PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF DEBATES

Tuesday 22 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.

QUESTIONS

COVID-19 - Management of Future Outbreaks

Ms WHITE to PREMIER, Mr GUTWEIN

[10.03 a.m.]

There is understandable concern in the community about the potential for more cases of COVID-19 in Tasmania, and you have said people should expect more cases before we are through this. The community and businesses made sacrifices to keep one another safe and in the expectation the Government would use this time to do the work to prepare our state. Now that you are loosening border control, the community needs to have confidence that the Government has a plan, if and when COVID-19 comes back.

Recommendation 2 of your own Premier's Economic and Social Recovery Advisory Council says, and I quote -

> The State Government should explain to the community its future COVID-19 management strategy including how any future outbreaks will be handled.

This recommendation was marked for immediate action by your advisory council.

It has been more than a month since you said you accepted all the recommendations of the report. Given the significance of this recommendation to all Tasmanians can you table the management strategy and explain how any future outbreaks will be handled?

ANSWER

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

As I outlined on Friday, there are three steps to how we will take a guide path back to opening up to safe jurisdictions. Victoria is bringing itself under control. I extend the state's thoughts to the Victorian Government and the Victorian people regarding the efforts they are making. Many Tasmanians have friends and family in Victoria and it has been a brutal time, but the steps they have taken are working and they are getting on top of the virus.

Regarding our engagement with the Tasmanian people about the steps we are taking and the guide path, as I indicated on Friday, step 1 will be that we will allow seasonal workers into the state, under strict conditions. I make the point to Tasmanians that I understand there are around 4000 jobs available on the harvest trail websites, and businesses are advertising. I encourage as many Tasmanians to take up that work if possible. There is a great opportunity for Tasmanians to be engaged getting our seasonal produce picked and, importantly, supporting those businesses.

As part of step 1, regarding fly-in and fly-out, those workers who travel to safe jurisdictions and spend a period of time in those jurisdictions and then return home will now have the opportunity to come home to Tasmania to spend time with their family in their community.

Step 2 that I outlined is that we will be opening our borders potentially towards the end of October to safe jurisdictions. With regard to safe jurisdictions, front and centre are Western Australia, South Australia, the Northern Territory, Queensland, the ACT and possibly New South Wales.

In step 3 we will continue to maintain our interest and the watching brief we have on Victoria and how that progresses, but I will place on the record the state's view is that it is great to see Victoria is bringing itself under control.

I have also outlined our key considerations for ensuring that our public health system is able to cope. One of the key challenges we had was that Victoria, at the height of its difficulties when the pandemic struck there, was drawing health resources from across the country. Should we have been in the position where we had an outbreak, we would not have been able to receive that surge capacity from other states. As I understand it, had many of the Victorian health workers are now returning to work and the pressure is coming off in that particular jurisdiction, so we will have more capacity available across the country.

The audits of aged care are completed. If not, there may be only one that is left to do. The feedback regarding aged care - and I saw Lucy O'Flaherty on the television on Friday night reiterating the point that I have made - is that in the main, our aged care sector is well prepared. We will continue to work with them, and we will continue to work with the Commonwealth Government, to ensure that we have the necessary supports and framework in place.

Regarding the program of explaining to Tasmanians the steps, we began on Friday -

Mr O'Byrne - No, you just rolled out a couple of tactics.

Madam SPEAKER - Order, Mr O'Byrne.

Mr GUTWEIN - with the 'Keep on top of COVID-19' campaign.

Ms WHITE - Point of order, Madam Speaker. It goes to Standing Order 45. The question to the Premier was about recommendation 2. He is talking about recommendation 1. Recommendation 2 was for you to outline to the community what the plan is if there is a further outbreak. It is a critical question. It was marked for immediate action by his own advisory council. The Premier has not addressed the question.

Madam SPEAKER - Thank you. As you know, that is not a point of order and because it was such a long question, the Premier has a bit more flexibility in trying to answer it.

Mr GUTWEIN - Madam Speaker, as part of that program to keep on top of COVID-19, there will be a series of messaging that will occur. The first step that we took on Friday was to again remind Tasmanians that there is a level of responsibility that they need to take for their own personal hygiene, ensuring that they wash their hands regularly, that they cover their mouth and nose if they sneeze, and that they do not go to work if they are unwell.

Mr O'Byrne - So, you do not have a strategy then?

Mr GUTWEIN - Those messages started on Friday and over coming weeks -

Mr O'Byrne - A marketing campaign, that is it.

Mr GUTWEIN - the plan will be explained to Tasmanians regarding the steps we are taking to ensure that they are safe -

Mr O'Byrne - They have been doing that marketing campaign since March.

Madam SPEAKER - Order, Mr O'Byrne.

Mr GUTWEIN - when we begin to open up to safe jurisdictions.

Ms White - What is your plan if there is an outbreak?

Mr GUTWEIN - Madam Speaker, I make the point to the Leader of the Opposition, unfortunately we have had to deal with an outbreak already. The Chief Medical Officer of the country pointed out very clearly that our response was exemplary. We did what was needed; we got on top of it quickly. I thank the north-west community for the efforts they made through that period.

Unfortunately, we are one of the jurisdictions in this country that has dealt with an outbreak. Those learnings have been taken on board by Public Health. Resources have been increased and the learnings that we took from that outbreak will ensure that we are well-placed to react should there be another outbreak. Let us hope there is not. With the processes that we are going through in opening up to safe jurisdictions, every step of the way - and I encourage the Leader of the Opposition and those on that side of the House to do exactly this - we will follow the advice of Public Health because that has stood us in good stead and it will stand us in good stead moving forward.

Madam SPEAKER - Honourable members, could we keep the questions a bit sharper and the answers shorter? That was eight minutes. I accept that it was an important answer but it is just to get through the time. Thank you.

Tasmanian Economy - Effect of JobKeeper and JobSeeker Cuts

Ms WHITE to PREMIER, Mr GUTWEIN

[10.12 a.m.]

In less than one week the federal Liberal government will cut JobKeeper and JobSeeker payments, reducing the income of tens of thousands of Tasmanians. There are 15 000 businesses in Tasmania reliant on JobKeeper, with many about to face the bleak prospect of continued impediments to trade, combined with increasing costs of operation. Like us, you would have heard from businesses telling you they were worried about how they will keep their workers on. You would have also heard from Tasmanians worried about a pay cut that will take money out of their pocket, millions of dollars out of the economy and reduce household spending power.

What modelling have you done to understand the impact on the Tasmanian economy of the federal Liberal government's decision to cut JobSeeker and JobKeeper payments at a time when, as you described last week, 'the economy is fragile'?

ANSWER

Madam Speaker, I thank the Leader of the Opposition for her question. Again, I caution her in the language she uses. Our economy, and I believe Tasmanians more broadly, are cautiously optimistic at the moment. We know that a range of economic indicators are on the improve, are on the increase and, in many cases, we are leading the country. The sensible steps we have taken to responsibly and cautiously open up our economy, to put Tasmanians in a position where not only are they safe but importantly they are returning to work, is standing us in good stead.

Regarding the language the Leader of the Opposition used around JobKeeper and JobSeeker, nowhere did she mention that there is a transition path that has been outlined. Nowhere did she talk about the fact that in transitioning our economy back to where we have people employed and supported by businesses, as opposed to being supported by the taxpayer, did she mention that word 'transition'.

As I said last week, I support the transition process that has been outlined by the federal government. It will step us back cautiously to a position where businesses that are able to employ Tasmanians, that are able to pay wages, will do so. Those who are still significantly affected will retain JobKeeper.

I am sure the Leader of the Opposition is hearing much of the same feedback that I am hearing. I indicated last week in this place that I met with a range of accountants around 10 days ago. They indicated to me that for many small businesses in Tasmania, turnover has returned almost to if not similar levels, but is beginning to increase. As a result, for many of those small businesses, their profitability has increased and their balance sheets are strengthening, which will place them in good stead moving forward.

Madam Speaker, I reject the assertion that Tasmania's economy is in trouble. In fact, I very strongly make the point that our economy is returning sensibly, cautiously, and optimistically; that jobs are increasing across the state, compared to other jurisdictions. We have one of the highest return-to-work outcomes of any of the jurisdictions across the country. That tells me that we are in good shape. Our transition to continue does not provide me with the same levels of concern that it does for the Leader of the Opposition.

We will step out of this cautiously, sensibly, and we will follow the transition path that has been outlined.

COVID-19 - Seasonal Workers and Quarantine Provisions

Dr WOODRUFF to PREMIER, Mr GUTWEIN

[10.10 a.m.]

As you know, the Greens as community leaders take responsibility in this pandemic very seriously and we raise concerns as necessary and always back in the advice of Public Health.

You have taken the decision to open our borders to seasonal workers without requiring them to have a strict two-week quarantine. Understandably, some in the community are fearful of this big change to our tight borders and the potential risk of coronavirus infected workers entering the state.

How many fruit pickers are you intending to allow into Tasmania? Will you allow the arrangements for coronavirus testing and work isolation for these people? How will you reassure Tasmanians that there will not be any mixing between imported fruit pickers and local pickers?

ANSWER

Madam Speaker, I thank the member for Franklin for that question and for her interest and, if I could say, for their support of Public Health throughout this period.

Only this morning I was being briefed by the Director of Public Health regarding matters related to testing and our border to ensure that my understanding of the arrangements that are in place as we gradually step our way back into this are suitable, and importantly, are going to provide the protections that we need.

Regarding seasonal workers, the question was, how many do we expect to come into the state? Could I say, as few as possible because I hope as many Tasmanians as possible put their hand up and take these jobs on board. Importantly, I hope that Tasmanians take on board these jobs and displace the need for significant numbers, as has occurred in previous seasons in Tasmania and around the country. Broadly, Australians and Tasmanians have not been prepared to take on these jobs in the past, but, as we all know, circumstances have changed.

The answer to that part of the question is, as few as possible, and hopefully as many Tasmanians as possible will take on that work. We are working closely with the sector and the industry and the minister has been highly engaged in ensuring that we get the message out that jobs are available.

Regarding seasonal workers coming in, first and foremost they will only enter the state from low-risk jurisdictions. In entering the state - the same as anyone else entering the state now - they will have a health check, including a temperature check, at the border and if they are symptomatic then they will be tested. Regarding the arrangements for the first 14 days, they will need to stay either in their accommodation on the farm or in their residence and only travel between the farm and that residence.

I want to touch on the issue of testing. This is an issue that interests many people in this place and interests Tasmanians. The advice from Public Health of why we do not test everybody at the border is that the disease is not detectable in people until it has entered the bloodstream usually three, four or five days after they have come into contact with somebody with the disease. The view of Public Health - and I agree with this - is that if people come in and get a test at the border they then believe they are COVID-19 free, which increases their level of confidence to go and do things in the community that then puts other people at risk. Public Health has been very firm that the testing at the border can lead to the wrong outcome in that it can increase the level of confidence people have because the disease is not detectable at that particular time.

Regarding the requirements seasonal workers will be under, they will be able to leave their accommodation for medical assistance or to purchase essential supplies. But under the terms of the direction, if those seasonal workers become symptomatic, if they are unwell, then they must stop work and be tested. Likewise, with the COVID-safe plans that employers put in place, there is a responsibility on the employers to have a safe workplace and ensure that the people working for them are healthy as well.

There is a range of protections in place. The key protection is that these seasonal workers will not be entering the state from Victoria or from other hotspots around the country. They will be coming from areas where there is a very low incidence of the disease, if any, at all. Therefore, under the requirements Public Health has laid out, I am confident that we have a framework in place that will protect Tasmanians and at the same time enable sufficient numbers of seasonal workers that we need to come into the state over and above those Tasmanians who put their hand up to do the work.

COVID-19 - Government's Recovery Plan

Mr TUCKER to PREMIER, Mr GUTWEIN

[10.22 a.m.]

Can you update the House on how the Liberal Government's plan to recover from the COVID-19 pandemic and rebuild Tasmania is working? Are you aware of any alternative approaches?

ANSWER

Madam Speaker, I thank the member for Lyons for his question. Like the rest of the House I am happy to have him back.

As I have said on a number of occasions, we are cautiously optimistic that our plan is working. I believe there is a level of cautious optimism that is evident across the Tasmanian community. The measures we have taken to support Tasmanians and stimulate our economy, at the time when this was announced with our more than $1 billion of economic support, was the single largest economic social and support package in the country.

Our plan to rebuild Tasmania is also underpinned by $3.1 billion in construction activity around the state over the next two years that will support 15 000 jobs. The latest August Sensis Business Index released yesterday again confirmed - and it is pleasing that this is the case and I hope the Opposition will be supportive of this - the fact that small and medium Tasmanian businesses are the most positive about our state economy in the country. Furthermore, Sensis also found our policies continued to be the most popular in the country once again. Sensis followed on from the NAB survey which again found that Tasmania had the best business conditions in the nation.

As a result of the confidence we are seeing, because of the sensible, staged transition we are taking, last week's ABS labour force data showed that in August another 2300 jobs were regained. Since the height of the pandemic's impacts in May when nearly 20 000 jobs were lost, we have recovered nearly 16 000 of them, around 80 per cent, and importantly, 8200 of those nearly 16 000 were female jobs, while around 7600 were males. We are seeing the

workforce return. As I have said, in percentage terms, one of the highest returns to work in the country is occurring here in Tasmania.

It is also significant that in August this year there were 6600 more people employed in Tasmania than there were 12 months ago in August, and nearly 1 million more hours were worked in the month than this time last year. We are seeing our workforce come back. Tasmanians are getting back to work. We are getting our lives back and the cautious optimism we are seeing is borne out by the economic data.

In July, new home finance was up 13 per cent, dwelling approvals were up 50 per cent, first home buyer finance was up 15 per cent and online job vacancies, pleasingly, were up 11.5 per cent. Over the year to July, retail sales were up a massive 19 per cent. The retail sector of an economy is one of the best litmus tests for the overall health of your economy, and that is now back at record levels. Although JobKeeper and JobSeeker are playing their part, our unemployment rate continues to be the lowest of any state.

However, we know that many Tasmanians are still doing it tough. There are those who want more hours, and many businesses are working hard to get back on their feet. That is why every day we will continue to roll out the programs we have outlined in our economic and social package and why we will continue to be on the front foot with our $3 billion construction blitz.

I was asked if there are any alternatives. It was a point that was raised last week regarding the plan the member was going to outline for the Opposition. I am waiting with bated breath for that.

Members interjecting.

Madam SPEAKER - Order, Mr O'Byrne and Mr Tucker.

Mr GUTWEIN - On one hand, any reasonable reading of that article would have indicated that he had called the rest of his colleagues lazy. As yet, we have not seen the plan. Importantly, the Budget is due in a handful of weeks, and again -

Members interjecting.

Madam SPEAKER - Order. Sorry, Premier, but everyone is being rude and I need to remind them to quieten down.

Mr GUTWEIN - Thank you, Madam Speaker. Now that there is some quiet in the Chamber I will put firmly on the record the need for the shadow treasurer and the Opposition to bring forward an alternative budget. As I have consistently said in this place, you have to demonstrate to people what you stand for and, more importantly, how you will pay for it. Labor has never done that.

Ms O'Connor - Six minutes.

Mr GUTWEIN - I hear the Greens chipping in. I was going to take -

Ms O'Connor - A pot-shot at us?

Mr GUTWEIN - No, I was actually going to make a positive remark about the Greens. I again expect the Greens to bring forward an alternative budget, because in this place, whilst I do not agree with them and it will no doubt be kooky, they will outline to Tasmanians what they stand for and importantly how they will pay for it. The Labor Opposition should at least have the courage to do that and explain to Tasmanians what they stand for and, more importantly, how they would pay for it.

COVID-19 - Re-establishment of Direct Flights

Ms OGILVIE to PREMIER, Mr GUTWEIN

[10.29 a.m.]

We are in the eye of the storm and we are protected by our bubble. We are COVID-free and it is a unique moment in Tasmanian history. Eradication of the virus on our shores has been incredible, but there is an inevitable shift occurring in the community where acute fears of viral spread are giving way to deepening concern about the economic and mental health costs, particularly for people of working age. People want to know where to from here.

How do we emerge from our hibernation into our new world where we live with the presence of the virus? The free movement of people within Australia and internationally, including importantly for returning Tasmanians, requires deep thought and restructuring of our travel systems. We cannot stay in our bubble forever. Will you move to establish direct flights back into Tasmania?

ANSWER

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

I have outlined the three-step process we are taking in opening up to safer jurisdictions. Our discussions with airlines have been very positive to date in discussions of direct flights between Tasmania and South Australia, and from Tasmania through to Queensland.

As to the circumstance in New Zealand, obviously the outbreak they have had has changed their appetite somewhat regarding travel and their own border restrictions. My understanding is that at a federal level the Prime Minister and those members of his Government who are appropriate to be involved are regularly engaged with New Zealand. My expectation is that at some stage later this year or early next year New Zealand will open, certainly to Australians. The circumstance in New Zealand will be determined by their view of what travel will be able to come across their own border. That has obviously changed in the circumstance they are now dealing with there.

It augurs positively for the opportunities for this state as we open up to safe jurisdictions within the country. Regarding the staged plan we have outlined I hope that we can open to those safer Australian jurisdictions towards the end of October but that will be based on Public Health advice and the emergence of the virus, if any, in those safer jurisdictions as we move forward.

It is interesting that in South Australia, in the main, any virus in recent times has not been as a result of community transmission but as a result of international returns who have been held in quarantine and the virus has been picked up there. Queensland is now getting on top of the small levels of community transmission they had. Positive cases are being captured in the hotel quarantine arrangements for internationals coming in, so the system is working. It is pleasing that New South Wales now appears to be steadily getting on top of the levels of community transmission they had and, in turn, the level of hotspots in New South Wales is reducing as well.

As I have already indicated this morning, Victoria is looking pleasingly much better sooner than most people were expecting. The experience we have had in Tasmania, certainly in the north-west, indicates that you need to get on top of this and you need to get on top of it once. I hope the Victorian Government and their Public Health officials continue to do the work, follow the plan they have outlined and get right on top of COVID. The Victorian market is important for Tasmania, but I expect that opening to Victoria is some way off.

Regarding safety restrictions and direct flights, we are engaged and having discussions. As to the arrangements I believe the CEO of Hobart Airport was out publicly on Friday and Saturday. We are engaged with the federal government. Their commitment in terms of border force remains. We are working with the airport and the federal government in standing up quarantine arrangements within the existing footprint of that airport and I hope we will have more to say on that in coming weeks.

I acknowledge the member's interest in this but it is important to remind Tasmanians that we all have a responsibility in this. We must all keep on top of COVID-19. We must all continue to be mindful of our personal hygiene and our social distancing. We must continue to do the right thing. As has been demonstrated in other jurisdictions and countries, the most important thing you can do is not go to work if you are unwell. Do not turn up. Take the time to get a test to ensure that you are free of COVID-19.

As a government, I am pleased and proud that we have been able to partner with the federal government to ensure that we provide support for people, whether they are a casual employee with leave or somebody who is on a temporary visa, to have the financial support to be able to get those tests.

I say to Tasmanians, keep on top of COVID-19, continue to do the right thing and importantly, if you are unwell, get a test.

Launceston General Hospital - Negative Pressure Ward

Ms O'BYRNE to MINISTER for HEALTH, Ms COURTNEY

[10.36 a.m.]

Tasmanians need to have confidence that our hospital system is well placed to respond safely to any cases of COVID-19 in our community. A critical part of this is the capacity to manage emergency department presentations appropriately. Negative pressure rooms are an integral component for a COVID-safe response in the initial presentation and testing phase, particularly for patients with respiratory symptoms such as coughing or sneezing.

Last week doctors at the Launceston General Hospital wrote to senior management detailing their serious concerns about patient safety. One of the matters they raised was -

> We need to be prepared for future waves, or a future pandemic. Our 'fast-track' area was designed to be a negative pressure ward. This does not work.

Can you confirm that the reason this does not work is the result of a broken fan in the negative pressure room and that, in fact, this has been the case for the entire period of our COVID-19 response? Has the negative pressure room been fixed? How can you justify such a basic failure at a time when it is more important than ever?

ANSWER

Madam Speaker, I thank the member for her question. As I outlined last week, the CEO of the hospital has met with a range of the registrars to further understand the concerns that were raised. A body of work is continuing to be done to make sure we are addressing the access block issues raised last week.

With regard to the negative pressure rooms, my advice is there is only one negative pressure room in the AMU, the Acute Medical Unit, and it is operating correctly. All negative pressure rooms are subject to regular checks to ensure they are working as intended and undergo validation every 12 months. Local management is continuing to understand the concerns that were raised. However, I am advised that there are currently 10 negative pressure rooms in total at the LGH and they are working.

With regard to the broader area around there, the infrastructure team is currently working with local leadership to understand what further works can be done to make sure we are as fully prepared for COVID-19 as possible. There are limitations in that area, but I assure the member that those concerns raised have been looked into. I have been advised that the negative pressure room in the AMU is operating correctly.

Lake Malbena - Environment Protection and Biodiversity Conservation Act Assessment

Ms O'CONNOR to MINISTER for ENVIRONMENT and PARKS, Mr JAENSCH

[10.38 a.m.]

On Thursday, federal Environment minister Sussan Ley announced that the heli-tourism proposal for Halls Island at Lake Malbena will be assessed under the EPBC Act as a controlled action. This is five years since your predecessor signed the proposal to lease and licence without public consultation. Ms Ley's hand was forced by a federal court decision which found her initial decision that the proposal was not a controlled action under the act was wrong. Her original decision was based in part on the advice in a level 3 reserve activity assessment prepared by the Parks and Wildlife Service which recommended the Lake Malbena application be split in two in order to avoid full EPBC Act assessment and therefore proper public consultation.

Do you agree that if Parks had done the right thing initially, the Lake Malbena proposal would have gone to full EPBC Act assessment as a level 4 RAA? How do you explain the

once-great Parks and Wildlife Service bending over backwards to avoid a proper Environment Protection and Biodiversity Conservation Act assessment and to assist a private developer?

Do you accept there has been a loss of public confidence in the Parks service as a result of your Government's EOI process for development in protected areas?

ANSWER

Madam Speaker, I thank the Leader of the Greens for her question. I note that the Halls Island, Lake Malbena, proposal has been called in for further assessment by the Commonwealth. I am also aware that the proponent has welcomed that news and is ready to have their proposal assessed, yet again, at another level, because they believe they can make it work.

Ms O'Connor - Irrelevant. Why are you talking about the developer and not the place or Parks?

Madam SPEAKER - Order.

Mr JAENSCH - They believe it is a good proposal and they believe it is possible for them to operate their business model in a World Heritage Area in a way that protects the values for which that area is being managed.

Ms O'Connor - People in the community are not buying this.

Madam SPEAKER - Order, Ms O'Connor.

Mr JAENSCH - I say to them, 'Good on you. Good on you for having the confidence that you can make this project work and sustain the natural values of that area and be a truly sustainable business operation'. That is what we should all be aiming to do, and that should be cheered by the Greens who promote sustainable development.

In relation to the assertion that the department has somehow done the wrong thing in the two-phased assessment, the claims the assessment was split to make it easier on the proponent are entirely false. I am advised that the adoption of a two-phased assessment approach is because stage two involves guided walks around the lake and remains speculative. It was not a fully-formed part of the initial proposal and therefore was unable to be further assessed. Accordingly, only the parts of the proposal that were known, for which there were details that were not speculative, which were not about the future, were able to be assessed -

Greens members interjecting.

Madam SPEAKER - Order, Ms O'Connor and Dr Woodruff.

Mr JAENSCH - and so the proponent proceeded to submit the proposal, as it was ready to go.

Ms O'Connor - On the advice of Parks.

Mr JAENSCH - Any further stages that are contemplated or proposed at a later date will be the subject of a separate assessment process so they can be given the opportunity to present the detail and it can be assessed against the management plan and all relevant environmental regulations will apply.

It is very disappointing that we have -

Ms O'Connor - You are alienating people across Tasmania on this issue.

Mr JAENSCH - such a concerted and targeted campaign by the Greens against this Tasmanian family, this Tasmanian business, that has put forward an idea and is willing to have it tested -

Ms O'Connor - Did you hear about that meeting at Miena? You gave them an island for $80 a week.

Madam SPEAKER - Order, Dr Woodruff.

Mr JAENSCH - again and again. They are confident that they have the ability to conduct this business activity, this experience in our wild areas, in a way that meets all environmental standards -

Ms O'Connor - All you have done is talk about the developers. Breathtaking.

Mr JAENSCH - that are out there to be had. They are confident enough that every time they get a new hurdle in their way -

Ms O'Connor - Do not care about the developer. We care about the place.

Mr JAENSCH - but they shape up and they are prepared to -

Ms O'Connor - What do you say to fly fishermen and the bushwalkers?

Mr JAENSCH - take the umpire's decision and put themselves forward through another stage of scrutiny. I take my hat off to them for their belief in what they are doing -

Madam SPEAKER - Order, Dr Woodruff.

Dr WOODRUFF - Point of clarification, Madam Speaker. I have not interjected. I am not sure what your -

Madam SPEAKER - I apologise profusely, but your colleague has been constantly interjecting and I have made a mistake.

Dr WOODRUFF - You have called me to order three times. It was not anything to do with me, so perhaps you were not paying attention.

Madam SPEAKER - If I have given you three warnings which you did not deserve, clearly they were meant for your colleague. That will be the last warning for your colleague.

Dr WOODRUFF - Madam Speaker, on that clarification, I did not hear any warnings. There were no warnings, Madam Speaker. Can I -

Madam SPEAKER - No, there were no warnings but there were three interjections by your party. I am sorry I used your name, that is very clear, but I do urge your colleague and I ask you to urge her, to show some restraint in this place and stop interjecting.

Dr WOODRUFF - Point of clarification, I want to understand fully that you are quite clear that there was no warning to me.

Madam SPEAKER - No, but there were three complaints. Would you just sit down. You are all grown-ups, all of you stop bickering and arguing about whether you have been warned. You have been asked politely to stop interjecting. Clearly, you are not capable of accepting that so they will be reclassified as warnings. You are not in trouble, Dr Woodruff. I urge you sit down. I am on my feet.

Ms O'Connor - You cannot reclassify warnings retrospectively.

Madam SPEAKER - I do not care what you think. You just sit there and listen to me speak. You have been thoroughly rude all morning. I am turning a blind eye to most of your stuff, but I am asking you now to hear the minister in silence, otherwise I might have to throw you out.

Ms O'CONNOR - On the point of order, Madam Speaker, it was very clear that I sat here in silence until our question was asked - the question I just asked - so I refute, absolutely, your assertion that I have been thoroughly rude all morning. That is not true.

Madam SPEAKER - You have been rude enough this morning. One more interjection and you are out. That is enough of a warning for a grown up.

Mr FERGUSON - Madam Speaker, on the point of order which you have ruled on, this side of the House looks forward to the rest of the answer from the minister.

Madam SPEAKER - That is what I think too.

Mr JAENSCH - Madam Speaker, I have nothing further to add.

COVID-19 - Escalation Plans for Hospitals

Ms WHITE to MINISTER for HEALTH, Ms COURTNEY

[10.47 a.m.]

Our hospitals across the state have played a crucial role in our response to COVID-19 and healthcare workers have gone above and beyond to help keep Tasmanians safe. Thanks to the sacrifice of Tasmanians, we are in a good place but we cannot afford to become complacent especially with increased movements across our borders. Tasmanians need to have confidence that the sacrifices will not be in vain and that our health system is supported to be ready to cope with any cases of COVID-19 that we might see in the state. Being honest and upfront with Tasmanians about the plans that are in place in our health system would help to provide that confidence.

Will you give Tasmanians the comfort they need and publicly release the COVID-19 escalation plans in place in our hospitals? Can you confirm that the plan includes a separation of patients presenting with COVID-19-like symptoms from other patients? Are you able to guarantee these measures are in place in each of Tasmania's hospitals?

ANSWER

Madam Speaker, I thank the member for her question. The health, safety and wellbeing of Tasmanians is our number one priority. This has been the case throughout coronavirus and has underpinned the swift action that we have taken, and the enormous amount of work that has been done by our health professionals who are working within our Tasmanian Health Service as well as in the broader community. I say 'thank you' to them; they have done an extraordinary job.

We know that COVID-19 is highly infectious. We must remain vigilant. I appreciate that this question has been asked because we have been very focused on developing our plans and strategies to protect Tasmanians and meet the challenges of COVID-19. The key planks of our state's preparedness include a focus on high levels of testing, effective contact-tracing and quarantining capability, rapid response capability as well as safety plans that we are seeing in workplaces across Tasmania.

The Tasmanian Health Service has comprehensive escalation plans for each of our hospitals in each region, the south, the north and the north-west, which includes specific trigger-points for escalation and clearly outline what actions are to be taken when escalation occurs. Embedded in these, going to the point the member made in her question, is how hospitals will be set up as they escalate through their plans, how this affects patient flow, and how these impact staffing to make sure that we have staff contained into 'hot areas' and 'cold areas'.

Plans have also been developed for our respiratory clinics, ICU surge-capacity, rural health services and community case management of COVID-19 patients with emergency departments reconfigured to account for possible COVID-19 presentations.

As part of this planning, the THS has also delivered a range of initiatives such as our screening measures for both staff and visitors. We have a patient transfer protocol specifically adapted for COVID-19. We have changed the way we are doing our outpatient services and improving hospital avoidance so people do not need to come on site, as well as the use of telehealth. We are also doing community case management planning for COVID-19 patients, which ensures facilities are available to Tasmanians who are not able to isolate at home.

I am very pleased with the response we have seen so far -

Ms WHITE - Point of order, Madam Speaker. It does go Standing Order 45. I thank the minister for her response but the question was, can she confirm that as part of those plans there is separation of patients presenting now who might have COVID-19-like symptoms from other patients? It is really important.

Madam SPEAKER - That is not a point of order but the Health minister is attempting to address it.

Ms COURTNEY - As I was saying, Tasmania has done an outstanding job. We have seen almost 100 000 tests delivered across Tasmania and I thank Tasmanians as well as our nurses across our testing sites for doing such an exemplary job.

We have seen the expansion of our testing facilities across the Royal Hobart Hospital. We have seen PPE levels expanded and we are continuing to train our clinicians across the state.

Ms White - If someone goes to the ED and they are coughing -

Ms COURTNEY - I can hear the member interjecting and as I have outlined earlier in my question, there are clear levels of escalation. We have trigger levels that are based on clinical input. There are different measures depending on which level we are on and that determines patient flow, the way we treat patients on site, and the way we treat visitors. I have full confidence in our escalation plans and the preparations that we have put in place.

Schools Revitalisation Maintenance Package

Mr TUCKER to MINISTER for EDUCATION and TRAINING, Mr ROCKLIFF

[10.52 a.m.]

Can you update the House on how the Government is supporting local Tasmanian jobs whilst also revitalising our schools?

ANSWER

Madam Speaker, I thank the member for his question and his interest in this matter. The Tasmanian Government is committed to rebuilding our economy and supporting jobs throughout the state by funding projects that provide work for Tasmanians.

Many businesses were hit hard by COVID-19 and the Government responded quickly by announcing a $3.1 billion construction and infrastructure blitz. This included an initial $10 million for the establishment of a school revitalisation maintenance package which is supporting small businesses in our regions by bringing forward scheduled maintenance projects. By the end of the financial year 2020-21, a total of 338 school and college maintenance projects will have been completed as a result of the initial $10 million in maintenance funding. Of these projects, 192 are in the north and the north-west of the state and 146 are in the southern region.

I am pleased to report that, so far, these projects have provided work for more than 62 businesses across Tasmania employing hundreds of Tasmanians. Some companies have reported stable business and, in some cases, even growth. John De Jong of De Jong & Sons Constructions reported that -

> The stimulus package provides for some much-needed maintenance works and the beneficiaries of the works are mainly our regular subcontractors. For ourselves the work has ensured continued employment for all our workforce, including our apprentices.

Dale Free from Tassie Floor Coverings said that -

> Because of this money we have seen no decline with COVID-19. We have kept on our original nine full-time staff, plus subcontractors, and have even employed two new part-time and one full-time staff member. This is entirely due to the Tasmanian Government's quick response to reducing the effects of the pandemic.

While Simon Bevan from Aintree Contracting has said -

> Since completion of these projects we have been in a position to be able to employ an extra four people throughout our business divisions. We are also in the process of seeking a new part-time employee in an administration role. Without the Department of Education's stimulus packages we would not have accomplished this and we are now in a positive position moving through to next year.

That is great news, Madam Speaker.

Tasmanian small and medium businesses have indicated they are the most positive about our state economy according to the latest Sensis Business Index. It is initiatives such as the school revitalisation maintenance package, together with other stimulus initiatives, which are responsible for Sensis results such as the Tasmanian Government's policies to support businesses being the most popular in the nation for 12 reports in a row.

Schools have now submitted applications for a second round which will see an additional $6.5 million made available to small projects. These submissions may include works beyond simple maintenance and may involve upgrading and enhancement of existing facilities. This is in addition to the 60 education capital works projects currently in various stages of planning, design or construction around Tasmania. This month we will see contractors appointed to design or build 10 of these projects. In fact, yesterday I was at the Southern Support School in Howrah with my Franklin colleagues, Mr Street and Mrs Petrusma, to celebrate the commencement of a $4.3 million redevelopment of the site which will be completed in early 2022.

Ensuring there is a steady flow of capital works is essential to support local businesses as we recover from the impacts of COVID-19 and we rebuild our economy. Our school revitalisation program is not only about supporting jobs but investing in vital social infrastructure to improve our schools and colleges to create the best possible environment for our students to learn.

COVID-19 -Support for Disabilty Sector

Ms STANDEN to MINISTER for HUMAN SERVICES, Mr JAENSCH redirected to MINISTER for DISABILITY SERVICES and COMMUNITY DEVELOPMENT, Mr ROCKLIFF

[10.56 a.m.]

The disability sector employs approximately 7900 Tasmanians and cares for 7700 Tasmanians. This sector is one of the fastest growing sectors in the country. Yet, during this pandemic, sadly, they have been left behind.

Disability workers have not had access to personal protective equipment, or PPE, on the same basis as other sectors. The National Medical Stockpile initiative has not responded to disability providers as a priority. Access to COVID-19 testing has not been made a priority. People with disability are among the highest risk groups in terms of their vulnerability to COVID-19 due to their existing conditions. The disability sector simply wants to protect their clients and themselves and keep them safe.

COVID-19 has been here since January and your Premier says, 'Tasmania needs more time to prepare'. What measures and plans have you put in place to ensure the thousands of Tasmanian disability workers and their clients will be prepared for an outbreak? Can you table them?

ANSWER

Madam Speaker, I thank the member for Franklin for her question. I am not the Minister for Human Services but I am the minister responsible for this area so I can answer the question if you like?

Madam SPEAKER - Yes.

Mr ROCKLIFF - Our Tasmanian Government is working with the NDIA and the NDIS Commission and the Australian Government with WorkSafe to ensure that outbreak management and recovery support and plans are in place for disability support settings.

We welcome a number of Australian Government initiatives. I have had reasonably regular meetings on a national basis with fellow ministers and the federal minister regarding the exact issues Ms Standen speaks of, specifically, for people with disability, their families, carers, support workers in the disability and healthcare sectors. We are ensuring they have adequate financial supports in their NDIS plans, easier access to prescriptions and health services such as through Telehealth through to food security by priority supermarket deliveries as an example.

These supports are all available on the NDIS website as well as the federal Department of Health website, including frequently asked questions about how a COVID-19 pandemic affects NDIS supports and services, the management plan, the use of PPE and a fact sheet for NDIS participants explaining what they can expect from providers.

The Australian Government's Management and Operational Plan for People with Disability, recently launched in response to COVID-19, provides high-level operational

guidance on managing and preventing the transmission of COVID-19 for people with disability and their families, carers, support workers and the disability and healthcare sector.

A Tasmanian coronavirus disability service providers preparedness and response plan is in the final stages of development after consultation with Tasmanian disability service providers and will be released shortly. The purpose of the plan will be to provide guidance to Tasmanian disability service providers to ensure that they are prepared for and can manage the impacts of COVID-19 on their business, people with disability being supported and the workforce; and to provide links to key information sources and further guidance materials for disability service providers. We are very grateful that, unlike other jurisdictions, Tasmania has not to this point in time experienced further outbreaks of COVID-19 but we are closely monitoring how the outbreaks are being managed in other jurisdictions and working to improve our outbreak preparedness.

The member mentioned personal protective equipment. The NDIS Quality and Safeguards Commission and the Department of Health have provided specific advice for disability service providers in relation to PPE. This was a topic of considerable discussion nationally around the commencement of the outbreak and all ministers from all states put forward a number of concerns at that time with the Australian Government about how essential it is to ensure the provision of PPE and the like.

This includes online training and fact sheets to assist with the use of PPE. Current NDIS Quality and Safeguards Commission advice is that outside of usual clinical care requirements, there is no requirement for workers supporting NDIS participants to wear surgical masks or other items of PPE unless they are working with people who have suspected or confirmed COVID-19. A process has been established for NDIS providers and self-managing participants who can no longer access PPE supplies through their usual means to contact the National Medical Stockpile.

I thank the member for her question. The feedback I have had, certainly initially from the national stockpile, is that people were successful in obtaining the requirements. I am happy to hear of other examples if the national stockpile is not working as effectively as it should.

COVID-19 - Support for Residential Tenants and Landlords

Mr TUCKER to MINISTER for BUILDING and CONSTRUCTION, Ms ARCHER.

[11.02 a.m.]

Can you update the House on how the government is supporting Tasmanian residential tenants and landlords during the COVID-19 pandemic?

ANSWER

Madam Speaker, I thank the member for his question and his interest in this important matter. The Tasmanian Government was the first government in Australia to legislate protections for residential property owners and tenants through our COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020. The amendments in this act were created to assist both owners and tenants in reducing the spread of COVID-19 within our community and to address the economic impacts of the pandemic on parties to a residential tenancy agreement.

As an additional measure for residential tenants and landlords, our Government announced the establishment of a Rent Relief Fund for private residential rental tenants experiencing extreme hardship due to COVID-19. This fund became available from 25 May this year and offers up to $2000 or four-weeks rent, whichever is the lesser, to eligible tenants. On 4 September 2020 the Government announced an extension of this fund until 1 December, with tenants who remained in arrears being able to apply for a second round of support.

I am also pleased to report that as of Monday 21 September, the Government has received 868 applications for 1293 individuals for the Rent Relief Fund. Of these applications, 837 individuals have progressed for final assessment and have been paid over $716 605.50. A further 28 individuals were approved to be paid on 23 September 2020.

We also recognise that the impacts of COVID-19 have also been felt by many residential landlords. Therefore, our Government announced the establishment of a COVID-19 Landlord Support Fund for private residential tenancy landlords experiencing financial hardship due to their tenants being behind in rent as a result of the COVID-19 pandemic. The COVID-19 Landlords Support Fund is a one-off payment available to landlords who have a current residential lease with tenants who have fallen behind in their rent. This one-off payment will reduce the amount of rent owing and landlords or their agents must also show this payment as a reduction in the outstanding rent owing.

It is important to note that if tenants have had access to the Rent Relief Fund, that will not prevent a landlord from also applying, as long as it is not the same period of rental arrears, to avoid double-dipping.

This fund has been well received by the Real Estate Institute of Tasmania and specifically the Real Estate Institute of Australia. I note Mr Adrian Kelly, who is the president of the Real Estate Institute of Australia, said in his 4 September 2020 media release -

> The Tasmanian Government's response has to be commended. It realistically acknowledges that it is both tenants and landlords that may be suffering from the adverse impacts of the pandemic by offering assistance to both.

I am pleased to advise the House that as of 21 September, 99 applications have already been received for the Landlord Support Fund and of these, 46 landlords have already been paid $77 350.58 and the remaining 53 applications are under immediate assessment.

Our Government recognises the impacts of COVID-19 have been felt by many residential landlords and the purpose of this fund is to provide this type of financial support to those residential landlords experiencing financial hardship. It is also important to note that our Government's financial support is the most generous of any state or territory in the country. Application forms are available from the CBOS website and the Residential Tenancy Commissioner is also available to assist anyone having difficulties with a residential tenancy.

In closing, our Government is also planning for the future, and today I will table a bill that will provide for residential landlords and tenants to formerly enter into a payment plan to deal with the tenant's rent arrears. This will help provide a pathway forward for tenants and landlords when the COVID-19 emergency period concludes and will provide provisions for a

payment plan for those in hardship as a result of COVID-19 so they can pay any rent arrears without the threat of immediate eviction.

There is currently no mechanism to enforce a payment plan under the act, so a landlord and tenant may implement a plan between them, but legislation is required to allow for rent arrears to be addressed through a payment plan, which will be overseen by the Residential Tenancy Commissioner. These protections and supports have been significant. They have enabled Tasmanian tenants to stay in their homes, particularly when the health aspects of COVID-19 were most acute.

As I have said, we also recognised the significant impact on landlords, and I would like to acknowledge the efforts of tenants, landlords, property agents, and the Office of the Residential Tenancy Commissioner, who have worked incredibly hard together during this period to support these outcomes. We recognise the daily challenges faced by landlords and tenants during this time of financial hardship. We have monitored these closely to date and will continue to monitor these closely throughout the emergency period. We have kept Tasmanians safe and secure during COVID-19 and we are well prepared for the challenges of the future.

Madam SPEAKER - Ms Ogilvie, I have to point out to you again that I have to get through all 14 questions within an hour, or the minimum number of questions asked, under Standing Orders 47 and 48, which does not give me time to give you a second question. I am saving you from bobbing up and down.

Ms Ogilvie - I will still be jumping.

Madam SPEAKER - All right, that is your call.

COVID-19 - Quarantine Restrictions for Fly-in Fly-out Workers

Ms O'BYRNE to PREMIER, Mr GUTWEIN

[11.09 a.m.]

When you announced that seasonal workers from non-affected areas would be allowed into our state, you also advised that Tasmanian FIFO workers would now be allowed to return home without quarantine. You spoke of that in your first answer today. Are you aware that Tasmanian-based FIFO workers who work in non-affected areas have now been told by your Government that they will still need to continue complying with quarantine arrangements unless they work away from home for more than 14 days at a time?

I cannot find any information on the Government COVID-19 website that mandates this requirement. There are FIFO workers who are operating on rosters that are typically less than 14 days who have now been denied the ability to return to Tasmania and enjoy the same freedoms that you have afforded seasonal workers.

Can you explain to those Tasmanian residents who fly out of the state for work why they are still not able to return without quarantine, despite your commitment to them when you made your seasonal workers announcement?

ANSWER

Madam Speaker, I thank the member for Bass, Ms O'Byrne, for that question and her interest in this matter.

When the announcement was made, the way it was framed was on the basis that fly-in fly-out workers were spending a significant period of time outside the state. I will come to the crux of your question because I will follow it up with Public Health post question time.

The purpose of framing it that way and the explanation that I had received was that they wanted to ensure that people who were travelling to, say, Melbourne or to Sydney for a couple of days work a week and coming back in were not picked up in this. It was designed to pick up the true fly-in fly-out worker who, for example, is going to a mine in Queensland and they would have a couple of weeks on, a couple of weeks off.

It is the first that I have heard that the period is 14 days. In fact, the example that I had seen, from memory, was somebody working an 8/6 shift - eight days on, six back. I was not aware that it was potentially 14 days. I will raise that with Public Health. Again, I make the point that Public Health's advice has been sound right throughout this and if they have landed on a particular time frame they will have reasons for it.

I am happy to provide a response to the member once I have followed that matter up. As I say, it is the first that I have heard that it is 14 days. The intent was to ensure that if somebody was working regular shifts outside the state for a set period of time and then returning to the state that they would be picked up because they would have the characteristics of a fly-in fly-out worker. The conditions that were outlined by Public Health were designed to ensure that where somebody is not a genuine fly-in fly-out worker and just travelling for a couple of days per week that they were not a part of the process.

I will follow it up and ask some questions. I will respond to the member later today.

Social Housing

Ms STANDEN to MINISTER for HOUSING, Mr JAENSCH

[11.13 a.m.]

Your Government's record on delivering social housing has been woeful, demonstrated by your admission last week that you had built just five houses out of a promised 80 expected each year with the money provided to the state after the federal government waived the housing debt. What is worse is that the public housing waiting list has blown out by an incredible 64 per cent since your Government took office, to nearly 3600 households in desperate need of safe, secure and affordable accommodation.

In your answer last week you claimed, and I quote:

> … a track record of building around 400 new social housing dwellings each year.

Will you correct the record and admit that over the past six years in Government you have never once built 400 social housing dwellings in a year?

ANSWER

Madam Speaker, I thank the member for her question and for the opportunity to talk about this Government's track record in delivering housing for Tasmanians who need it. It is a proud track record and I am proud to be the minister who has delivered it.

This Government has made an unprecedented investment into social and affordable housing and our track record of delivering housing for Tasmanians is plain for all to see. Despite the incessant negativity and endless political stunts from those opposite, we have delivered and will continue to deliver housing for Tasmanians who need it.

Our first Affordable Housing Action Plan invested $73.5 million and assisted an additional 1605 households into housing that meets their needs. Our second action plan invests another $125 million and has already assisted 667 more Tasmanians into fit for purpose housing in its first year. We have also committed significant additional investment over and above the affordable housing strategy, most notably through savings achieved under the Commonwealth Housing debt waiver. Through this unprecedented investment, this Government has been able to build up to a delivery rate of around 400 new social housing dwellings per year.

As pointed out by Master Builders Tasmania back in May, the Affordable Housing Action Plan delivered one in every seven new houses built in Tasmania over the last 12 months. This is more than any other state on a per capita basis. This was based on the delivery of more than 400 new social houses for Tasmanians in need in the 12 months to April 2020. Continuing that trend in the very next quarter, we delivered another 115 new social houses, and we are well on track to maintaining this momentum going forward.

In recent weeks, Labor has snapped back to their trademark negative politics, talking the state down, and bending the truth at every opportunity -

Ms WHITE - Madam Speaker, point of order. It goes to Standing Order 45 and it goes to point that the minister is now talking about being truthful. Last week he did mislead the House when he said, and I quote -

> Your Government has a track record of building around 400 new social housing dwellings each year.

He should correct the record. That is not true, and there are nearly 3600 people on the waiting list, desperate for you to actually get on and do the job. You need to correct the record.

Madam SPEAKER - That is not a point of order.

Mr JAENSCH - Thank you, Madam Speaker. I have just answered that question; I have explained how we are building around 400 new social housing dwellings per year and we are going to continue doing it.

In its sights last week, the negative Labor focused in on the Government's use of funds saved under the historic agreement to waive Tasmania's -

Ms STANDEN - Point of order, Standing Order 45, Madam Speaker. This minister ought to come into this place and be truthful. He knows that in the past six years, never once

has he delivered 400 new social housing dwellings in any one year. Why will he not admit that and correct the public record?

Madam SPEAKER - I do not know, but thank you very much. It is not a point of order.

Mr JAENSCH - Madam Speaker, as I said a moment ago, over 400 new social housing dwellings for Tasmanians in need in the 12 months to April 2020; 115 in the quarter immediately following that. That is the rate that we are delivering houses and that is what we are continuing to do.

As the members opposite also know, after their 16 years of doing absolutely nothing about Tasmania's historic housing debt to the Commonwealth, this Government was able to secure a deal -

Members interjecting.

Madam SPEAKER - Order.

Mr JAENSCH - Madam Speaker, this Government was able to do it, not Labor, not Labor and the Greens. This Liberal Government was able to seal a deal to have that debt waived. I will tell you what it means for Tasmania: the agreement will save Tasmanian taxpayers a total of $230 million in principal and interest repayments to the Commonwealth through to 2042 including $58.4 million by June 2023, the end date of our current Affordable Housing Action Plan.

We have committed to spending every single dollar of those saved funds on housing and homelessness services for Tasmanians who need them, in addition to our existing budget commitment for housing. In December last year, we announced the program of works to use those funds to assist a further 400 households into suitable accommodation over the next four years. As we have been outlining since, this includes the delivery of 300 new social housing dwellings over the next 18 months with contracts with community housing providers either underway or being finalised now. In addition to this, the debt waiver funds have also supported 30 additional households into subsidised private rental, secured additional social housing, purchased nine newly-built homes from the open market, and contributed to the wonderful $4.2 million refurbishment of a certain 50-unit social housing complex at Oakleigh Court to meet the needs of older Tasmanians from the social housing register.

All of this is in addition to the program of works already underway through our Affordable Housing Action Plan, and last year's $5 million investment into expanding our homeless shelters and this year's $4.3 million additional funding for statewide homelessness response. A fortnight ago I opened an EOI process for up to another 1000 new social housing dwellings to be built over the next three years under our additional $100 million Community Housing Growth Program.

These additional 1000 homes, plus the additional 300 funded under the debt waiver savings, will ensure we continue to deliver around 400 homes a year on top of our Affordable Housing Strategy targets over the next three years. Overall we have delivered and committed $400 million in additional investment to provide new housing, housing support and homelessness services for Tasmanians in need. This is what delivering for Tasmanians means,

not coming in here and making things up and playing political stunts, none of which provides a home for anyone.

Members interjecting.

Madam SPEAKER - Are you reflecting on my ruling? I do hope not.

Ms Ogilvie - I will write to you, Madam Speaker.

Madam SPEAKER - I would love that, thank you.

Tasmanian Economy - Mining Industry

Mr TUCKER to MINISTER for RESOURCES, Mr BARNETT

[11.21 a.m.]

Can you outline recent positive news for Tasmania's mining industry and the role of the sector as we rebuild Tasmania's economy?

Ms O'CONNOR - Point of order, Madam Speaker. I am looking again for consistency in your rulings. Throughout the last question and answer I listened to Labor members interject constantly without being pulled up. There was no taking them to task on that. I ask for consistency towards all members in this place with your rulings, please.

Madam SPEAKER - That sounds fair enough, thank you. Did you hear that, Mr O'Byrne?

Mr O'Byrne - Yes, I did.

Madam SPEAKER - We are going to be more consistent with you.

ANSWER

Madam Speaker, I thank the member for his question and his special interest in this matter of the importance of mining and mineral processing to the Tasmanian economy. More than half of our mercantile exports is mining and mineral processing. We are proud of this industry. There is no better friend of the mining and mineral processing sector than the Gutwein Liberal Government - $2 billion annually, 5500 jobs all around Tasmania, particularly the north-west and west coast but across the state. It is a really good result.

During the coronavirus pandemic they have kept going, kept the economy running and supported us with the jobs in those rural and regional areas and it has been great working with the industry shoulder to shoulder with the Government in ensuring that we get the job done.

There is good news to report and one of these matters is in respect to Grange Resources. I visited Savage River with member for Braddon, Felix Ellis, and he knows his stuff. He has been there before and knows the ins and outs of the mining and mineral processing sector. They have 590 people at the mine at Port Latta at the pelletising plant and their head office is in Burnie. It is a key ingredient to the successful mining and mineral processing sector in

Tasmania and they are investigating potential to access the north pit, the ore body, through underground development. That could be a game-changer to the life of this truly world-class operation.

To date, the company has spent over $23 million developing an exploration decline, along with a further $3.5 million on a pre-feasibility study. This is positive news. This is confidence in the mining and minerals processing sector. I was pleased to go down the decline and see it up close and personal and I say congratulations and thanks to Ben Maynard, the general manager and to all the team there doing this fantastic work.

On top of that, I can report on NQ Minerals and their announcement last month that they plan to resume exploration work at the Hellyer mine after a 10-year pause. That is good news and another vote of confidence. We have NQ Minerals at the Hellyer tailings re-treatment plant, producing 1.2 million tonnes a year of that high-grade zinc, lead, silver and gold. This is what they are after and this is good news. It is providing jobs; we have about 65 jobs down there. It is also helping improve environmental outcomes so it is a win-win. It is a win for the economy and a win for the environment. Depending on the results it could lead to the resumption of underground mining at Hellyer for the first time since 2012, bringing new jobs and opportunity to the west coast.

This announcement is on top of the NQ Minerals interest in Beaconsfield, that mine site on the West Tamar. We know it well; I was there every day of those 14 days when the boys were underground back in 2006. This has the potential to contribute 260 jobs to the economy and $80 million a year in annual expenditure. It is very encouraging, particularly for the Tamar Valley and the north of the state. Well done to Roger Jackson and his team at NQ Minerals at Beaconsfield.

I could speak further about other opportunities and hope, including at Mt Lyell with the Vedanta decision providing new hope for a restart on the west coast. In addition there has been the recent sale of Temco securing those jobs - 250 jobs secured, underpinned by our energy policy and again supporting the north and Bell Bay in particular. I could mention the Venture Minerals Riley iron ore mine. The Greens would not support that but certainly we support jobs, growth and opportunity.

These are confidence voters, confidence stimulus, and it is on the go. We are very positive about the mining and mineral processing sector. We are backing them in and supporting them to the hilt, which is a massive contrast to the other side where they have nothing to offer, no policies, no plans. They keep talking the economy down, they keep being negative, keep criticising - knock, knock, knock. Non-stop knocking. Come on, be more positive, get behind the industry, support the industry. You have a track record of Labor-Greens deals killing off jobs - 10 000 jobs lost under your record. Stop talking down the industry. Tasmanians deserve better and the mining and mineral processing sector deserve better.

Time expired.

PETITION

Meat Industry Saleyard in the North-West

Dr Broad presented a petition from approximately 439 citizens of Tasmania praying that the House call on the Minister for Primary Industries and Water to keep the local north-west meat industry sustainable by supporting the establishment of a new community saleyard in the north-west.

Petition received.

TABLED PAPER

Public Accounts Committee - Annual Report 2019-20

Mr O'Byrne brought up the following report of the Parliamentary Standing Committee of Public Accounts -

Annual Report 2019-20.

Report received.

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

First Reading

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

MATTER OF PUBLIC IMPORTANCE

Housing

[11.31 a.m.]

Ms STANDEN (Franklin) - Madam Deputy Speaker, I move -

That the House take note of the following matter: housing.

I rise on this important matter of public importance at an important juncture in this place. One-and-a-half terms into the Liberal Government in this place on this day, the Minister for Housing has, to my knowledge, misled the parliament for at least the third time when it comes to housing. He is a minister who is big on announcements but he is woeful on delivery, and he knows it. He is running for cover and trying to hide. The only people who are benefiting from that are himself and his government when he knows that every time he misleads this House he dashes the hopes of the 3600 people who are waiting for safe, secure and affordable public housing in this state - a 64 per cent increase in the public housing wait-list since this Government came to office and those people on the priority wait-list are waiting for more than a year.

I have spoken with hundreds of constituents and heard from hundreds of constituents who have been waiting for much more than a year and, in some cases, more than four years to be housed in this state, and that is a deplorable track record. A further 1600 are experiencing homelessness on any given night and recent data suggests that that figure could have as much as doubled.

How dare he stand in this place today after an invitation in Question Time to correct the public record. He again stands and misleads this place when he says that he stands on a track record of delivering 400 new public housing homes when he knows that in the first term office this Government delivered just 37 and, as at the last quarterly housing report which was at the end of June 2020, he had delivered just 873. That is less than the 900 promised to be delivered in the first Affordable Housing Action Plan in the first term of this Government. He has not even reached the halfway mark of a promise to deliver a total of 2400 homes in this state.

In March 2019 the state Government launched the new Affordable Housing Action Plan for 2019-23. It was a multi-faceted approach to tackle housing stress and homelessness around the state. The new plan, at the time, stated it would deliver an extra 1500 new affordable homes to Tasmanians, creating an estimated 900 jobs in the building and construction industry and boosting the local economy. None would be more delighted than me if this were the case, if this minister for announcements would only deliver on his woeful track record and deliver the homes that have been promised in this place.

On Saturday, 9 March, in the *Mercury* the Government said they would deliver those 2400 homes. On Wednesday, 31 October, in *The Examiner* the Premier said an additional 1500 new affordable homes would be delivered. In the state of the state speech in 2019, the Premier said that an additional 1500 new affordable homes would be delivered on top of the 900 promised in the first Affordable Housing Action Plan, increasing the number of new affordable homes to 2400 over eight years.

Here we stand more than six years into that eight-year plan and this minister knows he has delivered less than the targets in the first Affordable Housing Action Plan. His latest quarterly plan says he has delivered just 874 of those homes and that includes refurbished homes so, if we take those out, 769 new social housing dwellings have been delivered in this state since the Government took office in 2014 and that is an average of 128 homes per annum.

In the Affordable Housing Action's Strategy, the minister says stage 2 will provide an additional 1500 new homes, bringing the total number of new affordable homes to 2400 and that is in black and white. In this Affordable Housing Action Plan of 2019-23, here it is in black and white saying - a lovely, glossy brochure of the minister - saying new affordable homes to 2400, with a number of households assisted. I do not know how many times this minister will be given the opportunity to correct his public record but he knows that this latest woeful performance as he has tried to explain and defend a track record of 400 new homes per annum when he knows that he has done nothing of the sort - not once, since he has taken office as Minister for Housing, and not once in the track record since this Government came to office.

On top of that, he knows that in July 2018, in a debate on a motion around short stay accommodation, he committed to the delivery of 900 new homes by the end of 2019. I will quote from the *Hansard* -

> … commit to the delivery of 900 new homes. This was by the end of June 2019, with over half of that supply to be delivered in the Greater Hobart region.

Here we have, again, a third occasion where this woeful minister for five public houses, for five new social housing dwellings under the Commonwealth-State Housing Agreement when he promised just 80: this minister for less than 900 homes when he knows he has promised to deliver 2400. He committed to the delivery of 900 new homes by the end of June 2019 and he knows he reached nothing of the sort. He delivered less than half of that target. He is disappointing many thousands of Tasmanians who are in rental stress, who are waiting on the public housing wait-list. Nearly 3600 people and a further 1600 who are homeless.

[11.38 a.m.]

Mr JAENSCH (Braddon - Minister for Housing) - Madam Deputy Speaker, I am more than happy any day of the week to speak about this Government's track record in delivering housing for Tasmanians who need it, across action plans, across the state, and across different formats of housing as well. I do not intend to get embroiled in Ms Standen's tricky numbers game on quoting certain types of housing, entirely ignoring the investments that we have made in home ownership, homeless accommodation, backyard units, supportive accommodation, youth accommodation and anything other than stand-alone brick-and-tile houses.

I will focus my response, yet again, on our track record of delivering social housing for Tasmanians so that nobody reading or listening to this can be in any doubt. As I said earlier, this Government has made unprecedented investment into social and affordable housing and our track record of delivering housing for Tasmanians is plain for all to see. Despite the incessant negativity and stunts from those opposite, we have delivered and will continue to deliver housing for Tasmanians who need it.

Our first Affordable Housing Action Plan invested $73.5 million and assisted an additional 1605 households into housing that meets their needs, that is households who are of the social housing register.

Our second action plan invests another $125 million and has already assisted 667 more Tasmanian families from the social housing register into fit for purpose housing in its first year. We have also committed significant additional investment, over and above the Affordable Housing Strategy, most notably through savings generated under the Commonwealth housing debt waiver. Through this unprecedented investment, we have been able to build up to a delivery rate of around 400 new social housing dwellings per year. The Master Builders Association recognises it and they note that our Affordable Housing Action Plan delivered one in every seven new homes built in Tasmania over the past 12 months. That is speaking in May this year and is more than any other state on a per capita basis. This was based on the documented delivery of more than 400 new social houses for Tasmanians in need in the 12 months to April 2020. Continuing that trend, in the very next quarter we delivered another 115 new social houses and we are well on track to maintaining this momentum, going forward: 400 homes per year.

As I mentioned earlier, Labor is taking a shot at us about the use of the housing debt waiver savings and I am happy to lay out again exactly what the debt waiver savings are doing for Tasmania and Tasmanians in need of housing. This agreement that we brokered with the Commonwealth will save Tasmanian taxpayers a total of $230 million in principal and interest

repayments to the Commonwealth through to 2042, including $58.4 million by June 2023, which is the end of our current Affordable Housing Action Plan. We are going to spend every single dollar of those saved funds on housing and homelessness services for Tasmanians who need them, in addition to our existing budget commitments for housing.

In December last year, we announced a program of works to use these funds to assist a further 400 households into suitable accommodation over the next four years. As we have outlined since, this includes delivery of 300 new social housing dwellings over the next 18-months with contracts with community housing providers underway now.

In addition to this, the debt waiver funds have also supported 30 additional households from the social housing register into subsidised private rentals and social housing. It has purchased nine newly-built homes from the open market for people who need them and contributed to the $4.2 million refurbishment of Oakleigh Court for social housing for older Tasmanians. This is in addition to the program of works underway through our Affordable Housing Action plans and last year's $5 million investment in expanding our shelters and this year's $4.3 million additional investment in a statewide homelessness response package.

As mentioned earlier today, I have recently opened a new EOI process for another 1000 new social houses over the next three years under our $100 million Community Housing Growth Program. These will be delivered alongside new long-term agreements that we are negotiating with our community housing provider partners, driving down our housing waiting list while providing longer term base load certainty for the home building sector as we recover from COVID-19.

These additional 1000 homes plus the additional 300 funded under the debt waiver, will ensure we can continue to deliver around 400 homes a year, on top of our Affordable Housing Strategy targets over the next three years.

Overall, the Government has delivered and committed almost $400 million in additional investment to provide new housing, housing support and homelessness services for Tasmanians in need. That is what delivering for Tasmanians means: not coming in here and making things up or playing political stunts. That does not provide anyone a home.

The only reason Ms Butler had doors to knock on the other week when she went around on her fault-finding mission, was that this Government funded those houses and our community housing partners and Tasmanian builders put them there.

Members interjecting.

Madam DEPUTY SPEAKER - Order.

Mr JAENSCH - On the Adjournment last week, interestingly, Ms Butler let slip that not all of the homes she visited and spoke to the newspaper about, were in fact social housing dwellings at all, showing that Labor still has this problem of trying to identify social housing when it goes out to do a press event, as Ms White and Ms Standen amply showed last year when they stood in front of some private citizen's home to criticise the Government -

Members interjecting.

Madam DEPUTY SPEAKER - Order, there is too much chatter in here, thank you.

Mr JAENSCH - and it turned out to be a home that was owned by somebody. It was their house and they had brought the TV cameras to her front yard to criticise how she looked after her own house. That is pathetic.

Time expired.

[11.45 a.m.]

Ms BUTLER (Lyons) - Madam Deputy Speaker, on the Adjournment last week, I invited the minister - and I also sent a subsequent formal written invitation on Friday - to come to that community with me. Come and speak to some of the people and learn of the faults they reported to me, so you do not feel the need to demean their message through me, which is what you are doing by not taking this seriously, minister.

You are not aware of some of those faults and the problems the community raised with me. Those private residents, they are the ones that have been built as part of the model. They are broken up into a third. There is affordable housing, social housing, and some of them have been sold to private owners. Those faults are also in the private residences.

Mr Jaensch - I think you named them up as social housing.

Ms BUTLER - Minister, if you want to get caught on ad hominem - that is a Latin term for play the man - if all you want to do is play the man, if that will solve your embarrassment over some of the faults, that is completely up to you.

I have invited you to spend a day with me. I can take you to a street where I probably spoke to three-quarters of those people and I documented it in my report and there is only one front door out that does not leak. After receiving a large number of complaints from residents living in newly-built properties in the electorate I serve, I decided to further investigate the complaints. The first complaint was made by a very good friend of mine who had just moved into one of the new properties in Marshalls Way and invited me over for a cuppa to come and check out his new place. After I finished my cup of tea -

Mr Jaensch interjecting.

Ms BUTLER - This is the person's story, so you might want to listen. This is what happens in real life. It is a person's story. It comes from someone living in a property that you are responsible for building.

As I was leaving, after my cup of tea, the constituent said to me, 'Just close the door after you, thanks, Jen'. When I went to close the door, it did not close properly. I got halfway to my car, walked back, and said to the constituent, when I shimmied the door back open, 'How long have you been living here?' He said, 'Two months', and I said to him, 'Are you the first tenant to have lived here?' He said, 'Yes, I am'. I told him to contact his housing provider, which is what you did when you tried to make sure that you were at arms-length. That is where my question started.

Out of that street, minister, half the properties in that street, all have front doors that leak. They all have front doors that do not work properly. I will grant that at the moment the local provider is attempting to remedy many of those problems, the problems that you, obviously,

did not know about. If you would come with me for a day, to meet real people and have a chat to them about what some of the problems are -

Mr Jaensch - The reputational damage that you have caused them is pretty regrettable. There is a defect reporting system.

Ms BUTLER - That is okay, minister. I have invited you on the adjournment, and I have invited you formally. You have not even had the courtesy to respond. I thought you had better manners than that. My offer is open. It is an open invitation to spend the day with me, in my electorate, in the electorate which I serve. They would love to meet with you.

Some of the problems have been remedied. I sat having afternoon tea - and it was a gorgeous afternoon tea - with some ladies in Valma Road in Gagebrook. They are in properties that are absolutely perfect. They are very happy with them; 11 per cent of the properties that I sampled. I only sampled 87 properties over four days. I also did a lot more other doorknocking in those four days. I do not know if you regularly doorknock in your community. I do, all over the electorate. It keeps me in touch with what is going on in the community. It is one of those things I thought we were meant to do to represent our communities.

Members interjecting.

Ms BUTLER - I am not going to get intimidated by you playing ad hominem with immature and unprofessional, toilet seat-detective comments. I do not know who came up with that. Well done. How about you have a look at what the problems are instead, and we know that they are significant problems with a lot of those new-builds. Some of the properties are four months old, some of them are two years old, but that is the oldest that I sampled, and there are systemic problems: electrical faults, flooding, lino coming up from cement, carpet coming up from stairwells in properties that are four months old, flooding coming through ceilings. Some of these are being remedied, but these are systemic problems, minister. I only sampled 87, and I am going to keep going. People invited me into their properties, invited me into their home and showed me the faults. I did not document anything that was not written down, minister. Why don't you do the same thing? Why do you not take control of your ministry, your portfolio, and go to see the quality of some of these places. Some of them are beautiful, but many are not, and there are many problems that need to be fixed.

I do not see why you have to 'play the man' on this, I cannot see why you cannot just 'play the problem', which is, there is a real problem with faults in many of those new properties. You really must come with me and take up my offer to spend a day with me.

Another issue raised when I was doorknocking was that there was a row of houses that had all been flooded. They were told that they were the once-in-a-five-year flood. I am not sure why we are building social housing in areas that will flood every five years, minister. I am not sure where you sit with that. I do not know how good the quality of that stock is going to be in another 20 or 30 years' time, if they flood potentially every five years. I am talking bowed back doors, bowed front doors, water going straight through people's houses, and gaps under windows where water comes through. I am talking about one lady who told me she had water cascading down an internal loungeroom window. Power points that cannot be used because water comes out of them, minister. Garages that flood every time it rains: the lady who uses 10 towels when there is a heavy rain to soak up the water from her front door, and two towels when there is a light rain. Many of these people would love an opportunity to talk to you about the problems.

Time expired.

[11.52 a.m.]

Mr TUCKER (Lyons) - Madam Deputy Speaker, I am happy to speak on this matter of public importance. This Government's investment and track record on housing speaks for itself. If those opposite were paying attention, they would have heard that this Government has delivered and committed to almost $400 million-worth of works to deliver new housing and homelessness services for Tasmanians in need.

Labor continues to play games and put the needs of their own politics ahead of those vulnerable Tasmanians, making people fearful for their future when they are already some of the most vulnerable people in our communities. It is a despicable political tactic and it should stop.

This $400 million is in addition to hundreds of applicants that are supported with their housing needs each month. There are more than 12 500 households that are already in social housing around the state. Our Affordable Housing Action Plan invested $73.5 million and assisted 1605 households into housing that meets their needs.

The Government then committed $125 million towards the Affordable Housing Action Plan 2019-23 stage 2. As of June 2020, we have now completed the first year of AHAP stage 2, and have already delivered assistance to a further 667 households. We have also committed significant additional investment above and beyond the Affordable Housing Strategy. In June 2019, the Government announced an extra $5 million for additional actions to address homelessness. This included expanding the capacity of existing crisis shelters and more funding to secure cabins, hotel and motel rooms, for emergency brokerage accommodation.

Labor's response to housing has been to argue for ill-advised or poorly thought out policies without detail or funding attached. They whinge and moan that more needs to be done, but then talk down every action that is being taken.

In September 2019 the Tasmanian Government entered an agreement with the Australian Government to waive Tasmania's historic housing related debt to the commonwealth. The Commonwealth-State Housing Agreement debt waiver will save $230.2 million in total principal and interest repayments till 2041-42. The Commonwealth-State Housing Agreement debt waiver savings of around $58 million over the period 2019-23 have been allocated towards assisting a further 400 households in suitable accommodation including through the delivery of an additional 300 new social housing properties. The debt waiver funding was in addition to separate commonwealth commitments to housing and homelessness negotiated through the Hobart City Deal, the Launceston City Deal and the $164 million of funding for Tasmanians over five years under the National Housing and Homelessness Agreement. All of these additional funds are being extended in line with the objectives of Tasmania's Affordable Housing Strategy 2015-25.

Ms Standen, what about your track record on getting the housing debt waived? Sixteen years of inaction. Well done, Labor. The Opposition has no leadership and no credibility when it comes to housing, and Tasmanians know it.

In its response to the impact COVID-19 has had on Tasmanians, the Tasmanian Government introduced a range of additional stimulus and support measures which included a

number of initiatives aimed to support Tasmanians with their housing needs, including $1.13 million to assist Housing Connect's capacity to provide statewide brokering emergency accommodation, including increased mental health and wrap-around support services; $2.62 million to expand the Safe Night Safe Space pilot to provide a safe space and 24/7 wrap-around support for Tasmanians sleeping rough in Hobart, Launceston and Burnie. Half a million dollars was allocated to support unaccompanied Tasmanians under 16 years and at risk of homelessness.

The COVID-19 Rent Relief Fund was established to provide support of up to $2000 or four weeks' rent for tenants suffering extreme hardship. The Government committed to not increase rent for social housing tenants and not count Australian Government emergency payments as income for the purpose of calculating rent contributions, leaving more money in the hands of low-income households in local economies at a cost of around $6.7 million. We increased funding to the Private Rental Incentive Scheme and increased the pool of available houses up to 75 houses.

Through the Government's construction blitz we have also announced $100 million to deliver up to an additional 1000 new social houses in partnership with community housing providers. The bringing forward of funding of $14 million and new funding of $10 million to deliver 220 new social housing dwellings by 2022, is 18 months earlier than planned; $20 000 HomeBuilder grants available to all owner-occupier new home builds for contracts entered into between the 4 June and the end of 2020.

Time expired.

[11.59 a.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Deputy Speaker, this has been quite an unedifying debate, I have to say. We have had accusations flying from Labor, and the minister pretending that all is well and he is the best housing minister ever. I am not sure how far we have come during this Matter of Public Importance debate, but it is important that the history is correct.

The reason that the Commonwealth-State housing debt was waived is because independent Senator Jacqui Lambie negotiated it in return for her vote which will bring in tax cuts for the wealthy. Let us make sure that the historical record is correct because we have had the minister and then Mr Tucker implying that it was something that the Liberal Government had done to have the Commonwealth-state housing debt waived. It was not. It was Senator Jacqui Lambie holding the line for her vote on tax cuts.

It is important also that we remember also that it was not until there was clear and distressing evidence of a housing crisis that this Liberal Government made sure there was new money going into Housing. We had the 2014-15, 2015-16 and 2016-17 state budgets that had no new money going into Housing and an Affordable Housing Action Plan that was delivered in 2015 but did not give the minister of the day new money to deliver new stock. The 'bingo budget' was the last one before the last state election in 2018 when we had evidence of people sleeping at the showground, sleeping on the parliament lawns, evidence that short-stay accommodation was completely out of control and shutting everyday Tasmanians out of rental homes.

We still do not have any adequate regulation for short-stay accommodation in Tasmania. We had data collection legislation that this House passed about 18 months ago. I encourage the minister to get out more and talk, for example, to the Lord Mayor of Hobart, Anna Reynolds, who will express her frustration and disappointment that there has been inadequate regulation of short-stay accommodation properties -

Members interjecting.

Madam DEPUTY SPEAKER - Order, the member has been silent during every other contribution. I ask that the member makes her contribution in peace, please.

Ms O'CONNOR - Thank you, Madam Deputy Speaker. I thought it would be instructive to bring into this debate Shelter Tasmania's budget submission to the budget process which was handed to the Government in August this year. Shelter Tasmania acknowledges the enormous stress that is still in the community because there is a chronic shortfall of affordable housing. The submission makes the point that health, wellbeing and housing are inextricably linked. It strongly urges Government to make sure that investing in housing is a number one budget priority, just as we strongly encouraged Government to make sure that the COVID-19 recovery was underpinned by housing construction.

It is disappointing when you read media releases like we did on the weekend where the Government says it is contributing $100 million towards 1000 new homes which will be delivered by the community housing providers who are part of the Better Housing Futures reforms that the Labor-Greens government and a Greens minister introduced. However, I wonder what is happening to Housing Tasmania and whether there is an ongoing move to undermine the viability of the public housing authority over the medium to slightly longer term. That is a concern.

Shelter Tasmania urges an urgent response to homelessness and housing hardship and says that the conditions that were there before the pandemic are still there. It points out that Hobart has been in the top two capital cities for unaffordable rentals since the National Rental Affordability Index began in 2015, and that Hobart has been Australia's least affordable capital city since 2018. This goes to the question of supply and the ongoing underinvestment in increasing the supply of social and affordable housing and the unwillingness of a conservative government to properly regulate short-stay accommodation.

The Shelter Tasmania submission makes the point that Hobart has faced record levels of rental unaffordability for some years. CoreLogic reported last year that Hobart's median rent had overtaken Melbourne's median rent, yet the income difference between Hobart and Melbourne is more than $30 000 a year. The median income for a renting household in Hobart is $64 000 and about $93 000 for a Melbourne house. The submission goes on -

> Even though rents have declined slightly in Hobart and across Tasmania, according to the most recent reports, this is not enough to relieve the shortage of affordable housing for people on low to moderate incomes.

The evidence that came before the parliamentary inquiry is that the shortfall of social and affordable housing in Tasmania is at around 11 000 homes. There should be a dramatic acceleration of investment in social and affordable housing. The minister might say $100 000 or whatever number he is interjecting over there, but we have had the Premier consistently talk

about an infrastructure budget that is over $2 billion, so $100 million out of a $2 billion infrastructure budget is not enough when the evidence has come before parliament that we need at least 11 000 new homes.

Housing is critical social infrastructure. It is more important to the health and wellbeing of Tasmanians than new bits of road and the roadworks that are happening all over Tasmania, many of which are over-designed and overdone. The one that comes to mind first is the Perth bypass which looks like something out of a San Francisco freeway map. It is massive, it is over-designed and overdone, while Tasmanians on low incomes are still struggling to find a secure and affordable home.

Time expired.

Matter noted.

ON-DEMAND PASSENGER TRANSPORT SERVICES INDUSTRY (MISCELLANEOUS AMENDMENTS) BILL 2020 (No. 34)

Second Reading

[12.07 p.m.]

Mr FERGUSON (Bass - Minister for Infrastructure and Transport) - Madam Deputy Speaker, I move -

That the bill be read a second time.

The On-Demand Passenger Transport Services Industry (Miscellaneous Amendments) Bill 2020 has been developed to provide for the safe, competitive and accessible operation of the on-demand passenger transport industry. It provides a modern and equitable framework that provides consumers with choice and operators with a level playing field.

On 30 October 2015 the Tasmanian Premier of the time, the Hon Will Hodgman MP, committed to modernising the regulatory framework for taxi and hire vehicles via a two-stage process which included first introducing legislation to enable the lawful operation of ride-sourcing services in Tasmania and second, undertaking a comprehensive review of the current legislative framework for taxi and hire vehicle services in Tasmania.

The framework has been extensively consulted on, with three rounds of consultation spanning 2016 to 2020. This consultation has informed the development of the On-Demand Passenger Transport Services Industry (Miscellaneous Amendments) Bill brought before the House today. The new framework provided for in this bill has been drafted to:

- protect the safety of passengers and drivers;
- promote greater competition, consumer choice and improve equity;
- provide a framework that is able to respond to emerging technology and service models;
- support access to wheelchair-accessible taxis;

- implement a 'chain of accountability' model for compliance and enforcement; and

- streamline regulatory arrangements that will see the administrative costs that have historically only been associated with the taxi and hire vehicle industry, shared across all operators.

The bill amends three acts that set out the regulatory framework for the sector. The Economic Regulator Act 2009 is amended to provide further clarity of the matters that must be considered when the Tasmanian Economic Regulator conducts taxi fare methodology inquiries. These inquiries inform the setting of taxi fares. The Passenger Transport Services Act 2011, which is the principal act under which operators must be accredited, is also amended.

The amendments provided for in this bill:

- move some of the regulation of the industry from licences under the Taxi and Hire Vehicle Industries Act 2008 to accreditation, providing a level playing field for taxis and other operators;

- create an operator-neutral booking service provider function, which is consistent for both taxi and ride-sourcing operators;

- will charge annual fees against accreditation instead of taxi licences, providing a more level playing field and sharing costs across all operators in the industry; and

- introduce a new 'chain of responsibility' model for safety, with licensees, booking service providers and drivers all able to be held responsible for those aspects of the service in which they have a role or shared role.

The Taxi and Hire Vehicle Industries Act 2008 will be amended to:

- reflect that some of the regulation, such as annual fees, will now be captured under the Passenger Transport Services Act 2011 as part of providing a level playing field for all operators;

- extend the moratorium on automatic annual releases of new owner-operator taxi licences by tender for a further four years. However, the commission would be able to issue licences in the specific situation where there is unmet demand;

- require the Economic Regulator to make independent determinations on reserve prices for new taxi licences. This will establish the minimum price to purchase an owner-operator taxi licence from the Transport Commission. No reserve price can be reduced by more than 10 per cent per annum for the first five years; and

- allow multiple hirers in taxis, providing consistency with the ride-sourcing industry.

If passed, the Government will continue to work with industry to support the implementation of this bill. The implementation will be staged to allow for preparations and transition, undertaken over a timeframe to be finalised in consultation with industry and supported by an industry uplift package. The industry support package will include:

- the appointment of an Implementation Support Officer at the Department of State Growth; and

- $50 000 in funding will be provided to the Tasmanian Taxi Council to support the development of a voluntary industry code of conduct and service quality, and to support the bill's implementation.

The Implementation Support Officer will work with the Tasmanian Taxi Council to support its development of a code of conduct and service quality.

This bill complements the support the Government has provided to the taxi and hire vehicle industries as part of our Social and Economic Support Package developed in response to the COVID-19 pandemic. Through the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 and the COVID-19 Disease Emergency (Miscellaneous Provisions) Act (No. 2) 2020, the Government has:

- waived the annual administration fees on taxi and luxury hire car licences for 2020, and refunded those that had already been paid;

- provided operators with the ability to freeze their vehicle registration if not in use, enabling reactivation after the emergency period for the term they were frozen, or for a refund to be provided;

- put in place a mechanism to prevent the legislated annual release of new taxi licences in 2020; and

- allowed vehicles approaching their end of working age to remain in service during the emergency period to support accessibility and to avoid further financial hardship for owners and operators.

In addition, we provided for free vehicle registration for the industry, in certain circumstances. For vehicle registrations falling due between 1 March and 30 September 2020, taxi operators can choose to either continue operating a vehicle and apply for have their vehicle registration extended for a 12 month period at no charge, or pause the registration of their taxi and later reinstate the registration at no cost.

I will now provide an overview of the key elements of the framework captured in this bill.

Booking service providers & accreditation

This bill introduces the concept of 'booking service providers' to the regulatory scheme. This will put in place consistent requirements for accreditation for both taxi and ride-sourcing operators. As part of this change, the annual administration fees for taxi and luxury hire car licences will be replaced with a broader annual fee that will be paid by accredited operators on

a per vehicle basis. This levels the playing field and will see companies such as Uber accredited for the first time. They will also be required to pay the new annual fee on a per vehicle basis, spreading the costs across the industry.

The setting of the annual fee will be based on the following principles:

- the approach will be consistent across all booking service provider operators; and

- the fee amount will be no more than the lowest rate of the annual administration fees paid by the taxi industry indexed at 2020 levels.

This levels the playing field by providing consistency and will reduce the financial burden for taxi operators.

Chain of responsibility

The bill adopts a 'chain of responsibility' model of safety for the on-demand passenger transport industry. This provides that safety is the shared responsibility of:

- the accredited operator;

- the responsible person for the accredited operator;

- an operator who is affiliated to a booking service provider;

- the driver; and

- the registered operator of the vehicle.

The level of responsibility is informed by that person's function or role, the nature of the safety risk and the person's capacity to control, minimise or eliminate the risks. The bill introduces new offences for breaches of safety duties, with fines and terms of imprisonment based on the seriousness of the offence.

Suspension of annual tender for new licences

This bill suspends the mandatory annual release of new taxi licences by tender in 2021 through to 2024. This has been included in response to industry concern raised through consultation around oversupply. It extends the 2020 suspension, which was part of the Government's Social and Economic Support Package, and the previous suspension from 2016 to 2018. To ensure the framework is able to adapt to emerging situations, the bill provides the Transport Commission with the authority to issue new licences during this period where there is unmet demand.

Reserve price determinations

This bill will provide for the independent Tasmanian Economic Regulator to review and set reserve prices for new taxi licences. Reserve prices are the minimum value at which a licence can be sold by tender, and vary according to taxi areas. This new arm's-length model

replaces the existing static reserve prices. The regulator would only be permitted to reduce reserve prices for any given taxi area by a maximum of 10 per cent per year for the first five years.

Other amendments

The bill makes several other changes to the on-demand passenger transport industry. The bill gradually reduces the licence fee for a luxury hire car licence from $5000 to $0 over five years. It allows taxis to take multiple hirers, providing an economic benefit to consumers and parity between taxis and ride-sourcing providers. Taxi areas will be captured in a detailed electronic map, to be available online, which must correspond with regulations. This replaces the current descriptive text and provides a more accessible, transparent, easy to interpret source of information that can be updated to include new service areas as required - for example, to include new subdivisions and developments as they come to market that are not currently within the boundaries of existing taxi areas. There will also be new maximum age requirements for wheelchair-accessible taxis and safety benefits for the rest of the fleet.

Implementation plan

This new framework represents a significant change to the way on-demand passenger transport operates in Tasmania. It supports the taxi industry to adapt and survive. The change is needed to ensure that services remain competitive, contemporary and meet passenger expectations and can offer a safe and reliable service to Tasmanians. It provides a new focus on professionalism across the whole industry and quality of service, with the aim of increasing pride and industry reputation and thereby greater consumer confidence in the taxi industry.

Given the nature of the changes, the framework will be implemented in stages over a time frame agreed with industry. This will ensure that operators and the Government can prepare for the changes in a collaborative and consultative way. Early implementation will include, where possible, proclaiming those changes that are expected to provide a financial or administrative benefit to the industry.

In conclusion, this legislation will provide an equitable and level playing field for the on-demand transport industry. The legislation has been collaboratively drafted and is reflective of the extensive consultation undertaken with industry representatives. These changes are designed to promote safety, increase consumer choice, improve equity and provide for the delivery of accessible services, accommodate new technologies and, where appropriate, reduce the regulatory burden on industry.

I would like to say a special thanks to all industry participants for their support and engagement to develop the bill to this stage today.

I commend this bill to the House.

[12.19 p.m.]

Ms DOW (Braddon) - Madam Deputy Speaker, I rise to speak on the On-Demand Passenger Transport Services Industry (Miscellaneous Amendments) Bill 2020. I thank the minister's staff and the department for the briefing they provided to me last week.

My understanding is that this amendment act aims to amend three acts: the Economic Regulator Act 2009, the Passenger Transport Services Act 2011, and the Taxi and Hire Vehicle Industries Act 2008. It intends to protect the safety of passengers and drivers, promote greater competition, consumer choice and improve equity, and provide a framework that is able to respond to emerging technology and service models, support access to wheelchair accessible taxis, which is something I have a strong desire to see increased across the state. It will also implement a chain of accountability model for compliance and enforcement, and streamline regulatory arrangements. It will see these administrative costs that have historically only been associated with the taxi and hire vehicle industry shared equitably across all operators.

From the outset, I state that we will be supporting the bill. I understand that the Tasmanian Taxi Council and industry representatives are happy with the content of the bill. As the minister said previously, they have been involved in lengthy consultation processes in its development. I will make a few points later in my contribution relating to the points they have raised with me, that they believe should be given further consideration.

There is no doubt that the taxi industry plays an important role in Tasmania's public transport system. Many families have been involved in the taxi industry for many years and have made significant personal investments in their licences and their businesses. Some of these experiences come through in the submissions made to the review and illustrate how difficult recent times have been for them. I will read some of those into the *Hansard* later in my contribution.

Like other industries, the taxi industry has suffered significant disruption with the introduction of the sharing economy and technological advances. There have also been many changes in transport assistance available in local communities for people to utilise. There are examples such as Transport to Treatment, the wonderful initiative of the Cancer Council and other patient travel assistance schemes and community transport schemes that exist that perhaps may have replaced the role of taxis in local communities. That has impacted on the business and customers available to taxis right across the state.

There is no doubt that the arrival of the sharing economy has brought more benefits to local economies and it is important that we embrace different methods of transport and opportunities for travel, encouraging choice, competition and lower costs for consumers. Consumer choice has been relayed to me as being particularly important in our larger city centres where there are larger population bases and where tourism plays an important role in their local economy. This was recently raised with me by one of our local government leaders.

As regulators and as governments, it is important that governments are able to adapt to and respond carefully and promptly to technological advances, especially when we are living in such a rapidly changing world. Sometimes our systems and processes - and I have experienced this firsthand in local government - are not necessarily built to adapt quickly in response. We have seen that recently during COVID-19 and the incredible pressure that has put on our traditional systems and processes, and how we have had to look differently at the way we provide services to our communities through government entities.

It is important to have an equitable regulatory framework with protections and consideration for unintended consequences that will have on other industry players. This is the attempt that has been made by the Government through the changes in this amendment bill.

The Government's decision to embrace sharing economies in Tasmania dates back to 2015. I can recall that time when I was involved in local government with the introduction of Airbnb and the level of information that was provided to us at that time about the significant change that would bring for local government. I refer back to an ABC news article which was posted on Friday 30 October 2015 where it was reported that the Tasmanian premier said he wanted the state to be the first in Australia to embrace the sharing economy and not kill it off through heavy regulation. This article goes on to provide the perspective of the local taxi industry and it says -

> Mr Hodgman said he recognised the sharing economy could be disruptive to existing businesses. He said he would work with taxi drivers and the hospitality sector as the legislation was developed.
>
> But taxi drivers were unhappy about the move. The Tasmanian Taxi Council President, Roger Burdon, said, unlike his members, Uber drivers did not pay for licences, security cameras, meters, and regular inspections.
>
> If this is not done correctly and it is not a level playing field, it is going to affect a lot of people, he said.

It is interesting to note the use of the term 'level playing field', which is what the Government has referred to a number of times as it has presented this legislation to the House and the media events that it has done. In fact, it has picked up the language of the industry and is seeking to address their concerns through the amended bill that is before the House today. That is essentially what this is about; it is about a level playing field and it is about equity.

I will go back to the changes that are going to be included in the bill, and I will read those from the fact sheet. That is Part 2, clauses 3 to 4, Amend the Economic Regulator Act 2009. This part of the bill amends the Economic Regulator Act 2009 which contains a power for the minister on the request of the Transport Commission to direct the regulator to conduct a taxi fare methodology inquiry. These inquiries inform the setting of taxi fares. The amendments set out the matters to be considered in such an inquiry which include efficiency, quality, reliability and safety, protection of consumers and social impacts, the effect of other modes of transport and fairness between classes of consumers and operators.

Part 3 is clauses 5 to 25 and amending the Passenger Transport Services Act. The amendments included there look at moving some of the regulation of the industry from licences to accreditation, providing a level playing field for taxis and other operators, and creating a booking service provider function which captures both taxi and ride sourcing. It will charge annual fees against operator accreditation instead of taxi and luxury hire licences, again providing a more level playing field and sharing costs across all operators in the industry. It introduces a new chain of responsibility and model for safety, with licensees, booking service providers and drivers all able to be held responsible for the activity in which they have a role.

Part 4, clauses 26 to 68, amends the Taxi and Hire Vehicle Industries Act 2008. The bill amends the Taxi and Hire Vehicle Industries Act to reflect that some of the regulations, such as annual fees, will now be captured under a different act, being the Passenger Transport Services Act as part of providing a level playing field for all operators. It extends the moratorium on annual tenders to release new owner operator taxi licences for a further four years, and the commission will be able to issue licences where there is unmet demand and

require the regulator to make independent determinations on reserve prices for new taxi licences. This is the minimum price to purchase an owner-operator taxi licence from the Transport Commission. No reserve price can be reduced by more than 10 per cent per annum for five years and it allows multiple hirers in taxis, providing consistency with the ride sourcing industry.

I understand that the regulatory review that was undertaken which underpins this legislation was done between 2016 and 2020, and I want to read from a couple of the submissions that were made as part of the Taxi and Hire Vehicle Industry's Regulatory Review, they note some important points. This is from a submission from John Morris that says -

> The viability of the taxi industry should be at the core of your review. If our industry is not viable, operators will be forced to work long hours, cut corners wherever possible - anything to try to make ends meet. Taxi operators have invested their own money into the current scheme, and it is reasonable to expect that the Government will not destroy it through poorly-considered regulation. A thriving taxi industry will see drivers have the time and resources to improve the standard of vehicles, and provide better customer services to passengers. It is in the interests of the community that the Government allows taxi drivers to make a decent living while providing this key public service.

The other submission I wanted to read from was from the Tasmanian Taxi Council, and I will ask some questions about this later in my contribution. The point I wanted to refer to is under the heading of 'Drivers', which says -

> Self-declaration of a medical is not an aspect that the TCC support, but the implementation of compulsory annual medicals for drivers over 65 years for all those driving Taxi, Ride-sourcing, LHC and RHV's is seen as a positive. It is also recognized that very few Ride-Sourcing drivers would be at the age of 65 or over.

Annual training self-declaration has the same concerns for the TTC as that for new drivers. A curriculum should be developed or provided to ensure the undertaking is able to be assessed again and just does not become as tick-box exercise. They certainly support all driver information continuing to be displayed within vehicles.

I also wanted to mention from the submission a question from one participant which asked about what happens after the five-year period. I will read directly from this because it explains it -

> Based on the fact sheets and the draft bill, the Government is going to freeze issuing new taxi owner-operator licences for five years and it is going to set up a reserve price which will be effective for the five years. What is the proposal after five years? Is this legislation and freeze on licences a mere stop-gap solution or is it part of a longer plan? And if it is, what are those plans?

I wondered if the minister could address that, in summing up.

The only point I want to make about the consultation that occurred and the regulatory review is that this is four years on from a significant disruption to that industry. It would appear that the decision made to introduce the legislation around the sharing economy was a bit back to front, because it appears that the consultation with the industry was done more rigorously and thoroughly with more details of the regulation around that four years later. In that time we have also had COVID and when we had significant periods of lockdown across the state and different restrictions in place it impacted the taxi and ride-sharing industries. I know that the minister spoke before about the package of support that was put in place and we supported that at the time, but that is just another burden on the industry throughout that four-year period when there have not been the measures in place which the Government has talked about for a while.

Before I ask a number of questions I encourage the Government to continue to work with local communities, the taxi industry and ride-sharing companies as this bill progresses to understand some of those mechanisms for review. I understand the mechanism around the Economic Regulator role and that being included, but there will be continued change in this industry. I am interested to understand how the Government will monitor and address concerns that arise throughout that.

The first question I have is in relation to the communication of these changes to the community, the industry and more widely. I note that there are changes around the zones and areas for taxis and wondered whether there were any implications for consumers around that and whether there will be information and communication to consumers about that in their local area. It may be related directly to the industry but it would be good to understand that.

When I spoke with the Taxi Council recently they mentioned that they had sought some further resolution with the minister about the Perth taxi area boundaries and that there has been a commitment made by the Government to work through that with them. I ask that the Government uphold and continue that work to get an acceptable outcome.

Another concern they raised with me is around compliance monitoring and whether there will be additional resources provided to do that, given that there will be an additional task at hand for those involved in administering the accreditation.

Another question relates to licences and the suspension of licences being issued. Their question is, if some of those licences had not been taken up to date, do they remain available? Could you provide me with how many are currently available that have not been taken up? I also want to better understand the criteria that will be assessed against to ensure that if there are additional licences made available, which is what the discretion enables through this legislation, what would be the criteria that would see the Government change that suspension to enable more licences to be taken on?

There seems to be a lot of self-reporting mechanisms in the bill relying on operators and individuals to abide by those requirements and levels of compliance and I want to understand better who will monitor this. This relates back to the concerns of the industry about resourcing and making sure that that level compliance is adhered to.

I want to understand the total number of taxi and ride-sharing vehicles that will now be required to be compliant with this legislation and how that number differs from what the current status quo is so, in other words, the increased workload around compliance.

I feel very strongly about the provision of wheelchair taxis. Where I live in Burnie there is not one and it has been an issue raised with me in the past by constituents. Anything we can do to make greater the availability of wheelchair taxis, particularly across regional communities, can only be good, so I commend the Government for doing that through this legislation but also encourage them to keep working on that issue because it is very important. I want to better understand the time frames for the implementation and the regulations which will accompany this legislation.

My colleague, Alison Standen, is also going to speak about this but it has been mentioned today in the House that there is a lack of regulation around the Airbnb industry and how this is quite different from the scenario we are presented with today where the Government is looking to introduce significant regulatory changes to the sharing economy. We know the impact that Airbnb has had on affordable housing across our community, homelessness, people's quality of life, and our hospitality industry businesses as well. It would be worthy of the minister to explain why such a different approach has been taken to this particular industry and why the jurisdiction over Airbnb regulation has been deferred to local government and the powers of local government.

[12.38 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Madam Deputy Speaker, the On-Demand Passenger Transport Services Industry (Miscellaneous Amendments) Bill 2020 represents a very significant change for the on-demand passenger transport system in Tasmania. I note that the term 'level playing field' was used frequently throughout the minister's speech but, as Ms Dow pointed out, the playing field has not been level since the introduction of ride-sharing platforms in Tasmania. It has taken some four years for parliament to be presented with a legislative framework that is agnostic in many ways about whether it is a taxi or a luxury hire vehicle or one of the three or four ride-sharing alternatives that are on offer and are increasingly being taken up particularly by young people. I guess this is a situation where the market steamed ahead of a parliament's capacity to have some provisions and protections in place, and to answer an economic philosophical question about whether you should provide extra support to an existing industry when you have a disruptive element come into that industry.

The point that Ms Dow made about the Government's incapacity apparently, to properly regulate short-stay accommodation is in contrast to this legislation.

The Greens will be supporting this legislation. It does have fairness at its heart. Even though we had the briefing yesterday - and thank you to the departmental officers for the briefing - I am not certain how the ride-sharing organisations will respond to this legislative approach. It certainly is a heavier hand on Uber, Ola and the other ride-sharing platforms, than has been in place to date. To a significant extent, the legislation is designed to ensure the ongoing viability of the taxi industry in Tasmania.

The legislation amends three acts: the Economic Regulator Act; the Passenger Transport Services Act; and the Taxi and Hire Vehicles Industry Act. It acknowledges that the arrival of Uber, particularly, in 2016 changed everything for the taxi industry in Tasmania. When I was going through the legislation I was reminded of taking the kids to Greece in 2015, one year after Uber had arrived in Greece, and particularly in the capital, Athens. We got off the aircraft and stepped out of the airport and there were Uber vehicles everywhere. Across from the exit to the airport there were three large carparks full of bright yellow taxis, hundreds and hundreds,

because of an epic regulatory failure on the part of the government of Greece to apply any sort of hand to intervene to protect taxi drivers. We chose to take a taxi into town. The driver talked about how bordering on the impossible it was to make a living out of his taxi. He was an owner-operator and he was not sure how he was going to be able to feed his kids as all his money was sunk into that vehicle.

We have to have a system that respects the investment that people have made in taxi licences, but also the capacity, which this bill ensures, to make sure that the market to the greatest extent possible has a measure of equilibrium about it. We need to acknowledge that for taxi drivers and ride-sharing drivers alike, if you are not the owner-operator of the vehicle there is significant capacity for low pay and very exploitative conditions. For many new arrivals in Tasmania being able to drive a taxi or an Uber vehicle has provided a critical lifeline of income. As we apply a regulatory approach to the industry we need to look out for drivers particularly, because the capacity is there for significant exploitation and for those who are in what is called the 'gig' economy who are largely unprotected.

The most significant change in the legislation is that it will allow for the charging of annual fees against accreditation, which to date has been based on whether an operator has a taxi licence. We are also interested in understanding what the time frame is for the regulations that are to be introduced. In the minister's contribution he twice referred to regulations that will be stepped-out and said that the Government would be working with industry to develop those regulations. It is important for people who work in the whole on-demand passenger transport industry to have certainty about when a number of the changes that are provided for in this legislation will come into effect.

The bill resets the passenger transport system in Tasmania since the entry of ride-sharing. Until now, it has not been a fair and reasonable system. We have had two sets of standards where taxis have had to be fully regulated and accredited, but ridesharing drivers and operators have largely been let off the hook.

Drivers and vehicles have been registered with an ancillary certificate. They have had to have a working with vulnerable people registration as they should, as do taxi drivers, and have provided a criminal history.

The legislation will ensure the accreditation of ridesharing platforms. I understand from the briefing yesterday that there are four rideshare companies that are operating currently in Tasmania: Uber, Ola, and Shebah which is for women, a really important service. I know someone who was sexually assaulted in an Uber vehicle having arrived home after drinking in town. That person is now very wary about travelling on Uber. There is also the ridesharing service, Oscar, which services regional areas. All of these platforms will now have to become accredited in order to operate in Tasmania.

Given that the legislation extends for five years, but four years from now the restriction on the issuing or making available of new taxi licences - other than in circumstances where it is recognised there is a gap in the market, or a dead spot, or a need that is not being met - it raises the question: will there be any restrictions on new ridesharing vehicles coming into the system on the accreditation of Uber and other ridesharing platforms?

The legislation introduces annual fees for ridesharing services based on the number of vehicles. It introduces increased vehicle requirements and standards and the introduction of the same level of inspection as taxis. This raises another question for the minister. Is there

going to be expanded resourcing for that inspectorate work to take place given that, I think, there about 603 taxi licences in Tasmania? We do not know how many ridesharing vehicles have been accredited but it would be good to understand what has happened there in the resourcing for inspections of ridesharing vehicles.

Also, I note that in the legislation there is provision for a chain of safety responsibility. A party in the chain of responsibility for an on-demand passenger service includes an accredited operator of the service, a relevant responsible person, or an accredited operator of the service. An affiliated operator in relation to a booking service provider, who is an accredited operator in relation to the service. A driver of the vehicle used for the provision of the service and a registered operator for a vehicle used in the provision of the service. It is unclear to me, although it may be described in here, where the weight of responsibility sits. Does it sit with the owner of the service and the vehicle, or does it sit with the driver who drives, whether it is Uber or a taxi, part-time, on weekends, to supplement his studies at the university and feed his children? How is that weighted, that level of safety, responsibility?

It is pleasing to see that the legal lifespan for a wheelchair accessible taxi will be increased from 10 years to 12 years. I share Ms Dow's concerns about those parts of Tasmania where there are no wheelchair accessible taxis. It is an area where, and particularly given the new provisions in this legislation, and the powers of the economic regulator, it is somewhere where you could have some direct intervention and support in order to ensure there are wheelchair-accessible taxis in remote and regional areas, particularly where the level of disability and chronic disease can be very high relative to more urbanised areas. It is my understanding that the legislation does not apply the moratorium on the delivery or availability of new taxi licences to wheelchair-accessible taxis and the need for new licences in that space.

The legislation removes what has to be described as an anachronistic capacity for taxi drivers to charge 10 per cent on top of their fare if it is being paid for with a credit card, and the trade-off for the industry as I understand it has been to remove the 10 per cent surcharge capacity but lift fares in the taxi industry by 5 per cent. It is my understanding that there has not been a fare increase for the industry for the past seven years, so I gather the last person to oversee an increase in taxi fares was the then minister for sustainable transport, Mr McKim.

Regarding the other elements that are relevant to the taxi industry, the reserve prices will be set by the Tasmanian Economic Regulator and are not to decrease by any more than 10 per cent per year for five years, starting this year. There will be lower regulatory and compliance costs for existing taxi and luxury hire car licence holders. The framework will recognise that fares might be shared by users, allowing there to be multiple hirers for taxis in a single trip. It levels the field by introducing the sharing of costs of regulation between taxis and ride-sourcing operators, provides a more flexible regulatory framework which includes improvements such as providing for operating out of area in busy periods with a temporary licence, and consistency between wheelchair-accessible and standard fares.

The amendments to the Economic Regulator Act provide for other matters that are to be considered by the regulator in determining fee structures and they are very good improvements. Is the minister considering another referral to the regulator, or does that body of work that was done in 2016 suffice, or is there more recent work that I am not aware of? Is there likely to be a referral to the regulator that is strengthened in relation to what it considers by the new provisions in new section 45A in the Economic Regulator Act?

I am particularly interested in hearing more details on the safety provisions in the legislation and how they are balanced. New section 33J talks about the safety duty of a registered operator of a vehicle used in the provision of an on-demand passenger service to take reasonable care, to comply and to cooperate. Again, what are the inspections and the monitoring of safety compliance? What provisions and resources will be in place in that area? Is there a grade of safety duty that does not place an unreasonable burden on a largely casualised driving workforce, for those who are not owner-operators?

I will wind up by making a point about the vulnerability of the workforce if they are not owner-operators. We had a circumstance on the mainland recently where a taxi driver was contagious with COVID-19 and continued to drive their taxi, which is a frightening prospect for people who do not have their own car or regularly travel in on-demand passenger services. It points to how marginal this industry is for many people who are in it, and even for those who have invested heavily in a vehicle licence. It is still a really marginal way to make a living. I am not making excuses for the driver who potentially infected dozens if not hundreds of people, but we should recognise that we are dealing with a cohort of people who require workplace health and safety protections and some level of income protection, because I am sure many of them have very small superannuation balances.

There is a decision here to remove the cost of a luxury vehicle licence from $5000 to $0 over five years. Perhaps, minister, you could tell us the rationale behind that decision? Would it also be possible to detail to the House any information you have on existing areas where there are no taxi services, and what the approach will be now that we have this capacity to map out a better picture where the services are available? Will the Government, the regulator and/or the department be directly enabling more services in an area where the map identifies that there is a dead spot or a lack of transport access? That goes to the inequity that people living in rural and regional Tasmania often face in terms of community services.

On the whole, Madam Deputy Speaker, we think it is a good, clear bill. It is well laid out and the logic behind it is strong. We need to have a system in place that is agnostic about whether it is a taxi, an Uber, an Ola or an Oscar, and it is on that basis and also the basis of the support that the legislation has broadly from the industry that we will be supporting the bill.

[12.58 p.m.]

Ms OGILVIE (Clark) - Madam Deputy Speaker, digital technology has certainly changed the world we live in and we have seen changes to industry right across the globe, particularly those industries that are susceptible to a different pricing mechanism for capacity. That is really what ride-sharing does. It prices excess capacity and provides an opportunity for those who may well be on the road with a car that has additional seats in it to on-sell that capacity.

I want to make some confessions. I am a very old-fashioned person, particularly when it comes to using transport vehicles. I stick with taxis, and I do this because as a barrister and solicitor I had cause to defend taxi drivers in the past who had been accused of crimes, and there was the benefit of having a video camera in the car. Sometimes we forget that it is not just the passengers who are part of this exchange but it is also the drivers. We need to take great care in making sure that those in the cars are very safe.

I am not convinced, and I never have been, that we ought to do away with the regulations around video cameras in ride-share vehicles. It would now be a simple thing to have digital

cameras - we have them at our front doors as well, they are very simple things - and have that footage and technology stored in the cloud for later use. We might find it is helpful, not just for when things go wrong for passengers but when things go wrong for drivers. I know drivers of both sexes and genders have cause to take great care at times, in driving late at night and those sorts of things.

That is my confession about me personally. That is not to say I do not accept that it is hugely popular for great reason, and it is popular with people who want to drive as well, who have a car and can easily offset the cost of setting up with some quick revenue -

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

ON-DEMAND PASSENGER TRANSPORT SERVICES INDUSTRY (MISCELLANEOUS AMENDMENTS) BILL 2020 (No. 34)

Second Reading

Resumed from above.

Ms OGILVIE (Clark) - Madam Speaker, as I was saying, rideshare is hugely popular all over the world. Even though I prefer to use standard taxis I appreciate the attraction and benefit of rideshare vehicles to a huge number of consumers and fellow Tasmanians in particular.

My personal preference is that video cameras are in all vehicles and there could be a simple solution that is cheaper than the current taxi arrangements when it comes to video cameras. As a barrister and solicitor in the past, I have had cause to access video recordings from taxis to assist in evidence in defence trials. It was very important at that time.

While some may say that with rideshare due to the booking mechanism the names and addresses of both parties to the transaction are known to each other, the risk is reduced. That may well be the case but the issue is more so that things can, and do, happen and you need to recognise that. It is often helpful to have details of the recording at hand. This is a real issue of safety and I ask the minister to consider this issue as part of whatever final accreditation or regulatory model is designed to support the bill assuming, of course, the fees, pricing and those sorts of elements appear across both parts of this sector as they come into a confluence of regulation.

As to the substance of the bill, I welcome and support the very necessary steps taken by the Government to bring this bill forward. I love it when our little island state takes a great leap forward. We are addressing issues that other states and territories are finding too hard and are finding to be intractable. I know the work that has been done and I thank you very much for that. I am always supportive of good reform, particularly across the digital technology spectrum. There is nothing like using the test of fairness and balance to get good law reform done and we are seeing good reform happening here.

I very much thank the staff for their briefing and acknowledge the work of the minister in tackling what some have seen to be an intractable challenge; that is bridging the divide between traditional business models and new disruptive business models.

Fairness is the name of the game. When it comes to fairness I see the benefit in enabling new members of our community to very quickly get up and running. With a rideshare business I am concerned about what could be a more general unfairness in relation to gig economy work. Do we really want people to be living from gig to gig without decent security, occupational health and safety cover, and appropriate retirement benefits? These are concerns for us as a community and a society and something we ought to turn our minds to going forward.

As a nation, Australia is generally very good at getting that balance right between work and pay. I am concerned that we are taking steps away from secure and stable employment. I would like some thought to be going into those issues. It is a bit separate from what we are doing today but it is certainly in relation to those gig-type jobs. It is a question for another day.

Today we are making practical steps towards a fairer system that seeks to synthesise old and new business models. It is difficult; a tough challenge. This bill makes a good start at meeting that challenge.

In support of our taxi industry, I have had many positive experiences with taxi trips in Hobart. I have many taxidriver friends and I give great credit to owners and drivers for improving professionalism over the years.

I do worry, like many who sank costs in taxi licences, and make it difficult for people to earn a decent living or even to move on when they want to change businesses or move out of the industry. I hope the Government will keep a close watching brief on that element.

Turning to the issue of accessibility, it is not only wheelchair friendly vehicles that need to be provided but also larger vehicles for family groups. In the past I have had cause to have to take taxis with young children and babies. I wonder what the regulations are now, or could be, around child-seat available transport? That is an issue that is of great concern to mothers with young children who need to take taxis. I do not think the rideshare sector caters for that segment of the market but I am very happy to be corrected on that. It may well be that it does, but I am not sure how that does work.

With regard to pricing and the new mechanism in the bill with the economic regulator, I would appreciate some clarity as to whether rideshare cars will be subject to the same pricing model as standard taxis. My understanding is that currently rideshare companies set their own pricing structures, which includes surge pricing to reflect real time supply and demand. I am interested in more detail on that. I am particularly interested to know from the minister how these two pricing models will be accommodated simultaneously, whether they are being accommodated or whether they are being merged in some sense?

On a lighter note, over the years I have had some great and memorable trips in taxis from a London cabbie - and what he did not know about London streets and current international politics was not worth knowing - and my own stubborn refusal to download a rideshare app saw me stranded at the Palo Alto rail station on my last trip to Silicon Valley with not an old school taxi in sight until finally, thank goodness, a lovely Sikh driver found me and delivered me safely to the hotel.

Many years ago I recall trying to hail a taxi in New York in the year 2000 as I was over from San Francisco at the time to meet with partners of Ernst & Young. As I hailed - and failed - to find a taxi, a town car pulled up and the driver, a real New Yorker, took pity on me standing

in the snow and delivered me safely to my destination. I may have taken the first Uber ride on the planet.

In Yogyakarta in Indonesia, many years ago during the Suharto regime, my favourite taxi rides were the becaks, the pedal bikes, and how much fun we had racing them down to Jalan Malioboro which is the tourist street.

Recently in Moscow on a cultural tour with my mother, we found ourselves stranded outside a gallery. I said to her 'not to worry, let us hail a taxi', as you do from Hobart, in Moscow. As I managed to get a car to pull over, the Muscovite driver opened the window and said he would love to give us a lift but he was actually an employee of the water company and not allowed to provide taxi services. With my lack of Russian, I had mistaken an infrastructure car for a taxi. Nonetheless, all good fun and good times.

It is a fun and lovely planet that we live on and the human need to move around and get from place to place is responded to in different jurisdictions in different ways and that is good. It adds to the diversity of experience on our planet.

I understand that extensive consultation has been held on this bill. I worry that sometimes we do not always get the consultation job right, particularly so during COVID-19 times, which are not normal times. Minister, you might expand upon the consultation piece.

I express my support for agility, reimagination and reinvention of business models, using technology or not because process and innovation is part of being human. We must guard against shifting to new models without catering fairly to those who have invested in businesses that are now being forced to move towards new models or accommodate new models.

I acknowledge that digital life and social media, in particular, is not always great. I have had recent experiences of this and that is an area in which, we, as a community and a society, need to grasp the nettle, particularly around what we are prepared to accept by way of community standards online. I recently read in the newspapers that police had been targeted online, which is completely unacceptable. I am concerned about this. I have spoken about this many times in the House. While we love our digital world and the step-change that the new landscape has delivered to us as a planet, there are negatives to it. One only has to think about the terrible things that were on TikTok recently that our kids saw, to understand that we need to do more on that and I hope to be a voice in support of that.

The digital world has fundamentally affected so many things and of course the next wave will be IoT technology and our satellites and space technology will be part of that. In the not-too-distant future no doubt we will have self-driving cars. The University of Adelaide in South Australia is working on legal regimes around this technology and risk. It is good to see the lawyers are getting ahead of the play on that. I have always thought I probably would not like a self-driving fleet vehicle, as I have my telephone presets in my in-car system, my lipstick in the console and the kids' sports gear in the boot, but I see the attraction for singles and business travelers, of such vehicles - like buses but better and more agile and with greater capacity to deal with transport complexity and that is a good thing - but I also do not think my 1964 VW beetle named Dorothy would forgive me if I gave her up for a new-tech model although it might be that she gets her engine swapped for an electric engine soon.

In conclusion, I am very happy to support this bill and to do what I can do to help move our regulatory regime into a positive new direction. I have previously made a commitment to work for the benefit of fairness in the taxi and ride-share sector - I have met with Uber in the past - and also to be a voice supporting new technology despite my confession about being old-fashioned when it comes to rideshare. Of course, we all have our personal preferences.

Thank you minister, thank you team, for great work which I know has been many years in the making - an excellent job and I am happy at any time to do more to assist with this matter and those issues of the broader gig-economy with which we are all grappling, in particular to ensure Tasmania has the benefit of a fair and just economy that provides a dignity of good work and stable employment and concern for the financial and social wellbeing of each other on this marvellous little island we call home.

[2.43 p.m.]

Ms STANDEN (Franklin) - Madam Speaker, I rise to make a brief contribution on the On-Demand Passenger Transport Services Industry (Miscellaneous Amendments) Bill 2020. I note that my colleague, Anita Dow, member for Braddon, has made the substantive comments on the bill but I will take the opportunity to make a couple of observations.

I do not profess to be particularly more expert than the average person about the rideshare economy but I have certainly used my fair share of taxis and Ubers over the years. I took the opportunity to talk with a couple of people within my circle of friends to discuss the situation regarding the taxi industry in particular and they made some interesting observations. I had not really appreciated that the introduction of the owner-operator licensing system, back in 2008 or so, changed things substantially regarding the price signals around investors, owners and cab drivers. With licences at that time costing as much as $150 000, it was a substantial amount of money that people laid out particularly if they saw that as a business investment decision. Over the years a number of things have changed, in particular the number of women driving. Once upon a time, perhaps my great-grandmother's generation, women did not drive and were more reliant on the taxi industry to get around. Returned servicemen and widows who were recipients of pension support through the Department of Veterans' Affairs had arrangements with taxi drivers for attending medical appointments and so on. Over time, Cancer Council and other community groups have entered that passenger transport industry to meet the demand.

As tourism has boomed over the last decade or so, I had assumed that would mean terrific things for the taxi industry. A couple of my contacts highlighted that was not necessarily so, because of the number of people arriving on cruise ships who were more likely to go in an Uber rather than a taxi. A number of people, whether they are for short or longer-term stays, rely on hire vehicles, caravans and the like. Bit by bit, the profitability for taxidrivers, as it has been explained to me, has reduced. Whereas drivers were once making $15 an hour, as much as 50 per cent of those takings have dropped away as profitability increased competition and decreased margins, and particularly with the increased number of licences being available.

It was put to me that over the last decade or so the ratio of number of taxis to population more than doubled and it was more and more difficult to eke out a living. It made me wonder whether, in the scheme of this miscellaneous amendments bill, the Government had considered even more radical action like buying back of licences? I am not particularly knowledgeable about how many licences there are - it looks to me like the measures that are being contemplated in this bill will arrest that growth - but I wondered whether the horse had bolted to some extent,

and whether that was something that was contemplated and discussed in the consultation and development of the bill.

The other thing that came into my thinking was how we are dealing with ranks for taxis as well as for rideshare drivers, which is a highly publicised issue in the North Hobart strip. There must be other places around the state and the country where we need to come to terms with grappling with what is a fair balance in maintaining good customer experience for people to have equal access to our public spaces as well as for the drivers and the operators themselves.

A question I have is whether there has been consideration that falls outside the scope of this bill. Would there have been consideration of the allocation of ranks particular to types of operators? There are some interesting aspects around safety, and permits and fees, but in my own shadow portfolio of housing I find it interesting that the Government has rightly moved to regulate the rideshare economy and in so doing supporting licensed taxi holders and drivers. This demonstrates a willingness to take on ride-sourcing operators in that way, and individual car owners in supporting their income through rideshare.

I want to highlight the inconsistency in the Government's approach in so much as steadfastly for the last couple of years the Government has ignored findings and recommendations of two parliamentary reports. Despite mounting prices in rental affordability and housing generally, the Government has refused to regulate the short-stay accommodation sector to relieve housing stress. The parallels are very strong here insomuch as there is a real opportunity that the Government is at risk of missing, to support licence operators in this instance in the accommodation sector of hotels and B&Bs. It is no different to licensed taxidrivers and owners in the transport industry. The livelihoods of those operators in hotels and B&Bs and the jobs of the hundreds of workers they employ have been amongst some of the hardest hit due to the decline in visitation due to the pandemic.

I know that the On-Demand Passenger Transport Services Industry Bill has a longer time frame and has been under consideration and consultation for longer than the period of the pandemic, yet here we are considering what levers Government has to ensure fairness in sectors, including the accommodation sector. Unlike private Uber drivers, property owners have the opportunity of getting good investment returns from the long-term private rental market with the added benefit of helping to ease the housing crisis, so it is a potential win-win here.

The Short Stay Accommodation Act does not provide for regulation. It provides for data collection and we should not confuse those things. I know there was concern back in mid-2018 when it was proposed to bring in the Short Stay Accommodation Act. The metrics have not changed too much. There are roughly 40 000 households in the private rental sector and around 8000 households in rental stress. The median rent accounts for more than 30 per cent of average household income, so we have this impossible squeeze, and it begs the question. The Government is willing to act on passenger transport; what will it take for the Government to act in relation to the accommodation sector? The parallels are very close.

The third data collection report for the period to the end of June 2020 for the short-stay sector covers the acute impact of the pandemic and is now significantly overdue. The platform providers would have provided data to the Government by the end of July. Why is the Government sitting on this third report? Why is it refusing to regulate the short-stay market?

It is an opportunity missed to support the livelihoods of those licence operators and the jobs in the tourism sector that depend on those businesses.

There have been two parliamentary inquiries into this area and there were findings related to safety that again closely mirror what is proposed in the bill before us. The Legislative Council found that an urgent review of safety standards for short-term accommodation should be undertaken to mitigate risks and address inconsistencies between provider types. The House of Assembly select committee recommended that the Tasmanian Government develop a system to ensure short-stay accommodation complies with the state Government's visitor accommodation standards planning directives and compliance requirements, including safety considerations, to ensure a similar level of statutory obligations for bed and breakfast accommodation providers.

What is the difference between the transport industry and the accommodation sector insomuch as it is really about levelling the playing field, as this bill proposes? There was a series of other recommendations around permits, for instance, that closely mirror the proposal here to suspend annual tenders for new licences. Why is it okay to do that and yet not in areas of high demand for rental housing? Look at levers to freeze the number of short-stay accommodation permits that can be issued for entire dwellings.

I will briefly touch on that. Regarding the second data report on the short-stay accommodation listings in the Greater Hobart area, the Government claimed in its response to the House of Assembly Select Committee Report on Housing Affordability earlier this year that the majority of those listings in the Greater Hobart area are people sharing their own home. In fact 60 per cent of premises listed are the primary place of residence but the fact still remains that 829 of those listings are still entire premises. If we extrapolate those figures - and I know it is impossible and it is not a magic wand kind of scenario - if those 829 houses were transferred into long-term private rental sector if only for a short period of time, so we are not talking about forever or taking the revenue out of the hands of property investors, the owners who deserve return on their investment, those 829 properties would amount to almost a quarter of the public housing wait list in this state. Wouldn't that be a good thing? I cannot see who loses out in that scenario.

We know that housing affordability generally means that people aspiring to get into home ownership are having to wait for longer, which puts downward pressure on the market and more people are staying on average 10 years or so in the private rental sector. Affordability is an issue there and people are unable to save to aspire to that long-term property ownership, but it also means that many people are unable to afford that median rent in Hobart in particular but across the state. The metrics around rental affordability are worse on the north-west coast than they are in Launceston and Hobart.

The Government argues that any policy response in relation to short-stay needs to be informed by evidence of market failure. What would that look like? We have two data reports now and a third that is waiting - how long do we need to wait? The Government argues that there is insufficient evidence. How many quarterly reports do we need in order to make this decision? The sector has been firm in its opinion that it needed this data collection, but equally firm that there has been a destabilising impact on the short-stay sector and the time to act to regulate is now.

Where is the balance? Surely there is a win-win solution here? Surely there is an opportunity. If the Government is willing to act to regulate on-demand passenger transport services industry, why will it not step in to regulate the short-stay accommodation sector? I know transport is very important but food on the table and a roof over one's head are arguably even more fundamental in terms of dignity and a good quality life. As TasCOSS puts it, too many people, roughly 120 000 Tasmanians, because they are living in poverty, are waiting for a good life. Here is an opportunity for the Government to act with consistency as it seeks to regulate the on-demand passenger transport services industry, which I support and as my colleague, Anita Dow, has said, Labor supports, but the opportunity is there to similarly regulate in the short-stay accommodation sector.

[2.58 p.m.]

Mr STREET (Franklin) - Madam Speaker, I support this bill. It is a significant bill in that it brings the ride-sourcing sector within the scope of accreditation and safety inspections, contributing their fair share to the compliance tasks by paying annual fees based on the number of vehicles. For the first time, accountability will be applied fairly across all those participating in this industry.

The Liberal Government recognises the impact the changing environment has had on the taxi industry with the introduction of the ride-sourcing sector, which is why we are assisting the industry to adapt. In addition to this, the bill creates a modern and equitable regulatory framework for taxis, hire vehicles and ride-sourcing services. The changes are designed to promote safety, increase competition and consumer choice, provide for the delivery of accessible services and, where appropriate, reduce the regulatory burden on industry.

The development of this bill has been meticulous, with careful attention to the needs of the various participants in the passenger transport sector. It is almost an understatement to say consultation with industry has been thorough.

The Government commenced its review into the taxi and hire vehicle industries in late 2016. The review included industry consultation, market research on consumer habits and preferences and detailed research of evidence from Australia and internationally. A draft framework was released for public consultation in September 2018 and 74 submissions were received, predominantly from taxi licence owners and owner operators. Submissions were also received from the two ride-source platforms that were then operating in Tasmania at that time - Uber and Shebah - as well as Equal Opportunity Tasmania and TasCOSS.

A new regulatory framework for the on-demand passenger transport sector was released late last year for public consultation. It included the draft bill. The framework reflects feedback received through the formal consultation period on the draft framework as well as ongoing stakeholder feedback. The consultation period closed in February this year and feedback received was considered. There are no surprises in this bill for the industry. Communication consultation has been second to none and, importantly, the Tasmanian Taxi Council has expressed its support for these amendments.

I acknowledge the major work undertaken by the Minister for Infrastructure and Transport, Mr Ferguson, and his predecessors, in developing this way forward.

As a result, the new framework for the on-demand passenger transport sector takes a transitional approach to change because of some of the concerns that were raised during

consultation. This recognises that a number of individuals and entities have invested significant capital into licence plates. The framework reflects feedback received throughout the formal consultation period on the draft framework and the draft bill, as well as ongoing stakeholder feedback.

Under the existing framework, not all transport sector operators have the same regulatory and compliance requirements. This bill provides a level playing field for all industry operators. The framework has been designed to provide the taxi industry with time and support to adapt to the changing environment whilst ensuring greater equity with new entrants, such as ride-sourcing.

The bill amends three acts that set out the regulatory framework for the sector. First, the Economic Regulator Act 2009 to provide further clarity of the matters that must be considered when the Tasmanian Economic Regulator conducts taxi fare methodology inquiries. These inquiries inform the setting of taxi fares.

The Passenger Transport Services Act 2011, which is the principal act under which operators must be accredited, is being changed. The amendments provided for in this bill, a move for some of the regulation of the industry from licences to accreditation, provide a level playing field for taxis and other operators. We create a booking service provider function which captures both taxi and ride-sourcing. We will charge annual fees against accreditation instead of taxi licences, providing a more level playing field and sharing costs across all operators in the industry. It introduces a new chain of responsibility model for safety, with licensees, booking service providers and drivers all able to be held responsible for those aspects of the service in which they have a role or shared role.

Lastly, this bill amends the Taxi and Hire Vehicle Industries Act 2008 to reflect that some of the regulations, such as annual fees, will now be captured under the Passenger Transport Services Act as part of providing a level playing field for all operators. It extends the moratorium on automatic annual releases of new owner/operator taxi licences by tender for a further four years. However, the commission would be able to issue licences in the specific situation where there is unmet demand.

It requires the regulator to make independent determinations on reserve prices for new taxi licences. This is the minimum price to purchase an owner/operator taxi licence from the Transport Commission. No reserve price can be reduced by more than 10 per cent per annum for the first five years. We also now allow multiple hirers in taxis, providing consistency with the ride-sourcing industry.

I urge the House to support this bill. Without these changes ride-sourcing companies would continue to not be captured through the regulatory framework and they would not pay annual fees and would not be subject to the same regulatory requirements as the taxi industry. The new regulatory environment improves competition and equity and promotes consumer choice. Under the framework, there will be a suspension on the annual release of new owner/operator taxi licences by tender for four years.

This approach seeks to address concerns regarding the oversupply of taxis and provides the industry with more time to adjust to the impact of the changing environment. Without this intervention, the 2008 legislation which allows more taxi licence releases each year, will continue.

For vulnerable Tasmanians, access to transport at an affordable price is vital. Taxi fares will continue to be subject to a maximum regulated fare and taxi operators may continue to offer fares below this maximum. Eligible individuals will continue to have access to transport access scheme concessions. Additionally, through regulatory changes, the fare tariffs for wheelchair accessible taxis will be made consistent with that of standard taxis. Again, this speaks to a regulatory environment which promotes consumer choice and improves equity.

The past six-month period has been difficult for the taxi industry. The global pandemic and its impacts on travel have had a severe impact. In recognition, the Liberal Government provided support to the industry to help the disruption caused by COVID-19 and this included waiving the annual administration fees for licence holders for the 2020 calendar year. We passed the COVID-19 Disease Emergency (Miscellaneous Provisions) Act which allowed for preventing the release of additional owner-operator taxi licences by tender in 2020, an optional clause for the refunding of registration fees for vehicles not being used during the emergency period.

In addition, for vehicle registrations falling due between 1 March and 30 September 2020, taxi operators can choose to either continue operating the vehicle and apply to have their vehicle registration extended for a 12-month period at no charge, or pause the registration of their taxi and later reinstate the registration at no cost. The industry welcomed this system with open arms.

Around 200 accreditation audits have been deferred, typically costing $350 each and with regard to vehicle registration extensions and fee relief, 30 businesses have applied for light and/or heavy vehicle fee relief and 2321 vehicles have been processed.

As mentioned, implementation of the reforms will be undertaken in stages over a time frame to be finalised in consultation with the industry. There are several reasons for this, the most important being that it will allow the Government to continue to take a consultative and educative approach to implementing the new regulatory environment.

Industry will be asked for input, where appropriate, and will be given time to prepare for changes to their business practices that might flow from the change. Importantly, it will be supported by an industry uplift package which includes funding to the Tasmanian Taxi Council to support the development of a code of conduct and service quality.

This bill represents an extensive and thorough rewrite of the out-dated legal framework surrounding this sector. The minister, Mr Ferguson, deserves our thanks for supporting the industry through difficult times and for his consultative and constructive approach in working with the industry to finalise this bill. I support bill.

[3.07 p.m.]

Mr TUCKER (Lyons) - Mr Deputy Speaker, this bill brings much-needed equity to the industry. It levels the playing field for taxi operators and the ride-sourcing industry, providing some regulatory relief for taxis, bringing ridesharing operators within the regulatory framework. This means an improved safety and accreditation regime that covers all operators.

For passengers, this bill brings several benefits, including more choice and more consistent safety standards. Quality of service will improve for a code of conduct and service quality. Only taxis will be permitted to service the rank and hail markets and access transport

access scheme subsidies, while safety for users of ride-sourcing services will be improved for operator accreditation.

Regarding accessibility, these reforms will not affect the existing taxi subsidy program, nor any other arrangements that are in place for those who receive discounts, concessions or funding for transport services.

Key recommendations of the separate review into wheelchair accessibility services have been incorporated into the new framework, principally relaxing the age requirements for wheelchair accessible taxis - or WATs - both when entering and exiting the market. In changing the regulatory fare structure for WATs to be consistent with standard fares, for the first time in six years, there will be a 5 per cent increase in taxi fares. For most passengers though, this will be offset by a reduction in the maximum credit card surcharge from 10 per cent to 5 per cent. This change is more consistent with other states and territories and helps to bring the taxi industry more into line with other industry participants.

The bill changes the mechanism for the setting of maximum fares, tariffs and other amounts that may be charged in relation to taxi services. These will no longer be set by regulations but by orders made by the Transport Commission. In making these orders, the commission must consider recommendations made by the independent Tasmanian Economic Regulator in its most recent Taxi Fare Methodology Inquiry. This new mechanism will allow for a more responsive approach to setting fares while still being subject to the independent advice of a regulator. The framework will see the regulator conduct an inquiry to ensure that the fare methodology is contemporary and fit-for-purpose.

The new framework also provides that taxi meters can be activated at the passenger's presentation at the vehicle for boarding. This is a fair reform which provides for a more accurate reflection of the actual time and cost associated with offering the service. Further, the new framework will support the ability for taxis to undertake multiple hires which will provide consistency between the taxi and ride-sourcing industries while promoting consumer choice.

As mentioned previously, this bill brings significant benefits in terms of safety. All on-demand passenger transport vehicles will be required to be subject to annual inspections by an independent approved inspection station and six-monthly independent approved inspections when they are older than 10 years. As well, all vehicles will need to undergo a vehicle safety inspection by a qualified person every six months or 10 000 kilometres, whichever occurs first, and a pre-departure inspection each day before the vehicle is used for a passenger transport service.

All vehicles will be required to have a five-star ANCAP safety rating and be not more than seven years old when newly-entering the market, with a maximum age limit of 12 years. An ANCAP rating will not be required for wheelchair-accessible taxis and vehicles authorised as a general restricted-hire vehicle.

I commend the Minister for Infrastructure and Transport and his predecessors for working with industry to bring this bill to fruition. It has been a long time in the making - first mooted by the then premier, Mr Hodgman, in 2015 when he committed to modernising the regulatory framework. There is no doubt the taxi industry has faced upheaval with the introduction of ride-sourcing providers and the regular release of licences impacted on values. We are all aware of how Labor actively sought to destroy the taxi industry without this bill.

Current legislation requires the release of new taxi licences each year. The Labor Party, then in government, did this with a deliberate and stated intent to reduce the value of taxi licences, flooding the market with new licences every year.

This bill protects the value of licences by extending the moratorium on the annual release of licences. For taxi operators and licence-holders these reforms mean the annual release of new owner-operator taxi licences by tender will be suspended for a further four years. One year has already been suspended as a COVID-19 support measure. However, the bill ensures adequate supply in areas affected by unmet demand.

Leasing of perpetual taxi licences and the secondary market for the sale of licences will continue to operate. Reserve prices will be set by the Tasmanian Economic Regulator and are not to decrease by more than 10 per cent per year for the first five years. There will be a lower regulatory and compliance cost for most existing operators, and taxis will be allowed to operate out of their area in certain circumstances such as busy periods, with a temporary licence. There will be no changes to attaining a wheelchair accessible taxi licence.

Regarding certification and training, all drivers will continue to be required to have an auxiliary certificate before driving on-demand passenger transport vehicles. However, specific mandatory training for taxidrivers will not be required except as it relates to the safety of the driver and passengers such as wheelchair accessible vehicles. Instead, operators will be responsible for providing training and drivers will be required to declare they understand and will comply with public passenger vehicle legislation obligations, as well as requirements under disability and anti-discrimination legislation.

A new requirement is for driver identification to be available to passengers either electronically or in the vehicle where that is not already the case. In a further measure to boost equity, annual administration fees, safety requirements, and accountabilities will be applied fairly across all industry participants. This will result in lower regulatory and compliance cost for existing in taxi operators.

Booking service providers, which are a concept introduced by this bill, will include both taxi and ride-source operators under the same definition. This replaces the existing concept of a taxi dispatch service, making the regulatory scheme more equitable and consistent. Taxi areas will move from a descriptive text approach in the current act to regulations. This will substantially support the presentation of information and will provide a more dynamic mechanism to manage taxi area boundaries to make adjustments as needed, such as to capture new subdivisions and similar developments in regions that are not currently part of existing taxi areas.

This is another area where Mr Ferguson has worked to obtain agreement from the taxi industry, which has led to this favourable outcome. In addition, taxi operators may be able to work in another taxi area for a specific time or event, upon approval of the Transport Commission for a temporary taxi licence. As mentioned, the annual administration fees will be applied fairly across all parties in this industry. Rideshare operators do not currently pay annual administration fees. In line with the Liberal Government's commitment to creating a more equitable and even playing field, this bill will see the cost of regulation being shared across taxi and on-demand passenger transport service providers for an annual fee on a per vehicle basis. No taxi operator will pay more than they currently do, allowing for inflation. Annual administration fees are critical to support the cost of industry regulation and

compliance. This regulatory oversight ensures a robust and safe industry for operators and passengers alike.

For ride-sourcing operators, the bill will formalise the regulation of drivers who are currently authorised to operate under an interim arrangement through an exemption by the Transport Commission. This includes formalising the safety features of ride-sourcing such as rating systems, the lack of cash payments, and the recording of trip details. Ride-sourcing operators will be accredited, and rules against using ranks, touting or operating off-application will be enforced. Ride-sourcing drivers will need to complete a medical self-declaration audit on average every five years.

This bill brings many benefits to this industry. Not only does it help the passenger transport industry adapt to change, it helps the various operators to coexist, and provides consumers with more choice in improved quality of service and safety. I congratulate the minister in bringing the industry with him on the development of this important reform. I support the bill.

[3.18 p.m.]

Mr FERGUSON (Bass - Minister for Infrastructure and Transport) - Mr Deputy Speaker, I thank Ms Dow, Ms O'Connor, Ms Ogilvie, Ms Standen in her absence, Mr Street and Mr Tucker for their contributions on that debate. A fair bit of material has been covered. It is a meaty bill, it has to be said, and there are many provisions so I will do my best to address the issues that have been raised by those different speakers. In some cases, I might go through them in order of speaker and others I may group the responses. I ask members to bear with me as I work through those.

From the outset I indicate how grateful I am for the comments that have been made. It has been a power of work that has been done here, not just by me, my team and my office, but also by my department.

It has been a fair journey as well as has been indicated through everybody's contributions. The journey for this particular legislation had its genesis some two and a half years ago. The issues we are dealing with right now are as a consequence of the 2008 legislation which introduced more and more an as-of-right taxi licensing system, which Ms Ogilvie referred to as the owner-operator taxi licence system, a deliberate and stated policy of driving down the value of taxi licences.

Second, it is consequent on the digital disruption that has been occurring, not just in Tasmania but right around the world. The reason I say thank you is because I believe there is an acknowledgment by members of this House that whatever the inherited legislation is, from whatever era, the fact is it is not serving our industry well today and we can do better.

I want to emphasise, and I will probably say it a few times, how grateful I am for the engagement with industry itself. The ride-sourcing industry, who I have been in contact with and have received representations from and who have been involved in the review, have been generally quite constructive to work with. While they are not absolutely delighted with everything in the legislation, and you would not expect them to be, they have been very fair-minded about it and understanding that there was a rebalancing that needed to occur. It is fair for me to say that there is a recognition of the digital disruption that came with it and the

commitment by the Government to address a level playing field in the fullness of time. That is how we get to now.

My greatest thanks, in terms of the industry, is to the taxi owners and drivers, particularly those who have invested their own money, their life savings in some cases, into this industry and into their own plate, whether it is a permanent plated taxi licence or an owner-operator taxi licence. There has been a real sense that these have been investments that have been challenged by digital disruption. They are not on their own there. There are quite a lot of industries that would say 'me too' on this one.

The most obvious is the entertainment industry. It has been completely transformed in this country since around about Easter of 2016, from memory, when Netflix switched on in Australia. We had Video City stores and other branded stores still well and truly in the marketplace at that time, and they gradually folded up. I am not aware of a single dedicated video or DVD store in Tasmania today. There might be some that offer rentals out of their other mixed business, but there are none left and nobody is making a plea that they should have been bought out or compensated. That is a reality for them of the digital disruption that has occurred through the fault of no-one.

Dr Broad - They weren't regulated either.

Mr FERGUSON - The point is a different one, Dr Broad. The Labor legislation that we are addressing today in fact sent a very deliberate trajectory of zero value taxi licences. The issue we are dealing with today, and the point I am making, is quite a different one. The digital disruption was no-one's fault. It was technological advancement, broadband infrastructure and the capability of people in their own homes to download and stream the entertainment they want in real time. There is no need for a library at all because you can more or less stream it on demand. There are other industries that have faced similar disruption. Retail shopfronts would be an obvious one, faced with the digital disruption of the online marketplace.

The reason I am grateful to those industry players is because they have recognised that and have not sought any kind of special-case measures. They have asked for a recognition that they were the existing players. Other entrants came into the market which they, as a body at least, are not challenging. I know that individuals certainly challenge the presence of the on-demand ridesharing platforms but, in the main, there was a recognition that they were coming and were here to stay. The fact that the taxi and hire car industry had a level of regulation made it very difficult to even have a shot at competing. That is the point I am making this afternoon. That is the key point.

This legislation is very clearly geared at deregulating as much as possible and taking unnecessary regulation out of the lives of the taxi industry and applying a fair level of regulation and cost recovery to the newer competitors who in the intervening period have not had to contribute to the cost of the Department of State Growth and the Transport Commission. That is what we are seeking to do today and the appreciation is very real.

Some people said this would be too hard to crack but we persisted. There is much goodwill that has allowed us to bring this bill to the House. It has gone through many stages and through different drafts. Some members of this House may even have had a look at those previous drafts and seen the evolution of this piece of work.

From the outset, I believe the game-changing piece is the four- and five-year transitional period to allow our taxi industry to be even better prepared for its future through the moratorium on the release of new licences for owner-operator taxi licences, and also during that period the guarantee that even though there will be no licences issues except in districts of actual shortage of taxis - that would be a carve out - but even during that period if there had been a release of owner-operator taxi licences, the value of those would not be discounted by more than 10 per cent on the previous year. It is more of a steadying and moderating influence on that trajectory to give our taxi industry a fighting chance at survival.

In 2008 the then minister, Mr Sturges, in fairness to him, would not have seen the digital disruption that was five years around the corner and perhaps in that parliament at that time it would probably be fair to say no-one would have seen that coming. While that policy at that time may well have been debated and cast over and criticised, in retrospect it has to be said that we have the benefit today of knowing what happened next and the digital disruption that has occurred.

Consumers have voted with their mobile phones, it could be said. There are many people who have a great love for ridesharing or ride-sourcing providers and many other people like you, Ms Ogilvie, who are steadfast supporters of the old-fashioned industry, if I can put it that way, who nine times out of 10 have a great experience. There is a sense of reliability around the rank system or being able to dial your regular taxidriver, somebody you might know and trust who might know the way you like things done. You have a relationship and want to support that business operator. Good on you. It is also fair to say that in a very small number of cases people do not always have good experiences with any of those platforms, whether it is traditional taxis or the ride sourcing companies.

With the increased focus particularly on the taxi industry for a voluntary industry-directed code of conduct and service quality, I believe the future is very bright. I will do my best during my summing up to not share my taxi stories because I have a few and I have a doozy from China which I will probably save for a beer with Dr Broad after the adjournment.

I will begin with the moratorium and the different comments that have been offered by members. I will begin with the question around viability and the opportunity to make a living. The bill is designed to support the taxi industry and maintain viability in the face of the introduction of ride-sharing operators. We are intervening to suspend the release of new licences to prevent oversupply issues which was reported as a concern during the consultation stage and to ensure reserve prices reflect market values while also providing certainty around what that level will be over the next five years.

There was a question around medicals for over-65s. All public passenger vehicle drivers over the age of 65 currently need to complete a compulsory medical assessment annually as an administrative requirement of the Registrar of Motor Vehicles.

Following the five-year moratorium on the release of licences, the system would revert to the annual tender process, whereby the Transport Commission is required to release - that does not mean that they are taken up - but are required to make available licences annually with the number based on 5 per cent of the existing number of licences in that area, or one, whichever is the higher number. Part of the process to monitor and address concerns allows the economic regulator to hold hearings and receive submissions. This a robust process that allows concerns to be raised and acted on. If people have an interest, a commercial or other

interest, in the matter they are able to get that heard by the economic regulator which, of course, is a statutory officer with that level of independence from government.

Ms Dow asked me about communication to consumers. We are prepared to look at this more deeply, Ms Dow. While the focus of the reforms is more internal to industry, I have reflected on your comments over lunch and discussed it with my team. We think we could be putting in some greater effort in expressing or communicating the changes to consumers, whereas we would want the reforms to more or less be seamless or almost invisible to them. There is no policy change to the way that consumers can engage with either their local taxi company or the taxidriver with whom they have an ongoing relationship, or with their favourite ride-sourcing booking service. Having said that, nonetheless we are prepared to have a look at that and engage a communications strategy, perhaps a modest one so that we can communicate to the Tasmanian public what we are doing, why we are doing it, and what they can expect.

Our message to consumers will continue to be that if they call a radio room, they will be linked to an appropriate nearby taxi. If they continue to use their Uber, Ola, Shebah or Oscar, then they will continue to be able to -

Ms O'Connor - Oscar for the regional areas. Thank you to your department.

Mr FERGUSON - They are very good, aren't they? I will come to that; I will never forget to say thank you to my wonderful department.

They will continue to obtain their transport needs through those existing channels.

I also took heed of Ms Dow's comments in relation to the Perth taxi zone. I am quite aware of that. The Government and the department are quite aware of that. There genuinely are two sides of that coin; on the one side of the coin is a desire by some to just amalgamate the Launceston and the Perth zones, and there is a recognition by many others that that would be in itself unfair because people who own a Perth plate have paid a lot less for their plate than the people who have a Launceston plate.

On that basis, the Government does not propose to force a change, but we have signalled to the industry that we are prepared to allow the industry to work through the issue amongst themselves. There is a recognition that there has to be a moderation in value in some way.

Today, the Government is prepared, and I am prepared to say on the record, that we are open to an amalgamation of the Perth and Launceston zones. We would want to be convinced that it is an appropriate way forward with the necessary trade-offs so that value is not unfairly lost or gained to one plate owner compared to another. There have been some interesting discussions I have already had about how that could look. The legislation provides for that to occur, and if and when this Government or a future government, is minded to follow through on the work that we would expect the industry itself to now do, then there is a way through the regulation-making power that those zones can be changed. Does that make sense?

We could force the matter but we do not think that that is the right thing for a responsible government to do because it could involve destruction of values. We want the industry to come forward with solutions. I do not want to pre-empt what they could be, but members can perhaps figure out that there are ways that those who gain from such a join, amalgamation, there are ways that they could contribute to the extra value that they are obtaining.

I was not asked about this, but it has been a common theme during the consultation in the case of Launceston and Perth, there are times particularly when Launceston is busy, such as Launceston Cup Day, Festivale or New Year's Eve, when Perth plate taxis are able to pick up somebody, as long as they live in the Perth catchment and deliver them, only if they live in the Perth catchment. They cannot do a pick-up and drop-off in Launceston.

The bill before us provides the opportunity for the Transport Commission to give permission in advance of those known very busy days to, for example, a Perth plated taxidriver to be able to support that surge capacity in a city like Launceston. I was not asked about that, but that is definitely there and is tangential to that Perth/Launceston discussion.

Quite a number of speakers asked me about compliance. It is a good question to ask. It has been something that we can place an emphasis on. Transport inspectors are able to focus their efforts on light vehicles including on-demand passenger transport vehicles, since the heavy vehicle compliance task was transferred to the national regulator. In addition, the Department of State Growth has been working with Tasmania Police to development a compliance model for addressing non-accredited operators, operating on websites, social media platforms and off-app.

I was surprised nobody asked me about this because the DesiDriver type services or des for driver are illegal, inappropriate and unlicensed. Nobody has any knowledge of their quality assurance ability or the safety of their vehicle. It is a black market provision. If any of you are aware of it in your local communities, I invite you to report it immediately to my office or to State Growth so that it can be followed up. It should not happen.

I will be careful about how I choose my words here. If somebody wants to give somebody else some petrol money to help them out with a journey, that is their business but when somebody is touting for business, they are actually stealing work that does genuinely belong to accredited transport providers, like taxidrivers and the on-demand providers who are going to come in under this accreditation system.

I do not want to be advertising their business but there are some individuals who are touting for business on social media. They are holding out as if they were a business and advising people that 'if you want me to take you home from the pub, I will come and get you and this is my fee'. That is illegal and it will continue to be illegal and it must be stamped out. To Ms O'Connor's earlier comments about some of the very frightening things that have happened in some people's lives, it is an unregulated and an illegal section of the black market and needs to be reported, if anybody becomes aware of it.

I was also asked about -

Ms O'Connor - Resourcing for compliance and monitoring. I asked you about inspections.

Mr FERGUSON - I will come back to that.

Ms O'Connor - We were talking about it so I thought you might deal with it there.

Mr FERGUSON - I do not have that advice but I will come back to that, I promise. Feel free to nudge me if you feel I am losing track.

Ms O'Connor - I just did. Okay.

Mr FERGUSON - Regarding self-reporting measures required for compliance and the number of taxis and ridesharing vehicles needing to be compliant versus current numbers. All taxis and rideshare vehicles are already subject to a vehicle inspection regime. Additional compliance introduced by this bill relates to ride-source operators and taxi networks rather than individual vehicles. In this case, the existing authorised external auditors will be used to ensure accredited operator systems meet accreditation requirements.

Regarding self-reporting, again audits will take place to ensure appropriate systems are in place and that these systems are at the appropriate scale for the size of their operation. The framework is a co-regulatory approach for the industry. It requires compliance but allows for a level of self-determination and innovation in how they comply with those requirements.

Ms O'Connor, I invite you to follow this up with me further if what I am about to say does not fully capture what you are looking for, but I am advised that previously the Transport Inspectorate was a team of 15. Five of those equivalents have transferred to the National Heavy Vehicle Regulator so we are now left with 10, so it is less. However, the point that has just been made to me by my adviser is that previously nearly all those 15 people's time was taken up with heavy vehicles, so with the extra workforce at the national level we have only had to surrender five back into that system. The advice I am receiving is that today we have a greater team capability for compliance activities on the light vehicles. I am happy to hear from you or follow up further if that is useful.

I was asked about the annual release of licences, for example, the 42 from the year. I can advise members that new section 65(8) of the bill withdraws remaining available licences from sale, so they are not available.

I only have a very brief comment to make in relation to Ms Standen's questions around housing. My advice is the taxi industry is already highly regulated. The Government has consulted broadly on these changes and delivers on a commitment made in 2015 to review the industry upon entry to the market of ride-sourcing operators. Mr Jaensch is the minister responsible for this area and has been confronted with all sorts of proposals from the Opposition, including effectively regulating landlords' rents and telling them what they have to charge, and the well-known shack attacks that the Labor Party proposed at the last election.

The simple fact is that in this term of this parliament the Government has placed some regulatory burden on people who own property listed on short-stay accommodation websites. That is well-documented. It is perhaps better for Mr Jaensch to respond to any further criticism or proposals that may come from members of the Opposition.

Ms O'Connor - Minister, I also asked about the moratorium on new taxi licences being issued and whether there would be any restrictions on accreditations of other ridesharing vehicles into the market? If you are freezing new licences for the next four years, what does that mean for Uber, Oscar, Ola - the ridesharing platforms? If there are 100 new vehicles wanting to come in and be accredited but you have a freeze on new licences is there going to be some restraint on new Ubers?

Mr FERGUSON - I am coming to your questions shortly. I know I am blending around.

Ms O'Connor - I apologise. I thought you were doing it in speaking order, which is why I thought I had better remind you.

Mr FERGUSON - I have the advice to your question but I will finish with the earlier one from Ms Dow.

In terms of the wheelchair-accessible taxis, I am totally on board with the concern, and I share the concern and the interest. The moratorium does not apply to wheelchair-accessible taxis - also known as WATs - so they continue to be available. Licences for WATs continue to be free, apart from the application fee. This bill also makes changes to the age requirements - which I know Ms Dow welcomed - of both newly authorised and maximum life age, recognising the cost of the investment in these more specialised vehicles.

The Transport Access Scheme remains available solely within the taxi industry which supports ongoing availability of and investment in WATs. I wonder why somebody with an entrepreneurial spirit on the north-west coast has not thought that this could be a business enterprise for them. It surprises me somewhat, given that the barriers to entry are so much different from the general taxi industry. We invite interest in this area and State Growth would be only too happy to hear from anybody, Ms Dow, in your constituency and any other members for Braddon, because it is disparate and it would be good if the community in the north-west could have access to a wheelchair-accessible taxi. It is only fair. I invite the interest and invite you, Ms Dow, to put it on your social media or your newsletter and let people know that there is an opportunity there. State Growth and the Transport Commission would only be too happy to receive that.

Ms O'Connor, to the question around the new ridesharers coming into the market, noting of course that on the ride-sourcing platforms the participants are quite fluid coming and going quite commonly, the moratorium on new owner-operator taxi licences is designed to reflect and protect the investment, which is a long-term one, of taxi licence holders. Ride-sourcing operators are not covered by the moratorium as they are fundamentally different from taxis and their business model. They have not been licensed, they are not limited to a specific area, and they are not allowed to operate in taxi ranks or take hailing passengers. Because they are not limited to a specific area a moratorium would have not been feasible without preventing the growth in the industry of emerging regional markets which would result in a possible loss of competition to those regional areas.

I also make the point that in that particular industry those people who participate as drivers and operators are coming and going with a significant turnover. I do not have a number on that but that is what we know to be the case. The available data suggests that ride-sourcing drivers drive on average fewer hours than taxi operators. Because of all these differences the real benefit from the point of view of the moratorium was for the taxi industry to try to support and provide some transition of five years to the taxi industry and to allow them to survive and do well and have a bright future compared with what they were currently contemplating.

I am also advised it would be very difficult to try to implement such a thing given the fluid nature that you are booking with the app rather than booking with the driver and is unlikely to be of significant benefit to either industry. I have not been asked about this before. You are the first, again.

As to the response of ridesharers, ride-sourcing providers have been consulted throughout the review. The accreditation model is fully supported as an accrediting operator rather than individual drivers. This approach is consistent with other jurisdictions. We will continue to work with the ride-sourcing industry throughout implementation.

Mr Deputy Speaker, if I run out of time I wonder if you would give the call to my colleague to allow me to continue summing up?

Ms O'Connor spent a bit of effort asking me about chain of responsibility in how it is weighted. I have advice that has been prepared over lunch. Responsibility is shared, as you acknowledged. The level and nature is based on that person's function, the nature of the risk and the person's capacity to control, eliminate or minimise the risk. It is based on what would be reasonably practical for that person at the time and not designed to put unreasonable or undue burden on any one person in the chain. Rather, it reflects the fact that each individual in the chain is uniquely positioned to deal with those risks. Section 33J specifically deals with registered operators of vehicles ensuring the vehicle is safe and taking reasonable care, for example.

Ms O'Connor also asked about whether inspections and a monitoring regime created an unreasonable burden on a largely casualised workforce. A driver, for example, would only be expected to do what is reasonably practicable, for example a pre-departure check to ensure that there are no obvious defects that could compromise safety.

I am going to now speculate that, for example, the matter of ongoing or longer term maintenance or the registration of the vehicle or the vehicle itself being within its legal age would all be responsibilities of the operator of the vehicle as opposed to the driver. I am getting nods, so it is an indication of the way in which it would be weighted. It would be weighted about who would have been reasonably expected to take responsibility for that risk.

'Does the minister intend to send another referral to the Economic Regulator under section 45A?' Yes, under the broader regulatory framework it is proposed to request the regulator to undertake another taxi fare methodology inquiry to review the recommendations of the 2014 report to ensure that they are best-practice and contemporary and, of course, reflecting different objects that are in the bill. Ms Dow also asked me about that.

Regarding the rationale behind the luxury hire vehicle moving to a zero-licence value, the bill aims to reduce the regulatory burden where appropriate and provide further opportunities for participation in this niche-sector of the passenger transport industry. The difference with this industry and these vehicles is that these are not able to use rank-and-hail fares.

I was also asked by Ms O'Connor how to identify dead-spots in new areas of need and whether there would be direct intervention? The bill enables place-based solutions to be developed in communities where there may be a lack of service and where the cost of establishing a taxi service may be considered prohibitive. Services will need to be accredited to ensure the safety of services. Proposed changes to the taxi-area map cover what may have been considered dead-spots where no taxi area was previously covered.

I had a number of queries from around the Chamber about the implementation time frames, so I will move to that now. We are going to step through this piece-by-piece when the

bill is made law. The framework will be implemented in stages and will consult with industry. There are several reasons for this, the most important being that it will allow the Government to take a consultative and educative approach in implementing the new regulatory environment. Industry will be asked for input where appropriate and will be given time to prepare for changes to their business practices that might flow from their change: for example, the chain of responsibility that we have just been discussing and how those risks need to be managed by each individual in that chain.

The first stage of changes is intended to be introduced before the end of this year. Where possible this will include the changes with the most and direct benefit to the industry and to consumers such as the reduction in the credit card surcharge, the increase in the taxi fare which has not happened for six years, I heard maybe seven years, and reducing tariffs for the wheelchair-accessible taxis, plus the changes to vehicle age requirements.

In relation to the implementation time frame I have other advice I would like to share. Modelling on different options for the setting of annual fees has already commenced within the department. The starting point for these considerations is that whatever model is implemented will ensure that no taxi operator pays more than they currently do and that the fees will be equitable between taxi and ride-sourcing operators. Once the bill passes, the department will take a collaborative approach for that matter, ensuring that industry can comment.

The new fees will come into effect at the same time as the new accreditation and safety requirements. I am advised that this part of framework is the most complex to implement and time will be allowed for the transition. The Government also has significant system changes, internal and external training, and other preparations to make before this can occur. A time frame on this has not been finalised but will be agreed in consultation with industry.

I am sorry I cannot remember who asked me about cameras. Was it you, Ms Ogilvie? Yes, I will move to the questions raised by Ms Ogilvie and begin with cameras. The new framework does not make any changes to the rules or requirements for security cameras in relation to ride-sourcing vehicles. The framework does establish a chain of responsibility model for safety. For ride-sourcing companies this means that the company, the driver and the registered operator of the vehicle all have that shared responsibility that we reflected on earlier.

Under this model the ride sourcing operators will be held responsible for their own safety systems. It is expected that they will continue to use methods such as the collection of trip, passenger and location data to ensure the safety of passenger and drivers. While rank-and-hail taxi passengers and drivers are largely anonymous to each other, this is not the case with ride-sourcing where information on each party is shared with the other. The different security camera requirements between taxi and ride-sourcing companies reflect this different risk profile.

Ms Ogilvie asked me about child seats. Unlike taxis, ride-source vehicles are not exempt from the requirement for young children to be restrained in a child seat. Some ride-source companies like Shebah make the service available when making bookings, and of course, when making a booking with a taxi operator, asking for a child seat to be provided is the best way to obtain that service. Does that address your concern?

Ms Ogilvie - Yes, sort of.

Mr FERGUSON - I'm happy to follow up on that if it does not fully capture what you were concerned about.

I believe I have covered consultation fairly well, but I will add to Ms Ogilvie's question on the number of submissions. The Government commenced the review in late 2016. It included industry consultation, market research, and detailed research and analysis of evidence around Australia and internationally.

Ms Ogilvie - Did you say 2018?

Mr FERGUSON - Late 2016.

A draft framework was released for public consultation in September 2018. There were 74 submissions received, predominantly from taxi licence owners and owner-operators. Submissions were also received from the two ride-source platforms that were then operating in Tasmania at that time, Uber and Shebah. Equal Opportunity Tasmania made a submission, as did TasCOSS.

The new regulatory framework for the on-demand passenger transport sector was released late last year for public consultation, including a draft bill. The framework reflects feedback received throughout the formal consultation period on the draft framework as well as ongoing stakeholder feedback. The consultation period closed on 21 February 2020, and feedback received was considered by the Government. We had a good look at that while we had the pandemic on, and did all those other initiatives in the meantime to try to support those individual businesses. That has been widely appreciated.

I cannot recall who asked me about the number of taxis. Perhaps it was you, Ms Ogilvie. My advice is that the total number of taxis is 603.

Ms O'Connor - Total number of taxis, or total number of licences?

Mr FERGUSON - Same, but it would be a different number of operators though, it would be fair to say. There might be some operators with multiple taxis, but the total number of taxis is 603, and the same as the number of licences.

I did address the question of the regulator doing a review of fares. Ms Dow asked me that. Nonetheless, I will provide you with any extra information. Maximum regulated fares relate only to taxis, because they are a maximum fare.

Ms Ogilvie - The surge-pricing in question.

Mr FERGUSON - This reflects the information asymmetry that exists on rank and opportunity for monopolistic behaviour. That is, if you are the only taxi available, without regulated fees there could be manifestly excessive charges. Two models - regulated taxi fare and deregulated fares in the booked market - have been in place since at least 2008, and the introduction of luxury hire car licences. These, and restricted-hire vehicle licences can set their own fares because they are pre-booked. Consumers can shop around.

Time expired.

Ms ARCHER (Clark - Attorney-General) - Mr Deputy Speaker, I move that the House allow the minister to continue for another 20 minutes, if needed.

Ms O'Connor - Twenty minutes? Seriously.

Mr FERGUSON - You have to admit it is quality. I am trying to cover every base.

Motion agreed to.

Mr FERGUSON - I will not be needing it -

Ms O'Connor - A minister should be able to wind up on a bill -

Mr FERGUSON - I appreciate your advice -

Ms Archer - Well, don't ask questions. This is my argument.

Mr FERGUSON - I am coming to the conclusion -

Ms O'Connor interjecting.

Ms Archer - We are answering questions.

Mr FERGUSON - In fact, I have come to the end of my list of questions. I am thrilled with that. I am going to cast around; I do not want to leave any mysteries unsolved.

Ms Ogilvie - You can talk about pricing a bit more because we didn't get to the bottom of that.

Mr FERGUSON - We have actually concluded going around those issues. The minister has done a brilliant job of wrapping that up within the general time allowed. I thank everybody for their contributions and at this point sincerely thank my office, particularly Jodi de Cesare from my team, who has been working very hard on my and the Government's behalf advising us on this, but especially my team from the department, Martin, Laura and Jack, a sensational effort.

I put on the record that this has been a real labour of love for many of us and there have been moments where we were not sure how these proposals, particularly with the balancing of them, were going to be received by consumers, industry and the ride-sourcing operators. There are conflicts of interest between them and to get the balance right has been a delicate balancing act. I offer a great deal of appreciation to the industry players as well for their sense of the need for making compromises on their ideal pitch or what was on the wish list. People have been fantastic as we move to the different arrangements. I place those appreciations on record and thank the House.

Bill read the second time.

Bill read the third time.

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

Second Reading

[4.02 p.m.]

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

That the bill now be read a second time.

As Attorney-General and Minister for Justice, I am committed to introducing reform to the state's court system. The passage last year of the Magistrates Court (Criminal and General Division) Act and consequential amendments act as well as the Restraint Orders Act was the product of considerable hard work, consultation and collaboration by my department, the courts and the legal profession, and I thank them all again for their extensive work over many years. The significant task of implementing the reforms to the Magistrates Court is now underway, with the major legislation to commence when this project is complete.

At the time of the Magistrates Court legislative reform package, I acknowledged that delays in the court system continue to lead to a growing backlog of cases in the Supreme Court. I therefore committed, as a matter of priority, to introducing legislation aimed at administrative and procedural change that would reduce the backlog. The Justice Miscellaneous (Court Backlog and Related Matters) Bill 2020 has been developed in close consultation with key legal stakeholders, including the Magistrates and Supreme courts and the Office of the Director of Public Prosecutions.

The bill includes a range of reforms already endorsed by this parliament through the Magistrates Court (Criminal and General Division) Act 2019 that have been identified as changes that could be introduced earlier than the commencement of that act. The proposals have been developed with the assistance of the steering committee and legislation working group of the Magistrates Court (Criminal and General Division) Reform Project, which includes representation from the courts, Department of Justice, Department of Police, Fire and Emergency Management, Director of Public Prosecutions, the Law Society, the Tasmanian Bar and Legal Aid Tasmania. In addition to the extensive assistance provided by legal stakeholders through working and advisory groups, a consultation version of the bill was also released for public consultation via the Department of Justice website.

The bill includes a range of amendments to the Justices Act 1959, the Criminal Code Act 1924 and related acts to implement preliminary proceedings reforms. Under the current provisions, a preliminary proceedings order can be requested by either the defendant or the Crown. Such an order is requested to allow one of the parties to hear and test the evidence of one or more of the witnesses prior to the commencement of the trial.

Currently, once a defendant has entered a plea, the matter is committed to the Supreme Court from the Magistrates Court. An application for a preliminary proceedings order can be made in the Supreme Court and if an order is made the matter is returned to the Magistrates Court. At the conclusion of the preliminary proceedings hearing the matter is returned back to the Supreme Court. Under this bill, magistrates will deal with applications for preliminary proceedings orders prior to the committal of matters to the Supreme Court. These reforms will improve administrative efficiency in the courts by reducing the delay involved in matters moving back and forward between the Magistrates Court and the Supreme Court.

The bill also contains provisions to ensure it is consistent with the new witness intermediary program as provided for in the Evidence (Children and Special Witness) Amendment Bill 2020 that was tabled, debated and passed in this House on 25 August 2020. The witness intermediary program will establish a legislative framework for the use of intermediaries in Tasmanian courts.

This bill, which contains reforms to preliminary proceedings, has been drafted to ensure it is consistent with the terminology and policy intent behind the Evidence (Children and Special Witnesses) Amendment Bill 2020. The bill includes amendments to:

- approve widening the cohort of witnesses in the 'affected witnesses' category for the purposes of preliminary proceedings; and

- introduce a rebuttable presumption to provide that in preliminary proceedings, an 'affected person' will give evidence by audiovisual link and clarify that this should not prevent an affected person from giving evidence in the courtroom if they choose to.

The bill has been developed to minimise unnecessary inefficiencies in the movement of matters between the Magistrates Court and the Supreme Court. There are, however, valid reasons for some pre-trial matters to remain heard in the Supreme Court. For example, in the event that a defendant's fitness to plead has been questioned, this will still be determined by the Supreme Court. However, the bill introduces the power for magistrates to order expert psychiatric and related reports at any time. This material can then be forwarded to the Supreme Court in preparation for consideration of the issue of the accused's fitness to plead.

The bill clarifies that the current requirements for preliminary proceeding applications, including the judicial power to circumscribe cross-examination and the requirement for applications to be made in writing will be retained. The bill will not affect the status quo in relation to alibi notices and expert witness notices, including that an alibi notice will continue to be required at the first appearance in the Supreme Court.

Preliminary proceedings will be held in a closed court and will be subject to a prohibition on general publication. This is consistent with the provisions of the Magistrates Court (Criminal and General Division) Act 2019.

Finally, if an order is refused in the Magistrates Court under the reforms proposed above, defendants will still have the ability to apply for a preliminary proceeding order in the Supreme Court in a limited number of circumstances. Some of the circumstances outlined in the bill reintroduce the provisions of the now repealed section 69A of the Justices Act 1956.

The bill also includes amendments to bail provisions to improve efficiencies in the bail process and avoid unnecessary hearings for bail in the Supreme Court. These reforms will not affect an individual's right to bail but rather will ensure bail applications are heard in the appropriate place and do not cause unnecessary delays in the Supreme Court.

Specifically, the bill makes amendments to the Bail Act 1994 to introduce a requirement for a formal bail application, with submissions, to have been made before a magistrate before a bail appeal can be made to the Supreme Court. This brings forward the provisions already endorsed by parliament in the Magistrates Court (Criminal and General Division) Act 2019.

Division 6 (Appeals relating to bail) of Part XI of the Justices Act 1959 and section 305 (Bail Appeal from decision of Judge to Court of Criminal Appeal or Full Court) have been removed from the Criminal Code and updated provisions have been inserted in the Bail Act 1994.

The bill also includes a modified version of section 304 of the Criminal Code in the Bail Act 1994. This imposes new limits on the ability of applicants to apply to the Supreme Court for bail. Under this provision an application to the Supreme Court is only permitted in circumstances where the accused has been committed for trial and has appeared in the Supreme Court on the charges in question, or is charged with murder or treason and therefore is not eligible to apply in the Magistrates Court for bail. These reforms are consistent with the broader bail reforms which are currently under development.

It was recognised during the development of the Magistrates Court (Criminal and General Division) Act 2019 that the provisions in the Justices Act and the Sentencing Act for crimes to be tried summarily in the Magistrates Court were overly restrictive. This bill brings forward matters from the Magistrates Court (Criminal and General Division) Act 2019. That is, the bill amends jurisdictional boundaries to allow the Magistrates Court to deal with a broader range of matters. It achieves this through amendments to both the Justices Act 1959 and the Sentencing Act 1997.

Specifically, the amendments to the Justices Act 1959 enable a broader range of offences to be dealt with summarily, and increase the property value threshold for minor offences from $5000 to $20 000 and for electable offences from $20 000 to $100 000. This is in line with the provisions of the Magistrates Court (Criminal and General Division) Act 2019 and recognises the change in monetary value over time.

The amendments to section 13 of the Sentencing Act 1997 increase the maximum term of imprisonment that can be imposed on an offender convicted of a crime that is triable summarily from 12 months to three years for a first offence, while retaining five years as the term of imprisonment that can be imposed on an offender for a second or subsequent offence.

In addition, the bill introduces a number of new minor summary offences that mirror more serious crimes. This enables the prosecution to exercise discretion and ensure the matter is dealt with in a way that is appropriate for the nature and scale of the specific offending. These new offences to be introduced are:

- a mirror minor summary offence for trafficking in a controlled substance in the Misuse of Drugs Act 2001, with a reverse onus presumption provision similar to the major indictable offence;

- a mirror minor summary offence for cultivating a controlled plant for sale in the Misuse of Drugs Act 2001, with a reverse onus presumption provision similar to the major indictable offence; and

- a summary offence for 'stealing with force' in the Police Offences Act 1935, similar to robbery under Section 240(1) of the Criminal Code.

The inclusion of mirror offences will provide prosecutors with the discretion to assess whether the accused's behaviour warrants a charge resulting in a Supreme Court trial or a

charge resulting in a Magistrates Court trial. At present, this discretion is not open to the prosecution in these cases and therefore charges result in Supreme Court trials for offending that will likely result in sentencing options that could have been handed down in the Magistrates Court.

The bill makes a number of amendments to existing offences to allow for more flexibility in prosecution, namely:

- an amendment to section 72 of the Justices Act to enable section 192 of the Criminal Code (Stalking and Bullying) and section 113 (false statutory declarations) to be electable if both the defence and prosecution consent to the matter being dealt with summarily. If both parties do not agree, the offence is not electable;
- an amendment to section 7B (Possession of implement or instrument) and 15C (dangerous articles) of the Police Offences Act 1935 to increase the penalty to a fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years;

- an amendment to section 37AA (Unlawfully setting fire to property) in the Police Offences Act 1935 to remove the dollar value from section 37AA; and

- an amendment to the Police Offences Act 1935 to extend the time to lodge complaints from six months to two years for computer related offences under sections 43A to 43D of the Police Offences Act 1935.

These amendments will enable the Magistrates Court to deal with cases where the behaviour resulting in the charges was at the minor end of the scale. The Office of the Director of Public Prosecutions will exercise its discretion in accordance with their prosecutorial guidelines to ensure matters are dealt with consistently and fairly. These changes will ensure that the time of the Supreme Court is not unnecessarily used to deal with matters that could be more quickly and efficiently dealt with in the Magistrates Court.

As I mentioned earlier, many of the reforms in the bill are bringing forward provisions of the 2019 Magistrates Court amendments early in order to maximise the benefit to the workflow of the courts. When the Magistrates Court (Criminal and General Division) Act implementation process is complete, that suite of legislation will commence and these reforms will continue through the relevant provisions of the Magistrates Court (Criminal and General Division) Act and related acts. Some consequential amendments will be progressed to reflect the matters now being brought forward in this bill.

I take this opportunity to sincerely thank the hard work of the various internal legal stakeholders, including the Chief Justice, Chief Magistrate, Deputy Chief Magistrate, the Administrator of the Magistrates Court, the Registrar of the Supreme Court, the Director of Public Prosecutions and representatives from the Department of Police, Fire and Emergency Management and the Department of Justice, who have developed a suite of reforms that will have a significant effect on the efficiency of the Tasmanian courts.

I also thank those in the legal profession who worked as part of an advisory group on this bill, providing invaluable and extensive feedback on the proposed reforms over a period of

time. This included the Law Society of Tasmania, the Tasmanian Bar and the Legal Aid Tasmania.

I commend this bill to the House.

[4.18 p.m.]

Ms HADDAD (Clark) - Madam Speaker, I am pleased to contribute today on the debate about the Justice Miscellaneous (Court Backlog and Related Matters) Bill 2020 and indicate that the Opposition will be supporting this bill.

As we heard from the Attorney-General, this bill follows on from the changes made last year via the Magistrates Court (Criminal and General Division) Bill 2019 together with the consequential amendments bill and other legislation. It followed the debate on that bill, which made significant changes to the operations of the Magistrates Court and its interactions with other agencies.

It is worth reflecting on the mountain of work that went into preparing that bill - almost two decades worth of work. It was very welcome that those changes were being progressed by the Attorney-General and that legislation has now been enacted. The provisions in this bill are now being brought forward and activated in a way that will streamline much of the work that happens in the Magistrates Court, and will prevent some of the delays and backlogs and the back and forth that currently occurs between the Supreme Court and the Magistrates Court.

In debating that bill last year, it was noted that the policy intent of that bill was to provide for enhanced access to justice for Tasmanians facing the legal system, to facilitate the timely dispensing of justice according to law, ensuring that all proceedings are conducted fairly, and facilitating and approving case management of proceedings.

I believe many of the provisions in this bill go towards achieving some of that policy intent. Changes are being made to the Bail Act, the Criminal Code, the Criminal Justice (Mental Impairment) Act, the Justices Act, the Misuse of Drugs Act, the Police Offences Act, and the Sentencing Act that are aimed at reducing that court backlog in the Supreme Court and improving administrative efficiency in the court at both levels and other related matters. It achieves this by the early introduction of some of those provisions that were anticipated in the Magistrates Court (Criminal and General Division) Bill 2019, now the Criminal and General Division Act 2019.

I will start upfront, through the Attorney-General, by thanking her office and the department for the very thorough briefing that I received from Brooke, Felicity and Rowena on the contents of this bill. I note that some of the provisions that may look on face value as not having been anticipated by the legislation we debated last year were subject to further work by the steering committee and the working group. Suggestions were made by both the Supreme Court, the Magistrates Court and members of the profession, and by the Police Department as well, all of which were relevant to the policy intent of the Magistrates Court (Criminal and General Division) Bill. These have been brought forward now in this bill.

I understand that that steering committee and that working group have not finished their work. I expect there will be several other pieces of legislation over time, or other activities that those two groupings - the steering committee and the working group - will continue their work to implement the other -

Ms Archer - They are still progressing the work because the previous bill has not been proclaimed.

Ms HADDAD - Thank you to the Attorney-General for that clarification by interjection.

I want to reflect on some of the provisions made in this bill. First of all, the amendments to the Justices Act 1959, the Criminal Code and the Criminal Justice (Mental Impairment) Act 1999, which implement reforms to preliminary proceedings processes. They will provide that magistrates may make preliminary proceedings orders prior to the committal of indictable offence matters to the Supreme Court.

I believe that the intention of those changes are to prevent that back and forth, because that happens currently between the two levels of the court. Specifically, the changes made to the Criminal Justice (Mental Impairment) Act 1999 are intended to make it clear that while this bill makes changes to the way preliminary proceedings will occur, that it is the intention of the minister and the parliament that when fitness to plead matters are being heard, they will continue to be heard in the Supreme Court and will not form part of preliminary proceedings in the Magistrates Court.

Amendments to the Bail Act, the Justices Act, and the Criminal Code, which consolidate a number of the bail provisions in the Bail Act 1994, and introduce new limits on the ability of defendants to apply directly to the Supreme Court for bail, where bail could be applied for in the Magistrates Court.

Members of the profession who I consulted on the bill welcomed that change and noted that it would simplify current practice and will require that formal submissions for bail need to be made in the Magistrates Court before they can proceed to the Supreme Court. This is apart from those limited offences that the Attorney-General mentioned in her second reading where Bail Act applications must be treated in the Supreme Court, and I think that is just murder and treason. Is that right?

Ms Archer - Treason, which is never used.

Ms HADDAD - Other than those two, there will now be a requirement that those formal submissions will be heard first in the Magistrates Court before a bail application can proceed to the Supreme Court.

There are amendments being made to the Justices Act and a broader range of offences will now be able to be dealt with summarily, including duplicate minor offences and electable offences in line with the provisions of the bill we dealt with last year. The members of the profession who I consulted with on the bill before preparing my notes for today, welcomed this change and welcomed the increase of the number of matters that will now be able to be dealt with summarily, recognising that over time - particularly when we look at the increased property value thresholds for minor offences being dealt with summarily from $5000 to $20 000 and for electable offences to be dealt with summarily from $20 000 to $100 000. That was anticipated in last year's bill and it was broadly welcomed by the profession in terms of increasing the number of cases that can be dealt with summarily.

Amendments are being made in the Sentencing Act which will increase the maximum term of imprisonment that can be imposed on an offender convicted of a crime summarily from

12 months to three years for a first offence. This was welcomed by the people I heard from and I believe that change was a request directly from the Chief of Justice and/or the Chief Magistrate. It makes sense to broaden the scope of sentencing options for the Magistrates Court to be able to deal with.

I apologise for the short notice of flagging an amendment but I have only just worked on it late this afternoon. One person who I heard back from noted in their correspondence to me that it is worth reflecting on the changes to section 13 of the Sentencing Act, which increases that maximum term of imprisonment that can imposed by a magistrate from 12 months to three years. It is worth considering doing the same in section 308(4) of the Criminal Code. I have drafted an amendment to that effect. I will flag that now and distribute it around the Chamber. To let members know what this amendment would achieve, section 308(4) of the Criminal Code is titled 'Trial before magistrate'. Subsection (4) of section 308 of the Code reads as follows:

> A magistrate to whom the trial of any person has been remitted under the provisions of this section, shall upon conviction of the accused person, have power to inflict the sentence of a fine not exceeding 20 penalty units or imprisonment of a term not exceeding one year.

That section deals with cases that are being dealt with summarily before a magistrate remitted by the Supreme Court. This amendment would remove the words '12 months' and substitute those words with the words, 'three years'. I invite the Attorney-General to make comment. The intention of the amendment is not to be sneaky or tricky. I apologise that I have not flagged it with the Attorney-General prior to the debate. The intention of the amendment is to replicate the changes that this bill makes to the Sentencing Act.

Ms Archer - So you are going against the steering committee?

Ms HADDAD - It is just a suggestion that has come to me directly from the profession. The Attorney-General asked if I am going against the steering committee. I have not read any report of the steering committee. I do not believe that a report of the steering committee is publicly available to members of parliament or to the public to read. If I am wrong about that I welcome the opportunity to read a report of the steering committee. I apologise to the Attorney-General; this was not intended to be something that would frustrate her or annoy her, which clearly I have done.

It was brought to me by a criminal defence lawyer who suggested to me that this would bring that section of the Criminal Code, section 308(4) into line with the changes anticipated in this bill made to the Sentencing Act.

The bill then goes on to make changes to introduce mirror offences, I believe, that were requested by the Chief Justice.

First, to the Misuse of Drugs Act where a new mirror minor summary offence for trafficking in a controlled substance will be created similar to section 12 of the Misuse of Drugs Act 2001.

Second, a similar mirror minor summary offence for cultivating a controlled plant for sale which is similar to section 7 of the Misuse of Drugs Act. Those two new mirror offences

will allow for charges for those two offences - trafficking in a controlled substance and cultivating a controlled plant for sale - but will be able to be charged at a lower threshold.

Third, the bill introduces a new summary offence into the Police Offences Act 1935 which will be called 'stealing with force'. I am led to believe that this is intended to be similar to the offence of robbery contained in section 240(1) of the Criminal Code.

The next thing the bill deals with is amendments to the offences of stalking and bullying under section 192 of the Criminal Code, and making false statutory declarations and other false statements under section 113 of the Criminal Code. Those will be electable but only if both parties of the defence and the prosecution consent to that matter being dealt with summarily. There was some concern expressed by the profession around the likelihood of both the prosecution and the defence agreeing that an offence being heard under those sections would be dealt with summarily. I invite the Attorney-General to comment on that concern of which I know she is aware. I understand the rationale behind making that an electable offence only if both parties consent, but I invite the Attorney-General to give us some more information about the likelihood of that, in fact, being taken up and whether defendants might be put at a disadvantage, as some members of the profession have expressed that perhaps it should be electable by the defence alone.

The amendment to section 7B, possession of implement or instrument, and section 15C, dangerous articles, to the Police Offences Act 1935, are made and the penalties increased to a fine not exceeding 50 penalty units or imprisonment of a term not exceeding two years. Again, those changes were welcomed.

Further, there is an amendment made to section 37AA, which is unlawfully setting fire to property. That is a section of the Police Offences Act 1935. The dollar value will be removed from section 37AA. This was welcomed by the members of the profession who I heard from about this bill and goes to their welcoming of the increase in the number of cases that can be heard summarily.

Finally, the bill makes an amendment to the Police Offences Act 1935 to extend the time to lodge complaints from six months to two years for computer-related offences under section 43A and 43D of the Police Offences Act 1935. That is an understandable change due to the complexity of cases involving those computer-related offences. I understand those cases to often be of a very complex and time consuming nature in terms of the research and the preparation that goes in to them and so it makes sense to make that change.

The only other concern I will put on record I have had resolved already in my briefing, but I want to invite the minister to speak a little about disclosure. We talked about it a lot during the debate on the original bill. It was noted in the submission by the Australian Lawyers Alliance Tasmanian branch to the consultation on the draft bill that the bill does not address the ongoing systemic problems associated with disclosure evidenced by Tasmania Police. They explained that in their experience that is the primary cause of delay in the Supreme Court and felt that consequently the Magistrates Court will become congested with cases that cannot proceed to preliminary proceedings in a timely manner due to insufficient disclosure.

I have had it explained to me that it is acknowledged it is not part of this bill but it will be part of future work of the steering committee and the working group which I know are still

continuing their work. I invite the minister to update the Chamber, if she can, on the thinking of those groups concerning what that might look like.

Clause 62(1) of the original bill outlined what would be included in that disclosure from police to the defence and that included -

> (a) a copy of the relevant charge sheet;
>
> (b) a summary of material facts;
>
> (c) if the prosecutor is a police officer, the Director of Public Prosecutions or the Commonwealth Director of Public Prosecutions, a copy of the criminal record of the defendant or a statement that the defendant has no previous convictions;
>
> (d) a copy of the record of interview;
>
> (e) a statement specifying that if an audiovisual recording of the formal interview of the defendant has been made, the recording may be viewed by the defendant and the name and contact details of the person with whom the defendant may arrange for a viewing; and
>
> (f) if the relevant offence is a summary offence, any other information document or other thing that the regulations require to be included in the preliminary brief.

During the debate, Dr Woodruff raised the example of the expanded list or the much more detailed list of items that are disclosed under Victorian legislation. I will not read those again into the *Hansard* but they are there as part of Dr Woodruff's contribution on the criminal and general division bill of last year. Dr Woodruff made the point that most of those matters listed in the bill from last year of what Tasmania Police would be required to receive would be likely matters known to the defendant on face value, and all but (f) might be things that would possibly already be known.

I wanted to put on record those shared concerns about the extent of disclosure. I know it is not relevant to this bill because this bill is not activating those changes but I put on the record the fact that the profession is still worried about disclosure being the primary delay of cases reaching the Supreme Court and worried about the backlog that still might be generated in the Magistrates Court if those changes to disclosure rules are not progressed soon.

I also want to ask the minister for an update on whether that list of items that would be part of standard disclosure might be expanded upon in time perhaps if it becomes appropriate to expand upon them or if the system as implemented becomes unworkable with regard to the information not being as full as the defence needs.

Finally, I ask the minister if it is possible in her summing up to give us a bit of an update on the rollout and implementation of the Justice Connect project. A huge amount of work has gone into that as well.

I put on the record my appreciation of the collaboration between the departments that have worked on this bill and the consultation that has been provided to Government through all the parties that the minister listed in her second reading speech, including the profession, the courts, the DPP and several other bodies who have all provided information to Government about what was needed to go into that bill for last year and into this bill.

To those still working on the steering committee and the working group, I put on record my appreciation for their work and ability to consult across those affected parties. It is no mean feat to consult even within departments some times. That can be challenging, and I say that from personal experience. It is sometimes challenging to consult and share information even within a department, but to consult and share information and start building systems across government departments - I should have mentioned the department of Police as well - that are to work across different agencies is quite complex and requires a lot of detailed thought and energy. With those brief comments I will conclude my remarks and indicate that we will be supporting the bill.

[4.41 p.m.]

Ms OGILVIE (Clark) - Madam Speaker, I would like to make a contribution on this bill with specific focus on the process of justice as it is currently established in our system of managing the criminal process. Probably the best way to go about making a contribution is to reflect on some real examples of where this sort of committal-type preliminary proceedings would have helped a lot from a legal perspective to triage matters, so that not only is the DPP and the police's legal section focused on matters that are likely to lead to conviction but also that those who have been accused of crimes are given the earliest opportunity to clear their names.

This is a matter of justice. This is a matter of making sure that our law is not only fair but is seen to be fair and that it provides a balance between those who are seeking to fairly prosecute allegations as they are at that stage and those seeking fairly to defend themselves against allegations which they reject.

Having spent quite a deal of time in the Magistrates Court I have some perspective around this sort of return - it is a *Back to the Future* moment. I recall specifically a particular case which was very a difficult and sad matter of a young person who had been accused of a particularly serious criminal offence. I was privy to evidence that I also believed the DPP and police had but had not been able to get to. This is about resources and timing. In working with them, ultimately we were able to resolve that, but not before the matter had moved from the Magistrates Court into the more serious jurisdiction of the Supreme Court. There was a happy outcome in relation to that but we all know managing these cases and the process of gathering evidence and getting written statements and the like is a huge amount of work.

The DPP has a lot on its plate and I know the lawyers there work incredibly hard and they do a good job. As a defence barrister and solicitor, I have had nothing but sensible engagement with the good lawyers at the DPP. Our system relies somewhat on those conversations around the likelihood of success and evidence and the level of crimes that are charged being had as early as possible, particularly if an accused decides to plead guilty at the earliest opportunity, which quite often can happen in the Magistrates Court. Aligning this sort of committal or preliminary proceeding with that opportunity to plead guilty at the earliest possible time generally is looked upon favourably by a court. I certainly have had clients who have done that. The task then is to assist them through the process. I have also had clients who

have quite legitimately, sincerely and ultimately successfully pleaded not guilty and fought their cases all the way through.

The key to this part of our justice system is recognising that there is an alignment of processes between both of these court structures and jurisdictions but over which sit the same groups of people who manage elements of it going through. The work that the Supreme Court, under the current Chief Justice's steerage, has done and continues to do on case-flow management is truly superb and needs to continue. The Justices of the Supreme Court are good at carrying along their cases and really do not take prisoners as far as taking nonsense from lawyers who say they are too busy to get to things when they need to. I see the working together, or the bringing together, of the Magistrates Court and the Supreme Court and these processes as a positive element.

I have some specifics around when crimes are to be tried summarily in the Magistrates Court. I have a couple of questions around what it will mean to 'be able to try'. A couple of these would have been more serious matters - such as section 192 of the Criminal Code, stalking and bullying - in the Magistrates Court. When it comes to the sentences that might be proposed it was a bit confusing but I suspect that is where Ms Haddad's amendment was trying to go, which does seem to seek to extend the cap of the sentence that might be imposed by a Magistrates Court. Of course you have to balance that with the fact that if a matter is in the Magistrates Court and not the Supreme Court it is not an indictable offence, then just summarily changing the possible sentence that can be imposed and putting it in a different jurisdiction, might not work effectively. I am sure the Attorney-General has traversed this question and I am interested to hear her response on that.

If you are tried and convicted of a serious offence and, in particular, sentences longer than one year can attract some negative problems for you when it comes to your status, particularly under immigration law, and if you happen to be here as a resident from another country you can be deported. These issues about the duration of sentencing, or the level of sentencing, are quite important.

I am interested in the computer-related offences element as well, under the Police Offences Act, extending the time to lodge complaints from six months to two years. I am wondering what the background to that extension of time is? It may be that people are not aware of offences, particularly if they are financial, fraud, banking, those sorts of elements, and the horrible crimes that can occur online with children. I hope that is in some way an extension that will make it easier for our enforcement officers to gather evidence, and for those who are unaware that crimes have been committed, to have the time to come forward. I am particularly interested in that.

At the heart of all of this is the fact in our justice system there is a limited amount of resources to go around. We have to deploy them carefully. There are strict rules around evidence, admissibility, and the disclosure of evidence. I have seen circumstances where you are only able to get the evidence very shortly before heading into court. It makes it difficult for defence barristers who work incredibly hard on behalf of their clients. We should never assume that everybody is going to go right the way through contesting a case. People do plead guilty early. They can plead guilty at any time on the way through. Those who are innocent and plead innocent are entitled to know, as quickly as possible, what the case against them is. If we can do more to ensure that people have access to the evidence of the case against them, to show that there is no prospect of success on a charge that may be misplaced, then that is

what we should do as a community and a society to make sure that it is as fair as it can possibly be.

I am pleased to see the depth of the consultation that seems to have occurred in this matter. I congratulate the minister for bringing together what seemed to be a disparate group of people, but all of whom would know each other well and work together, probably on a daily basis.

Ms Archer - There has been a lot of compromise.

Ms OGILVIE - I like it. Everyone knows how to negotiate, it is the lawyer genes; very good.

I note that the proposals have been developed with the assistance of the steering committee and legislation working group of the Magistrates Court, Criminal and General Division. This is a reform project which includes representation from the courts, Justice, the Department of Police, Fire and Emergency Management, the Director of Public Prosecutions, the Law Society, the Tasmanian Bar, and Legal Aid Tasmania. It really did have the leaders of the profession around the table and it is important that that happens.

The part that we can add in this forum is to consider the trajectory of a person who has perhaps been charged with a criminal offence, in particular, which is a very frightening thing to happen, particularly if it is unwarranted or it is a mistake. It does not happen often but if it does happen it is a very difficult situation. The other thing is to really be thinking about the victims in a case where a serious criminal offence has occurred. We know that there are matters out there of a very serious nature where victims really can be retraumatised, where we have to do a lot to make sure we look after them on the way through, particularly where it has been a physical assault or some sort of physical, nasty behaviour.

Having some sort of preliminary or committal proceedings early on, where it is possible to produce evidence to show that the facts are agreed in a particular form and perhaps it is possible to dispatch a matter or a guilty plea is put forward, then that is what we ought to be doing. I had a couple of these myself early on, and I did - and he will love me naming him in parliament - ring my Dad, Albert Ogilvie, who is an old barrister around town to ask him, 'What do we do when we have a situation in the Magistrates Court where we believe the facts lean one way and yet we have to get that out earlier rather than later?'. He talked about in the 'old days' having committal proceedings and what a good thing that was, and sometimes I think even contested mini-trials, just on the evidence to get that evidence out. I took the opportunity to get in contact with him before this debate to ask him about that. You will be pleased to know, Attorney-General, he approves of your proposals, as all sensible lawyers would. I thought that would be helpful to note. He was kicking around in the 1970s, so it is a while ago now.

I will wrap up my contribution at that point, but I do think that if we can deal with things effectively and more efficiently and more fairly at an early stage with lower costs to the clients, the lawyers and the state, that helps victims as well to know where they stand, then that is what we ought to be doing. I am happy to support this approach and hope there is more to come.

I am interested in that question of changing the upper sentencing limits that Ms Haddad proposed and what your thoughts are around that. I will reserve my judgment about whether

that amendment is appropriate depending on the response from the minister. Congratulations to everybody involved in the steering committee and the staff involved in putting together the bill. Minister, I will wrap up with that and thank you for your work also.

[4.55 p.m.]

Dr WOODRUFF (Franklin) - Madam Speaker, I indicate that the Greens welcome this bill which seeks to fix the substantial delays in the court system that continue to lead to the backlog of cases in the Supreme Court. It comes on the back of substantial work that has been undertaken since the Magistrates Court and consequential amendments legislation from last year and has had a very significant collaborative steering committee overseeing this process for a number of years. These formal and informal discussions have been in the making for many years. We are pleased to support the bill today. I have a number of comments to make about what it contains and what it enables.

In relation to preliminary proceedings reforms, currently an application for a preliminary proceedings order can be made in the Supreme Court and if an order is made the matter is returned to the Magistrates Court. At the conclusion of the preliminary proceedings hearing the matter is returned to the Supreme Court. To anyone standing outside the system and looking in, that is clearly not an efficient process and is leading to unnecessary delays. That an application for a preliminary proceedings order can now be made in the Magistrates Court means that process is simplified. We very much support that and it will still enable the scope and form of the hearings to be described and then a preliminary proceeding, if one is found to be appropriate, would follow on in the Magistrates Court.

Another aspect of the bill we strongly support is the consistency and terminology which has been introduced. The policy intent of the Evidence (Children and Special Witnesses) Amendment Bill 2020 has been continued throughout this bill to ensure there is a widening of a cohort of witnesses in the 'affected witness' category for the purposes of preliminary proceedings. It introduces a rebuttable presumption to ensure that during a preliminary proceeding an affected person will be given access to provision of evidence by audiovisual link and clarify that this should not prevent an affected person from giving evidence in the courtroom if they choose to.

At this point, I digress and thank the minister for making staff time available and organising the trip through the tribunal courts. It is a fantastic new place where all the tribunals will be able to do their work together. I noticed the very sophisticated audiovisual setup. This has really stepped up a big notch with COVID-19 and it is clear that for so many reasons, for physical access and geographical access but also to maintain safety and security for different witnesses -

Ms Archer - It is state of the art.

Dr WOODRUFF - Yes. To have those facilities is great. I certainly hope they are replicated in other court jurisdictions -

Ms Archer - We hope to.

Dr WOODRUFF - and if they are not there now that some money will come for that to happen sooner rather than later because it is really important.

The bill also includes amendments to bail provisions to improve efficiencies in the bail process and to avoid unnecessary hearings for bail in the Supreme Court. The individual's right to bail is not affected but it will ensure that bail applications are heard in the appropriate place.

The Australian Lawyers Alliance put in a submission on this bill. They were concerned that the imposition of a 21-day limitation period on the filing of applications would unfairly bar defendants from appealing against a refusal to grant bail after that period passed. They felt that the legislation we are looking at is silent on the power of a judge to hear the application if it is filed later than 21 days. I understand that a person can apply for bail at any time, either orally or through the court processes, and that they can make an appeal after that time has elapsed, so I do not understand that this is the concern that they were raising. It does not seem to be the case that a person can apply for bail at any time, but if the minister could speak to their concern that the bill is silent on the power of the judge to hear the application if it is filed later than 21 days I would appreciate that.

Another general question raised about this bill that is not about the contents of the bill but really about what is not in the bill was also from the Australian Lawyers Alliance surrounding the disclosure of police evidence. They have said the bill does not address the ongoing systemic problems associated with the disclosure of evidence by Tasmania Police which, in their view, is the primary cause of delay in the Supreme Court. Consequently, they say the Magistrates Court will become congested with cases that cannot proceed to preliminary proceedings in a timely manner due to insufficient disclosure. The bill also fails to address the problem of defendants being committed for trial without complete disclosure and in effect, the disclosure problem that has congested the Supreme Court they say will proceed unabated.

This is an issue the Australian Lawyers Alliance raised in their submission for the Magistrates Court bill last year. I met with members of the alliance and had some long conversations with them about that. There are few issues here. When they are talking about the disclosure of evidence, the evidence that should be available for a prosecution to determine whether a case should be made - and I am reading here now from the DPP's Prosecution, Policy and Guideline, is that -

> A prosecution should not be instituted or continued unless there is admissible, substantial and reliable evidence that a criminal offence known to the law has been committed by an identifiable person.

The guidelines also say that a prima facie case is necessary but not sufficient condition for launching a prosecution. Given the existence of a prima facie case it must be understood that a prosecution should not proceed if there is no reasonable prospect of a conviction being secured before a hypothetical reasonable jury or a magistrate in the case of summary offences. The decision requires an evaluation of how strong the case is likely to be when presented in court. It must take into account such matters as the availability, competence and credibility of witnesses and their likely impression on the arbiter of fact and the admissibility of any alleged confession or other evidence.

The reason I am reading this is because it was the concern that disclosure is only now for indictable cases and the majority of cases are not indictable so that disclosure is not currently required. At least that is my understanding of where we are at.

The bill that was passed last year on the Magistrates Court bill does mandate more disclosure. It will require more disclosure to occur so that legal defence and people who are defendants can have information in advance about the level and extent of the evidence that the prosecution has mounted.

It goes to the availability, and the witnesses, and any other material that would be germane to the defendant or the representor mounting the defence. If the minister would not mind addressing this, I understand from the briefing I had the rules and regulations that are to be prepared following the Magistrates Court Act from last year are in the process of being written and they are not finalised yet. It will address some of the concerns the Australian Lawyers Alliance has raised about disclosure of evidence. The Justice Connect website or database will be connected with the Police database and other ICT mechanisms will be established. These have not yet happened and they are in the process of being rolled out. If the minister could speak to the timing of that, that would be useful.

That would still in itself only erase part of the concern that the Australian Lawyers Alliance is arguing here about disclosure of evidence. They are not happy that the Magistrates Court bill did not mandate complete disclosure by the DPP to the defendant or their legal representative prior to a plea being entered. That is a fundamental argument that they are making, which has not been satisfied by the Magistrates Court Act, as I understand it, and is also not addressed in this act, which it was not intended to. They were raising this in passing as an issue which is relevant and remains outstanding.

In addition, another element to this bill is it enables a number of new minor summary offences that mirror more serious crimes. These enable the prosecution to exercise discretion and to make sure that the matter is dealt with in a way that is appropriate for the nature and the scale of specific offending.

I draw the discussion to the mirror summary offence for trafficking in a controlled substance and for cultivating a controlled plant for sale. Part of the problem here is that we have a manifestly unreasonable, unjustifiable and socially unacceptable level of penalties and potential maximum sentences that can be imposed on a person for extremely minor amounts of personal drug use.

The problem in this state is that we have a complete ideological blindness to the failings of this Government's approach to dealing with drug-related crime. The effort, instead of being placed as it should be, on the trafficking and cultivation of drugs, it is placed instead on personal drug use: the majority of the arrests and the charging and court time is taken up not with people who are trafficking and cultivating large amounts of drugs for sale but on people who are there for personal drug use.

That is unjust. It is appalling that the failure of the war on drugs is playing out still in Tasmania with a Liberal government continuing to push this, filling our prisons with people who have been charged, convicted and sentenced sometimes for no more than very small amounts of illicit drugs that are for their own personal use. It should be a crime to not treat this as a health issue, which is what it really is.

I draw the minister's attention again, in case she has forgotten because she was not the minister for corrections at the time, to the wonderful work that was done by Ben Bartl from Community Legal Centres Tasmania. The report titled, *The Case for a Health Focused*

Response to Drug Use in Tasmania's Legal System, was a very important report. It was launched by a previous magistrate at the Law Society a couple of years ago now and Mr Bartl's work makes it very clear that almost half of all offenders in Tasmania sentenced to minor drug-related offences receive a fine but almost 15 per cent of offenders who are sentenced for minor drug offences are actually sentenced to a term of imprisonment, including suspended sentences.

His finding - and the finding of so many other people who do this research around the world - is that we cannot arrest our way out of illegal drug use. That is known at the state and Commonwealth level. There is a massive amount of support from ex-police commissioners and other people with expertise in criminology, but it is also reflected in the reality of the diversion programs that are offered by the police and by the courts in Tasmania.

Both the Police Drug Diversion and the court mandated diversion confirm that, at least for some offenders, personal drug use should be treated as a health rather than a criminal justice issue. We should remove the crime of drugs for personal use and instead put the money and the resourcing into both the rehabilitation of people who are using personal drugs and who come into the remit of the police and, of course, into trafficking and cultivation. You cannot pretend that the police resourcing and the court time that goes into dealing with personal drug-use matters are not a resource that should not be better spent in some other way. That is the bottom line. If we want to look at efficiencies and effectiveness and we want to have a safer community, then that is what we need to be doing.

Madam Speaker, on that note, I acknowledge the inspection of adult custodial services in Tasmania report tabled last week, titled *Rehabilitation and Reintegration Inspection Report.* That was the inspection of Custodial Services 2018. The report identifies and reinforces a wide range of significant issues in our correction system and the minimum list is that education programs in the prison services are being cut; that prisoners are receiving no assistance to prepare for release, utterly shameful - and that the foundation and case management plans are not being reviewed as per the director's standing orders. The Custodial Inspector also found the need for more training for Tasmania Prison Service staff; inadequate resourcing to meet the needs of prisoners with disabilities; the lack of a drug and alcohol program for women prisoners; the need to increase prisoner employment; and health and safety concerns across the industry, food and other parts of the prison.

The Custodial Inspector acknowledged that prisoners have basic rights that have to be met at all times by the correction system, and the system is failing to deliver support to prisoners that would reduce the risk of reoffending. Surely that would be the very basic purpose of having a person in prison, so that they can return to the community in a state and with the skills and the capacity to enable them to not reoffend again.

The Ron Barwick Prison has also been reclassified under this Government, from minimum security to a medium security facility.

Nineteen per cent of our prisoners in Tasmania are Aboriginal Tasmanians and that is a rate four times higher than the non-Aboriginal population. The rate of incarceration for those Aboriginal Tasmanians is unacceptable as is the rate of incarceration of young children.

The Custodial Inspector's report makes it really clear that the approach to justice and crime in this state, under a Liberal Government, is a disaster. It is failing the community and it is continuing to place -

Ms Archer - It does not say that at all.

Dr WOODRUFF - No, I clarified that that is what I say the Custodial Inspector's report clarifies. It makes the point very clearly; he does not say it, but it is apparent in all of the things that he -

Mr Jaensch - You are saying it for him, on his behalf.

Dr WOODRUFF - No, I am saying it for myself, after having read the report. What he has raised is very clear, Mr Jaensch, and you should read it. It is extremely clear.

Ms Archer - He acknowledges that it is two years out-of-date.

Madam SPEAKER - Order please.

Dr WOODRUFF - Madam Speaker, nothing has improved over the last two years and the minister has chimed in and said that it is two years out-of-date. Yes, and I would be horrified to read what he has to say for 2020. If he gets to go through and have a look at what is happening now, all the information we are seeing is a prison on the brink of a catastrophic explosion -

Mr Jaensch interjecting.

Madam SPEAKER - Order please, Mr Jaensch.

Dr WOODRUFF - Madam Speaker, just last week we had a welcome announcement on the horizon. Things like this happen very few and far between in Australia, but there has been the establishment of a new national body called the Justice Reform Initiative. This is a very important step. They have launched themselves across the country simultaneously in all states and nationally, with their report *Jailing is Failing*. It is failing as a deterrent, it is failing as the method of community safety, it is failing as a form of rehabilitation, and it is failing taxpayers who are paying through the nose for a system that is utterly unjust and does not keep them safe.

The Justice Reform Initiative is a welcome alliance from people across the political spectrum who have longstanding professional experience or knowledge in the justice system and who understand there is an urgent need to reduce the number of people in Australian jails. We are not going to do it if we keep on with this rubbish 'tough on crime' mantra because that has been shown to fail and the alternative is there in black and white. It is there in countries like the United States where they have made huge strides in this area. From being the country that is the most incarcerated nation on earth, they have started a big rethink on prisons. The reforms in Texas since 2007 have seen that state close four prisons. They have saved their own state an estimated $3 billion a year and that has cut the crime rate and the costly incarceration rates over the past 10 years in seven other states in the United States.

There is another way. If it is the only way to try to get yourself re-elected as a political party that is a really sad and sorry place to be as a political party. How about the Liberal Party have a look at what is happening in the United States? If you cannot bring yourself to have a look at Scandinavia that has been doing this stuff for ages, just go to the United States. Have a look at what is happening in Texas. It is all there; the experiment is being worked on now. We have the evidence and we know what needs to be done.

Ms Archer - I thought you were telling me to go to Texas.

Dr WOODRUFF - There are many ways to go to Texas; you can go there virtually. The Justice Reform Initiative has more than 100 of the most eminent Australians who are finally standing up to call out this rubbish approach to dealing with the high crime rates in the country. The patrons are two of the most distinguished Australians: the Honourable Sir William Dean and the Honourable Dame Quentin Bryce.

It has people from all around the country and we would have to mention Lara Giddings, former premier and attorney-general of Tasmania; Jim Wilkinson, former president of the Legislative Council; the Lord Mayor of Hobart; Christine Milne AO; Associate Professor Therese Henning; Greg Barns SC; and a number of other luminaries around the country - Elizabeth Evatt; Michael Kirby; Mary Gaudron; Mick Palmer, former commissioner of the Australian Federal Police; and Pat Turner, former CEO of ATSIC.

There is no doubt that they are on a roll and all power to them. We in the Greens will do everything we can to stand with the Justice Reform Initiative to speak up for the people who are some of the most voiceless people in our society and to stand up for community safety, justice, and stand up for money being spent in a way that is going to produce an outcome which is going to make our communities healthier and happier. We really hope that the Minister for Corrections and the Minister for Justice will meet with members of the Justice Reform Initiative if she has not done so already, and will listen seriously to their arguments and think again about the push for a northern prison.

It is interesting that Lara Giddings, former Labor premier, has come out against her own party who are also in lock-step with the Liberals on the determination to build a northern prison. She says, and quite appropriately, it is a waste of taxpayer's money investing $270 million into capital works infrastructure and the ongoing costs of a northern prison is not going to make for a safer community. You do not invest in more prison beds. You invest in community rehabilitation, housing, health, drug and alcohol counselling and support services, and you invest in the health system. That is how you do it. If you want to make a community safer that is what you do, but you do not build another prison. Yes, we need to retrofit the remand centre. It should be upgraded or replaced. There is no doubt it is not fit for inmates to be housed there. We totally support Grant Herring from the criminal justice advocacy group, JusTas, when he said that building prisons does not solve crime problems but they tend to create them.

Madam Speaker, we call on the Labor and Liberal parties to get rid of their crazy idea of a second northern prison, not just for the people of Westbury but for the people of Tasmania, to invest in the justice system where it ought to be, where we know it has an effect and where it is going to create a more humane justice system and help reduce the backlog in the courts by not getting people there in the first place.

Time expired.

[5.26 p.m.]

Mrs PETRUSMA (Franklin) - Madam Speaker, it is with delight that I speak on the Justice Miscellaneous (Court Backlog and Related Matters) Bill 2020. I commend the Attorney-General and Minister for Justice, Elise Archer, her staff and the team in the Department of Justice for all their efforts, especially over these last seven months during COVID-19, and for all the hard work she has been undertaking in all of her portfolios. I know

that the safety, health and wellbeing of all Tasmanians has been at the centre of all the minister's decision-making processes. The Attorney-General in this Government is very committed to ensuring that all Tasmanians have access to an efficient and effective criminal and civil justice system in which court proceedings are able to be finalised in a timely manner.

This is why this bill before us today, the Justice Miscellaneous (Court Backlog and Related Matters) Bill 2020, has been developed in close consultation with key legal stakeholders including the Magistrates and Supreme courts and the Office of the Director of Public Prosecutions. The Government is also very aware of the courts' increasing workload, which is why we are actively taking a number of steps to assist in dealing with this workload and backlog. However, it is very important for the record to state that there is no one silver magic bullet that can resolve the issue, just as there is no one single cause. This is why the Government is actively pursuing a number of measures aimed at modernising and streamlining practices and procedures to help address the backlog.

In response to the pressures the courts are facing, it is important for the record to also note that the Government already announced in last year's budget that it is investing over the next four years more than $35 million in additional funding into the state's justice system. This Government is also investing heavily in the justice and corrections system through committing $614 000 in additional state funding to support the legal assistance sector. This funding also includes funding for a seventh judge as well as for an additional magistrate, which I note has been filled. I take this opportunity to congratulate Tasmania's newest magistrate, Jackie Hartnett, and wish her every success in her new, very important role. She is a very worthy choice for this role and it is commendable to see her in this new position.

As well as these additional court resources, the Government will also be providing the Legal Aid Commission and the Office of the Director of Public Prosecutions with additional funding. I note that work also continues on the Justice Connect project, which will allow the courts to deliver efficiencies and more effective outcomes for the Tasmanian community. Furthermore, major upgrades are also under way at the Supreme Court in Hobart to allow for a more efficient court system, while also stimulating Tasmania's building and construction sector which is another of the Attorney-General's portfolios.

I note that this work has been made possible through the allocation of $6 million to the Department of Justice from the Government's $50 million Public Buildings Maintenance Fund announced as part of the COVID-19 stimulus package. This $300 000 project will enable criminal jury trials to occur in a courtroom traditionally used as a civil court, therefore allowing the Supreme Court to better manage the backlog of criminal trials in more appropriate facilities.

I also note that a Tasmanian company, Walker Builders, has been engaged for the first stage of the works which will see the court 1 jury room increase its capacity from seven to 12 jurors and provide better facilities and improved IT services for jurors. Further stages of this redevelopment will include a new secure dock for accused persons in custody in courts 1 and 2, and there will also be improved seating for jurors in the courtroom, relocation of a witness box, and more functional seating for security staff. These current works are in addition to a separate project under way to improve disability access at the Hobart Supreme Court.

Further measures from this Government include the fact that the Magistrates Court (Criminal and General Divisions) Bill passed the parliament late last year and is providing the

Magistrates Court with a modern legislative framework, whilst at the same time providing for a more efficient, fair and effective justice system for Tasmania.

In particular, this legislation adjusts the jurisdictional boundary between the Supreme Court and the Magistrates Court. This will enable a number of matters that the DPP's office currently has carriage of before the Supreme Court to be dealt with in the Magistrates Court in a more efficient manner, both in resources and the time taken to resolve the matter.

As the minister has pointed out today, we also acknowledge that delays, particularly due to these unprecedented times during COVID-19 in the court system, continue to lead to a backlog of cases in the Supreme Court. This Government also acknowledges that improvements can be made. This is why we previously committed, as a matter of priority, to introduce legislation aimed at administrative and procedural change that will reduce this backlog. This bill today delivers on some of these reforms of the Magistrates Court package that can be brought forward sooner than the commencement of that act.

This bill has been developed and progressed in close consultation with the legal stakeholders including the Magistrates and Supreme courts and the Office of the Director of Public Prosecutions. In addition to the extensive assistance provided by legal stakeholders through working and advisory groups, a consultation version of this bill was also released for public consultation on the Department of Justice website.

Regarding the specifics of the bill, I note that the Justice Miscellaneous (Court Backlog and Related Matters) Bill is aimed at reducing court backlogs through amendments to the Justices Act 1959, the Criminal Code Act 1924 and related acts to implement preliminary proceedings reforms. It is also about minimising unnecessary inefficiencies in the movement of matters between the Magistrates Court and the Supreme Court.

There are also amendments to bail provisions to improve efficiencies in the bail process and avoid unnecessary hearings for bail in the Supreme Court. It is also introducing a number of new minor summary offences that mirror more serious crimes, enabling the prosecution to exercise discretion and ensure a matter is dealt with in a way that is appropriate for the nature and scale of the specific offences.

I note that all of these changes in this bill today will ensure that the Supreme Court's time is not unnecessarily used to deal with matters that could be more quickly and efficiently dealt with in the Magistrates Court.

As other members in this place have done today, I also acknowledge the amount of consultation that has gone into this bill and acknowledge the great work of the department and the Attorney-General for wanting to do extensive consultation on this bill. The proposals have been developed with the assistance of the steering committee and the legislation working group of the Magistrates Court Criminal and General Division Reform Project, which includes representation from the courts, the Department of Justice, Department of Police, Fire and Emergency Management, the Director of Public Prosecutions, the Law Society, the Tasmanian Bar and Legal Aid Tasmania.

In addition to the extensive assistance provided by legal stakeholders through working and advisory groups, a consultation version of this bill was released for the public to give their feedback via the Department of Justice website. As a result, this bill includes a range of

amendments to a number of related acts, as I said before, the Justices Act, the Criminal Code Act but also on top of these acts there is the Bail Act 1994, the Sentencing Act 1997, the Misuse of Drugs Act 2001, the Police Offences Act 1935 and the Criminal Justice (Mental Impairment) Act.

This bill is yet another significant reform that will ensure that, as we step out of the coronavirus pandemic, Tasmania is well-positioned to recover from its effects, including the court backlogs.

I commend the Attorney-General and the Minister for Justice, Ms Archer, her staff and the team at the Department of Justice for this very important bill before us today as well as for all of their efforts, especially over these last seven months. I thank them for their commitment in supporting the health and safety of Tasmanians. I am pleased to support this bill.

[5.36 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Madam Speaker, there is a Minister for Corrections but it is not technically about corrections, although I know there was a contribution about that which I will attempt to address.

I thank members for their contributions. As members have acknowledged, an enormous amount of work has gone into the development of this bill in conjunction with the act to which I referred in my second reading speech in relation to the Magistrates Court. In particular, it is important to acknowledge the extensive work that has gone on in relation to consultation.

While I was a little surprised about the amendment - and members are free to move amendments however they want, please do not get me wrong - I want to clarify with members of this House the extensive nature of the consultation. With a change of this nature we really do need to work with prosecution, defence, and the courts. It is quite difficult at times because they will have different views on how matters should progress. That is the reason for having the steering committee, which has stayed in place and which I intend keeping in place for future use as well, where necessary, for these types of efficiencies that we need to make in our court system.

The ongoing consultation with the Magistrates Court Project Steering Committee as well as the Magistrates Court Project Legislation Working Group was, as I said, extensive so we had a steering committee and we had a working group. The steering committee comprised the secretary of the Department of Justice; the Chief Magistrate; the Registrar of the Supreme Court - representing the views of the Chief Justice; the Director of Public Prosecutions himself; the Administrator of the Magistrates Court; and the Deputy Secretary of the Department of Police, Fire and Emergency Management. These key stakeholders helped guide the development. The legislation working group included the Law Society, the Tasmanian Bar and the Legal Aid Commission. I take this opportunity to thank them for their specific efforts and ongoing work.

In addition, the consultation version of the bill at the start of the consult period was provided to the Chief Justice, the Chief Magistrate, the Registrar of the Supreme Court, the Administrator of the Magistrates Court, the heads of the eight State Service agencies, the Director of Public Prosecutions, Legal Aid, Victim Support Services, Solicitor-General, Commissioner for Children, Commonwealth Director of Public Prosecutions, Community Legal Centres Tasmania, Tasmanian Bar, North West Community Legal Service, Hobart Community Legal Service, Launceston Community Legal Service, Law Society of Tasmania,

Australian Lawyers Alliance, Civil Liberties Australia-Tasmania, Tasmanian Women Lawyers, Womens Legal Service Tasmania, Tasmanian Aboriginal Centre, Tasmanian Aboriginal Legal Service, Prisoners Legal Service, Tasmanian Society for Justices of the Peace, the Honorary Justices Association of Tasmania Inc and the Honorary Justices Association of Tasmania North West Inc.

The reason I have gone to the length of reading all that out is because, and I acknowledge that we had very few submissions that raised issues - indeed, it was really only the Australian Lawyers Alliance, which is quite remarkable for a significant bill of this nature. It goes to show the efforts that we have gone to in the extensive work of the steering committee and the working group.

When I say thank you, I sincerely thank them because I know that this has been an arduous process at times. I know that it has been difficult. I know compromises had to be reached because defence does not always agree with prosecutors. We have tried to land something that everyone can live with, and that produces efficiencies, because the nature of this bill is to reduce backlogs. It is to create efficiencies in the system, but maintain an effective justice system and ensure that we have open justice. That is the main principle that I am constantly stressing coming into this place.

Too often everybody says, 'Oh, Liberals, we are only focused on tough on crime'. Yes, we are focused on being tough on crime because there are some serious offenders out there, and we only dealt with the bill recently, last week in fact, in relation to dangerous criminals. It is very balanced legislation because we made that a better, more efficient and easier process to not only declare a dangerous criminal, but actually to get them off that list as well, and to ensure that we have mechanisms in place once people's sentences had expired; that the community was safe by electronic monitoring.

This is about balance; it is about creating that balance. Unfortunately, Tasmania is not immune to a growing prison population. We are not immune to the growing serious nature of crimes in our community.

Dr Woodruff - Yes, but you are not doing anything to stop that happening.

Ms ARCHER - We are doing significant things in relation to family violence. We have been nation-leading in relation to our response to family violence, with the millions of dollars that we have put into that.

Dr Woodruff - That is not what we are talking about here.

Ms ARCHER - No, but there was recently an article in the paper, in fact, it was the member for Lyons, who is just about to get up out of her seat, who criticised the response to family violence in terms of the figures being high. It is a blight on society that we have such high statistics for family violence and it is this Government that has acted on family violence. It is this Government that has a dedicated minister for family violence, and the then premier, and the current Premier, both have had, and still have that portfolio, and I provide the support with the legislative framework. If that does not tell everyone how important family violence and reducing those types of crimes is to our Government, then I do not know what does.

I could go on about the increasing nature of serious crime. I can go on about significant reform that our Government has done in this space in relation specifically to child sexual abuse cases and heinous crimes there, and the significant responses we have had in response to the Royal Commission into Institutional Responses to Child Sexual Abuse. I am very proud of that work, as the House knows.

Unfortunately there are serious offenders and those types of offenders need to be incarcerated. Therefore we need not only to ensure that we can provide those facilities for increased numbers but we also have the ability and effective mechanisms to reintegrate people back into the community after a period of rehabilitation.

I do not want to go on about this because I do want to get to the amendment but I also want to highlight to the House and, as Dr Woodruff referred to the Custodial Inspectors Rehabilitation and Reintegration Report, that related to inspections that were carried out in October 2018 across all of our prison facilities across the state. All but one of the recommendations contained in that draft report are supported by the Department of Justice and with respect to many of the matters referred to in the report, significant progress has already occurred.

Unfortunately, many members in this House and indeed the media will focus on the actual report without looking at the department's response and how we have already responded to many of these things and what work is ongoing. It is important to remember that prior to the election of our Government, there was no Custodial Inspector to provide advice and monitor service provision. We created the role to be able to continuously improve the prison service. We acknowledge that there are many systemic problems in our prison system and we are addressing them by increasing staff for their own safety and that of prisoners and visitors, and we are also putting money into infrastructure, which has not occurred for some time and cannot go on.

Dr Woodruff referred to supporting refurbishment of remand facilities. I am not sure if she is talking about facilities around the state but we are in the process of building a new southern remand centre which gives us better and more modern facilities for staff and those who will be housed in the remand centre, so those who are yet to be convicted being on remand with greater access to their lawyers and facilities. There is also an upgrade to shared facilities such as the watch house and the kitchen and that sort of thing.

That brings me to prisoner work and specifically education. TasTAFE and the Tasmanian Prison Service are in agreement to expand the education services within Risdon Prison. I mentioned this in the debate last week. I will be releasing further details about that shortly. The Minister for Education and Training, Mr Rockliff, is in the House. We have been working together with key stakeholders to enhance what TasTAFE can provide to the Tasmanian Prison Service after it was cut by former governments. I find it a little galling when members come into this place in a rather naïve manner and criticise our Government for things that we are actually addressing.

That brings me to Ms Haddad's amendment relating to section 308 of the Criminal Code Act. I know Ms Ogilvie is also interested in this in making up her mind as to whether she will support the amendment, so I will make it clear. 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. It

also should be noted that the remitting of matters under section 308 occurs prior to the full consideration and airing of evidence in the case. This was extensively discussed by the steering committee.

The Office of the Director of Public Prosecutions has assessed the matter according to its prosecutorial guidelines, which are publicly available. As we have noted, this assessment has indicated that the matter should be dealt with in the Supreme Court. 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 would therefore impinge on this right.

In addition, the remitting of offences can be problematic where there are co-offenders. To increase the limit in section 308 to three years could lead to matters which our Government believes should be heard in the Supreme Court potentially being remitted to the Magistrates Court, for example dangerous driving and causing death by dangerous driving, which we do not think should be dealt with in that court.

I also want to make the general observation in relation to making amendments on the Floor to the Criminal Code Act or the Evidence Act. Making significant changes to the Criminal Code Act should not be taken lightly or be done on the fly or just simply on the Floor of this House when our key stakeholders and steering committee have already considered this matter. Any proposed change of this nature would require detailed consideration and consultation to ensure these matters are properly addressed. I am always very happy to consider matters further and to go through that vigorous process but the Government will not be supporting the amendment for the reasons I have outlined.

The reforms in this backlog bill have been developed in depth in consultation with a range of internal and external stakeholders to ensure they are an effective balance between increased efficiency while not derogating from the rights of the accused nor the interests of justice. For that reason we have not amended section 308. Therefore, 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.

It was considered by the steering committee 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. The Magistrates Court can now sentence up to three years imprisonment and can now consider matters where the value of property involved is significantly more than previously. Therefore, the likelihood of matters being omitted using section 308 should be reduced.

That is just dealing with the amendment. I will now move to the questions, some of which were asked by a number of members or specifically one member. In relation to Ms Haddad's reference to fitness to plead and why that cannot be determined in the Magistrates Court as well -

Ms Haddad - No, that was not a question, I was in support of that change.

Ms ARCHER - Okay. I might just say something in relation to that rather than a question.

Ms Haddad - I was not criticising it. I was acknowledging and supporting that change.

Ms ARCHER - Thank you for clarifying that. There is a presumption at law in Tasmania that a person is fit to stand trial. The Criminal Justice (Mental Impairment) Act 1999 sets out the process for determining a person's fitness to stand trial. The investigation can occur on application from the prosecution, the defence, or on the court's own motion. Such investigation determines whether a person can stand trial and is therefore a serious matter.

These matters have traditionally been dealt with before the Supreme Court where they relate to indicting matters. Section 10 of the Criminal Justice (Mental Impairment) Act 1999 is amended by the backlog bill to ensure the proceedings which relate to fitness to plead will continue to be determined by the Supreme Court and where they relate to indictable matters, so that is clarifying that, with Ms Haddad's support.

I turn to the Australian Lawyers Alliance's opposition to the need for stalking and bullying. It is not perverting the course of justice; it is false declaration to require the consent of both the defence and the prosecution before being heard summarily, so I will talk to that. Stalking and bullying is currently an indictable offence and not electable. The reform to section 72 of the Justices Act does not alter the crime of stalking and bullying itself. The amendment will enable the crime to be heard summarily, if and only if, both the prosecution and defence agree. This reflects the Government's commitment in relation to stalking and bullying to have these matters dealt with seriously as indictable crimes. The prosecutions still agree prior to a matter being heard summarily.

The amendment here enabled some discretion for the prosecution to recognise a lower level of seriousness if the circumstance warrants it. This also acknowledges that following commencement of this bill, the Magistrates Court will have the capacity to hand down sentences of up to three years. The bill does not make a change in relation to perverting the course of justice because in the ALA's submission they were referred to 'perverting the course of justice' when, in fact, it is 'false statutory declarations'. Instead the change is to provide that the crime of making a false statutory declaration, or false statements.

I believe both Ms Haddad and Dr Woodruff asked for an update on what we affectionately call 'Justice Connect'. I indicated during the debate on the Magistrate's Court (Criminal and General Division) Act 2019, that significant changes are made by that legislation and further implementation work is required to be undertaken before the act and related acts can be proclaimed. I indicated at the time that this would take at least 18 months. An implementation project led by the court is under way and reports to the Magistrate's Court Criminal and General Division's Steering Committee. A project manager has been recruited to deliver act implementation with sponsorship and direction from the department secretary and the administrator of the courts. These changes involve the development of regulations and rules to support the act as well as a second amendment bill and consequential amendments bill to update references in a broad range of Tasmanian legislation.

In addition to the large number of processes and procedures that need to be reviewed and amended before proclamation of the act can occur, the implementation project is also dependent on the integration with the new IT system being implemented by the Justice Connect program of work, which is a substantial departmental program that will bring efficiencies to the judicial system as a whole once it is implemented. The implementation project team is working closely with the project team to ensure that the implementation of the new legislation rules and

regulations are integrated into the IT system needed for the court. It is a significant body of work that is being done and still needs to be done. We had a little bit of delay because of COVID-19 which delayed everyone and stopped everyone in their tracks for a while, but that work is progressing very well.

The other matter that was referred to by both Ms Haddad and Dr Woodruff relates to the Australian Lawyers Alliance concern about delays and disclosure in court proceedings. Systemic improvement in disclosure was included in the Magistrate's Court (Criminal and General Division) Act 2019. The Government is committed to the roll-out of these reforms together with the rest of the reforms in that act. However, it was noted at the time that this roll-out involves considerable implementation and the implementation project is currently under way.

The parliament has already determined the matters of what police are required to disclose. The disclosure regime established by that act is one of the most extensive in Australia. In Tasmania when the act commences there will be free mandatory disclosure for all matters including preliminary disclosure prior to a first appearance in court or matters. This is significantly more than what historically has been provided. I will refer to what I said at the time of the debate of that act: in the case of preliminary disclosure a defendant will receive a copy of the charge sheet; a summary of the material facts; a copy of the criminal record of the defendant, if any; or a statement that the defendant has no previous convictions; an audio copy of the record of interview; a statement specifying where the audiovisual recording of the interview can be viewed, if one has been made and who to contact to arrange this; and anything else prescribed in regulations that is to be provided. Where a defendant pleads 'not guilty' in a summary matter they will be provided with a summary offence brief.

Debate adjourned.

ADJOURNMENT

Disability Voices Tasmania

[6.01 p.m.]

Mr ROCKLIFF (Braddon - Deputy Premier) - Mr Deputy Speaker, I rise to acknowledge Disability Voices Tasmania for its fantastic Pitch Perfect Workshop and thank them for inviting me to participate on the day. Disability Voices Tasmania emerged from a pilot project designed to find out how people with disability can develop a strong, collective voice on interests and issues that affect them. Since then, Disability Voices Tasmania has received funding through the Information Linkages and Individual Capacity Building Program from the National Disability Insurance Agency under two of the funding programs - Individual Capacity Building and Organisational Capacity Building.

Under Individual Capacity Building, the Disability Voices program will establish small, local groups of people with a range of disability to work with mentors through training workshops to develop the capacity of people with disability to engage with their communities.

Under the Organisational Capacity Building funding, Disability Voices will deliver training, mentoring and support the incoming committee board members to meet governance and financial accountability and responsibilities.

The Pitch Perfect Workshop was delivered under this funding to support the development of skills and opportunities for Tasmanians with disability to have their voices heard and to contribute to the development of inclusive communities. The workshop was held on Thursday 3 September, and I attended with my parliamentary colleagues, Ms O'Connor, Ms Haddad and Mr Valentine and we got a lot from it. This event provided a safe and inviting opportunity for people with disability to learn how to use their personal stories to influence decision-makers and create change. The feedback from Fiona and Anne on the day reflected how well-received the workshop was, how informative the event was, and how much everyone enjoyed themselves.

For me personally, hearing people's stories, listening to their voice, witnessing their emotions as they conveyed their experiences and being drawn into their world and their viewpoint was not only at times an emotional and moving experience, but importantly, which is why we were there, a very informative one and a great privilege.

I would like to share some parts of an email from one of the participants who contacted me following the event, and I quote -

> Being autistic feels like being in a foreign country, not understanding the customs, culture or language of the people I live amongst, and frequently finding myself in situations I don't have the tools to deal with. Ordinary, everyday situations and life in general can leave me feeling violated and exhausted mentally, physically, emotionally and sensorially.
>
> For those of us not diagnosed or as is commonly the case - misdiagnosed, it can be totally confusing to work out the 'what' and the 'why' of our experiences and happenings.
>
> I need to know that it is okay and it is a legitimate way to be a person. I need to know that I am okay and I am valued for my output and contribution in the workplace, not to feel embarrassed or ashamed or question my self-worth because of my disability.

Mr Deputy Speaker, I sincerely thank Disability Voices Tasmania for giving the participants a safe place to share their stories, to reaffirm their self-worth and their value and to create an event that confirmed that no matter who we are or what we do, we should always take the time to hear each other's stories' so I commend Disability Voices Tasmania, specifically Ann Reimer, Disability Voices Tasmania operations coordinator, and Fiona Strahan for arranging such a successful and informative workshop and I wish them every success for future endeavours.

Dogs in Politics Day

[6.05 p.m.]

Ms OGILVIE (Clark) - Mr Deputy Speaker, we have gone to the dogs, because tomorrow is Dogs in Politics Day, which I am super excited about. It is an American thing but it is good fun and I love animals. I have been heartbroken by the beaching of the whales which we have seen across the media, and in this time of pandemic and unusual COVID-19 times our

pets have provided us with much needed solace, care and love at home. Dog lovers like me will no doubt have very spoiled dogs who do not want everybody to go back to work.

I have the great benefit of having probably the world's best dog and her name is Winsome McHappy Doyle. She is a Scottish Terrier and is looking forward to Scottish independence and casting her vote in favour of Scotland becoming as it should always have been, its own country. But I digress.

All jokes aside, our pets are incredibly important to us here in Australia. We are a dog -

Ms Archer - I am a cat person.

Ms OGILVIE - Oh, she is a cat person. My sister went from a dog person to a cat person.

Ms Archer - She gets locked in, don't worry.

Ms OGILVIE - Well done; we do not want the birds eaten. We can do more to make life more pet-friendly, particularly around rental accommodation and the cost of pet ownership. We have recently seen some awful things happen where people have tried to buy pets online and have been duped and of course we do not want to see puppy farms, although that is a smaller issue in Tasmania than it may be elsewhere.

I would like to see some sweeping investments and improvements in dog parks, particularly across my electorate which I cannot help banging on about ad nauseam at this podium. It is very important. It is about wellbeing, mental health and getting people out and about, making sure we can mix and meet. Undoubtedly when you go out with your dog, people will stop and say hello, chat, mix and mingle. It is a good thing to do and we need pet-friendly laws.

I will confess that Winsome has come into parliament through the airlock and bumped into the Premier, who gave her a lovely pat on the head and she felt very special. Please join with me in putting up photos of your pets, particularly dogs, for Dogs in Politics Day. There is a hashtag and join with me in what is a warm-hearted moment in politics.

Auditor-General's Report - Expressions of Interest Process for Tourism in Public Protected Areas

[6.08 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Deputy Speaker, I rise to give members a summary of the Auditor-General's report into the expressions of interest process for tourism in public protected areas. The key points of the Auditor-General's carefully worded but ultimately damming assessment are these.

The report found that the consultation process for reserve activity assessments - and these are the internal documents that Parks produces and we have a copy of the Lake Malbena one here - is proponent driven and lacks minimum standards. The report found that leases and licences are not subject to ongoing review. The report notes that the Solicitor-General advised

the assessment panel that individual proposals should be submitted for his review, but this has never occurred. It does beg the question, why?

The Auditor-General's report found that the reserve activity assessment process is insufficient for complex proposals. Of the 22 reserve activity assessment documents audited, only two had complete documentation, some evaluation reports were missing and key information was missing from activity plans. The report regularly identifies areas where documentation simply was not available. The report notes the absence of environmental conservation experts and members of the Tasmanian Aboriginal community that contributed to issues with projects receiving a social licence.

The Auditor-General notes the decision not to replace the independent member of the EOI assessment panel after their resignation was unexplained. The expressions of interest process was meant to have a communications and engagement group to work with stakeholders, but this group was never convened. The Auditor-General's report notes that the EOI process probity adviser should not have had any other involvement in the process, yet most of the external review reports commissioned in relation to proposals went to the same organisation that provided a probity officer. No safeguards were put in place to prevent a conflict of interest.

The Auditor General notes that Tasmania is the only state that allows for proposals that are inconsistent with management plans such as the Tasmanian Wilderness World Heritage Area management plan 2016 which was written in order to enable commercial development in public protected areas.

The Auditor-General found that the scoring process was problematic, with proposal scores often allocated before vital information was received, potentially prejudicing final scoring. Because of an average of assessment scores, projects that failed one or more criteria could still be recommended for approval.

The report noted that the panel did not have economic or financial expertise and that projects were often recommended to progress with poor quality or incomplete financial information. The Auditor-General notes that despite job creation being a key component of the communication and indeed propaganda around the expressions of interest program, there was no emphasis placed on this during assessment and the estimates provided to the panel were unreliable. The Auditor-General found that the jobs created so far by the Liberals' expressions of interest process are relatively minor.

This again is another damning indictment on an assessment process which has alienated bushwalkers, flyfishers and countless other lovers of the Tasmanian Wilderness World Heritage Area. I recommend members look at it. This is in the same week that the federal Environment minister has agreed that the Lake Malbena proposal inside the Walls of Jerusalem National Park should be assessed as a controlled assessment. I note that in the past four years since the Liberals in government rewrote the World Heritage Area Management Plan it is very clear that there needs to be a fire management plan in the TWWHA. It has not been delivered and in fact the discussion paper on a fire management plan in the TWWHA is only just being released now.

It is the same as the tourism master plan for the Tasmanian Wilderness World Heritage Area. These two critical pieces of work were left to fall by the wayside while the Parks and

Wildlife Service was politicised in order to facilitate the commercialisation and privatisation of Tasmania's wilderness. How scandalous it is that in a climate and biodiversity emergency the Government's Parks and Wildlife Service could not deliver a fire management plan for the TWWHA in under four years when we have had massive burns through that area. That is because the Government has diverted the resources of the Parks and Wildlife Service into this privatisation process and other critical work has been left in abeyance.

It is a sad, sad day for the once great Parks and Wildlife Service, the fantastic people who are working out in the field for the Parks and Wildlife Service, because they love the wilderness and the cultural values they are tasked with protecting in their day jobs. The management of Parks under the Liberals has let critical work fall off the table and only now, four years after the World Heritage Area management plan was rewritten to allow development, are we starting to see some background papers on a fire management plan for the TWWHA.

Shame on the Minister for Environment and Parks. This has happened on his watch. He has a solemn responsibility not to privatise and degrade the wilderness with private developers but to protect its natural and cultural values that are there for all to enjoy and for future generations. They are our gift to future generations and not this Government and the current Parks and Wildlife Service management.

In future, this place is for all the people of the world and Mr Jaensch ought to be ashamed of the fact that we only saw the tourism master plan earlier this year and we still have not seen a fire management plan for the only property on the World Heritage list that has 'wilderness' in its name. It is something we should be proud of and defend. It is not something we should privatise and give away for trinkets.

Frans Thomas Sakul - Tribute

[6.15 p.m.]

Ms HADDAD (Clark) - Mr Deputy Speaker, I rise tonight on the adjournment to pay my respects to and reflect on the life of Frans Thomas Sakul who passed away on 19 August this year. Many in the Chamber would know Frans Sakul as the chair of the International Wall of Friendship which is an installation of plaques in the courtyard of the building on the corner of Collins and Harrington streets in Hobart, known as the Commonwealth Government Centre. It is 188 Collins Street.

The International Wall of Friendship was established in 1992 and was built to bring all Tasmania's community together and to provide a tribute to the contribution of migrant communities across the state. People gather there at all times of the year to celebrate important international and national days, for community events - both celebrations and solemn. There are currently more than 60 plaques, each representing one of the migrant communities that make up the fabric of Tasmanian life: Iran, Croatia, Lithuania, Slovenia, Philippines, Greece, Turkey, Indonesia - where Frans was from - just to name a few.

Frans was an incredible advocate for our multicultural community and worked hard to make sure people knew about and appreciated the International Wall of Friendship. Sadly, as I said, he passed away in August this year and will be sadly missed by many.

The public officer of the wall, Graham, wrote to me to tell me the sad news and he said in his email -

> Frans was born in Indonesia and studied at university in Victoria. However, he was attracted by the Tasmanian lifestyle and came here to complete an economics degree at the University of Tasmania.
>
> He then continued his studies to become a certified practising accountant. He held a number of senior executive positions in the private sector in Tasmania and was Vice-President of the Australia Indonesia Business Council of Tasmania and Chairman of the International Wall of Friendship.
>
> Frans was also proactive, together with public accountant colleague, John Watson, in the marketing of further tertiary education in Indonesia. He facilitated a number of Indonesian school groups to come and visit Tasmania.

That is where his message ended.

As members here would know and appreciate, Frans was very active in our community in many other ways, including being a consultant on the Glenorchy City Council Multicultural Community Spaces Plan and a member and officer bearer of the Multicultural Council of Tasmania.

On his passing, Hobart Technology and RTO that he was involved with reflected with these words -

> Our deepest sympathy to Frans' family.
>
> Always welcoming and heartwarming, he built many relationships and networks to the great benefit of both countries. A key person in the establishment of the International Wall of Friendship at the Commonwealth Government Centre in Hobart.
>
> A source of extra-hot chilli peppers, rendang and great humanity and wisdom for many functions, Indonesian ex-pats, visitors and students over the decades.

My condolences to all who knew and will miss Frans Sakul, most of all his family - his wife, Wendy; his children, grandchildren and siblings.

Heritage Tasmania
Social and Affordable Housing

[6.18 p.m.]

Ms STANDEN (Franklin) - Mr Deputy Speaker, I rise on the adjournment this evening to talk about two issues.

First, the situation that has been going on for too long now at Heritage Tasmania. As I have said before in this place, this Government is no friend of Heritage Tasmania. They only provide lip-service to a sector that is crying out for leadership. The Heritage minister, Ms Archer, is missing in action, managing the portfolio off the side of her desk, only interested

in ribbon cutting and not even prepared to meet with staff. I have previously outlined the Liberal's bungled attempts at cutting the Tasmanian Heritage Register and the savage staff cuts the Liberals inflicted on Heritage Tasmania but when it comes to listening to staff at Heritage Tasmania, they are stone deaf.

Ms Archer interjecting.

Ms STANDEN - The minister, who is sitting over there sniping from the sidelines, is upset because she knows that I am calling her out. I am calling her out and she knows it. She is upset. I am getting under her skin because she refuses to act on this serious issue that has been going on for much too long. She knows that she is the third minister in the conga line of ministers who have ignored this issue that has been running for years now.

In March of this year, the CPSU undertook an online survey with all staff. What is abundantly clear now is how toxic the workplace is and the concerns staff have about management. A Right to Information request disclosed last week reveals the department has spent around $15 000 on a cultural change program and another $3000 on training for management. That is nearly $20 000 on trying to fix things.

You have to ask, when is enough enough? When will Ms Archer intervene? She is very prepared to make decisive decisions on the Westbury prison; the Burnie Court, for instance, a unilateral decision made without consultation and yet on this issue she will not intervene. She is quite happy to intervene in a documentary on forest protesters but not a longstanding toxic workplace with hardworking public servants trying to do their best under the circumstances.

I also note the role of heritage planner for Heritage Tasmania was advertised in the Government *Gazette* recently. I understand the position has been downgraded from full-time to a 0.6 part-time position. Surely now is not the time to be cutting positions at Heritage. If the minister had intervened earlier, money that was used on cultural change planning might have ensured this position was full-time. It is abundantly clear the minister, Ms Archer, is not ambidextrous. She is unable to cope with multiple portfolios and sadly it is people like the staff at Heritage Tasmania who are paying the price for this.

Second, I want to call out again the Minister for Housing who has been playing games with numbers. He stood here today and tried to defend his Government's appalling record of building affordable houses in the midst of Tasmania's deepening housing crisis, a defence that hinges on fudging numbers and ignoring reality. There are 8000 households in Tasmania experiencing rental stress, more than 3600 people on the public housing wait list, and more than 1600 Tasmanians experiencing homelessness on any given night. While Mr Jaensch apparently spends his days in his office coming up with witty nicknames for me and others on this side of the Chamber and others who call him out, people are suffering.

Mr Jaensch, while you are cooking the books, here are some of the Tasmanians you have been ignoring. These are people who have come to me, desperate for help who I have written to you about, who you have failed with your complete lack of action. There is Jonathon, still scraping by - barely - as over 60 per cent of his income goes to rent, recovering from a life threatening illness, and living in housing inappropriate for his needs due to the bathroom and heating facilities. On August 2019 I first wrote to the minister about Jonathon.

In November 2019, I wrote to the minister about Clare - I have changed all these names for privacy - who is sleeping on the couch in her small unit so her children have a bedroom, still waiting for a transfer to a larger property, waging a battle with mould in her property, wanting just to be closer to her children's schools.

There is Susan, still homeless and living in her car almost a year after I wrote to the minister for help. Very sadly, recently, she attempted to take her life. I cannot tell you how devastated that makes me feel. I know that she and her family are absolutely desperate, living in regional Tasmania, desperately requiring services.

December 2019: Amanda being moved in and out of shelters after leaving an abusive partner, terrified by the prospect of losing custody of her children and battling deepening depression.

There is Fiona, forced to sign a lease she can barely afford because she is waiting for public housing, forcing her young son into homelessness.

Liz who has almost had to lease a house just streets away from her abusive former partner's family because the minister would not do anything else for her.

In February 2020, John who became blind last year can no longer live in his private rental due to the cost and lack of disability access to his private rental property. He has been ripped apart from his family and all of this has cost him his relationship.

There is Dana, still sleeping on her mother's couch with her children in overcrowded and insecure housing.

There is Juliet who is still desperately trying to give her children the stability they need after she left an abusive relationship: forced to live in Kingston with her three school aged children, trying to go to school on the eastern shore.

There is Diana whose young daughters still do not know what it is like to have a home of their own, on the priority waiting list for nearly five years.

What I find particularly terrifying as I look back through these letters, and this is only a small sample of who I have spoken with in recent weeks, is that it is literally the tip of the iceberg. These people need the houses that this minister says he has been building. They have come to their local member of parliament out of desperation for help. They still do not have affordable homes under the minister's stewardship.

Time expired.

Salmon Industry

[6.25 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, I rise tonight to detail to the House material that was released under right to information, an RTI request that was made by a member of the public for correspondence between the director of the EPA, Wes Ford, and the CEO of Tassal, Mr Mark Ryan. These letters that were made available were between the EPA

and just one salmon farming company over a short period of time in October and November 2019 for a six-week period.

In that time, there were five deeply concerning examples of an industry that is way too close to our environmental regulator that operates under government policies and government directives that is required under those directives to put industry productivity before the environment. That cosy relationship and priority of industry productivity over the environment is writ large in every one of these letters.

The first one I will speak to is in relation to the baseline environment survey required for the marine farming lease at the west of Wedge Island, the new lease off the Tasman Peninsula. Mr Ryan asks on behalf of Tassal whether he can introduce fish into the marine farming lease at west of Wedge before his company has undertaken the inshore reef survey. That survey was specified by the EPA as a component of the baseline environmental monitoring and was supposed to be included in the final monitoring report. However, the director says it is okay if Tassal puts fish in the water in January and only has to provide a report to him by 30 April, four months later. That would be against the environmental licence, so just to make it legal he will write a new environmental licence to make sure that everything is totally by the book.

The purpose of baseline monitoring is to make sure the area gets looked at and looks at the environmental state before fish are farmed there so there can be a true measure of the impact of the fish, but that is not what happened at west of Wedge under this Government's misregulation of the fish farm industry.

On 1 November the report on the annual video surveys at Soldiers Point came to the director of the EPA. He wrote to Mark Ryan and found that marine debris was present under five of the six pen bays but had no check of that. He was concerned about the history of marine farming debris and that every survey undertaken for that lease between 2016 and 2019 had identified debris and that Tassal was meant to have taken the debris away, but the EPA has no checks on that.

He cautioned that the debris should be removed. He said it is a continuing problem and if Tassal did not do that he 'may' require follow-up surveys of key pens to show that they have been successfully removed. This is despite the fact that we have had serious incidents of marine farm debris causing hazards to boaters and other people on the water for years. That is hardly a scary and strong response from the environmental regulator.

Regarding Hamilton and the recirculatory aquaculture approval application that was made there to pump water from a Tassal hatchery onto farmland nearby, it was also pointed out by the director of the EPA in his letter to Mr Ryan that the approval application for the Hamilton hatchery had essentially substantially overcooked the amount of pasture land and the growth of pasture in that area. There were concerns, he says, that it was insufficient to adequately demonstrate that irrigation will not result in unacceptable accumulation in nutrients in the soil and will not prevent surface runoff and leaching.

It is extremely concerning that the EPA director noted it was likely that additional treatment would be needed to reduce salinity or nutrients. These are exactly the issues the community were concerned about. Salinity in pasture land areas and nutrients are flowing off into the Hamilton water supply and from the Meadowbank hatchery, but the EPA did nothing strong about that. Correspondence that was tabled as part of these text messages between

Mr Ryan and Mr Ford show the cosy relationship, another example of mates talking to mates in this Government.

Why does the CEO of a major company have the personal phone number of the director of the EPA? Why does he send persistent messages, tens of messages over a one-day period demanding that the director get back to him? Why does the director get back to him at one point and say, quite helpfully, that the EPA board expects to complete its assessment of the Hamilton hatchery by the end of the week, meaning the council can deal with it at its 3 December meeting? I suggest he said to Mr Ryan, 'You get Fraser to talk to the council to get it on their agenda'.

How is that appropriate? Why are we having this relationship between the director of the EPA, who is meant to be there and Tasmanians expect him to be there first and foremost to be regulated to look after the environment first. Instead we have this Government under-regulating the EPA so we have in a short six-week period five serious examples of breaches of licences and what the director of the EPA does to promote industry productivity is just write them another one, just to make sure it all looks legal on the books, but there is nothing good about what is happening in the state of salmon farming in Tasmania.

Time expired.

Richie Porte - Tour de France Podium Finish

[6.32 p.m.]

Mr BARNETT (Lyons - Minister for Energy) - Mr Deputy Speaker, I am pleased and proud to rise tonight to pay tribute to Richie Porte, a great Tasmanian and now a very famous Australian. We are so proud of Richie Porte. As many here already know, Richie secured the podium finish in the 2020 Tour de France earlier this week coming third in what certainly I consider is the world's most gruelling iconic sporting event, 21 days of guts, determination and the willpower to win.

Richie clearly has the heart of a lion and demonstrated that every day over that 21-day period. He is only the second Australian to stand on the podium in the more than 100-year history of the Tour de France after Cadel Evans who won that race in 2011 and came second on two other occasions. I will speak more about Cadel Evans shortly.

Richie is a Hadspen boy, just outside of Launceston on the South Esk River and a Hagley Farm School boy, my old school. I am pleased and proud of the Hagley Farm School and I know how pleased they are in this wonderful old boy of their school.

Richie secured his place on the podium with a blistering ride in that penultimate 36-kilometre individual time trial, climbing into that third position overall, a huge effort. This week's podium finish was the latest in a glittering career by the boy from Hadspen.

He has won the famous Paris-Nice race twice, in 2013 and 2015, won the Tour de Romandie in 2017, the Tour de Suisse 2018, our very own Tour Down Under twice in 2017 and 2020 and came fifth in the Tour de France in 2016. He has been the top ranked road racer in the world, Australian time trial champion and of course Richie is such a proud Tasmanian and a fantastic ambassador for our state.

I do not know Richie well, but certainly have got to know him off and on over the years and on one occasion participating with him at the Bridport half-triathlon. Of course, I was completely outclassed by him on the bike and in just about every other respect as well.

Richie trained for many years in Tasmania during his professional career, particularly over our summer, and not so long ago brought his colleague and friend, Chris Froome - who was the reigning Tour de France champion - to our shores in Tasmania. Richie loves Tasmania. There are many good riding and cycling opportunities in Tasmania, not just road cycling but mountain bike riding as well.

Richie has suffered some tremendous setbacks in the past, with the horrendous crash in recent Tours de France which left him with a fractured pelvis, broken collar bone, cuts, abrasions in 2017, and then again in 2018 resulting in another broken collar bone. His grit and determination have seen him through in overcoming those odds and it is an example to all of us and all the more welcome in these very unusual days of the coronavirus pandemic.

I should pass on a special congratulations to his wife, Gemma. During this coronavirus-delayed Tour it was reported that Richie and Gemma had a conversation because he wanted to be there at the birth of his second child, Eloise. I understand the conversation went along the lines that 'yes we will go ahead and participate in the Tour' but Gemma said 'I do not want to be watching you on television sitting at the back of the peloton - moping at the back of the peloton'. Of course he was not doing that. He was performing in a supreme way, in a brilliant way. Eloise was born on 5 September during the Tour.

I pass on congratulations to his mum and dad, Ian and Penny, wonderful Launceston people and family. Penny was a good friend of my late mother, Lady Sally Ferrall, and my wife, Kate, has met with Ian and Penny at the swimming pool in Launceston. They are wonderful locals. They love their community and they are very proud of their son. I pass on hearty congratulations.

I was there in 2011 on the Cadel Evans Experience, a once-in-a-lifetime experience with my mate, Tim Piper. We thorough enjoyed our time together. Breakfast at 7 a.m., on the bikes at 8 a.m., and then participating on the same route as the Tour de France. I was there at Grenoble in that penultimate stage, the time trial for Cadel Evans when he did so well in that time trial he put on that yellow jersey for the first time. When he was putting on that jersey he had a tear in his eye. I was there, literally metres away, with Tim Piper congratulating him, cheering, the Aussie theme song, and we led the crowd as we celebrated with Cadel Evans with the yellow jersey, knowing that he would go through to that final day. We led the crowd in *Aussie, Aussie, Aussie, Oi, Oi, Oi*. It was a wonderful moment to be able to celebrate with Cadel Evans and all the Aussies around the world in 2011 when he got that gold medal.

We are pleased and proud for Ritchie and I pay a tribute to him tonight, to his family and to all Tasmanians. We can be absolutely proud.

To my cycling group, the 'Foxes, Hounds and Turtles', I have not been out with them since April when I had my bingle on the bike in Launceston with a couple of broken ribs, a broken toe, cuts and bruises and scratches, but I am looking forward to getting back. I have been inside on the bike on from time to time. Tasmania is such a great place for cycling and enjoying the outdoors, and being healthy and fit. We enjoy it as a real opportunity and for the Diabetes Tasmania Pollie Pedal which I participate in and lead every year.

In conclusion, well done, Ritchie. We are proud of you. You have done Tasmania proud.

Richie Porte - Tour de France Podium Finish
George Town - Initiatives

[6.39 p.m.]

Ms O'BYRNE (Bass) - Madam Speaker, I will very briefly add my voice to that before I turn to the matters.

Richie is an absolutely delightful young man. His parents are delightful people. I would be too scared to go home and admit I had been loafing at the back of the peloton if I had missed my baby's birth. Obviously from a gender perspective I would not have, but he did a fantastic job. I understand he raced home so quickly he did not actually have his keys and had to be let into the house to meet his new baby.

Richie has always talked very highly about how important Tasmania is to him and how beautiful Tasmania is, and the many beautiful places that he rides. He is a wonderful ambassador for our state. I need to add that as well as being a very proud product of the Hagley Farm School, he is also a very proud medal-winning product of St Patrick's College.

I want to talk today about George Town. For those of you who are not as familiar with the northern part of our state, George Town is situated in the north-east of Tasmania, it is a place of absolutely exquisite beauty. It is a wonderful community and has got some incredible history, beautiful lighthouses, wonderful coastline and it is a market where you can enjoy crayfish, yachting, diving, wineries, whisky distilleries, there is some incredible flora and fauna, and enormous possibilities to explore our natural, historic and cultural environment.

A few years ago, more than 70 community representatives from across the municipality, including business service providers, not-for-profits, government and volunteer groups, joined together for a 'Your Voice, Your Choice, Our Future' workshop. This workshop identified key areas of interest that could be developed to lift all of George Town, and see the municipality and its people achieve their full potential.

A future impact group, and subsequently a future impact leadership table, emerged to harness all of those community voices into a collective impact initiative and with funding and administrative support from multiple stakeholders, including the state Government, George Town Council, Beacon Foundation and others, they have been able to create a really exciting opportunity. The collective impact journey is recent, it is evolving and it leads to cross-sector collaboration and learning needed to achieve the community's goals.

I will highlight some of the work they have been recently involved in. There are some fantastic blogs about leadership, opportunities and the values of their community which you can see on their Facebook page, but they have also held a bumper sticker competition for the community. You had to design a bumper sticker in line with one of seven different themes and that included Love living in George Town; Walk, ride, run in George Town; Mountain bike in George Town; Love fishing in George Town; Blown away in George Town; Wine lover in George Town, and Beach lover in George Town.

They had over 200 really exciting entries. I understand the panel has had a terribly difficult job selecting a winner. The decision has been made and the winners are going to be announced very soon. I look forward to coming back to the Chamber to update you on what the new bumper sticker for George Town will be.

The other exciting initiative that is happening in George Town, and we see so many communities post-COVID-19 working really hard to build their economic capacity and take care of their community, and George Town is one of those. They have come up with an initiative to make sure 'you never leave town again', but in a good way.

They launched recently 'why leave town', which is a George Town Chamber of Commerce, a George Town Council and Bell Bay Aluminium initiative which is designed to drive support for local businesses so that every single dollar that is spent in this initiative, gets to stay locally, stays within the local community, drives local jobs and drives local growth.

Bell Bay Aluminium generously donated $20 000 to kick-start the project, recognising the importance of shopping local. We have retailers in and around George Town who are actively involved and what happens is 'why leave town' allows you to purchase a gift card and then redeem it at participating local partners and the money therefore supports those local businesses, supports local jobs and supports local supply chains because so many of those businesses are sourcing their goods locally.

Once again, there are some fantastic videos on the George Town Chamber of Commerce site that encourage people to not leave. They have been sharing those and, in those videos, they are showcasing some of those great local businesses and talking about how important this initiative is to them, how many jobs they sustain in the community and the work that they achieve which is wonderful.

There are almost 40 businesses that are live or about to be live on the card, that people can spend their money with. You can purchase your cards with your 'Up in George Town' at the Better Home Living, the IGA, the ITS Timber and Hardware, Low Head Tourist Park and News Express. That is where you will be able to buy your lovely card which you can spend at nearly 40 shops there or donate to the local community so that somebody else can spend that money in the local community.

It is a fantastic initiative. I encourage everybody to get behind it. Seeing local communities do things such as the George Town Future Impact Group, which is their longer-term strategy about reshaping the community and responding to needs and also seeing initiatives like this that are responsive to the economic times we are in just shows the strength of that community.

One of the things that always has struck me is that you can measure a town by the value and strength of its community, volunteering and community organisations. When they have their Cancer Council Morning Tea, you come as one of the local groups who fundraise and support and provide services in the local community. The hall in George Town is always packed to overflowing because there are so many vibrant and passionate community organisations that are represented by vibrant and passionate people who care about their community and not just care, but act to provide that support.

I commend George Town for their phenomenal work and their phenomenal sense of community. They really are a great community and I encourage you all to go up there.

Mr Tucker, in particular, has to buy at least five of these cards.

Swansea RSL

[6.46 p.m.]

Mr TUCKER (Lyons) - Madam Speaker, George Town is very close to my heart, too. It is a very good town but I am here to talk about another beautiful town tonight.

Tonight I speak about the Swansea RSL. Recently, I spent a day in Swansea and had the pleasure of visiting Swansea RSL and some members there. The Swansea RSL Sub-Branch provides the local and surrounding community with an open and welcoming venue. Community members are able to receive the benefits of ongoing support and personal assistance when needed. The Swansea RSL has 300 members. There is a designated welfare officer who provides military compensation and advocacy services for ex-servicemen, current serving and family members of the Australian Defence Forces. The availability of this service is advertised in the local community newsletter.

Their involvement with the community and in other activities include the traditional Anzac Day celebrations, including the Dawn Service, street march and laying of wreaths, and Remembrance Day celebrations. They also provide financial assistance to the local school by way of awards for the top two academic students in year 6 totalling $500, and assistance to local clubs by way of sponsorship of special events.

The Swansea RSL decided to meet the needs of the community post-COVID-19 by establishing a Community Connection Centre within the existing RSL premises. This is where veterans and their families, including the wider Swansea community, can meet to enjoy social interaction to help each other through the difficult times.

The Swansea RSL Community Connection Centre will be a place where all the community can come together to enjoy a meal or attend special functions and generally get together to discuss personal issues with friends as part of a wider range of social interaction.

It is considered that the health and wellbeing, including mental health, will be enhanced by providing a friendly venue where the community can meet in a social atmosphere and engage in social activities.

The Swansea RSL also has a future plan to use the venue for a wide range of community activities. These include exercise classes, information centres, Centrelink Information Days, Health Week, weddings, wakes and milestone birthdays. Work has commenced on the new-look Swansea RSL Community Connection Centre with more work to be completed, such as upgrading the kitchen, an upgrade of existing toilets to be disability compliant, the installation of a disability wheelchair lift, point of sale registers, a security system upgrade, purchase of new tables and dining chairs.

The Swansea RSL Sub-Branch has applied for grant funding of approximately $250 000 through the Tasmanian Community Fund. The application is required to undertake the major

renovations outlined to the existing premises to create a multifaceted venue to benefit the RSL members and the wider community into the future.

Well done to all the staff, volunteers and members of the Swansea RSL. Your dedication and commitment have proven to be such a success.

Livestock Industry - Petition
Richie Porte - Tour de France Podium Finish

[6.49 p.m.]

Dr BROAD (Braddon) - Madam Speaker, tonight I reflect on a petition that I tabled this morning after question time. I was very honoured to be the bearer of a petition of 439 signatures of people from the Tasmanian livestock industry on the north-west coast.

These are people who live with their livestock and what they want is a saleyard on the north-west coast because now Quoiba has been shut. When Quoiba closed, the Government stepped away from the community, from the livestock and farmers and the butchers. Instead, we had the Government trying to put in place a livestock handling facility which is basically an area for farmers to come and put loads together to take them to Powranna, an hour and a half or even more away. That is not what the community wanted and that is not what the community wants and now with this petition, we can prove that.

First of all it started off with the meeting of over 200 farmers and representatives from the livestock community at the Penguin Surf Club and from that meeting a committee was formed. That committee has been working in their own time, with their own efforts, their own money to try to find a solution to this gap that the Government has let happen.

This petition calls on the minister, Mr Guy Barnett, to keep the north-west meat industry sustainable by supporting the establishment of a new community saleyard. This is because farmers are struggling to sell their stock but also it is about the social connectivity between them. The saleyard at Quoiba was a key part of the community, a key part of the farmers' week where they would get together, chew the fat and sell some stock at the same time.

This petition goes to show that the Liberal members need to get on board, especially Leonie Hiscutt and Gavin Pearce who have been arguing for other options instead of listening to what the local livestock industry wants. We have had Mrs Hiscutt even at the end of that meeting of 200 people at the Burnie Surf Club saying things like, 'Isn't it great that the farmers want their own solution and they are going to fund it themselves because the Government won't fund it'. Well the Government needs to fund this. They need to help this happen because that is what the community wants. In his comments, Gavin Pearce reflected that he does not seem to have a problem selling his stock; he seems to do it online or with direct agreements with JBS or whoever he is doing it with. He did not seem to think there was a problem but the rest of the community thinks there is and 439 signatures proves that. The Liberal Government needs to get on board.

I will also reflect on some comments I made last week when I stood in this place and talked about Richie Porte and how he has done Tasmania proud. At that stage, he was fifth in the Tour de France. It was subsequent to me discussing that - I think it was that very night - he pulled himself up to fourth position and then battled his way to get to the time trial. Then it

was the race of truth: the 36.2 kilometre time trial where he not only gained the time that he needed to get into third position and make the podium but also he came third in that stage just by a fraction of a second.

Typical of Richie Porte, he struggled. This Tour de France has been a battle. First of all he was dropped on a windy stage and lost over a minute and a half. Then he climbed his way back into contention. Then it was on stage 18 that it could have all been over again because he punctured. There was a short stretch of gravel road where he punctured and he rode on a punctured tyre until his team car could catch up and he could swap bikes. He had been dropped by the bunch, by the leaders, but he battled his way to get back into contention and he lost no time.

That certainly set him up for his time trial and that time trial. I stayed up to watch it and in one way I am really glad that the Tour de France is over because I do not have to stay up late. It was a magnificent time trial that he did. It was a very tough time trial. It was flat to start with but it had a really savage hill at the end. To see the effort that Richie put in and you could see from the ratings that he was in position to get third on the podium quite early in that race. He was pushing it really hard and he just pushed and pushed and pushed. We are very proud to say that a Tasmanian has been on the dais of the Tour de France.

We have heard that in 2011 Cadel Evans stood at the highest point. He won the Tour de France but getting third in the Tour de France is a massive effort. We are talking of a bike race of over 3000 kilometres over 21 days with around 200 competitors to start with and our Richie Porte came third behind Pogacar and Roglic. What an amazing effort. As I pointed out last week, he missed the birth of his second child, a daughter Eloise, but I am sure in the future when Eloise reflects on the efforts of her father she will be as proud of him as all of Tasmania is right now.

Australian Content Quotas in Screen

[6.55 p.m.]

Ms BUTLER (Lyons) - Madam Speaker, tonight I rise to talk about the Australian content quotas in screen. In April of this year the Liberal federal Communications minister, Paul Fletcher, announced that the Australian content quotas for drama, children's and documentary on free-to-air and subscription TV would be suspended for the rest of the year. Many people from the sector believe Australian content quota is now dead. Australian content quotas are wonderfully efficient in levelling the playing field and ensuring that we maintain an onscreen cultural identity. Content quotas have never been popular in neoliberal thinking.

Quotas were first designed as a traditional protection mechanism so we could hear Australian voices on Australian television, a source of national pride and cultural identity. I am a strong believer in Australian local content. The Americanisation of our television content is a major concern to me which we should all be questioning. Economically, Australian content also ensures local jobs.

The originating logic was that the three commercial free-to-air networks would have the exclusive use of the broadcast spectrum and in return for this, which is really a licence to print money, they would meet the cultural obligation by making a certain amount of Australian content. This regulation has shifted in form over time, allowing for changes in audience

viewing patterns, changing economic conditions and even changes in the Government's industry-building incentives.

This year it has stopped and it started in 1961. When paid television came along, in order to maintain the level playing field, pay television suppliers were obliged to spend a proportion of their programming budgets on Australian production. Australian content requirements date back from 1961 and go under the current standard Broadcasting Services (Australian Content) Standard 2005 and as part of the Broadcasting Service Act 1992. The standard requires all commercial free-to-air television has a 55 per cent Australian quota programming between 6 a.m. and midnight.

Pre COVID-19 on 12 December 2019, the federal Liberal Government released its response and implementation road map to the ACCC's digital platforms inquiry. In its response the Government committed to a staged process to reform media regulation towards a platform-neutral regulatory framework covering both online and offline delivery of media content to Australian consumers. The Liberal Government identified Australian content obligations as one of the first issues it would focus on and that it would release an options paper co-authored by the ACMA and Screen Australia to look at how best to support Australian stories on our screens in a modern multiplatform environment.

A consultation paper was released, submissions closed in July this year to that consultation process and the federal government has promised to work with industry to explore future issues. The interesting thing about the submissions I have been reading through is that every other state agency provided a submission to that other than Tasmania. The Tasmanian Government and our Tasmanian Arts minister was the only Arts agency throughout the rest of Australia, to completely miss it and there were hundreds of submissions.

We know that Seven, Nine and Ten's lobby group, Free TV, have been lobbying to get out of commissioning Australian content for many years. Nine owns Fairfax and a large number of commercial radio stations, news print and affiliations with WIN. We know having influence with Nine can have a really big influence on whether you win a federal election. We know that the Morrison Government has now suspended Australian content quotas indefinitely and our Tasmanian Government has done nothing about it. We are the only government that has not even provided a submission. That is not being on your game or supportive of wanting to get rid of Australian content on our televisions.

Australian content was put there in the first place because the idea was that Australian kids should dream Australian dreams. Australians prize our culture and identity. I would like the Minister for the Arts to come into this House at this stage very soon and explain to the people of Tasmania why she has not stood up for Australian content quotas. The industry really relies on this and it is very important that we keep that cultural identity. It has been there since 1961 and it is not good enough.

The House adjourned at 7 p.m.