. They got on the front foot and directly communicated with those people what the process would be. Beyond that, I am advised there would be advertising in newspapers presumably similar to the other protections that the Government and this place have supported.

We had an interesting discussion about who else falls out of the safety net and the provisions being made available through legislation. I have in recent weeks been in touch with the university and an Anglican church in Sandy Bay and been made aware through the

Multicultural Council of Tasmania too that there is a risk around international students and temporary visa holders generally. In talking with a number of these students and other temporary visa holders, the concern is not to be seen to be rocking the boat. There is an overwhelming sense of gratitude for all that this country and its people have offered to these people and a deep concern around being seen not to be grateful and potentially jeopardising either their tenancy in the first instance or in the longer term their temporary visa or their ambition for permanent residency in this country. I would like to see the Government turn its mind to what more could be done to provide additional protections particularly for that cohort.

In relation to this bill it would be good to see in its communications an outreach-type of approach, whether it be marketing material written in other languages or attending the Anglican church in Sandy Bay where there are 500 or so international students lining up down the road. It is a wonderful service and I know that a number of agencies are coming together to try to plug the holes in the systems and it is a wonderfully sensitive approach that they take. It will be good to see government officers being made available to attend these sorts of places where people are gathering, and sensitively ensure that the services and protections that are being offered by the government are well understood and available to those that are in those most vulnerable situations.

Last, I asked about resourcing for the Office of the Residential Tenancy Commissioner because I am concerned that there has been an extraordinary workload on the office this year, and I have no doubt that the officers are not sitting on their hands at any time. I was reassured that there has been some lessening of workload in some areas of the office and so some capacity to divert resources internally and from within the department of Justice. That is reassuring but it is something to watch as we move forward because we do not know what lays ahead -

Ms Archer - I always said I would put more in, if it was needed.

Ms STANDEN - That is good to hear. I am glad that is on your radar because we are going to need to have that flexibility. It is obvious that the workload in this area has been very significant.

I will flag that I intend to move - I will not formally move at this stage - but I will flag this and we will move into Committee if necessary. I know that the Attorney-General has a copy of the correspondence -

Ms Archer - I will address it, yes.

Ms STANDEN - For *Hansard*, I will flag the three main groupings of amendments. The first one would be around clause 6, to change the wording around -

Ms Archer - At this stage you are reserving your right to go into Committee but you may not, is that what you mean?

Ms STANDEN - Yes, that is right. For the sake of process, I will read these amendments.

Ms Ogilvie - Do you have copies?

Ms STANDEN - I do but I am not formally moving them at this stage. I am happy to circulate.

Ms Archer - Once you have read them, though, you might have to move them.

Ms STANDEN - Why don't I talk about them generally then?

Ms Archer - Yes, do that.

Ms STANDEN - I will take the Attorney-General at her word that she is willing to address these. I will try to summarise. Clause 6 amendments are proposed by the Tenants' Union and by Labor to provide some additional strengthening of the wording. Without wishing to reflect on the commissioner whatsoever, the point here is that legislation needs to be tight enough to move beyond current offices and their capacity, to scenarios that we may have in the future. Who knows, there may be a replacement of the existing commissioner in the future, and these minor amendments are intended to ensure a tightening around the rental arrears payment orders so that the commissioner, rather than may make an order, is to make an order, for instance, in relation to a tenant.

In relation to financial hardship, rather than simply saying 'has experienced', also add the words 'or is experiencing'. In relation to financial capacity to comply with the order, rather than just saying, 'has capacity to comply', say 'has or reasonably likely to have' - just providing some flexibility that is much clearer in terms of its wording.

Amending clause 6, section 24A of the principal act, to insert new subsections. This is about a new subsection which would set out the guidelines to be considered by the Residential Tenancy Commissioner. Again, without wishing to reflect on the office or the commissioner himself, I understand that there could potentially be some uncertainty in relation to the technicalities and administration of the rent arrears payments.

I am seeking to insert a new part of that clause to spell out what the arrangements would be regarding the guidelines, in determining the details of a schedule of rent arrears payment order. The types of things that the commissioner would have to have regard to: the financial position of the owner, instances where the tenant had attempted to enter negotiations, and so on. It was pointed out by the Tenants' Union that there could be a number of different scenarios rolling out.

Finally, a suggestion to include a new clause 9A, which would amend section 45 of the principal act. This is quite a technical issue around the scenario where, say somebody owed $5000 and had entered into a payment plan and agreed to repay $200 per week, and their financial circumstances were such that they had capacity to pay now, but then there is a 'bill shock' down the track - whether it is an electricity bill or a health emergency, or some such - and they were not able quite to reach that amount, but they nonetheless had a substantial track record of payment and complying with the order. The intent of the third amendment to insert this new clause 9A would be in order to provide for that. In particular in the interpretation of 'genuine or just', which was a topic of much discussion in this morning's proceedings.

I understand that the issue here is that it is likely because the Magistrates Court does not have a clear direction, or definition around 'genuine or just', is likely that if there was a dispute that such disputes would have to go to the Supreme Court. What we want really is a more straightforward interpretation of this 'genuine or just' provision so that can be avoided for the benefit of everybody, whether it is tenants or landlords.

Ms O'Connor - They were going to lawyer-it out of existence, Ms Standen.

Ms STANDEN - I guess this is the point of the protection, Ms O'Connor.

Ms O'Connor - The tenants were only saved from that by the pandemic.

Ms STANDEN - Quite, and that is another matter entirely. We can only deal with the bill before us.

It is quite a technical matter, but that is the heart of it, to deal with notices to vacate, for vacant possession. This amendment would deal with the definitions around 'genuine or just', or the types of issues that would be considered by the Residential Tenancy Commissioner in that scenario where a tenant had substantially complied with the order, which is probably quite likely, given some landlords that have been in contact with me have highlighted that there has been rent in arrears of many thousands of dollars - up to $10 000 - which is unfortunate, unfair and needs to be addressed.

I will not formally table or circulate those amendments, but I am sure that the Attorney-General will address those issues in her contribution. I reserve the opportunity to move into Committee to further explore those things, depending on the Attorney-General's response in summing up.

[4.05 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Speaker, we are debating the Residential Tenancy Amendment (COVID-19) Bill 2020. We are debating amendments that were agreed to by Cabinet as part of a Cabinet decision.

What we have seen in this House today is one of the worst, most disrespectful examples of a minister of the Crown denying reality. We have a minister of the Crown walk up to the lectern and not tell the truth about planned amendments to the Residential Tenancy Act, which would have removed, or significantly amended, section 45(3)(b) of the Residential Tenancy Act - to remove the requirement that if someone is to be evicted, the landlord must show cause, give reasons and that the eviction is genuine and just.

A decision of Cabinet is Government policy. The Government's own Cabinet handbook makes that clear. I put it to you, Madam Speaker, that this parliament is being gaslit. We had a minister come in here and not tell the truth this morning, and then double-down. We had a Premier who took part in a press conference a short time ago and made these statements. A Premier who tried to tell journalists, and therefore the people of Tasmania, that black is white. The Premier says, 'No decision has been made by the Government to change the law'. This is untrue. The Premier said again that the question was in relation to whether the Government made a decision to change the law and that Mr Jaensch provided an accurate answer in that regard: Cabinet has not made that decision. That is untrue. The Premier goes on to say -

> The Leader of the Greens has been a Cabinet minister. She understands how the process of Cabinet operates. The Government deliberates on many matters, but for a law to be changed, the Government will need to make a decision on the legislation we introduce to parliament. We have not made a decision to introduce legislation to parliament.

Yes, I understand how Cabinet works. First, I understand the importance of having very tight security on your Cabinet documents. We had a locked file in our office, so seriously did we take our responsibility to Cabinet confidentiality and to protecting those documents. I also understood, as a minister of the Crown, that when I was asked a question in this place, I had to get up and tell the truth. Yes, the Premier was right about that. I do understand how it works. That is part of the reason that I am so gobsmacked by what has taken place in here this morning.

The *Oxford English Dictionary* defines 'gaslighting' as 'manipulating someone by psychological means into doubting their own sanity'. To gaslight someone is to sow doubt so they question their memory, their perception, or their judgment. It undermines our understanding of reality by denying cold, hard facts.

Madam Speaker, we have seen, throughout this pandemic period, the best of this Premier, and his willingness to step up and make sure that no-one is left behind - and unfortunately, we have seen the worst of this Premier. We have seen a premier who can be very loose with the truth. That culture impacts on the entire Cabinet, so that when a minister is asked a question to which there is only one honest answer, the minister feels comfortable walking up to this lectern and not telling the truth, and when he is busted by his own documents, to come in here and double-down and pretend that a decision is not a decision.

Mr O'Byrne - It is remarkable.

Ms O'CONNOR - It is quite incredible, Mr O'Byrne.

I will go to the document we had in parliament this morning. Oh, that is right, it says at the top, 'Decision'. It says 'decision'.

Ms ARCHER - Point of order, Madam Speaker. Relevance, Madam Speaker. I appreciate that Ms O'Connor wants to grandstand on this issue, but she is hijacking a bill and probably should try to make it relevant. Just because it is dealing with residential tenancy does not let you have another attack on the minister when you failed with the motion to seek leave. You are hijacking debate on a bill, and it is not relevant to the bill.

Madam SPEAKER - That is not a point of order, Attorney-General.

Ms O'CONNOR - Thank you, Madam Speaker. It is absolutely relevant, because one of the clauses we are amending in the legislation we are debating today is section 45(3)(b) of the Residential Tenancy Act, which requires landlords to give genuine and just reasons before they deliver a notice to vacate - an eviction. It could not be more relevant.

Madam Speaker, a decision of Cabinet is a decision of the Government. That is why at the top of this document it says, 'Decision'. Under 'Decision', it says -

> Residential Tenancy Amendment Bill 2020
>
> Cabinet today deliberated on the material submitted to it in relation to the Residential Tenancy Amendment Bill 2020 and decided to agree and approve drafting to finalise the Residential Tenancy Amendment Bill 2020 subject to the following amendments -

I will not go into what (a) is. I do not need to go into (b), but -

(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 in the context of an order for vacant possession.

Ms ARCHER - Point of order, Madam Speaker. I am going to insist -

Ms O'Connor - Madam Speaker, I understand why the Attorney-General is so touchy on this one.

Ms ARCHER - Point of order. No, I am not touchy on this, Madam Speaker. I am going to call relevance on it. She may think she is onto something here but this is the Residential Tenancy Amendment (COVID-19) Bill 2020. I have introduced many different bills in relation to residential tenancy throughout this year. This one strictly relates to COVID-19, and it bears a different title to the decision to which Ms O'Connor is referring.

Madam SPEAKER - That is not a point of order. Please continue.

Mrs PETRUSMA - Point of order, Madam Speaker. Under Standing Orders 151 and 201, it is a point of order, because as it says here, it has to be relevant to the bill before us. The Attorney-General has pointed out that this is a different bill. It is not the act that Ms O'Connor is speaking to.

Madam SPEAKER - With all due respect, I do think it is relevant to residential tenancy.

Ms O'CONNOR - Thank you for your wisdom and guidance, Madam Speaker. I get it. I understand why Ms Archer and Mrs Petrusma are so desperate to stop me telling the truth in this place.

Ms Archer - We would like to see tenants protected and landlords protected. How dare you say that. What do you think this is?

Madam SPEAKER - Can we have some discipline here, please?

Ms O'CONNOR - We are talking about one piece of legislation, the Residential Tenancy Act 1997. This bill has the COVID-19 amendments, and one of the amendments relates to section 45(3)(b), which is a genuine and just provision that this Government, before the pandemic, made a decision to remove. This Government made a decision to make it easier to evict people. There is no getting away from that. The Premier can try to tell us black is white, the minister can get up in here and lie his face off, but there is no getting away from that. If the minister is offended I have said the word 'lie' not in a substantive motion I will withdraw it, but the truth is the truth and this minister did not tell the truth to parliament this morning.

There is a reason his arguments are so implausible. If we go back, Mr Gregory Parsons was a 55-year-old person with an intellectual disability who lived in his Glenorchy home for 10 years. He was told by Housing Tasmania that his lease would not be renewed in 2017. The

Tenants' Union, on behalf of Mr Parsons, took the case all the way to the full bench of the Supreme Court which found in favour of Mr Parsons and the Tenants' Union. They found that Housing Tasmania needed to have given genuine and just reasons for evicting Mr Parsons.

When the minister stood up this morning and said he was not aware of any decision, I go now to Dr Woodruff's excellent questioning of the minister in Estimates last year where he said such things as -

> Housing Tasmania will now take time to consider the various implications of yesterday's court decision. I can comment more generally on the issue of evictions … I can confirm that Housing Tasmania will consider the implications.

Dr Woodruff pressed him repeatedly on behalf of Mr Parsons as well as every tenant in public housing in Tasmania. Dr Woodruff said -

> Either the mechanism exists or it doesn't. Is there a review opportunity available to them? If they get a notice of eviction do they get given a statement as to why they have been evicted and if so can they go to somebody or review panel and argue a case?

Mr Jaensch replied -

> I think that goes to the heart of the matter that the court decision was provided on yesterday. We will be considering that matter and how it was dealt with in that case and what its implication are for the future and I will wait for Housing Tasmania's advice.

Further on, because Dr Woodruff relentlessly pressed the minister on behalf of tenants, Mr Jaensch said -

> As I said earlier on, the court decision came down yesterday. I am yet to receive from my department their advice on the implications of that.

And short time later -

> I am awaiting my department's advice on the implications of the court decision yesterday.

Indeed, we came in here in question time and asked the minister about this full bench of the Supreme Court's decision and he gave the same answer last June, more than a year ago.

It absolutely fails the pub test that the minister, Mr Jaensch, could say he was not aware of the decision when more than a year ago he was waiting for some advice from Housing Tasmania on how to deal with section 45(3)(b) of the Residential Tenancy Act.

This is what happens - because it is true: I have been in Cabinet and I have been a minister. Housing Tasmania provided the advice to the minister about how to deal with evictions and section 45(3)(b). It is possible that Housing Tasmania gave the minister a number of options, probably two. What happened then is that the minister, after getting his advice from Housing Tasmania, agreed that section 45(3)(b) needed to be amended to remove or

significantly alter the genuine and just provisions in order to make it easier for Housing Tasmania to evict tenants. Subsequent to that, a paper was taken to Cabinet and Cabinet agreed. Cabinet made a decision that it would move on the genuine and just provisions in the Residential Tenancy Act.

If we go to the Cabinet handbook - I am not sure if Mr Jaensch has read it, or maybe the Premier needs a refresher - it talks about the collective responsibility and Cabinet confidentiality.

> 1.4.1 The collective responsibility of Ministers for Government decisions requires collective adherence to all resolutions agreed in Cabinet. Cabinet decisions reflect collective deliberation and are binding on all Cabinet members as government policy.
>
> 1.4.3 Cabinet's ability to reach collective decisions is aided by agencies ensuring adequate prior consultation on matters which come to Cabinet so that major differences between portfolios are resolved or understood, before discussion in the Cabinet room.
>
> 1.4.5 If a Minister is unable to publicly support a Cabinet decision, the proper course is for him or her to resign from Cabinet.

Madam Speaker, once upon a time in the age of consequence a minister who knowingly misled parliament would resign that day. That is what happened to Steve Kons after the infamous 'shreddergate' expose. That is what ultimately happened to Mr Brooks, but it took some time because by then standards had slipped. There have to be consequences when ministers of the Crown mislead. What we got today was a minister coming in and misleading and then misleading again. There was a double mislead. He dug in and then was backed up by the Premier who tried to tell the people of Tasmania that no decision was made. Where are we, Madam Speaker, in our democracy?

Dr Woodruff - In a bad place.

Ms O'CONNOR - We are in a bad place, Dr Woodruff. We are in a bad place when there are no apparent consequences for knowingly misleading parliament. If this Government had so much confidence in the minister, why were they not prepared to have the debate?

I am extremely disappointed in my colleague, Ms Ogilvie, because even if Ms Ogilvie in the end voted to give the minister confidence -

Mrs PETRUSMA - Madam Speaker, point of order. I respect your previous ruling but Standing Order 151 makes it quite clear that what Ms O'Connor is doing today is obstructing the business of the House. It is not relevant to the bill before us. This is a COVID bill. We are not debating what Ms O'Connor is talking about and it is not relevant to this bill at all. Madam Speaker, I ask you to consider Standing Order 151, which makes it quite clear that members of this House are not to obstruct the business of the House and the debate has to be relevant to the bill we are debating today.

Madam SPEAKER - I believe the debate is relevant, although probably not involving Ms Ogilvie, but it is not a point of order.

Ms O'CONNOR - Madam Speaker, I will respect your ruling and drop that subject except to express my and Dr Woodruff's deep disappointment that parliament was not given an opportunity to test confidence in a minister who knowingly and wilfully misled parliament. We will not be letting this go because there needs to be a set of standards that ministers are held to. Standards cannot be allowed to slip to such an extent that after a minister misleads he misleads again and then the Premier, outside this place, misleads again.

We will be supporting the Residential Tenancy Amendment (COVID-19) Bill 2020. We recognise that, as a consequence of the provisions that were put in place following the declaration of an emergency period in response to the pandemic, there have been some bumps found in the system and some refinements necessary, particularly because of the impact of the decision not to allow for rent increases or evictions, on landlords. Of course, there needs to be provisions that enable for rent arrears to be repaid; that is sound. The only reason that this House is not at this point sometime this year debating another residential tenancy amendment bill to remove the 'genuine and just' provisions is because a pandemic arrived. Ironically it is the pandemic that saved Tasmanian tenants from having that protection of the genuine and just provisions relating to evictions in the act, the principal act.

I understand that Ms Standen has a similar two amendments that have been put forward by the Tenants' Union of Tasmania. We have very similar amendments based on the guidance that has been given to us by the Tenants' Union of Tasmania and they are important improvements to the legislation.

I note the correspondence received from the Tenants' Union of Tasmania yesterday. They only received a copy of the Residential Tenancy Amendment (COVID-19) Bill 2020 earlier this week, on 22 September. They are supportive of the intent of the bill because it diminishes the effects of the COVID-19 pandemic on landlords and tenants. They say -

> However, after reviewing the Bill we believe that there are a number of amendments that would strengthen the Bill to provide greater protections to tenants and landlords.
>
> Clause 6 of the Bill will allow tenants to be able to apply for a rent arrears payment order and allow the Residential Tenancy Commissioner to make the said order. To make a rent arrears payment order, the Residential Tenancy Commissioner must be satisfied that the tenant:
>
> - is in arrears for rent that was payable during the emergency period; and
>
> - has experienced financial hardship as a result of the economic effects of COVID-19; and
>
> - has the financial capacity to comply with the order.
>
> However, in the event that the above criteria is established, the Residential Tenancy Commissioner will have the discretion to refuse the order. This is because of the use of the word 'may' in the proposed section 24A(4). In the event that the above criteria is established the order should be mandatory. We therefore prefer the use of the words 'is to' in place of 'may'.

> We also believe that there may be residential tenants who at the time of making the application for a rent arrears payment order are currently experiencing financial hardship but may not have experienced financial hardship in the past. We therefore recommend the insertion of the words 'or is experiencing' so that the proposed section 24A(4)(b) reads 'has experienced, or is experiencing, financial hardship as a result of the economic effects of COVID-19'.
>
> …
>
> We also strongly believe that the guidelines the Residential Tenancy Commissioner should consider in assessing the rent arrears payment order should be legislatively prescribed. This is particularly important given that both the tenant and landlord will be able to appeal the Residential Tenancy Commissioner's decision. Greater transparency and accountability will ensure both better decision-making and an understanding of how the decision was arrived at. We therefore recommend the insertion of a new subsection (6) which sets out the guidelines to be considered by the Residential Tenancy Commissioner.
>
> Finally, we believe that the Residential Tenancy Commissioner should be provided with the ability to vary a rent arrears payment order in the event that circumstances change.

The Tenants' Union has very helpfully provided the script for the amendments. The Tenants' Union goes on to say:

> As well as the suggested amendments to section 24A of the Bill, we believe that the Magistrates Court should be provided with some discretion in the event that the landlord makes an Application for an Order for Vacant Possession as a result of the tenants contravention of the schedule of the rent arrears payment order. For example, a schedule may provide that a residential tenant with a $3000.00 rent arrear debt has to pay an extra $100.00 per week over thirty weeks. … Although section 45(3)(b) of the Act -

that is the 'genuine and just' provision that was going to be abolished by the Gutwein Government before the pandemic -

> provides that the Magistrate must be satisfied that the 'reason for serving the notice to vacate was genuine or just' Tasmania's Full Court of the Supreme Court has not authoritatively considered what 'genuine or just' means. In order to clarify the circumstance in which an Order for Vacant Possession should be made, we therefore propose the insertion of subsection 43(3)(cb) below.

We have drafted amendments, and Ms Standen has them, and they are an important improvement on the legislation. We want to see those amendments debated and passed.

With those few words, I indicate that unless the amendments are moved by the minister, we will be taking the House into Committee.

[4.31 p.m.]

Ms BUTLER (Lyons) - Madam Speaker, I rise to add to the debate today and my address will be quite brief. In short, Labor supports this bill, with amendments which my colleague Ms Standen, has already outlined. I thank the Tenants' Union for putting their briefing paper to us and to the other opposition parties. I also thank Peter and David for their briefing yesterday.

Clause 11 provides that the bill will be repealed 12 months after its provisions come into effect, so there is no risk of any persistent, unintended consequences.

Clause 10 has amendments to section 56(8) to (9) of the act. It raises questions on how the commissioner determines that the protections provided to tenants in restricting landlords' entry into premises should be ended sooner. I wondered if the minister might be able to outline - minister, I have a question for you, there are a few actually -

Ms Archer - Sorry, what was that?

Ms BUTLER - I have some questions for you and wanted to make sure you were listening to them so you can respond to them, just as a normal part of the process, thank you.

Can the minister outline what are the evidentiary grounds or reasoning that the commissioner needs to address to make this determination? I am referring to clause 10 amendments to section 56(8) to (9). This may impact upon tenants with health issues who may wish to not have people visit their homes for fear of community COVID-19 transmission.

Clause 6, amending section 24A, Repayment of rent arrears accrue during period relating to COVID-19, deals with tenants suffering hardships who are unable to pay rent during the emergency period, which also refers to a process of applying to the Residential Tenancy Commissioner for a rent arrears payment. This raises questions of how the payment plans will be administered. Minister, can you advise the House whether the payment plans will be proportionate? Ms Standen has asked you a similar question along those lines. How will the scaling be assessed -

Ms Archer - Did you say proportioned?

Ms BUTLER - Proportioned, yes, will be proportionate. How will the scaling be assessed and will the decisions and administration of the commissioner be discretionary? I believe they are. Will guidelines be used to ensure consistency and compliance? Are those decisions made by the commissioner auditable on the basis of compliance and consistency?

Ms Archer - What do you mean by 'auditable'?

Ms BUTLER - Can an auditor go through and make an assessment of consistency and compliance? I think that is pretty normal practice. It is a fair question, especially now that JobKeeper and JobSeeker rates are to be reduced by the end of this month and many people in our community are on the brink of very dark economic days ahead. We have redundancies, bill shock, and solvency laws coming back into play. We have the end of the deferred

mortgages, changes to the commercial tenancies. There are many different things coming our community's way from the next two weeks onwards, so any protections that we can provide our consumers, and tenants and landlords, are good.

I now move to clause 6, inserting section 24B. Section 24B, Appeal against order under section 24A, and subsection (3) provides that the appeal is to be by way of rehearing. Appeal by rehearing usually means that the court may only consider the matter on the evidence used in the original determination. Leave of the court needs to be requested in order to consider any new or fresh evidence to give more rights to tenants. A de novo appeal may be more appropriate as it gives the court the ability to consider the matter afresh with new evidence, grounds and arguments.

It is my understanding that 'appeal by rehearing' is not a normal insertion into legislation but I am asking for you to clarify that for me. Is the minister able to provide some clarity around the use of 'appeal by rehearing' as opposed to 'appeal de novo'?

I have an excerpt from the Australian Professional Liability blog dated 17 October 2006. It is written by Stephen Warne and titled 'Differences between appeals proper, rehearings and rehearings de novo explained'. There is an excerpt here which I will read in to the *Hansard*:

> Cox J in Wigg v Architects Board at 112-113 undertook an examination of the different types of appeal that may be created with respect to the decisions of judicial and administrative bodies.
>
> …
>
> As Cox J observed (p 113):
>
> Which type of appeal is given by a particular Act will depend on its construction. The use of the word 'rehearing' will not be decisive, because that is a word to which different meanings have been given … It will be a matter of discerning Parliament's intention from an examination of the legislation as a whole.
>
> Which of these three kinds of appeal is designated by a statutory provision will depend upon the legislative intention as disclosed by an examination of the legislation as a whole: Westmite Pty Ltd v Law Society South Australia (1999).

Can the minister explain the intention of using rehearings on the appeal and does the intention provide that the hearing is to be a rehearing on the documents but with the power to receive further evidence on the appeal?

The greater flexibility of the court to consider appeals with fresh evidence may be a more efficient and appropriate action when tenants' situations can change so quickly given the current climate. I am interested as to why there seems to be a different appeals process and whether it will be the most appropriate appeals process to be within this legislation and some reasoning behind why that appeals process has been chosen.

Clause 7, section 32, deals with general repairs and maintenance. That is reasonable as it allows repairs and social distancing requirements to become more relaxed, so that flexibility is required. With the uncertainty of our times at the moment we hope that we do not end up having another surge and end up having to put provisions back into place but having that flexibility is certainly what is required at the moment.

I thank Peter and David for the briefing and also the minister for making them available to us so quickly.

[4.41 p.m.]

Ms OGILVIE (Clark) - Madam Speaker, I want very quickly to say it is a little difficult to work out what the proposed amendments are because I do not have a copy of them. I will do my best from what I have heard explained. It seems to me to be some fairly technical drafting amendments, particularly around the phraseology of 'may' and 'is' which is quite a technical drafting technique in my experience. In the absence of seeing what they actually are it seems to be around that drafting technique. Of course 'is' changes the meaning of the clause while 'may' is broader. I assume that the original drafting is there for the good reason of there being a broader perspective but in the absence of the amendments I cannot go too far on that.

Ms Archer - I don't have them either so it is going to be hard if they decide to move them.

Ms OGILVIE - Yes. I want to take a step back from the coal face of the bill and reflect on the trajectory of what we have had to do with landlords and tenants in a very short space of time during this global pandemic. I am very mindful of the fact that we are in our safety bubble here. We are feeling like it is back to business as usual and those sorts of things, and having these detailed debates is good, but the reality is that the pandemic is still if not upon us in Tasmania in a health sense, it is upon the world, and going back to some sort of sense of normal, even with these sorts of contractual arrangements, is going to take some time.

I also want to say that I know many landlords who have really gone above and beyond to look after their tenants. During the height of the drama, a number of landlords who have blocks of flats and have migrant people and international students staying there are good-hearted people who did everything they could to look after them. I want to make sure that we are not always thinking the relationship between landlord and tenant is at loggerheads, because it is not. Most people are very happy and willing to work together. In any case, in ordinary times you will always have disputes as well.

Ms Archer - You get bad tenants too.

Ms OGILVIE - I am also sympathetic to landlords. I have been reading the newspaper and watching the media and small landlords who maybe have one property, and it is perhaps their superannuation or pension fund effectively where the rent is very meaningful to be able to look after daily life and their cost of living, are getting a little bit beside themselves as well about where this is all going to go. It is about getting that balance right.

I have said some brief words from what I understand the proposed amendments are but I think they are technical drafting issues. I will be very interested to hear what the minister has to say on that. I am sure she has perspectives.

Ms Archer - Do you want me to address something?

Ms OGILVIE - Yes, the technical drafting stuff, what I think I understood about the -

Ms Archer - Yes, I will respond to the contents of the Tenants' Union matter.

Ms OGILVIE - That was really my only question, to overlay and underscore that we have a long way to go with the economic recovery. Many people are still in awfully difficult circumstances, both landlords and tenants, and getting people back to work properly, with JobKeeper and JobSeeker pulling back, is going to be a very delicate and important balancing act. I will be keeping a very close eye on those matters.

That was a very brief contribution from me, but I wanted to make sure I was on the record on those amendments.

Ms ARCHER (Clark - Minister for Building and Construction) - Madam Speaker, I thank the members for their contributions. In doing so, it is probably best that I answer questions and also deal with the letter in question from the Tenants' Union. I will also explain the briefing that occurred with them before they also received the bill itself, so there have been communications.

I apologise if they are slightly out of order, because I have a different order written down. If you think I am not getting to something, let us perhaps see when I get to the end if I have missed anything, so my apologies.

On the question of will there be a maximum time period or weekly payment for a rent arrears payment order, to explain, this will be a matter for the Residential Tenancy Commissioner, who will prepare guidance for the preparation of rent arrears payment orders. It is important that these orders strike a balance between the capacity to pay of the tenant, and a reasonable recovery period for the landlord as well, in terms of the recovery of rent.

The bill does not include a prescriptive criterion with regard to the value of payments for the duration of the repayment plan. The Residential Tenancy Commissioner will be able to apply discretion, having regard to the individual circumstances of the application. There is a risk that by being prescriptive on these matters, the commissioner may be unable to issue an order that meets the needs of that particular tenant.

It is important to also point out that in issuing these orders, the Residential Tenancy Commissioner is performing a function that in other jurisdictions would be performed by a tribunal. They have specific tribunals for this purpose, and in these cases the tribunal often has wide leeway to find common-sense solutions for tenants and landlords.

I am confident - and I know Ms Standen acknowledged this - that the Residential Tenancy Commissioner will apply the same care and judgment to these applications as with other orders under the Residential Tenancy Act 1997. That that has been demonstrated throughout COVID-19, and I thank him for his work, and his office.

The bill also includes an important safeguard regarding the orders for repairs, severe hardship and unreasonable rent increases. Any order made by the Residential Tenancy Commissioner can be appealed by either party within seven days of being notified of the order.

I am just dealing with Ms Standen's issues and I will come back to the appeal issue, dealing with whether a rent arrears payment order can be made against the will of the landlord, and then I will address whether a landlord can apply.

On receiving an application for a rent arrears payment plan, the Residential Tenancy Commissioner will notify the owner of the property. This provides an opportunity for the Residential Tenancy Commissioner to hear the views of the owner, prior to making an order. The Residential Tenancy Commissioner can issue a rent arrears payment order if satisfied that a tenant is in rent arrears, has experienced financial hardship as a result of COVID-19, and has the financial capacity to comply with the order.

A landlord cannot apply for a rent arrears order on behalf of a tenant, but they can agree to a voluntary repayment schedule if the tenant does not want to apply for an order.

Ms Standen - That is similar to now, is it not?

Ms ARCHER - Yes, without this formal process they could still enter into that voluntary process. Parties can enter into arrangements of all sorts, but this is the enforceable one which can avoid eviction for a tenant if there is an order made by the Commissioner, as long as they stick to the terms of the order.

It is also important to point out the COVID-19 Landlord Support Fund has been established to provide financial support to landlords who are experiencing financial hardship due to tenants being behind in paying their rent. That is an additional support that was announced when we said we would introduce this.

This is a measure for tenants to avoid eviction. It needs to be on the initiation of the tenant, because there needs to be that willingness to enter the payment plan and submit themselves to that order. In doing so, to say what they would be prepared to pay, and then it is for the Commissioner to determine whether that is a reasonable type of payment plan, and come to an arrangement that suits the tenant and the landlord, and is realistic - not something silly like $1 per week when they owe thousands of dollars, because it is going to take a very long time to repay. I cannot imagine the commissioner entering into that type of order. That is an extreme example, I know, but it demonstrates why the principle is that the tenant applies in good faith.

Ms Standen - If you are happy for me to interject, through you Mr Deputy Speaker. The current financial support: there is $2000 in the Rent Relief Fund, which has been announced to be extended to a further $2000, and then there is the landlord support which is $2000.

Ms ARCHER - I can explain that. There is the possibility, then, that the two parties to a rent agreement could access up to $6000, but it cannot be in respect of the same rent arrears period that each are applying for, because we do not want double-dipping. It would not be fair.

If there has been that financial hardship for a long period and the tenant has applied, and then the tenant applies again, but the landlord is experiencing hardship as well and the tenant is still in rent arrears, then they have the ability to apply.

The other thing is that some landlords who are experiencing financial hardship might have multiple properties. That is why we have made it a little bit discretionary for the commissioner in relation to it being up to $2000, because four weeks rent for one property may be lower than that and then there might be a bit more and the commissioner may use his

discretion to decide that if a landlord has a couple of tenants in arrears that landlord is suffering financial hardship, so there are hurdles to get over of course, and make a decision that they can access up to $2000.

We have tried to make it as fair as possible. I acknowledge that in some cases there will be extreme amounts owed and that may not cover all of it, but it is an assistance package by the Government and the most generous in the country. I was very mindful when the decision was made to extend this period to 1 December that there would be landlords who were typically looking forward to it not being extended perhaps and being able to either be paid or be able to evict again because they might have that frustration. All of these measures are to try to avoid an eviction situation where a tenant genuinely wants to be able to repay and can and these funds have been set up to try to alleviate some of the hardship for both parties.

Ms Standen asked about the consultation that has occurred. The Office of the Residential Tenancy Commissioner has engaged with the Real Estate Institute of Tasmania, the Tenants' Union and Louise Elliott representing Landlords Tasmania. The Residential Tenancy Commissioner verbally briefed the Tenants' Union last Friday 18 September and spoke again on 22 September after the Tenants' Union had reviewed the bill where he sought to allay the concerns of the Tenants' Union. I think it is a case of them not having had a subsequent conversation. We have since received that letter and I am very happy to try to alleviate some of those concerns and say why we do not feel that they are necessary amendments. which I will get to.

Ms Standen - Just to be clear on that, did the Tenants' Union receive the bill before it was tabled? Did they receive a draft bill?

Ms ARCHER - Yes, on 22 September.

Ms Standen - But it would have been tabled that day.

Ms ARCHER - Yes, but they were briefed about the contents of bill and what the provisions were going to deal with on 18 September. They did not receive the actual bill but then they did see it and there was a subsequent conversation after that as well.

Ms O'Connor - By interjection, minister, I guess one of the issues is that the Tenants' Union had been briefed and there had been conversations, yet there are still concerns and proposed amendments from the union. I do not think their concerns were eased by those conversations with the commissioner.

Ms ARCHER - I am advised that there were additional things that were not raised so that is why I need to raise it now. I was having a recap and a briefing on this bill myself when I received the email from Mr Bartl from the Tenants' Union. That is how late I got it and there has not been able to be a conversation. As I understand it, the Residential Tenancy Commissioner has tried to contact them since and there has not been that further conversation. We have attempted to do everything possible, but I am very happy to speak to it because we have worked on it overnight since receiving that correspondence.

There was a query about the requirement for hardship regarding COVID-19 and what protections are in place for landlords and tenants who stopped paying rent but were not affected by COVID-19. The Residential Tenancy Commissioner must be satisfied that the applicant experienced financial hardship as a result of COVID-19. In the event the tenant has not

experienced financial hardship as a result of COVID-19 but stopped paying rent and is in rent arrears, the Residential Tenancy Commission cannot make a rent arrears payment order.

Generally, in relation to the question of whether tenants must comply with the rent arrears payment order, they must pay the owed rent as ordered and comply with any other conditions. Failure to comply with the order may mean that the landlord is allowed to evict them.

Ms Standen also referred to support for international students and migrants. This has been at front of mind for the Government throughout the COVID-19 period as evidenced by the funding that was announced by the Premier for them.

Ms Standen - It wasn't very much - $250 for an adult and $1000 for a household. It was welcome but it wasn't much.

Ms ARCHER - I am attempting to explain everything we have done, Ms Standen. In addition to that, in my space, the COVID-19 Rent Relief Fund has been available to them. In some states, their funds did not allow migrants and refugees, I think I am correct in saying. I may not be but I do not think all of them had their funds available for migrants and international students. In any case, our Landlord Support Fund can be paid where the tenants do not have Australian citizenship and the Office of the Residential Tenancy Commissioner will do outreach with community groups.

I have not signed the correspondence I settled late last night to go to the Multicultural Council of Tasmania confirming all the initiatives but also confirming the provisions of this bill and what it will entail, and that the Residential Commissioner is very happy to provide them with information that they can provide and disseminate to their members or associations dealing with our culturally and linguistically diverse communities across the state. We can certainly offer that up to the Migrant Resource Centre and any others as well.

That leads me into a beautiful segue into what steps the Government will take to communicate the changes to tenants and landlords. The Residential Tenancy Commissioner or his office will ensure that tenants and landlords are aware of the changes including through advertising, outreach to community organisations and direct communications. Ms Standen referred to the fact that the commissioner has been very proactive and will re-contact people we know are in rent arrears because they have sought assistance to ensure that they are aware of this repayment plan.

It was asked what additional resources might be provided or might be required. As Ms Standen knows, the Residential Tenancy Commission sits with Consumer, Building and Occupational Service, or CBOS, and during COVID-19 CBOS was able to relocate staff from within its organisation to support the additional demand on the Office of the Residential Tenancy Commissioner. We have demonstrated that they have dealt with and coped with that very well.

I came into the House on Tuesday in question time and provided the House with the statistics of how much we have already got out the door simply for the Landlord Relief Fund and if I combine that with what we have already provided by way of the rent relief fund we are in excess of or around about $1 million. There has been some substantial money that has already gone out the door, so to speak.

Also, more recently CBOS in this function has been supplemented with additional staff from other parts of the Department of Justice. As I said by way of friendly interjection when Ms Standen was talking, the Government has committed to ensuring that the Office of the Residential Tenancy Commissioner in its response to COVID-19 has the appropriate resources to fulfil its functions and we will provide additional resources should they be required.

I will get to Ms Butler's questions and then I need to address the Tenants' Union letter.

Will the rent arrears payment orders be consistent and proportionate? The Residential Tenancy Commissioner will have regard to the individual circumstances of the tenancy. This will allow for tailored solutions that meet the individual circumstances. On this basis, the orders will not be identical but tenants in similar circumstances can expect similar outcomes because you will want to have consistency and it be fair as well. I commend the commissioner for that approach. Individual circumstances in this situation must be looked at because each individual's will be different.

How will the rent arrears payment order work in practice? A tenant who is in rent arrears can apply to the Residential Tenancy Commissioner - I am going to refer to him as 'the commissioner' from now on because it will save time - for a rent arears payment order. On receiving an application for a rent arrears payment plan, the commissioner will notify the owner of the property. The bill gives the commissioner the power to make a rent arrears payment order. To make a rent arears payment order the commissioner must be satisfied that the tenant firstly is in rent arrears for rent that was payable during the COVID-19 emergency period - not before; has experienced financial hardship as a result of COVID-19; and has the financial capacity to comply with the order.

The bill does not include prescriptive criteria. This will be a matter for the Commissioner. I am confident the commissioner will apply the same care and judgment to these applications as with other orders under the Residential Tenancy Act 1997, including orders for repairs, severe hardship and unreasonable rent increases.

The rent arrears payment order will specify the total amount of rent arrears to which the order relates and the schedule for repayments. The commissioner must notify the tenant and the landlord within three days of making the rent arrears payment order. The order will take effect seven days after the parties are notified. During this period, either party can appeal the order to the Magistrates Court. If a tenant complies with the requirement of the rent arrears and payment order, they cannot be given a notice to vacate for rent arrears, for rent that is subject to the order.

Then the question, why does section 24B relate to re-hearing by the magistrate? This means that the magistrate will remake the decision based on the information in front of them. This is a common form of administrative review. The use of review by re-hearing is used in other sections of the Residential Tenancy Act, including severe hardship orders. Any matters relating to evidence on appeal is a matter for the court.

Ms Butler - Through the Chair, I think it was used as well in legislation relating to the bushfire recovery in Dunalley.

Ms ARCHER - If we look at this in practical terms, we are talking about circumstances that if the commissioner got it wrong based on the information that was before him, then that

is what the magistrate is asked to decide. By introducing fresh or new evidence, we then get into the territory of, it was not what was before the commissioner at the time, and whether or not he should have made a different decision to that. It is a very sensible way of dealing with administrative orders but not necessarily other judicial-type orders.

Ms Butler - Through the Chair, I believe that there is an opportunity to seek leave in court to appeal so you can introduce new evidence, but you have to seek the leave of the court to get that.

Ms ARCHER - Yes, that would be a matter for the magistrate. You are right. Someone can always seek that leave and then, based on what is put before the magistrate, he or she will make that decision.

There was also a question: can an auditor go through and undertake an audit to ensure consistency? I am advised that the office of the Residential Tenancy Commissioner undertakes a substantial review of all determinations and orders issued. In the financial year 1 July 2019 to 30 June 2020, the Residential Tenancy Commissioner processed 2720 disputes with only 20 determinations being appealed. That sounds like the information is pushed out anyway. We do our internal audit but it can always be subject to external audits as well? Yes, I am getting the nod.

They are the questions. I will get on to the letter from the Tenants' Union. I am going to go through the questions that are raised in the letter as opposed to taking it on a clause by clause basis because that is what Committee would do.

Question (1) - why does the bill use the language of 'may' instead of 'is to' regarding the Residential Tenancy Commissioner's powers to make an order?

The use of 'may' gives the Residential Tenancy Commissioner flexibility to have regard to the individual circumstances of the tenant and landlord when considering an application for a rent arrears payment order. In making a decision whether to issue a rent arrears payment order, the Residential Tenancy Commissioner will have regard to the criteria in the proposed section 24A(4) of the act, in clause 6 of the bill, including whether the arrears relates to rent which was payable during the emergency period or whether the tenant has suffered hardship as a result of COVID-19, and whether the tenant has the capacity to comply with the order. They are the three things.

Changing the provision from 'may' to 'is to' significantly reduces the ability of the commissioner to apply judgment, having regard to the individual circumstance of the tenant. It is important to point out that in issuing these orders the commissioner is performing a function that in other jurisdictions would be performed by a tribunal. In these cases, the tribunal often has significant leeway to find commonsense solutions for tenants and landlords. I am confident the commissioner will apply the same care and judgment to these applications as with other orders under the act, including orders for repairs, severe hardship, and unreasonable rent increases. The bill includes an important safeguard that any order made by the Residential Tenancy Commissioner can be appealed to the Magistrates Court by either party within seven days of being notified of the order.

We say discretion is important to enable the commissioner to take the individual circumstances into account. I would have thought that that would be welcomed. Perhaps there is a misunderstanding about entirely what that means, but that is our position.

Question (2) - why does the bill not include reference to 'is experienced'?

Ms Standen - Is not the issue the discretion around whether to make an order rather than the conditions of the order? That is the concern that I have with the word 'may'.

Ms O'Connor - That is the first concern. The second one is the things that need to be taken into account.

Ms ARCHER - There has to be a discretion, and I will check that I am right, because you cannot have a situation where a tenant proposes something that is unreasonable. There has to be a discretion for the commissioner to look at that, and look at the individual circumstances. Yes, it relates to the issuing of the order, but just proposing a repayment plan does not mean a tenant is going to get one, or that they should, because it may not be reasonable. What if they proposed $1 a week?

Ms O'Connor - But it is not for them to determine what is in the order.

Ms Standen - That is not the point, because the clause says 'The commissioner may make an order'. So, you are saying that you think by changing it to 'is to make an order' so making it mandatory that the commissioner makes an order, takes away the discretion. I say the discretion is in the conditions of the order.

Ms ARCHER - It is in both because the third one is whether or not the tenant can comply with the order so you cannot make the order without them knowing or before you know whether or not they can comply with the order.

I will move on to the next question otherwise I will run out of time. Why does the bill not include reference to 'is experiencing hardship' with regard to the criteria for issuing a rent arrears payment order?

The commissioner is required to be satisfied that the tenant has experienced financial hardship as a result of the economic effects of COVID-19. This may include loss of employment or a reduction in hours of work. The use of 'has experienced' does not preclude consideration by the commissioner of any hardship the tenant is experiencing at the time of application, provided that hardship is as a result of COVID-19. A tenant who is experiencing hardship has, by definition, experienced hardship.

Another issue raised was whether a requirement that a tenant has the financial capacity to comply with the rent arrears payment order exclude tenants who may be able to comply in the future. To issue a rent arrears payment order the commissioner needs to be satisfied, amongst other things, that the tenant has the capacity to comply with the order. This is to prevent putting in place rent arrears payment orders where the tenant has no reasonable capacity to comply. In considering the financial capacity of the tenant the commissioner can have regard to any information provided by the tenant. The concept of capacity does not restrict such consideration to the amount of money in a tenant's bank account or income at the time of application and can include expected future income.

Will there be a maximum time period or a weekly payment for a rent arrears payment order?

This will be a matter for the commissioner, who will prepare guidance for the preparation of rent arrears payment orders. It is important that the orders strike a balance between the tenant's capacity to pay and a reasonable recovery period for the landlord. The bill does not include prescriptive criteria with regard to the value of repayments or the duration of the repayment plan. The commissioner will be able to apply discretion having regard to the individual circumstances of the application. That is really important.

There is a risk that by being prescriptive on these matters the commissioner may be unable to issue an order that meets the needs of the tenant. It is important to point out that in issuing these orders the commissioner is performing a function that is performed in other jurisdictions by a tribunal which has significant leeway to find a commonsense solution for both tenants and landlords. Again, I have every confidence in the commissioner that he will apply the same care and judgment that he has in these days and the important safeguard of having a right to appeal.

Can a rent arrears payment order be amended after it is issued?

The commissioner will issue a rent arrears payment order having regard to the individual circumstances of the tenant. This will include the amount and frequency of repayments in line with the capacity of the tenant to pay and any order will form part of the tenancy agreement between the tenant and the landlord. While there is no ability for a tenant to apply to amend a rent arrears payment order a tenant and landlord can reach agreement to amend the repayment plan in light of changed circumstances, so they can always make that change between themselves.

The last issue that letter raised was, why does the bill not amend section 45 to provide greater discretion to magistrates when considering an order for vacant possession?

In relation to that issue raised by the Tenants' Union, a landlord can apply for an order for vacant possession when a notice to vacate has been issued, the notice period has expired, and the tenant has not vacated the property. The role of the magistrate, when considering an application, is to ensure that the notice was validly given and the reason for the notice to vacate was genuine and just. It is not the role of the magistrate to arbitrate or mediate between the parties at this point. I note that amending the Residential Tenancy Act to provide this discretion is likely to lead to more matters needing to be heard by the Magistrates Court. This is likely to significantly add to the workload of the court and lead to delays for tenants and landlords.

They are the issues that have been raised by the Tenants' Union in that letter to which all members have referred.

I take this opportunity to thank the Residential Tenancy Commissioner and his entire office, and also thank them generally for their effort throughout COVID-19. I know I have said this before but it is not lost on me and I am sure it is not lost on other members in this House who may or may not know the significant role they have played.

With these residential protections, commercial protections and the significant measures we have put in place, some of them have been able to be adopted operationally, so the funds themselves have not required legislation. That was an administrative decision of the Government and myself as minister. Some things have required notices which have gone before the Subordinate Legislation Committee, before which we have all appeared at some stage. Some things have required legislative change and for that, I thank members in this House for supporting the COVID-19 measures.

There has been a whole raft of changes that have needed to occur in relation to COVID-19. It may not feel like we are still experiencing it out in the community, but as a government we are very much still on guard and have our measures all in place ready to go, right down to the last minute.

I thank the Department of Justice and OPC for their drafting efforts. They always do a wonderful job at very short notice, and they will know what I mean by that. I thank my office and various advisers who have worked on these measures throughout this year. There have been a few changes and I thank them all for their efforts.

Bill read the second time.

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

In Committee

Clauses 1 to 5 agreed to.

Clause 6 -
Sections 24A and 24B inserted

Ms STANDEN - Mr Deputy Chair, the minister has just argued that changing the word 'may' to 'is to' in subsection (4) in her and the Government's view changes and reduces the discretion of the Residential Tenancy Commissioner. Having listened carefully to the argument I remain of the view that changing the word 'may' to 'is to' will ensure that it is mandatory to make an order under the circumstances where a tenant has satisfied the criteria under (a), (b) and (c). They are in arrears for rent that was payable during the emergency period. They have experienced financial hardship as a result of economic effects of COVID-19, and they have the financial capacity to comply with the order.

I am of the glass-half-full view that tenants would only apply in good faith under those circumstances if they are of a view that they were able to comply with the conditions. I feel that the discretion really is around the technicalities. The discretion is important for the Residential Tenancy Commissioner, in my view, in determining the conditions of the order, rather than the order itself.

Further to that, I know the minister argued the difference here in Tasmania, in that we have a commissioner as opposed to a tribunal. I note that in the legislation she brought before the House in relation to commercial leases - and which has now passed the House - the option was drafted, and subsequently supported, to establish a panel. If the mechanism was so concerning to the minister and the Residential Tenancy Commissioner, I wonder why it was

not countenanced that some kind of panel was established in relation to residential tenancies, as per commercial tenancies.

I am not satisfied that it would be reducing discretion on the part of the commissioner to make an order mandatory, but rather the discretion would remain in relation to the conditions of the order itself. I am satisfied that in subsections (4)(a), (b), (c) those general parameters are set, and then later on in the bill, under subsection(5), those conditions of the rent arrears payment order are set out.

Mr Deputy Chair, I move -

In proposed section 24A:

(1) In subsection (4) leaving out the word 'may' and inserting instead the words 'is to';

(2) In subsection (4)(b) by inserting the words 'or is experiencing' after the words 'has experienced';

That subsection would read 'has experienced or is experiencing financial hardship as a result of the economic effects of the socially-dislocating disease'. I know the minister argued that including the words 'or is experiencing' would be covered with the words 'has experienced', but nonetheless, to avoid any confusion or doubt, I cannot see any problem with including those words. It is a doubts-removal step I believe. The third part of that amendment is -

(3) In subsection (4)(c) by inserting the words 'or is reasonably likely to have' after the word 'has'.

That subsection would read 'has or is reasonably likely to have the financial capacity to comply with the order'. Again, I feel that is for removal of doubt. That would allow for the circumstance that a person has experienced financial hardship - and with the circumstances with income support, JobKeeper and so on it is quite a fluid employment situation - and it is not unreasonable to think they would be talking with their employer who has promised them additional hours of work in the coming weeks and months. I can see no problem with a doubts-removal insertion of those words 'or is reasonably likely to have', because it simply makes it clear that in the circumstances a tenant can foresee that they will be able to comply with the conditions of the order.

I will leave it at that. I have further amendments and I have circulated all those -

Ms Archer - You have three, all up?

Ms STANDEN - Yes, three, and they relate to clause 6(4). If you would like, I can go on to insertion of subsections (6), (7) and (8) on page 7 because it relates to the same clause, or we can deal with them separately. I do not mind.

Ms Archer - Can we deal with them altogether?
Ms STANDEN - Let us deal with this first one first, shall we?

Ms O'CONNOR - We support this amendment. It is the amendment proposed by the Tenants' Union of Tasmania, and we have drafted identical amendments. The first thing I want to say is that the feedback we get in our office from tenants who come into contact with the Office of the Residential Tenancy Commissioner is a feeling that they have been well treated and well served by the commissioner's office, and that there has been every effort made to support tenants - and landlords, I am sure - who come through the Residential Tenancy Commissioner's Office. The ones we come into contact with are tenants.

I certainly do not want the commissioner or his office to feel that this is any reflection at all on the work that they are doing. We know that it is a substantially increased volume of work, with real-life consequences for people, but the proposed amendments are solid, and they do tighten up this provision.

If there is a circumstance where a rent arrears payment order has been sought, I guess the question for the minister is, under what circumstances or conditions would or could the Commissioner refuse to make an order? That is why the word 'may' creates that ambiguity, as the Tenants' Union have pointed out.

The other changes to this clause strengthen and improve it, exactly as Ms Standen said. If we read it as the Tenants' Union believes it should be passed, it says this -

> (4) The Commissioner is to make an order (a rent arrears payment order) in relation to a tenant from whom the Commissioner has received an application under subsection (1), if the Commissioner is satisfied that the tenant -
>
> (a) is in arrears of rent that was payable during the emergency period or subsequent COVID-19 emergency period; and
>
> (b) has experienced, or is experiencing, financial hardship as a result of the economic effects of the socially-dislocating disease, and
>
> (c) has, or is reasonably likely to have, the financial capacity to comply with the order.

We argue that this improves the act. The clause provides real clarity to the commissioner and his office, as well as tenants and landlords. In fact, it is an improvement on the grammar and the structure of the clause. We support this amendment.

In case the minister did not hear the question: under what circumstances or conditions would, or could, the commissioner refuse to make a rent arrears payment order? To make that briefer, why leave that ambiguity there and the possibility of a decision being made not to grant a rent arrears order?

Ms ARCHER - It is a bit difficult because we have only just seen these amendments.

Ms O'Connor - So there is no ambiguity, it is the same amendment as in the letter.

Ms ARCHER - I will deal with it in the order I would like to deal with it because it will be a much easier process. At the outset I appreciate what the Tenants' Union is attempting to

do, but we do not agree with their interpretation. We think it will restrict the discretion that is needed in these cases. We do not want that because we want a commonsense solution for both tenants and landlords. That is what this is designed to achieve.

What the Government has come up with is quite generous in allowing tenants to enter into this formal arrangement because it avoids the inconvenience of there having to be court proceedings if a landlord is not happy with the situation they have had after COVID-19, and it protects the tenant who has that willingness and ability to repay from being evicted. This is what we are trying to balance.

The reason that 'may' is important as the term being used is that the capacity to comply with the order is a key factor for the Residential Tenancy Commissioner in deciding to make an order. The commissioner can only do this by determining what the order will be in terms of the repayment schedule before deciding to make an order. The use of 'may' gives the commissioner discretion to find a commonsense solution for tenants and landlords.

Regarding inserting the words 'or is experiencing' after the words 'has experienced', the commissioner is required to be satisfied that the tenant has experienced financial hardship as a result of economic effects of COVID-19. Up until that point, it is that period prior. As I said before, this may include loss of employment or reduction in hours, but having said that 'has experienced' does not preclude consideration by the commissioner of any hardship the tenant is experiencing at the time of application, provided that that hardship is as a result of COVID-19. A tenant who is experiencing hardship has, by definition, experienced hardship; that is how they have got to that point of making the application for an order. We do not want to hamper the ability of the Residential Tenancy Commissioner here but there needs to be that defined period that they have experienced hardship.

Ms O'Connor - I understand that, minister, but the question is, under what circumstances might the commissioner decide not to make a rent arrears order if a tenant has applied to have an order made?

Ms ARCHER - There would be an obvious circumstance where the commissioner would not make an order where a tenant has stopped paying rent and has not demonstrated they have not had a capacity to pay. There are a number of reports of that nature where there has not been hardship, where tenants have just stopped paying rent. They should not be entitled, if they have not established that it is -

Ms Standen - Then they would not meet the conditions under (a), (b) and (c). I think we are having a chicken-and-egg argument here.

Ms ARCHER - That is why this condition was included, because of that situation. It is there for a reason. We will have to agree to disagree on that by the sounds of it.

There is also that third part of whether we would agree to insert the words 'or is reasonably likely to have', regarding financial capacity of a tenant. As I previously stated in my summing up, the commissioner needs to be satisfied, amongst other things, that the tenant has the capacity to comply with the order. This is to prevent putting in place rent arrears payment orders where the tenant has no reasonable capacity to comply and in considering the financial capacity of the tenant the commissioner can have regard to information provided by the tenant. The concept of capacity does not restrict such consideration to the amount of money

in a tenant's bank account or income at time of application and can include expected future income. It is pretty flexible, as we have explained.

That is our position in relation to that first clause. It is a pity that we did not have a chance to try to sort this out with the Tenants Union but we only received the letter yesterday. The commissioner attempted to speak to them but that has not yet occurred. In any event, I have put our position on the record.

Ms STANDEN - Mr Deputy Chair, we probably are at a position where we may have to agree to disagree but I will have one more go. The minister is arguing that changing 'may' to 'is to' would be reducing discretion, but on the other hand vice versa in relation to the later changes. I feel that the point of this subsection is to make it crystal clear that an order, should it be applied for, should be made to provide as much discretion to the Residential Tenancy Commissioner as possible as to the conditions. Subsection (5) goes into the details of that. In all circumstances, if the commissioner is satisfied that a tenant in arrears has experienced or is experiencing financial hardship, because that provides more discretion, has or is reasonably likely to have financial capacity, again because that provides more discretion, under all those circumstances, if those three criteria are satisfied, I feel the commissioner should make an order.

Ms ARCHER - Again we will have to agree to disagree. The whole idea is to keep this not overly prescriptive or binding and to have the commissioner exercise judgment and what we have put in there is an appeal right in case the parties were not happy with the decision of the commissioner. It is not like there is not a safeguard there either at the other end should the parties not be happy, but it seems that you are arguing for a discretion that is already there.

The Committee divided -

AYES 10	**NOES 12**
Dr Broad	Ms Archer
Ms Butler	Mr Barnett
Ms Dow (Teller)	Ms Courtney
Ms Haddad	Mr Ellis (Teller)
Mr O'Byrne	Mr Ferguson
Ms O'Byrne	Ms Hickey
Ms O'Connor	Mr Jaensch
Ms Standen	Ms Ogilvie
Ms White	Mrs Petrusma
Dr Woodruff	Mr Rockliff
	Mr Shelton
	Mr Tucker

PAIRS

Ms Houston	Mr Gutwein

Amendment negatived.

Ms STANDEN - Mr Deputy Chairman, the second amendment to clause 6 to amend section 24A of the principal act is to insert new subsections (6), (7) and (8). There would need

to be some renumbering of the section above and below to reflect this change, if so amended. I move -

In proposed section 24A, to insert the following new subsections after subsection (5) -

(6) In determining the details of a schedule of a rent arrears payment order under subsection (5)(b), and any conditions to which the order is subject under subsection (5)(c), the Commissioner is to -

(a) Have regard to the financial position of the owner; and

(b) Have regard to, if the tenant attempted to enter negotiations with the owner to have the rent payable reduced whilst they were experiencing financial hardship, whether the owner acted reasonably and in good faith during those negotiations; and

(c) Have regard to whether the rent is reasonable, with regard to the general level of rents for comparable residential premises in the locality or a similar locality; and

(d) If at all possible, avoid placing the tenant in rental stress; and

(e) Any other relevant matter.

(7) For the purposes of subsection (6) rental stress is defined as circumstances in which a residential tenant is not reasonably able to afford basic necessities of life other than rent including but not limited to food, health care and education.

(8) For the purposes of section 24A(1), a reference to a rent arrears payment order also includes the varying of a rent arrears payment order.

This is an amendment proposed by the Tenants' Union of Tasmania, an agency with legal expertise in the area of residential tenancies. Subsection (5) above sets out the specifications of a rent arrears payment but the advice from the Tenants Union is that they strongly believe the guidelines the Residential Tenancy Commissioner should consider in assessing the rent arrears payment order should be legislatively prescribed with the attention of maximising discretion and removal of doubts. This is particularly important given that both the tenant and landlord will be able to appeal the Residential Tenancy Commissioner's decision. Greater transparency and accountability will ensure both better decision-making and an understanding of how the decision was arrived at, so inserting these subsections which set out the guidelines really provides additional protections and makes it crystal clear to both tenants and landlords, and to the Residential Tenancy Commissioner, the range of discretion that would be applied in these circumstances.

Finally, the Residential Tenancy Commissioner should be provided with the ability to vary a rent arrears payment order in the event that circumstances change. For example, as I

said in the second reading debate, an unemployed person in receipt of JobKeeper at the moment who is then subsequently successful in finding full-time employment. Circumstances are quite fluid in this day and age as people are moving, hopefully, from income support back to previous employment conditions, but not in every circumstance.

When a person is able to step up their hours, the tenant may want to repay the arrears sooner and the landlord would be grateful for that kind of flexible arrangement. Clause 8 allows for that varying of the order.

These are good suggestions put forward by the Tenants' Union that would provide greater certainty in relation to tenants and landlords as well as greater discretion and flexibility on the part of the Residential Tenancy Commissioner.

Ms O'CONNOR - I agree with the Tenants' Union and Ms Standen. When you look at the list of matters to which the commissioner must refer when making a decision on a rent arrears payment order, you could assume these are the matters, that if they were not prescribed, the Residential Tenancy Commissioner would look at.

While discretion is important, it is also important to have some quite firm guidelines to make sure nothing is overlooked in the making of a rent arrears order. Why would we not be more prescriptive about making sure, for example, that a landlord has acted reasonably and in good faith during negotiations with a tenant? Why would we not make sure there is regard for whether the rent is reasonable related to the general level of rents for comparable rental premises in the locality, or a similar locality? I am sure the commissioner would not make a decision that put the tenant in rental stress. These should not be contentious, strengthening of the act, and we support them.

Ms BUTLER - I reaffirm my support of this amendment. The amendment for new clause 8 is particularly important and quite a sensible approach. It is practical and pragmatic. A reference to a rent arrears payment order also includes the varying of a rent arrears order. It makes it more robust and sensible and creates an opportunity if there is a change and a change in circumstances on both sides.

Ms ARCHER - Ms Butler was saying, and correct me if I am wrong - I may have misheard - that it would create more certainty if we could vary it. I disagree. Varying has the ability to do the exact opposite. The bill does not include prescriptive requirements for the commissioner in determining the level of repayment and duration of the plan. What this amendment would do, is make it very prescriptive -

Ms O'Connor - No, because it says 'any other relevant matter'.

Ms ARCHER - I know Ms O'Connor thinks it is a good thing to be prescriptive. There is a risk that by being prescriptive on these matters the commissioner may be unable to actually issue an order.

Ms O'Connor - That is not true. It says 'any other relevant matter'.

Ms ARCHER - This is 'must', all of these things, and those could be the things that prevent the order from being made. We are trying to keep it as discretionary as possible. It is important to point out that in issuing these orders the commissioner is performing a function

that in other jurisdictions they have a tribunal that has wide leeway and we have taken our lead from the provisions in other states and how it works well there in terms of that wide discretion.

There is a risk that greater prescription will limit the ability of the commissioner of making the order. As an example, a tenant may want an order but their circumstances or the conditions of the market may preclude the commissioner from making an order, so again, by being overly prescriptive what is well intentioned could turn out to have the opposite effect,

Progress reported; Committee to sit again.

ADJOURNMENT

Food Security and Food Relief
Clarendon Vale Neighbourhood Centre

[6.01 p.m.]

Ms STANDEN (Franklin) - Mr Deputy Speaker, I want to make a brief contribution in relation to food security and food relief. This week I have had the pleasure of visiting the Clarendon Vale Neighbourhood Centre in my electorate. The hardworking team there, ably led by Christie but supported with many volunteers, every week now for many weeks throughout this COVID-19 pandemic crisis, have been gearing up and providing now up to 350 hot meals on a weekly basis to those who are most in need.

There is no doubt that the circumstances and the demographics of the people that Neighbourhood Centres have been supporting are changing. Of the faces that have been coming regularly for pick-ups of these meals or drop-offs when the transport logistics have allowed it, 70 per cent or so of those people relying on that food are entirely new to the centre. The centre has been supporting not just people within Clarendon Vale but Rokeby, Glebe Hill and Oakdowns and what has grown from an 80 meal a week proposition to up to 350 now has been an enormous undertaking.

I want to highlight the funding restrictions under which the centre has been operating because the Government has extended the budgets of all Neighbourhood Centres by $20 000 and allowed discretion in so doing, which is a terrific thing. Each centre has been making do with what they can and maximising the contribution from the likes of Foodbank and Loaves and Fishes but their equipment has been under significant strain. In the case of Clarendon Vale they have an amazing beer keg barrel thing that has been converted to make soup. They have food all over the centre, in a very hygienic and safe way I should say, and the food is laid out on different tables and so on.

Ms Archer - Buchan Community House is doing a wonderful job of feeding people too, as are all of them.

Ms STANDEN - I am sure all Neighbourhood Houses and Centres are doing exceptional things. This is the centre that I happened to visit on Monday.

Their stovetop and one of their fridges packed it in and immediately you can see that that $20 000 has not gone very far, particularly when this centre has expended most of that money on takeaway containers to meet the needs of the community, to say nothing of the transport, et cetera, to get the food distributed out to the community. It has become a seven-day-a-week

logistical exercise and it is not a sustainable situation so it is really beholden on the Government to look at what it can do to step up in that regard.

Loaves and Fishes and Foodbank both received significant additional stimulus funding of $156 000 in the case of Loaves and Fishes and $100 000 in the case of Foodbank. That is on top of their core funding and they are roughly halfway through that funding agreement. It has really provided surge capacity throughout this pandemic. With that funding Loaves and Fishes have been able to double their shifts and their meals to the period through to the end of July at least, providing 150 000 kilograms of fresh food and more than 120 000 meals. There has also been some substantial in-kind support from our wonderful primary producers. In 2019 1.4 million kilos of food were provided as in kind to Loaves and Fishes and that enables the cost per unit to be driven way down to 50 cents per meal. What a wonderful service that provides in terms of fresh food and pre-prepared meals.

Foodbank has had an 18 per cent increase in demand leading into the COVID-19 crisis showing that 40 per cent more food was required to meet demand. During this week I was out there meeting Robert Higgins, Carol and the team at Foodbank Tasmania and they tell me that $100 000 of stimulus surge capacity money has now been expended.

With all of this additional product coming in from primary producers in the case of Loaves and Fishes and access to the Coles and Woolies of the world in the case of Foodbank and Loaves and Fishes, it is really a matter of funding the operational capacity moving forward and stepping back and assessing that there has been as much as a doubling of demand for food relief. Moving forward, there are only days now before the changes to the income support payments will be made to JobKeeper and JobSeeker and there is substantial uncertainty on the part of all of these charities and organisations, to say nothing of the churches and the other food relief agencies spread across the state.

It really has been a substantial and admirable effort but it is time for the Government now to step back and audit. Some work has been undertaken to audit the circumstances but we need to have a longer-term vision now for food relief in the state. The cost of living has been rising for some time, demand has been rising for some time. It has now stepped up substantially and a long-term lens needs to be taken.

I commend the efforts of Loaves and Fishes, Foodbank and all the churches and charitable organisations that have made a wonderful effort to try their very best with volunteer support to meet the needs of the community in relation to access to reliable, affordable and nutritious food.

Risdon Brook Dam

[6.08 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, Risdon Brook Dam is located near Risdon Vale on the eastern shore and was built in 1968 by the Metropolitan Water Board. It later became the responsibility of TasWater on the water authority's formation. That reservoir is set amongst beautiful scenic bushland and forms an important part of the Hobart water supply. As well as that, the Risdon Brook Reserve is a much-loved park to run, walk, jog, fish or enjoy a family barbecue with friends. The walking track is 4.4 kilometres long and would

be remembered by many of those people whose school cross-countries were held around the dam.

The Recreational Tasmanian Road Runners Group describes Risdon Brook as a popular running location for Hobartians and home of Park Run, a free 5-kilometre run every Saturday morning at 9 a.m. It boasts a fantastic children's playground which is highly popular. It also has two specially constructed fishing spots for people with disabilities, which must be some of the only ones of their type in the state. They are little areas with parking and two platforms that have been constructed so people can pull up in their wheelchairs safely and have their carer alongside them and go fishing in privacy with their own little space.

The reserve is also home to the Risdon Brook Radio Yacht Club who sail their little remote-controlled vessels with a great amount of skill and mastery between buoys in miniature regattas which they hold, and they are a delight to watch. Unfortunately, there have been some heavy rains, as we all would remember, in late June, and Risdon Brook was closed to the public. We have been told by TasWater that this was due to some damage to the walking track and concerns about undermined trees. Many people in Hobart on the western and eastern shores are eagerly waiting for it to be reopened, but the reopening has never happened.

My office has been contacted by a gentleman from Risdon Vale who is very distressed that he has lost his place of exercise. He has limited mobility and access to transport, and Risdon Brook has, for a long time, been a place for him to stay healthy and go outside. I know that gentleman is not alone in that frustration, because a TasWater Facebook post on 5 September showed the ongoing closure has led to a number of posts from locals expressing their disappointment. A few of the comments that I will read include -

> I am missing my weekend walks around the dam -
>
> With a little 'cry' emoji.
>
> Thanks for letting us know, TasWater. I am surprised the work is yet to start. It is an important community area for walking and health and wellbeing.

Another one said -

> It is a very popular spot. I go there every weekend. Surprisingly, it has been three months since that rain.

We wrote to TasWater about this important public space and urged them to prioritise the restoration works, and to communicate an opening date to the community as soon as possible.

I received a response from the TasWater CEO. It is extremely disappointing, and it will be a disappointment for those people who are waiting for the reserve to reopen.

Mr Brewster, the CEO, said -

> We are aiming to reopen the facility by Christmas, barring any unforeseen issues.

Mr Deputy Speaker, that would be nearly five months of Risdon Brook closed to the public.

The damage was described as -

> Deep burrows into pathways, making it hazardous for walkers, and concern regarding the stability of some of the trees adjacent to the pedestrian area.

I can accept that the issues might be serious, but five months to do that rectification is incredible, and it is not reasonable. TasWater has very skilled civil works teams, and they are able to excavate half a street with trees, and/or repair a pipe, fill and remediate that in a matter of hours - so I really do not understand and struggle to believe that there is a real reason for TasWater not to complete these works.

They have to reaffirm their commitment to keeping Risdon Brook Dam open to the public at all. There are rumours circulating that TasWater has never wanted the community to be there, and is using this as an opportunity to go slow and maybe never reopen it. I certainly hope that is not the case.

We all know how important exercise is for physical and mental health. It is not just a reservoir. It is an important public space for the community on the eastern shore, especially those people who do not own a car and cannot afford to travel to other parks.

We will be continuing to call on TasWater to fix the path, and to have an arborist assess the trees, and to reopen the reserve for the public on the eastern shore as soon as possible.

Tasmanian Potato Industry

[6.13 p.m.]

Dr BROAD (Braddon) - Mr Deputy Speaker, I rise to talk about a $400 million-plus industry that has been put at risk by this Government.

It was confirmed in question time today that Biosecurity Tasmania has given a permit for just about the biggest potato grower in the country, Mitolo, to import fresh potatoes into the state. That is a serious issue, because it is putting our fresh market growers at risk, and also the wider industry - and they are processors like McCain and Simplot, which are vital for the north-west economy, especially in my electorate of Braddon, but all across the state.

This is an issue for a couple of reasons. The scale of Mitolo means they can come in and undercut local producers and put them out of business when competing on supermarket shelves - but also the issue for the wider industry is diseases. Diseases are a real issue. How did this happen? We know now the industry only found out about this decision of Biosecurity Tasmania by accident, because there was no consultation with packers, there was no consultation with growers, there was no consultation with stakeholders like the Tasmanian Farmers and Graziers Association and the rest of the industry.

This is astonishing. It now looks like Biosecurity Tasmania was also relying on outdated import requirements that are due for review. How can this happen?

All Biosecurity Tasmania took into account were the diseases bacterial wilt and potato cyst nematode, which South Australia has declared itself free of - but there are potato cyst nematode and bacterial wilt on Kangaroo Island, at least. We have to take their word for it,

apparently, that South Australia is free of these pests, and then potatoes are free to come into the state and undercut our growers.

It is not only about these diseases. It is about other diseases that are not on this review register, the review requirements, that were not even considered, that we do not have in Tasmania, that put our whole industry at risk. These diseases include leafroll virus, potato spindle virus and potato virus Y. There are two mutating strains in South Australia, and these diseases would be devastating for our potato growers.

Companies like McCain have made a decision now to concentrate their production in Tasmania because of a disease outbreak of zebra chip in New Zealand. They have come and are reinvesting in Tasmania because we are virus-free, because we are relatively disease free - yet this decision puts all that at risk.

All it would take would be for somebody to buy potatoes from the supermarket, plant them in their own garden, they sprout, and then disease can spread across Tasmania. These diseases are virulent and they will spread. Or someone could throw the potatoes to the chooks and something could grow, and again, put our potato industry at risk. This should not be allowed to happen.

The minister, Mr Barnett, needs to fix this. We heard in question time that Mr Barnett had written a letter to Coles and Woolworths. Wow. He had written a letter. We know that the Government, federal government, the ACCC, really struggle to bring Coles and Woolworths into line - but apparently for Mr Barnett, it is enough to write them a letter asking them to support Tasmanian growers. Well, he should be supporting Tasmanian growers by putting in place an urgent injunction until we can complete a proper assessment about the diseases that are present in South Australia that put our own industry here at risk.

Liberal assurances that diseases will not come into Tasmania are not enough. There is a horrible history here with biosecurity. We only have to look at issues of the very recent past, like blueberry rust, fruit fly, POMS, and indeed myrtle rust. The Government's biosecurity record is atrocious, and I cannot believe that would put, through this decision, a $400 million-plus industry at risk. All the jobs of the potato growers, all the jobs in the potato factories, and our brand, are now at risk because of this decision.

The Government needs to act. There needs to be an injunction now, and there needs to be a proper review, otherwise the industry will not stand it.

Tasmanian Potato Industry
Apple and Pear Australia - National Awards

[6.18 p.m.]

Mr BARNETT (Lyons - Minister for Primary Industries and Water) - Mr Deputy Speaker, first, to respond to Dr Broad's alarmist remarks with respect to potatoes and potato growing in Tasmania, and highlight, as I said earlier today, how important it is, and to make it clear that Dr Broad is wrong on potatoes. His ability to mislead and pretend the sky is falling in clearly knows no bounds.

The Chief Plant Health Manager approved a conditional exemption to import potatoes from a South Australian company in June this year. This decision was made due to South Australia being free of two specific diseases that are the subject of current import requirements, and is consistent with the agreed terms of biosecurity risk management and trade. As Dr Broad should know, section 92 of the Constitution says that trade and commerce between the states and territories is free, and should be free. There is trade between the states, and you know full well you are acting in an alarmist, misrepresentative way.

Representatives from Biosecurity Tasmania have also met with a number of growers this morning, and will continue to work with the industry to ensure our strong biosecurity standards are upheld. Our high-quality potatoes are readily available and highly sought after, and I encourage Tasmanians to continue to buy locally grown potatoes from our supermarkets, fruit and veg grocers, markets and stalls right across Tasmania.

The Tasmanian Liberal Government is a strong supporter of our agricultural sector, which is why we have consistently delivered additional funding for biosecurity to reduce the potential for risks to the community. Biosecurity is essential to Tasmania's agricultural productivity, continued market access, and our reputation for high-quality primary products.

I also pay a special tribute to our world-class fruit sector. What has been happening is fantastic, particularly with respect to Apple and Pear Australia's recent national awards - a fantastic result for Tasmanians. We picked up three awards, including the prestigious Grower of the Year, the Young Grower of the Year, and Lifetime Achievement Award. I pay tribute to these wonderful recipients in Tasmania. We are very proud.

In terms of apples and pears last year, 2018-19, was $46 million, with production close to the five-year average. The farmgate value of the fruit sector was $180 million, and is an important part of the Tasmanian agricultural production, now worth $1.64 billion. We are heading to $10 billion by 2050. We are on track - that is a target. We have a plan. Labor and the Opposition have no plan, no policies. It is high time you did so.

The Grower of the Year - fantastic. Congratulations to Howard Hansen, from down in the Huon. I met with Howard just recently, and he is Vice President of Growers Tasmania and has been doing a terrific job. He has been awarded -

> … to an individual who is outstanding across all aspects of production including growing, environmental management, staff management and product quality.

I also wanted to refer to the Young Grower of the Year, Matthew Griggs. I was with Matthew at his home. Thank you, Matthew, for your hospitality last Saturday with Esther and your two beautiful kids down at Lucaston Park. Matthew is the son of Andrew and Sylvia Griggs - wonderful people. Matthew, I am very proud of you, and on behalf of the Government and all of us here, congratulations, well done. The Young Grower of the Year is awarded to a grower who champions the success of the industry and shows a commitment to innovation, helping to define the next generation of growers. He has a big smile and a big heart, and he does the job in terms of learning, and embracing others - the key to the Young Grower of the Year success. I am so pleased. He was very welcoming of the Government's policy, particularly with respect to seasonal workers and getting as many Tasmanians into jobs as possible.

To conclude, this wonderful Lifetime Achievement Award to Ian Smith. Well done to you, Ian. The Lifetime Achievement Award is given to an individual who has provided motivational and inspirational leadership for the advancement of the apple and pear industry at a local community level or, more broadly, over the course of a number of years.

That is great. Tasmania punching above its weight again, delivering for the fruit industry, delivering for our state. It is something of which we can be very proud. I say congratulations, well done.

Tasmanian Potato Industry

[6.23 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Deputy Speaker, I rise to speak about an issue that is very important for my electorate of Lyons - in fact, for the brand integrity of Tasmania - and that is agricultural product, and in particular, potatoes.

I was appalled at that contribution from the minister. You are not standing up for Tasmanian farmers, you are not standing up for Tasmanian industries, you are not standing up for Tasmanian jobs. This is a $400 million industry for our state - $400 million that you have jeopardised, and you are defending your decision and claiming that you will write to a couple of supermarket chains and encourage people to buy Tasmanian.

We want to support Tasmanian jobs. This Government is not doing it. There is no requirement for there to be labelling about the place of origin. How are Tasmanians even supposed to know where these potatoes are coming from, when there is no requirement for there to be a place of origin? This minister's pathetic attempt at even trying to support growers is a failure. He is failing before he has even started here.

What we have here is a minister that has confirmed his department approved, in June, an exemption for potatoes to come from South Australia to Tasmania. They are already here on supermarket shelves.

This Government has to act urgently to put an injunction in place right now to protect our growers, to protect our family farmers, to protect our packers, Simplot and McCain, as well other smaller packers, to make sure that they are not run out of business by this Government's decision.

This company from South Australia is one of the biggest potato-growing enterprises in the country. They will bring potatoes in here at a cheaper price than what our farmers can produce. They will undercut in the market - but, worse than that, they risk our disease-free status and the Tasmanian brand. The integrity of the Tasmanian brand is built on the attributes of us being disease- and pest-free. This is something this Government has put at risk throughout its entire term.

We have heard from the shadow minister about the incursions this state has dealt with under the watch of the Liberal Government and now we have another risk being wilfully introduced into this state by the minister for Primary Industries and Water, who has given

approval himself, through his own department, for potatoes to come into this state from South Australia. He is ripping livelihoods from underneath the hardworking farmers in this state.

He comes into this place and congratulates farmers for winning awards including the wonderful Susie and Gerard Daly for winning the prestigious award of Australian Farmer of the Year. They are exactly the farmers he is about to put out of business. It is only because of their daughter, Ruby, coordinating that meeting at 10 a.m. today that Biosecurity Tasmania has even spoken to growers, processors, or anybody in the sector. They did not do it before they made the decision to grant the permit for the South Australian potatoes to come here. It is only because the Daly family found out by accident - through talking to their suppliers and to the people they provide potatoes to - that South Australian spuds were coming into Tasmania.

It is not because this Government has been transparent about this. Not at all. They are not backing Tasmanian farmers. They are not backing Tasmanian jobs. They are not backing Tasmanian processing. They are not backing the potato industry. It is only because the Daly family, who were named Australian Farmer of the Year just last year, that this issue has even come to light. I congratulate them for the work they are doing. They want the Government to act immediately to put a stay on any further products coming in from South Australia because they understand too well that this jeopardises their entire livelihood. It could put an entire generation of new young farmers out of business with just one disease incursion into this state.

This is not a minister who stands up for farmers. This is not a minister who stands up for local jobs. This is a minster who is there for the photo opportunity, but when things get tough he just goes to water. He is not even there to try to defend them. He does not even say there will be a review. He does not do the tiniest possible thing that he could do. He just writes a letter to Woolworths and Coles.

The Daly family were not only awarded Farmer of the Year last year, they were also one of a number of producers in the south-east region last year who nearly ran out of water. At a time when this Government was selling water and claiming 95 per cent reliability, there were farmers who nearly ran dry. It put millions of dollars in investment at risk. These farmers are again facing the threat from this Government which is not standing up for them. They are looking down the barrel of their livelihoods being put to waste by this Government which is going to allow South Australian potatoes to come into this state and for what reason?

Why would you allow potatoes to come into Tasmania from South Australia? It is not as though there is a need for more potatoes in this state. Local farmers are capable and are already meeting the demand. They are doing a marvellous job. Why have you granted approval for this potato company to bring these potatoes into Tasmania?

There are other diseases that have not been assessed by this department that pose extraordinary risks to this industry in Tasmania. The minister has been woeful in his attempt today to try to support this industry. Writing a couple of letters to Woolworths and Coles is not going to cut it.

He needs to urgently put an injunction in place to make sure we can protect this industry and protect the brand integrity that Tasmania enjoys; protect our disease-free status and support those local farmers who have invested millions of dollars; support those local packers and those major companies, Simplot and McCains, who are creating hundreds of jobs in this state to make sure that they are not jeopardised by this reckless decision by the Government to allow

importation of South Australian potatoes, which I understand are already starting to hit supermarket shelves.

To say that Tasmanians should just buy Tasmanian potatoes is an abrogation of your responsibility to do your job, to stand up for primary industries in this state and to make sure that we do not see a $400 million industry destroyed.

Bus Shelter at Mangalore - Midland Highway

[6.30 p.m.]

Ms BUTLER (Lyons) - Mr Deputy Speaker, I have some good news tonight. The Mangalore community approached me and my office a few months ago and we wrote a letter to the Minister for Infrastructure about the issue they raised on 17 August. They wanted a bus shelter to be erected on the Midland Highway in Mangalore where there used to be a bus shelter that was taken out, apparently, by a four-wheel drive some years ago and had not been replaced. About 20 students catch a bus from there and they were without protection from the elements each morning. We raised this in the House a few months ago as well.

Today I have been contacted by Ms Marie Luck, the main lady who has been doing the rallying around this, she and her daughter, Michelle. She sent me through a copy of a letter she has received today from the Southern Midlands Council and I will read it. It says:

> Dear Marie
>
> Bus Shelter on the Midland Highway South of Blackbrush Road
>
> I acknowledge your commitment and determination in seeking a bus shelter to be constructed on the Midland Highway south of Blackbrush Road. Given your enthusiasm for the project I am keen to keep you up with progress in relation to the matter.
>
> Since your request to council to look into this matter I have met with the General Manager of State Roads in the Department of State Growth -

That was who we wrote our letter to as well. We also contacted the Premier as well in relation to this. We did a lot of lobbying. It was interesting because the Department of State Growth actually wrote a letter back to me saying they were not going to build a bus shelter there, so something has obviously happened in between. It is really good for the community. I go on:

> The Department of State Growth is the road manager of the Midland Highway and has responsibility for any development within that road reservation.
>
> From that meeting we may have a grant coming council's way, which is being funded by DSG to pay for the fabrication and erection of a bus shelter at the site.

> Following that meeting I have been contacted by a DSG officer who is looking after passenger transport and he has confirmed that we will be receiving a grant to cover the cost of fabrication and erection of a bus shelter, however council will need to maintain it.

It is fabulous that they have agreed to do that, so well done Southern Midlands Council. As I understand, the design will be the same as the one on the Midland Highway at Bagdad and the DSG will arrange for a consultant to check the site to ensure that it is in accordance with the Disabilities Discrimination Act requirements in preparation for the works to proceed. I am not sure on the timeline but I am assured it will happen. Persistence pays off, Marie. Well done.

Persistence has paid off here. Well done, Marie Luck, for pushing for this. She has now secured, with the help of many people in the community, a bus shelter for the children of Mangalore.

The House adjourned at 6.33 p.m.

QUESTION ON NOTICE

73. Natural and Cultural Heritage Unit staffing

Question No. 73 of 2020
House of Assembly

ASKED BY: Dr Woodruff

ANSWERED BY: Hon Roger Jaensch MP

QUESTION:

What is the number of full time equivalent staff and head count allocated to the Natural and Cultural Heritage Unit of the Department of Primary Industries, Parks, Water and Environment from 2013 – 2014 to date, with a breakdown by:

(a) Sub-unit;

(b) Financial year? (20 August 2020)

ANSWER:

The Natural and Cultural Heritage Division was established in 2015, with the integration of a number of existing business units within the Department of Primary Industries, Parks, Water and Environment – Aboriginal Heritage Tasmania, Heritage Tasmania and Resource Management and Conservation – into a single Division. At the same time, some functions under the Resource Management and Conservation Branch were moved to Biosecurity Tasmania.

Below are FTE and Headcount figures for each Branch from 2013–2014 to 2020–2021.

2013-2014

Branch	FTE	Headcount
Aboriginal Heritage Tasmania	12.61	14
Heritage Tasmania	16.70	19
Resource Management and Conservation		
GM and Business Services	4.87	5
Biodiversity Conservation Branch	23.25	30
Policy and Conservation Assessment	13.40	15
Sustainable Landscapes Branch	24.14	27
Wildlife Management Branch	43.60	48
Total	**138.57**	**158**

2014-2015

Natural and Cultural Heritage – Branch	FTE	Headcount
Aboriginal Heritage Tasmania	8.50	10
Heritage Tasmania	12.85	15
GM and Business Services	4.80	5
Policy and Conservation Assessment	14.40	18
Natural Values Conservation	35.04	40
Wildlife Management Branch	47.53	54
Total	**123.12**	**142**

2015 - 2016

Natural and Cultural Heritage – Branch	FTE	Headcount
Aboriginal Heritage Tasmania	10.60	11
Heritage Tasmania	13.75	17
GM and Business Services	6.20	7
Policy and Conservation Assessment	16.74	21
Natural Values Conservation	33.69	37
Wildlife Management Branch	44.63	49
Total	**125.61**	**142**

2016 - 2017

Natural and Cultural Heritage – Branch	FTE	Headcount
Aboriginal Heritage Tasmania	10.20	12
Heritage Tasmania	14.19	17
GM and Business Services	2.80	3
Policy and Conservation Assessment	15.64	19
Natural Values Conservation	29.79	35
Wildlife Management Branch	45.23	50
Total	**117.85**	**136**

2017 - 2018

Natural and Cultural Heritage – Branch	FTE	Headcount
Aboriginal Heritage Tasmania	12.20	14
Heritage Tasmania	15.57	19
GM and Business Services	6.70	7
Policy and Conservation Assessment	23.01	28
Natural Values Conservation	30.79	34
Wildlife Management Branch	36.25	31
Total	**124.52**	**133**

2018 - 2019

Natural and Cultural Heritage – Branch	FTE	Headcount
Aboriginal Heritage Tasmania	16.00	16
Heritage Tasmania	15.05	17
GM and Business Services	6.24	7
Policy and Conservation Assessment	29.77	32
Natural Values Conservation	28.61	32
Wildlife Management Branch	31.25	35
Total	**126.92**	**139**

2019 - 2020

Natural and Cultural Heritage – Branch	FTE	Headcount
Aboriginal Heritage Tasmania	20.50	22
Heritage Tasmania	14.61	17
GM and Business Services	6.94	8
Policy and Regulatory Advice	21.51	24
Natural Values Conservation	28.41	31
Threatened Species and Conservation Programs	33.24	37
Total	**125.21**	**139**

2020 – 2021 – as at 5 August 2020

Natural and Cultural Heritage – Branch	FTE	Headcount
Aboriginal Heritage Tasmania	20.10	21
Heritage Tasmania	14.61	17
GM and Business Services	5.94	7
Policy and Regulatory Advice	22.51	24
Natural Values Conservation	28.36	31
Threatened Species and Conservation Programs	31.84	37
Total	**123.36**	**137**

APPROVED / NOT APPROVED

Hon Roger Jaensch MP

Minister for Environment and Parks

Date: 8/9/20