



PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF DEBATES

Tuesday 10 September 2024

REVISED EDITION

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Tuesday 10 September 2024

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

SUSPENSION OF STANDING ORDERS

Move Motion Forthwith

[10.01 a.m.]

Mr ABETZ (Franklin - Leader of the House)(by leave) - Honourable Speaker, I move -

That so much of Standing Orders be suspended as would prevent a motion concerning the sessional orders from being debated forthwith.

Motion agreed to.

MOTION

Sessional Orders - Amendment

Mr ABETZ (Franklin - Leader of the House) - I thank the House.

Honourable Speaker, I move -

- (1) In Sessional Order 42, paragraph (b), leave out the table and insert instead:

WEEK ONE

For 1 Hour	Independent Member for Braddon (Mr Garland)
For 1.5 Hours	Opposition Members
For 1.5 Hours	Greens Members
For 1 Hour	JLN Members
For 1 Hour	Government Members

WEEK TWO

For 1 Hour	Independent Member for Franklin
For 1.5 Hours	Greens Members
For 1.5 Hours	Opposition Members
For 1 Hour	Independent Member for Bass
For 1 Hour	Government Members

WEEK THREE

For 1 Hour	Independent Member for Clark
For 1.5 Hours	Opposition Members
For 1.5 Hours	Greens Members

For 1 Hour	Independent Member for Braddon (Mrs Beswick)
For 1 Hour	Government Members

- (2) In Sessional Order 48A, leave out "two by Members of the JLN" and insert instead "one by the JLN Member".
- (3) In Sessional Order 48C, paragraph (2), leave out paragraph (d) and paragraph (e) and insert instead:
- (d) Three to be allocated at the Speaker's discretion between the JLN Member and Independent Members.
- (4) In Sessional order 76, paragraph (4), leave out the table and insert instead:

	Tuesday	Wednesday	Thursday
Week 1	Opposition	Greens	JLN Member
Week 2	Opposition	Greens	Independent Member for Clark
Week 3	Opposition	Greens	Opposition
Week 4	Opposition	Greens	Government Members
Week 5	Opposition	Greens	Independent Member for Braddon (Mr Garland)
Week 6	Opposition	Greens	Independent Member for Bass
Week 7	Opposition	Greens	Independent Member for Braddon (Mrs Beswick)
Week 8	Opposition	Greens	Independent Member for Franklin

In brief, what this motion will do is add an extra question to Question Time, given certain events where two members were removed from the Jacqui Lambie Network. That has resulted in a request for an extra question and, as a government seeking transparency and accountability, we are more than happy to accommodate that. In relation to the schedule where we have week 1, to avoid any confusion, week 1 is the week commencing 9 September of this year.

I commend the motion to the House.

[10.02 a.m.]

Dr BROAD (Braddon) - Honourable Speaker, I do not think this can go without comment from us. Obviously, the Sessional Orders need to change as the dynamics of the parliament have changed. Again, I point out that this is the second change to Sessional Orders since this parliament commenced. In four months, we have already seen substantial changes in this parliament. It highlights the Premier's own prediction of a coalition of chaos because that is effectively what we are seeing. We are seeing a government that is less stable now.

If the Premier disagrees with that, it is beyond debate, because it is simple math. In the previous situation where we had a solid Jacqui Lambie party, the government was relying on having locked in the Lambies and getting one out of three votes from the independents. Now, in effect, this government is relying on getting four out of seven independent votes. That is substantially less stable.

This is a pattern under this government since 2018, when the then member for Clark, Sue Hickey, became the Speaker. That parliament descended into chaos and it was not a Labor member that was causing it; it was a Liberal member.

Again in 2021, when we went to an early election to deliver stability - what did we end up with? We ended up with the Alexander and Tucker situation, where we had members of the Liberal Party leave the Liberal Party. The government became unstable and had to go, yet again, to an early election.

We have seen the same pattern repeating itself, but this time, the first change has happened only after four months.

Mr ABETZ - Point of order, honourable Speaker. We have a motion dealing with Sessional Orders, not the whims and fantasies that the member opposite seeks to engage in. I ask you to draw the member back to the motion that is before the Chamber.

Members interjecting.

The SPEAKER - Mr Ellis, you are not helping. Members on my left, you are not helping either. The Leader of Opposition Business will address the question before the House, which is the Sessional Orders being changed. Any contribution he makes must be relevant to those Sessional Orders.

Dr BROAD - It is a history lesson because these Sessional Orders have had to change once again because of this unstable government. The instability is there for everybody to see.

We have two lost Lambies, who are now independents, and the government is relying on a crossbench that is completely different to what it was only a few weeks ago when we were last in parliament. That is an unstable government. By the Premier's own definition, it has to be an unstable government. He is relying on four out of seven independents instead of one out of three. That is definitely unstable.

The SPEAKER - Member for Braddon, I draw you to the motion before the House. You have the right to bring a substantive motion before the House to deal with instability, but the motion before the House is about a change of Sessional Orders. Members on my right will stop helping.

Dr BROAD - Thank you for helping.

Members interjecting.

The SPEAKER - That will do.

Dr BROAD - There was an election, Premier. The result of the election is instability. The result of the election that you went to -

The SPEAKER - Order. The Premier has the right to respond when Dr Broad resumes his seat, which I imagine will be soon if he does not address the matter before the House.

Dr BROAD - This parliament is in absolute shambles. It has been four months and we had a party disintegrate before our eyes. The government is now relying on votes that cannot be corralled. They have supply and confidence agreements, but we have not seen a supply and confidence agreement with Mr Jenner, the member for Lyons. I am not sure if that is still being negotiated but that is exactly what this parliament is having to rely on. That is why we have to continually change the Sessional Orders. When will be the next time we will have to change these Sessional Orders? Who knows? This government could fall apart at any moment.

[10.07 a.m.]

Mr BAYLEY (Clark) - Honourable Speaker, I thank Dr Broad for that contribution. I hear you in some of the points you make about the lack of numbers on my left, but we Greens see that as a significant opportunity to collaborate across parliament to get good outcomes for the people of Tasmania. We welcome the newly independent members to the crossbench. We always want to see space for independents and other members to bring new ideas and perspectives to parliament.

I note that in this motion, no one is disadvantaged. This evens the ledger in making sure that the newly independent members have their opportunity to make a contribution to this parliament. We support the motion.

I thank the staff and others who have put significant time into negotiating this set of Sessional Orders because that is not necessarily easy. I acknowledge those staff and their good work. I make the point that as we return after a period of four weeks and significant changes in the dynamic of this parliament, we Greens, as always, stand ready to work in the best interests of Tasmanians and collaborate across this Chamber.

The SPEAKER - Thank you, Mr Bayley. I note your optimism.

Motion agreed to.

RECOGNITION OF VISITORS

The SPEAKER - I welcome year 11 and 12 legal studies students from St Patrick's College. They have come for a visit today, and I am sure they will be delighted to know that you all spent your time going over the Standing Orders - in particular, Standing Order 2 - because, as you have been put on notice, any flagrant abuse of that will be seen as serious disorder of this House.

STATEMENT BY PREMIER

Ministerial Portfolios - Changes

Mr ROCKLIFF - Honourable Speaker, I seek to update the House on the recent changes to the government's ministerial portfolios

In addition to my existing roles as Premier, Minister for Tourism and Hospitality, and Minister for Trade and Major Investment, I take on the Infrastructure portfolio.

Mr Ferguson is Deputy Premier and Treasurer and has taken on the portfolio of Small Business and Consumer Affairs.

Ms Ogilvie has taken on the Ministry for Science and Technology in addition to her existing portfolios as Minister for Corrections and Rehabilitation, Minister for the Arts, and Minister for Women and the Prevention of Family Violence.

QUESTIONS

Deputy Premier - Confidence

Mr WINTER question to PREMIER, Mr ROCKLIFF

[10.10 a.m.]

The new *Spirits* project is the biggest infrastructure stuff-up in Tasmania's history. It is \$500 million over budget and five years delayed. You have had seven years to repair and you forgot to build the berth. Your deputy has misled parliament and his only excuse is that the CEO did too. You axed the chairman after he threatened to tell the truth and the CEO has followed him out the door.

If Michael Ferguson is not fit to be the Minister for Infrastructure, how is he fit to be in control of Tasmania's finances? When are you finally going to demonstrate some leadership and move the Deputy Premier on from your cabinet, or will the House have to do it for you?

The SPEAKER - I note that an allegation of misleading should be a substantive motion of the House. If you wish to do so, as this is a very serious allegation, there are forms of the House that can be used for that.

ANSWER

Honourable Speaker, I thank the member for his question. The opposition have started where they left off, completely and utterly negative, talking Tasmania down once again. Reflecting on the parliament, as I did during the winter recess, as far as I am concerned the parliament of goodwill remains, notwithstanding the change in dynamics of the crossbench regarding the JLN. This is still a parliament of goodwill.

The parliament that was left at the winter recess got through its agenda. Pragmatism was the order of the day and also our desire to implement -

Ms Finlay - What was the agenda? 100-day agenda?

Mr ROCKLIFF - Thank you for reminding me of the 100-day agenda, Ms Finlay, where we well and truly -

Members interjecting.

The SPEAKER - Premier, you will not take interjections from Ms Finlay because Ms Finlay will not be making them again.

Mr ROCKLIFF - Thank you, Speaker. We have delivered 78 of the actions we committed to in the first 100 days. We will deliver another 120 actions in the next 100 days, just as we will deliver the two new ships.

I recognise the Leader of the Opposition when he talks of delays. They are regrettable and unacceptable. I apologise to all Tasmanians for those delays. Frankly, it is not good enough. That is why we intervened only a matter of weeks ago by appointing Ben Moloney and Peter Gemell to leadership roles for the project.

Peter Gemell is well known for his maritime experience. Ben Moloney delivered the huge infrastructure project, almost \$800 million in investment, in the Bridgewater bridge. Incidentally, the last pylon will be delivered in November, as I understand, and in the next three or four months, or a bit longer, we should be able to walk across the bridge. It is a project that has bounced out of the ground and been well managed.

We have put Mr Moloney in charge of this, to take control of this project, and we needed to take control as a government. I recognise that. The delays were unacceptable and regrettable. I apologise to all Tasmanians for that because this is a significant infrastructure project, not forgetting that there were challenges along the way. We could not predict the first shipbuilder essentially going broke, the infrastructure challenges from COVID to supply or increasing steel prices.

The SPEAKER - The Premier's time for answering the question has expired.

Supplementary Question

Mr WINTER - A supplementary question, Speaker?

The SPEAKER - I will hear the supplementary question.

Mr WINTER - Can the Premier explain why, if this minister is not fit to be the Minister for Infrastructure, he is fit enough to be the Treasurer of Tasmania during a budget crisis?

The SPEAKER - The original question was to the role of the Deputy Premier. Premier, I draw you to the question.

Mr ROCKLIFF - Thank you, honourable Speaker. I will draw myself to the question in just a few moments because this has been a challenging project regarding the first shipbuilder essentially going broke, the disruption by the pandemic to infrastructure supply and the increase in steel prices. It has been a challenging project to deliver, notwithstanding the challenges along the way. Frankly, the two GBEs not speaking to each other is simply not good enough. My direction to all GBEs is to stand up for team Tasmania, do not look after your own patch, stand up for team Tasmania, for heaven's sake, and work together in the best interest of Tasmanians. That is my expectation.

I point to the Deputy Premier's record in Infrastructure: the Royal Hobart Hospital, Bridgewater bridge, the Midland Highway and a number of -

The SPEAKER - The Premier's time for answering the question has expired.

TT-Line Board - Resignation of a Member

Mr WINTER question to PREMIER, Mr ROCKLIFF

[10.16 a.m.]

The new *Spirits* project is the most significant economic investment in this state in more than a decade. It will add half a billion dollars' worth of economic activity to our state every year, supporting businesses across the state, but you have completely lost control of it. You axed the chair after he threatened to tell the truth and now the CEO has followed him out the door.

Members interjecting.

The SPEAKER - Order. You will have to start the question again if members on my right are going to interject that loudly, otherwise Hansard will not be able to hear it. Please start the question again.

Mr WINTER - You axed the chair after he threatened to tell the truth and the CEO has followed him out the door. You have stripped Michael Ferguson of his role as Minister for Infrastructure after he oversaw the debacle for years and did nothing about it. There is almost no-one left in charge. Can you confirm that another member of the Board has also resigned? Was this Board member also pushed? Is the company now in a complete crisis?

ANSWER

Honourable Speaker, I thank the member for his question. Ms McMahon has also resigned from the TT-Line board. The member completely misleads in his questioning. We have taken control of this project and I have said that it is not good enough. In my previous answer I made my feelings very clear about this matter. I recognise the importance of this infrastructure project and what it will do for Tasmania. You have come late to the party and criticised this the entire way forward. You can all whinge about it, but everyone can see, if they have been in Question Time over the last six months, that you have done nothing but talk Tasmania down at every single opportunity. About our economy, record low unemployment, and the infrastructure of bridges, roads, new schools, and hospital redevelopments, you have talked Tasmania down the entire time.

Incidentally, in seven days' time, Mr Willie, I expect that you will produce an alternative budget. I know we will get one from the Greens. At least the Greens will have an alternative budget. I am assuming they will. There will be no new schools, roads or hospital redevelopments in it because they hate infrastructure, roads, and building things -

Mr WINTER - Point of order, honourable Speaker. Standing Order 45, relevance. The question was about the Board. I understand the Premier has answered that there was a resignation, but the rest of the question was: was that Board member also pushed and is the company in a complete state of crisis?

The SPEAKER - I believe the Premier answered by saying that was a misrepresentation. The Premier has put that on the record. If that is the question answered we can move Question Time along.

Housing Dashboard

Mrs PENTLAND question to MINISTER for HOUSING and PLANNING, Mr ELLIS

[10.19 a.m.]

Your Housing dashboard claims your government has completed 3696 affordable dwellings. To inflate your stats, you are counting vacant lots. A home is somewhere you lay your hat, not pitch a tent. It says you have completed 1801 units of social housing and supported accommodation. What counts as a unit? A single room in a shared facility? Will the hotel rooms purchased recently in Hobart be counted individually?

ANSWER

Honourable Speaker, I thank the member for Bass for her question. The updated Housing dashboard is available for Tasmanians to see and it provides a greater level of detail than in the past. It is part of our government's strong action for the proactive release of information. You used to have to get an RTI from the Labor-Greens government for a lot of the information that we are now providing on a routine basis.

Mrs Pentland asked a couple of questions, first about affordable land sales and second about key worker accommodation. We are big believers in the importance of affordable land sales for meeting our targets, the reason being that it increases supply. Those land blocks we sell to mums and dads around Tasmania mean that tradesmen can build a house for them and those families can be part of the Tasmanian dream. That is a huge step forward in their life and to be able to get that at an affordable price is amazing for them.

We also have the caveat that it has to be built on within two years. That helps increase the housing supply in Tasmania and the provision of affordable supply. It means that those families can live in a house that they choose rather than one that is designed and built by the government. We believe that is an amazing opportunity for those Tasmanians.

In terms of the Fountainside key worker accommodation, it does not count towards our target of 10,000 social and affordable homes by 2032. It is a separate part of what we are looking to deliver as part of our key worker accommodation pilot. We have now delivered 24 units in Launceston at Punchbowl for workers at the Launceston General Hospital. It was fantastic to be there with the member for Bass, Mr Fairs, to launch that important project. The Fountainside Hotel is now key worker accommodation for healthcare workers at the Royal Hobart Hospital -

Members interjecting.

The SPEAKER - Order, member for Bass and member for Lyons. You may ask a question but you cannot have a conversation.

Mr ELLIS - which is a wonderful opportunity to work more closely with Health so we can back the workforce that cares for Tasmania. That is 50 available units that are secure for the long term. With Punchbowl and the Fountainside Hotel the Health department is not having to seek those as private rentals on the private rental market, which would put more stress on the housing market.

These investments are key for us to be able to take action to support Tasmanians who are doing it tough and support our key healthcare workers. We count them differently because they are quite different in terms of the approach, but that is what happens when you take action across the housing spectrum to address the needs of all Tasmanians, which is what we do through our innovative Homes Tasmania model.

Supplementary Question

Mrs PENTLAND - A supplementary question, Speaker?

The SPEAKER - I will hear the supplementary question.

Mrs PENTLAND - Of the 3696, how many of those are vacant lots, not dwellings?

The SPEAKER - That did form the initial part of the question, so I draw the minister to that.

Mr ELLIS - This information is publicly available as part of the dashboard. I am happy to follow up with the member.

The SPEAKER - Are you updating the House later?

Mr ELLIS - Yes.

Emergency Services - Work Health and Safety Breaches

Ms BADGER question to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mr ELLIS

[10.24 a.m.]

As we have seen over the past fortnight, our selfless State Emergency Service personnel work tirelessly to keep Tasmanians safe. As they go about their work, it is the government's responsibility to keep these employees and volunteers safe. We have been told that in the past three years, Tasmania Fire Service and the Department of Police, Fire and Emergency Management have been issued with at least 30 statutory notices for various work health and safety briefing breaches. This is a very worrying pattern and our Emergency Service personnel deserve much better.

Can you explain how you have allowed work health and safety breaches to keep happening in your agencies? Can you guarantee that this Budget will contain funds to ensure our Emergency Service staff are kept safe at work, including the replacement of all expiring safety equipment?

ANSWER

Honourable Speaker, I pay tribute to our incredible emergency responders who have once again done an outstanding job keeping Tasmanians safe. This has been a very difficult event with severe weather that has impacted our state.

I say a huge thank you to our SES, fire crews, police, ambulance and other parts of our response agencies with TasNetworks, and our road crews. These people have worked tirelessly and selflessly for others, often coming back themselves to homes that are without power or have difficult access and still getting up each and every day to make an impact for the betterment of our community. We back these workers who do such an incredible job keeping Tasmanians safe.

We have seen a significant reduction of the provisional improvement notices that were issued in the past. I recognise the phenomenal job our new Tasmanian Fire and Emergency Services Commissioner, Jeremy Smith, is doing in ensuring that our structures are better able to support our emergency services workers in Tasmania so they are kept safe.

We have also made major investments as part of our 2030 Strong Plan for better support for our first responders in the health and wellbeing program. It is now recognised as nation leading for the wellbeing of first responders. I recognise and pay tribute to my predecessor, Jacqui Petrusma, and also Mark Shelton, who did such a power of work to ensure that that program is up and running, leading the nation. We continue to back it. As part of our 2030 Strong Plan, keeping those people safe who keep us safe is a key part of what we are looking to deliver.

Supplementary Question

Ms BADGER - A supplementary question, honourable Speaker?

The SPEAKER - I will hear the supplementary question.

Ms BADGER - Can you please address whether the Budget will contain the funds to ensure that emergency services workers are kept safe at work and, most importantly, as asked, that it will include the funds to replace all expiring safety equipment?

The SPEAKER - It is not normally the practice to get answers on the Budget but that would be interesting to hear.

Mr ELLIS - The Budget will be handed down on Thursday and I know the member is waiting with bated breath. I cannot wait to see their alternative budget as well. I doubt we will get one from the Labor Party but the Premier seems optimistic that we might get one this year. The shadow treasurer, who cannot count to six, is no longer in charge of that space, so maybe we might see a change.

I did reference, as part of our 2030 Strong Plan - which is publicly available - the investment we are looking to make in the health and wellbeing of our first responders. We have backed them, it is nation leading, and we are continuing to invest in this important space because we recognise how important it is to support our first responders.

GBEs and State-Owned Companies - Operation

Mr O'BYRNE question to PREMIER, Mr ROCKLIFF

[10.27 a.m.]

It is often said that state-owned companies and Government Business Enterprises are working in the best interests of Tasmania. Are they? Under your government's watch, Metro is still facing industrial action as a result of treating their mechanics with contempt and seemingly having made no attempt to restore the 900 weekly bus services that were slashed a year ago. TasNetworks is still facing industrial action because the CEO has refused to listen to workers' call for fair pay, instead choosing to unfairly accuse them of hampering restoration efforts. TT-Line has recently made questionable decisions, some apparently without the government's knowledge, with severe financial and economic consequences for the company and the state. TasPorts has bungled wharf upgrades, jeopardised Tasmania's status as the Antarctic gateway, been accused of price gouging by a number of port users and has a worsening relationship with most of its customers.

Are these companies really acting in the best interests of our state, or are they simply acting in their own self-interest to the detriment of all Tasmanians?

ANSWER

Honourable Speaker, I thank the member for his question. As clearly indicated in my previous answer, I expect all our Government Business Enterprises and state-owned companies to act in the best interests of Tasmanians and work with their employees in those good-faith negotiations. I recall receiving a number of questions from the member about the wage negotiations of this government for nurses, police, firies, paramedics and others over the last 24 months or so. I answered those questions in that we should, first and foremost, go into those negotiations in good faith. Those good-faith negotiations delivered better outcomes for those people who work so hard.

Minister Ellis has just articulated that very clearly regarding the work of our SES personnel in recent times. I add volunteers, TasNetworks employees and contractors to that, who have done a wonderful job in very trying and often difficult and dangerous conditions. I thank them for that over the last nine days.

We require our government businesses to deliver outcomes consistent with Tasmania's and the government's expectations. That is what I expect. That means services to Tasmanians at the lowest sustainable cost while growing our economy, but also engaging with business and community in a proactive and constructive manner.

The member mentioned TasPorts. I was at the QuayLink in Devonport last Friday with minister Abetz. Frankly, I was very impressed with that project which TasPorts has delivered on time and on budget. There is clearly a need for government businesses and state-owned companies to have that team Tasmania approach where they are customer focused and align with industry, government and the Tasmanian people's expectations. They clearly need to work together, not just looking after their own patch in their own corner, but being big enough to come out and say, 'We need to work together in the best interests of the Tasmanian people'. If that had happened a few years ago, we might not find our ourselves in the situation we are now but -

Mr Winter - Were you not the Infrastructure minister a few years ago?

Mr ROCKLIFF - Absolutely, a proud record. I am very proud of the Perth bypass, which also bounced out of the ground.

The SPEAKER - The Premier's time for answering the question has expired.

Deputy Premier - Evidence to Public Accounts Committee

Mr WINTER question to PREMIER, Mr ROCKLIFF

[10.32 a.m.]

Yesterday, the acting Chair of TT-Line, Damian Bugg KC, told the Public Accounts Committee that the company holds concerns about the evidence provided by your deputy to the TT-Line inquiry. He said that the Board was concerned about Mr Ferguson's claim he had been kept in the dark about key information, when in fact the minutes showed that he had been kept informed. Former chair, Mike Grainger, was sacked after he threatened to be honest. He told the media yesterday that he would make sure the truth was told.

Given this evidence by the former Commonwealth Director of Public Prosecutions, Damian Bugg KC, and the former chair, what steps are you taking to satisfy yourself that the minister has always been truthful to the parliament, or are you too paralysed by your own government's instability to insist upon the most basic levels of integrity and honesty in your government?

ANSWER

Honourable Speaker, any minister who believes they need to correct the record will do so. The Public Accounts Committee is playing a very important role in scrutinising what is a significant project for the benefit of all Tasmanians, a significant investment, notwithstanding the enormous challenges over the last four or five years since the project's inception.

I also point to TT-Line and its leadership over the last decade, where a lot has gone really well under the leadership of -

Mr Winter - The CEO and the Chair are gone, Premier.

The SPEAKER - If the Premier could continue with his answer, thank you.

Mr ROCKLIFF - A lot has gone really well when you consider, since 2014, the growth in passenger numbers and redevelopment of the *Spirits*. I commend Mr Grainger and Mr Dwyer for their leadership over that time.

In recent times it has been very challenging but we will get this project back on track, with or without the support of the Labor Party. Might I say, it does not look like we will ever have the support of the Labor Party for this project, which is disappointing. They have criticised the project from the start to where we are now -

Members interjecting.

The SPEAKER - Member for Bass and Leader of the Opposition, there is a very serious matter before the House. The allegation is very serious and the Premier must be allowed to be heard in silence while answering it.

Mr ROCKLIFF - We will get the projects back on track. I have made comments in my previous answers about my feelings on the project and where we are now, and that is for the public record. I stand by those comments. We have intervened. We have taken control of the project and we will deliver it.

Supplementary Question

Mr WINTER - A supplementary question, Speaker?

The SPEAKER - I will hear a supplementary.

Mr WINTER - To repeat the question: what steps is the Premier taking to satisfy himself that the minister has always been truthful to the parliament? He did not answer the question.

The SPEAKER - I draw the Premier to the question. He indicated that any member would have to correct the record, which is the Standing Order and the bare minimum. Premier, could you address the question?

Mr Winter - It is quite extraordinary that the Premier is taking advice on this from the Deputy Premier.

The SPEAKER - It is quite extraordinary that the Leader of Opposition does not want to hear the answer to the question.

Mr Abetz - At least he talks to his deputy.

The SPEAKER - Order. Thank you very much, leader of the government business. Members who continue to interject will be having all their conversations outside. I know we have been away for a while and it is a big week, but this matter before us right now is extremely important to all Tasmanians. I would like a level of decorum as we address what is a significant allegation and a significant issue for Tasmania.

Mr ROCKLIFF - Thank you, honourable Speaker. The Deputy Premier has previously put on record his concerns about where the project was heading. That is very clear.

As I have said previously, we will get this project back on track. We realise the expectations of Tasmanians. As Premier of Tasmania, we have let Tasmanians down regarding this project.

Mr Willie - Half a billion dollars every year.

The SPEAKER - Thank you very much, Mr Willie.

Mr ROCKLIFF - We will get it back on track, notwithstanding the challenges that have plagued the project over the last five years. Name me an infrastructure project in the country

that has not been challenged - apart from Bridgewater bridge, which has been enormously challenging but will be delivered.

The SPEAKER - The Premier's time for answering the question has expired.

Ben Yole - Horse Racing Trainer's Licence

Ms JOHNSTON question to MINISTER for RACING, Ms HOWLETT

[10.37 a.m.]

It emerged yesterday that the Office of Racing Integrity (ORI) has issued a trainer's licence to the disgraced harness trainer Ben Yole. This is despite an award-winning ABC investigation and the Murrihy report exposing Mr Yole's involvement in race fixing and animal cruelty. Your government has also instigated an Independent Stewards Panel inquiry into Mr Yole. When did you first learn about Mr Yole getting a licence? Do you agree that he is a fit and proper person to hold a trainer's licence? If not, what are you going to do about this appalling situation?

ANSWER

Honourable Speaker, the government released the final report from Mr Ray Murrihy in full and with no redactions. We are implementing every recommendation of Mr Murrihy's report, including having the Independent Stewards Panel thoroughly investigate the matters in the Murrihy report.

For the avoidance of any doubt, I say to the independent member for Clark: it is vital that the work of the Independent Stewards Panel, as recommended by the leading integrity expert Ray Murrihy, can conclude without any political interference. I will continue to ensure that the panel's important work can be concluded without any further political interference. My commitment to this parliament and to the Tasmanian racing community has always been to ensure that those who have done the wrong thing are held to account without qualification.

If the independent member for Clark was genuine in her desire for better animal welfare outcomes, like much-needed reforms to abolish ORI, she would have publicly supported our legislative reforms, but no, she voted against them. The racing industry's reputation has taken a hit, and I want to fix that. As Minister for Racing, I will rebuild trust and restore faith in all racing across all three codes.

I acknowledge the diligence of the independent stewards and the brave individuals who have come forward during this investigation. I am looking forward to the panel handing down their final report soon. We will see Mr Murrihy's recommendations through to the end. That is my clear commitment to the Tasmanian racing community.

Supplementary Question

Ms JOHNSTON - A supplementary question, Speaker?

The SPEAKER - I will hear the supplementary question from the member for Clark.

Ms JOHNSTON - Will the minister please answer the question? When did she first learn that Mr Yole was getting his licence back? Does she agree that he is a fit and proper person to hold a trainer's licence, as clearly ORI does?

The SPEAKER - The minister has addressed the second part of the question, which was the action that she will take. I draw her to the first part of the question about when she became aware.

Ms HOWLETT - The Independent Stewards Panel is meeting this week to conduct further inquiries into the allegations in the Murrhy report. Their investigation is continuing. I acknowledge the diligence of the independent stewards and the brave individuals who have come forward during this investigation.

Ms JOHNSTON - Point of order. The question was clear. When did the minister know, and does she think he is a fit and proper person?

The SPEAKER - Minister, I will have to draw you to the question, which was when you were made aware.

Ms HOWLETT - Honourable Speaker, as I stated, the Independent Stewards Panel is meeting this week to conduct further inquiries into the allegations in the Murrhy report. Their investigation is continuing and I will have that report soon.

The SPEAKER - That was not the question, minister. I assume you will get it again.

Ben Yole - Horse Racing Licence

Dr WOODRUFF question to MINISTER for RACING, Ms HOWLETT

[10.41 a.m.]

Tasmanians were shocked by the Office of Racing Integrity's decision to reinstate harness racer Ben Yole's licence despite the active investigation into allegations of his race fixing, team driving and animal abuse. It is great that a panel is doing an investigation, but the point is that it is shocking he has started racing again while the investigation is ongoing. That independent report, as you said, is going to be handed down, which includes the other people who are under investigation. We want to know if you think it is an acceptable decision to go ahead of the finding of an investigation?

How has it happened, after all the assurances that you have made in this House about cleaning up the industry? Is this not the latest example of why you oppose the Greens move to make the industry be humane under your new racing laws?

ANSWER

Honourable Speaker, I thank the Leader of the Greens for her question. Licensing matters are dealt with by the Director of Racing, but the facts here are important. Contrary to some media reports, the licence held by Ben Yole was never suspended. You cannot reinstate a licence that has not been suspended.

Members interjecting.

The SPEAKER - Members on my left, we want to hear the answer to this question. That is both the Leader of the Opposition and the Leader of the Greens.

Ms HOWLETT - Tasracing issued a warning off notice to Mr Yole which prevented him from undertaking any activities of a licence holder but did not suspend his licence. The Tasmanian Racing Appeals Board overturned Tasracing's decision to warn off Mr Yole on 6 June 2024.

Licensed participants in racing need to renew their licence annually. Like a car driver's licence, a harness trainer's licence is only valid for one year, 1 September to 31 August. Mr Yole applied for a licence renewal on 22 July 2024. His licence was renewed by the Director of Racing on 30 July 2024. The Independent Stewards Panel is meeting this week to conduct further inquiries into the allegations in the Murrihy Report. Their investigation is continuing.

I acknowledge the diligence of the independent stewards and the brave individuals that have come forward during this investigation. It has been a very difficult time. I am looking forward to the panel handing down their final report soon.

Supplementary Question

Dr WOODRUFF - A supplementary question, Speaker?

The SPEAKER - I will hear the supplementary question.

Dr WOODRUFF - Can you confirm that the example of what is ongoing is one of the reasons why she refuses to support the Greens move to make the industry be humane and the racing industry to look after animals?

The SPEAKER - I draw the minister to the final part of that question.

Dr Woodruff - Because if you had, this stuff could not happen.

The SPEAKER - Before she starts, I will remind the Leader of the Greens not to interject.

Ms HOWLETT - The Leader of the Greens voted down the new legislation. This is the biggest legislative reform in racing's history and we look forward to getting on with the job and putting this legislation into place. She voted the legislation down.

Dr Woodruff - Yes, because it will not protect animals.

Deputy Premier - Confidence

Mr WINTER question to PREMIER, Mr ROCKLIFF

[10.45 a.m.]

You say that you have let Tasmanians down, and you are right. That has been led by your Deputy Premier who has a problem with the truth. First, he told a GBE hearing -

Members interjecting.

The SPEAKER - Order, members on my right.

Mr ABETZ - Point of Order, honourable Speaker. That is clearly a reflection on the deputy leader, saying that somebody has a problem with the truth, and it needs to be withdrawn.

The SPEAKER - The phrase 'lie' would have to be withdrawn. The member himself could take personal offence. I would act upon that if the Deputy Premier made such an action. I caution all members to be careful. The Standing Orders say that you need not impugn motive or intent. If we are conscious of that, however, it is not unparliamentary to find a way to deal with the language if you believe someone has not been honest.

Mr Shelton - Show some respect.

The SPEAKER - I am sorry? If somebody wants to be helpful again, they can be helpful outside. Leader, your time will start again.

Mr WINTER - Premier, you say that you let Tasmanians down and you are right. That has been led by your Deputy Premier who has a problem with the truth. Yesterday, the acting Chair stated that Mr Ferguson was told six months before that the price had changed, yet he told a parliamentary committee hearing that the price of the ships had not changed.

Second, on 21 May, your deputy told the House that the first time he learned of serious financial issues at Rauma Marine Construction (RMC) - the need to develop a negotiating position - was during the election campaign. The TT-Line acting Chair stated yesterday that Michael Ferguson was, in fact, told in January.

Third, Michael Ferguson repeatedly said that after the election he was shocked to discover that the berth 3 upgrades would not be ready by August. Yesterday, the acting Chair of TT-Line said that Michael Ferguson was aware of this problem in November 2023.

How low have your standards fallen that you are prepared to tolerate someone who is so loose with the truth as part of your cabinet and as your Deputy Premier?

The SPEAKER - I will call the premier and remind all members of the House that these are significant allegations.

ANSWER

Honourable Speaker, look, those opposite are loose for the truth every single day. They put out accusations and make up stories to suit their own narrative. It is high time you were

held accountable coming into this place. You pretend to be, or to want to be, the alternative government, and frankly, you are not even an opposition. That is very clear.

We will see next Tuesday whether you have the guts to produce an alternative budget. In actual fact -

Members interjecting.

The SPEAKER - Members on my left will cease interjecting. The Premier will draw himself to the question.

Mr ROCKLIFF - The member for Franklin has put on record his concerns about aspects of the project, which is why I instigated the Gemell report in November last year. Peter Gemell is working with Ben Moloney to help the government get this project back on track and we will succeed in doing so, despite all the accusations and personal attacks from those opposite.

I commend the Deputy Premier for a solid record in infrastructure over the last number of years - the Royal Hobart Hospital, the Bridgewater bridge, and the Midland Highway. We will continue to get on with the job, notwithstanding the challenges to infrastructure builds faced across the country and around the world.

The opposition can throw mud all they like but we will get this project back on track. I have said clearly, and put that on record today, that Mr Ferguson relinquished his responsibility as Infrastructure minister. He said, and I agree with him, that we have to stop the blame game and get on with the job.

Port of Devonport - Temporary Berth 1 Upgrades - Funding

Mr WINTER question to PREMIER, Mr ROCKLIFF

[10.49 a.m.]

On 8 August, when you were asked who was paying for the temporary berth 1 upgrades, you told this House that TT-Line would pay. Yesterday, the acting Chair of TT-Line, Damian Bugg KC, said that was not true. He said it had yet to be determined. What is going on?

This project is set to cost more than \$50 million. Your government directed TT-Line and TasPorts to complete it by ministerial direction, with no idea how much it was going to cost or whether it was even feasible. Is it not a sign of how badly you have lost control of this project that you cannot even say who is paying for it?

Members interjecting.

Mr Rockliff - What are you smug about, sorry?

Mr Willie - That it is not going to happen.

Mr Rockliff - You love it, do you not? You absolutely love it. You love it when things -

The SPEAKER - Premier, it is a nice feed-in line but let it go. Get back to the question, please. I ask Mr Willie not to come in spinning.

ANSWER

Honourable Speaker, the smugness of those opposite is shameful and Tasmanians expect better from them. We have Mr Moloney and Mr Gemell, who have inserted themselves into this project, and I look forward to their considered advice in the not-too-distant future, a matter of weeks, where we can make informed decisions on the best way forward. I look forward to that. I commend Mr Moloney and Mr Gemell for the work they have done to date in scrutinising this project.

We intervened and took leadership when we saw that this project needed to be put back on track. We will get that done. Tasmanians will be fully informed -

Ms Finlay - Only because we applied pressure.

The SPEAKER - Member for Bass I do not wish to warn you.

Mr ROCKLIFF - - of the pathway, not only to the *Spirits'* delivery, but also the infrastructure required to berth them.

Supplementary Question

Mr WINTER - A supplementary question, Speaker?

The SPEAKER - I will hear the supplementary question.

Mr WINTER - Who is paying for the berth 1 upgrades?

The SPEAKER - Although I believe the question is not a sign that you have lost control, if you cannot say who is paying, I draw the Premier to the question.

Mr ROCKLIFF - Ultimately, Tasmanian taxpayers are responsible for this project, like, the Bridgewater bridge and other key infrastructure projects in Tasmania, regarding the federal-state contribution. We will be taking considered advice from Mr Moloney and Mr Gemell and look forward to that advice. We will make the best decision on behalf of the Tasmanian people based on the evidence and the data that is presented to us.

Hobart Cenotaph - Sightlines

Mr BAYLEY question to MINISTER for VETERANS' AFFAIRS, Mr BARNETT

[10.53 a.m.]

On Friday, RSL Tasmania was finally provided with Macquarie Point Development Corporation images that model the impact of the Macquarie Point Stadium on important sightlines of the Cenotaph. These sightlines are explicitly named in planning rules and, until your stadium fast-track process, were protected by provisions and a 15-metre building height limit at Macquarie Point. The images show a 54-metre high stadium will destroy three

sightlines from the Cenotaph and others that were until now protected. You have consistently denied that there will be impacts on the Cenotaph - not true.

Your government also consistently claims that this stadium can be built for \$715 million - also clearly untrue. You and your government have deliberately misled the RSL, along with the Tasmanian people. When will you come clean about the ugly truth of the stadium and its impacts? When will you finally acknowledge that this is a project that Tasmanians do not want, do not need, and cannot afford?

ANSWER

Honourable Speaker, I thank the member for his question and special interest in this matter. I say two things up-front. We will always honour and respect our veterans.

Members - Hear, hear.

Mr BARNETT - We will always honour and respect the 17,500 veterans in Tasmania. I add that, being the day after the Royal Commission into Defence and Veteran Suicide, it is a very important day for our veterans. Many of them are doing it tough as a result, as they read through that report. Their health and wellbeing are of paramount importance to me and the government and, I hope, all members of this Chamber.

The second thing to say about the member and the Greens is that you have been consistently opposed to the multipurpose stadium. Your recent legislation, which is being put forward and tabled in this place for public consultation, is designed to kill the stadium. The Greens have been consistent and they are continuing to be consistent in opposition to the development. This is another piece of the infrastructure that the Greens do not support.

Mr Bayley - You are being asked to put that forward to protect the Cenotaph.

The SPEAKER - Order, Deputy Leader of the Greens.

Mr BARNETT - They do not support upgrading our hospitals. They do not support upgrading our schools, bridges and roads. You are against the infrastructure -

Mr Bayley - You know that is not true, minister. You know that is completely false. We have called for that forever.

The SPEAKER - The Deputy Leader of the Greens can make a point of order if he chooses.

Mr BARNETT - Let me comment on the remarks that you have made. We have meaningful engagement with our veteran community on this side of the House and I hope all in this Chamber proactively do so. It is very important that I have engaged - as does the Premier - with RSL Tasmania in recent weeks. I have ongoing engagement.

I called the acting President of RSL Tasmania on Monday morning to indicate my support for him and his members in light of the Royal Commission report coming out. Late last night I spoke to the national President of RSL Australia about how hard they are doing it at the moment.

We are expressing our support for our veterans. We will not step back from that and we will continue with meaningful engagement. Yes, RSL have received those renders. They have requested them, they are entitled to them, and they have been provided in good faith and in goodwill. We will continue to engage to ensure that we can honour our veterans regarding the progress of the Macquarie Point Precinct and the development thereof, and honouring in any way, shape or form to make it better for our veterans regarding the Cenotaph and this infrastructure project. We will do whatever we can to support our veterans.

Supplementary Question

Mr BAYLEY - A supplementary question, Speaker?

The SPEAKER - I will hear the supplementary question.

Mr BAYLEY - The minister acknowledged the images and they have been provided to the RSL. Two questions flow from that. One, do you acknowledge that they destroy three of the sightlines that are important from the Cenotaph? Two, will you work with the relevant minister to ensure that the Macquarie Point Development Corporation publishes them on the website alongside the 'How will the stadium look from the Cenotaph?' section in the website?

Mr Abetz - That is a new question.

Mr BAYLEY - The images exist.

The SPEAKER - I point out that I was not the one who determined how supplementary questions would work. Therefore, supplementary questions do allow the new question to come from the answer that has been given. Think about that next time you all go and negotiate changes to the Sessional Orders.

Mr BARNETT - Honourable Speaker, I acknowledge the many supplementary questions by the member. I indicate that we have a meaningful and honouring relationship with RSL Tasmania and our veteran community, noting that there are many views in the veterans' community about this major project. I have put that on the record. People know that, I believe. I think you know that.

In terms of that render, that is a matter for the RSL. It has been provided to them in good faith. Macquarie Point Development Corporation and what else they want to do with it is clearly not a matter for me as Minister for Veterans' Affairs. That is a matter for the Macquarie Point Development Corporation and the relevant minister.

With respect to providing further information, I am sure the Macquarie Point Development Corporation - I know they are very firm in the view that they want to consult and to collaborate - and I am sure they will continue to do so.

The SPEAKER - The minister's time for answering the question has expired. He was still on his feet, but I will take Ms Burnet because he was starting to move away. Jumping early does not necessarily get you the call, though.

Hobart Wharf Upgrades - *Nuyina* Port Infrastructure

Ms BURNET question to MINISTER for INFRASTRUCTURE, Mr ROCKLIFF

[10.59 a.m.]

Congratulations on your new portfolio, Mr Rockliff.

Can you confirm how TasPorts arrived at a \$500 million funding request for the Hobart Wharf upgrades for the Antarctic vessel, *Nuyina*? Will you release the funding submission as a way to help resolve the obvious stand-off between state and federal government and, if not, why not? How will you make delivering this important piece of infrastructure - and the Greens are interested in good infrastructure projects - your priority over a \$1 billion stadium?

ANSWER

Honourable Speaker, I thank Ms Burnet for the question. I go back to the very constructive conversation I had with the minister, Ms Plibersek, a number of months ago about this particular matter where we agreed to work together and have our officials work together for what is critical infrastructure. I agree with you. Ms Plibersek and I do not agree on other matters concerning aquaculture, MMG, Robbins Island and a few other things, but we agree to work together on this.

I am advised that the commercial negotiation is ongoing. I expect a resolution to this very soon. The Hobart port provides crucial gateway infrastructure for the success of Tasmania being the Antarctic Gateway and upgrading these facilities is a priority. TasPorts and the Australian Government are in the midst of negotiating a reasonable shared cost arrangement for wharf 6 and adjacent portside infrastructure.

As you would appreciate, TasPorts will always ensure they secure the best possible deal for Tasmanians when negotiating with the federal government. They understand the critical nature of ensuring a commercial agreement being reached in the best interests of the Antarctic sector and Tasmanians. This is crucial infrastructure. I appreciate your interest in this and I understand why you ask the question.

Negotiations are ongoing. I am expecting a resolution soon. I understand that negotiations are positive. That is my expectation. My expectation is that TasPorts, as a state-owned company, should secure the best deal for Tasmania. It should also consider the big picture of Tasmania's best interests in those negotiations, clearly understanding the benefit that the Antarctic Gateway provides to Tasmania and the strategic advantage it provides.

I also commend the engagement of Richard Fader, who wrote a very good editorial in the *Mercury* newspaper a few weeks ago. I have travelled with that organisation to the Korean Polar Research Institute (KOPRI) and the Japanese National Institute of Polar Research. These are critical, international partnerships for this strategic infrastructure. The research is so compelling about the warming of the waters and polar ice - strong and powerful messages - which we can play a role in.

The SPEAKER - The Premier's time for answering the question has expired.

Supplementary Question

Ms BURNET - A supplementary question, Speaker?

The SPEAKER - I will hear the supplementary question.

Ms BURNET - Part of the question was: how do you make delivering this important piece of infrastructure a priority over your \$1 billion stadium? I did not get a clear answer about that.

The SPEAKER - That is a part of the question that the Premier can choose to address.

Mr ROCKLIFF - What this Budget will demonstrate is a \$5.1 billion investment in infrastructure across the forward Estimates.

Ms Burnet - That infrastructure?

Mr ROCKLIFF - Whether that be infrastructure in roads, bridges, schools, hospitals, new ambulance stations - which we all support. I got a very clear message from your media statement the other day, Dr Woodruff, that you do not support upgrading our schools and classrooms. You do not support upgrading our hospitals. You do not support better roads.

Dr Woodruff - That is utterly misleading.

Mr ROCKLIFF - I got that clear impression, I must say.

Ms Burnet, our view of the stadium and that once-off investment of \$375 million is clear. That is our investment. Our priority is also our wharf, school and hospital upgrades.

Hillcrest Primary School Tragedy - Communication with Affected Citizens

Mrs BESWICK question to PREMIER, Mr ROCKLIFF

[11.05 a.m.]

In June, I moved a motion in this place urging your government to improve its communication with those affected by the Hillcrest Primary tragedy. The motion implored your government to keep community members informed of any developments as they continue to come to terms with the associated trauma. Despite a warm response to the motion, there was another three months of silence. It was not until I raised the issue with the Minister for Education that an email was sent via the communication register that rightly mentioned the distasteful Netflix series depicting a jumping castle disaster. Unfortunately, that was not until nine days after the program was causing distress on social media.

Premier, do you agree that those affected by the tragedy deserve better? Will you commit today to being proactive in communication, rather than reactive?

ANSWER

Honourable Speaker, I thank the member for her question. The answer to her question is yes. I thank you for the motion you presented to parliament a number of months ago, which received unanimous support in this Chamber for very good reasons. We continue to work with families to develop plans and actions to guide the recovery. These long-term recovery plans include integrating the families with community-based services that can provide ongoing support into the future, as well as assisting with job transitions and access to wellbeing services.

I acknowledge the families directly impacted by the tragedy of that day, the children who tragically lost and those who are injured, and also children who were on the ground at the time and the rest of the school community. I acknowledge the immediate and vicarious trauma of the entire community. I recognise that it was far too long between communications, and I have spoken with the secretary of the Department of Premier and Cabinet about this matter.

The department, as I understand, has apologised for not communicating with families in relation to the recent documentary, which we unfortunately had no prior knowledge of. I made my comments very clear when I became aware of the documentary, and I am sure all members would agree with the sentiments that many have expressed, no doubt including you, privately, Mrs Beswick, about the impact of that documentary, and the massive insensitivity that was on display there. Frankly, that is enormously regretful, and Netflix should apologise to the community.

I appreciate and take on board your concerns. We must do better in communication and particularly in the examples that you have just given.

Access to Autopsy Photos for Immediate Families of Deceased Persons

Mr JENNER question to ATTORNEY-GENERAL, Mr BARNETT

[11.08 a.m.]

Are you aware that Tasmania is the only state in Australia that does not allow immediate family members of the deceased person access to autopsy photos? Eden Westbrook's family have been desperately trying to get these autopsy photos. Whenever they have tried, they have been repeatedly denied. This is disgraceful. Attorney-General, do you agree that this needs to change? If so, when?

ANSWER

Honourable Speaker, I thank the honourable member for his question. I note the motivation for the question and acknowledge the Westbrook family. I pass on my heartfelt condolences to the Westbrook family as a result of the tragic loss of their dear daughter. I recognise the family and other members of the community. There has been a police investigation and a coronial investigation, of which I know you are aware. I can confirm that the coronial investigation has been conducted and completed into Ms Westbrook's tragic death. The findings were completed in 2016. Unfortunately, where a coronial investigation has been completed, as Attorney-General I do not currently have the power under the *Coroners Act* to order a further coronial investigation.

You have asked questions about other ways to access that information. I advise the House that I personally met with the Westbrook family some weeks ago and we had a broad-ranging discussion. It was with a heartfelt expression of condolence that I shared, and sympathy, but I also listened. It was a difficult and challenging meeting, but we left on an understanding of the pain and grief they have endured and my commitment to do what I can to get to a point where they can be more fully satisfied with their concerns and address the questions they still have. That is something that as Attorney-General I am considering carefully and will be taking more advice on from my department and others.

That is my commitment to them. I have had that meeting and I gave a commitment to respond. We were awaiting further information from the Westbrook family which has now been received and I will be considering this matter in further detail and will be taking further advice about this important matter. I thank the member again for the question and pass on my sincere condolences to the family.

Supplementary Question

Mr JENNER - A supplementary question, Speaker?

The SPEAKER - I will hear the supplementary question.

Mr JENNER - It was really to do with the autopsy photos, not just for the Westbrook family's sake but for Tasmanians as a whole, being that we are the only state that does not allow that.

Mr BARNETT - I am taking advice on that matter, as I am with respect to other matters that were put to me in the meeting. Once I have that advice and consider it very carefully, I will be able to share that with yourself, the Westbrook family and others in the usual way.

Montello Primary School - Redevelopment Funding

Mr GARLAND question to TREASURER, Mr FERGUSON

[11.12 a.m.]

\$10 million has been committed by your government and recommended by the Public Works Committee for the redevelopment of Montello Primary School in Burnie, which has an enrolment ranging from 250 to 300 students. The problem is that \$10 million is not enough. Further cuts to the project have recently been made to fit within a tight budget, compromising on safety and accessibility. In comparison, the new Legana Primary School in your electorate of Bass is projected to cost over \$33.5 million to cater for up to 350 students. At Montello Primary, up to \$40 000 is being spent per student while at the new Legana Primary, up to \$110 000 is being spent per student. Can you please explain to the Montello Primary School community if this difference is equitable and fair, and will you immediately provide more funds to assist in this urgent redevelopment to ensure that all learners truly do come first?

ANSWER

Honourable Speaker, I thank the member for his question. My late nanna was a life member of Montello Primary School Association - parents and friends - and she and the rest of

my family in Burnie were so pleased with the government's announcement that we are redeveloping Montello Primary School. There will be more money in the Budget for Montello Primary School's redevelopment. I give that extra insight here today to not make you have to wait two more sleeps for that good news.

It is a redevelopment of an existing school, so the building fabrics are already there and we are not having to build a new school, as we are at Legana. I hear what the member is saying about what on face value is a disparity between the two school communities, but at Legana we are building an entirely new facility for an entire new school where one does not already exist. The very hardworking minister Palmer has been working with her department to ensure that as that department goes to market for the building contractors to deliver that upgrade. She was able to do that with an expectation that the government would be making a further allocation to ensure that that occurs.

While I am on my feet, I wish to address the matter that has been raised by the Leader of the Opposition, who has been too cowardly to ask me a question today. I take this opportunity to totally refute the gutless claims made by Mr Winter in relation to my honesty. I would never lie or mislead this parliament or a committee of it. I make that very clear. The trickery and twisting of other people's words in committee hearings that we have been witnessing by the Leader of the Opposition and the shadow treasurer is deplorable. Taking advantage of witnesses who have not even -

The SPEAKER - Treasurer, I have allowed a certain latitude but you cannot address an entirely separate issue at this point. There are other forms of the House for you to do so.

Mr FERGUSON - I simply wish to refute it and say that if I had been asked the question, I would refute it in more detail.

The SPEAKER - You have a number of forms of the House to access in order to refute those claims as you intend.

Port of Devonport - Wharf Upgrades

Mr WINTER question to MINISTER for INFRASTRUCTURE, Mr ROCKLIFF

[11.16 a.m.]

Mr WINTER - Speaker, it would be great to hear from the Deputy Premier later today if he has a statement to make.

Members interjecting.

The SPEAKER - Members on my right, you do not get to choose the questions you are asked. Members on my left will stop helping; I am trying to assist you at the moment.

Mr WINTER - Premier, you say that you have let Tasmanians down and you are right. In June, your government issued a ministerial direction to TT-Line and TasPorts to force them to immediately work on the temporary upgrades at berth 1. Yesterday the acting Chair of TT-Line suggested the upgrades might not happen at all, depending on how much the works would cost and how long the infrastructure would be in place for. Are you completely

committed to the interim solution at berth 1? If not, what are you going to do with the new *Spirits* until the permanent wharf is ready in 2026?

ANSWER

Honourable Speaker, I thank the member for his question. We have taken control and charge of this project. We have Mr Moloney and Mr Gemell charged with the responsibility of bringing people together to deliver this challenging project. I await advice from Mr Moloney and Mr Gemell, as you would expect me to do as Premier and Minister for Infrastructure, on the current situation where broad stakeholders are also consulted on the best way forward.

We will make considered decisions based on evidence and data presented to me, minister Abetz and the government about the TT-Line berthing arrangements, future arrival and other matters. We take ownership of the ship on 12 September - this week, as I understand - and point to the fact that this is a very exciting opportunity for Tasmania and Tasmanians, notwithstanding the considerable bumps along the way. I have made that very clear regarding the challenges of this project.

The then minister for Infrastructure has relinquished his responsibility and called for an end to the blame game and I have called an end to the blame game as well. We have to get on with the job and get this project back on track.

To your question, you would expect me to wait for the considered advice to me from Mr Moloney and Mr Gemell so I can make an informed decision on the pathway forward. Along the way we will also involve key stakeholders who are impacted by the circumstances of berth delays, in the case of berth 3, and the arrival of the ships as well.

I have said it is not good enough. I have said that on numerous occasions and I have apologised to Tasmanians for it, but we will take charge of the project and get the job done.

Supplementary Question

Mr WINTER - A supplementary question, Speaker?

The SPEAKER - I will hear the supplementary question.

Mr WINTER - The second part of the question was: if not berth 1, what will the Premier do with the new *Spirits* until the permanent berth is ready in 2026?

Mr Rockliff - No. We have answered.

The SPEAKER - It was the original question, I am afraid. I write them down. Thank you so much for making it work this way, parliament. Premier, if you could address the second part of the question.

Mr ROCKLIFF - Honourable Speaker, I believe I did answer the question more broadly about the infrastructure and arrival of the ships. I will be taking considered advice.

Port of Devonport - Wharf Upgrades

Mr WINTER question to PREMIER, Mr ROCKLIFF

[11.20 a.m.]

In June, minister Abetz and minister Ferguson gave a ministerial direction to TT-Line to enter a contract for berth 3 works. That contract is with a mainland-based company that completed the Geelong Port upgrades, a project that created 400 jobs in Victoria. Can you confirm that they replaced a joint venture led by Hazell Bros, the previously preferred tenderer, whose price was lower and who would have completed the works in August 2025 and are proudly Tasmanian-owned? Is this what you are referring to when you say that your government has let Tasmanians down?

ANSWER

Honourable Speaker, I thank the member for the question. Make no mistake, these ships will be delivered and they will be delivered by our government, and the associated infrastructure as well.

Mr Willie - You will have nowhere to park them.

Mr ROCKLIFF - Mate, you cannot even count. You said that there were seven crossbenchers. You started counting them and you think, 'Oops, I got it wrong'. I do not want any chirping from you. Frankly, you are in no position to chirp.

Members interjecting.

The SPEAKER - It is the last question of the day on a very serious matter. The inability of these ships to berth is a significant issue for Tasmanians. Please allow the Premier to address the question.

Mr ROCKLIFF - As I have said, we will be taking considered advice from Mr Moloney and Mr Gemell and other key stakeholders who have some very serious skin in the game, like tourism operators and other shipping companies in the Mersey River. I point to SeaRoad and the important engagement from TasPorts and TT-Line. That considered advice will be provided to government and we will make some key decisions on the way forward.

These ships will be delivered with or without the support of the Labor Party. You clearly do not support them. You constantly talk Tasmania down with your negative attitudes. I have said very openly and frankly on a number of occasions, especially today, my expectations for this project and my extreme disappointment along the way that has led to the position we are in now. Notwithstanding that, we will take and have taken control of this project and will get the job done.

Members - Hear, hear.

Time expired.

ANSWER TO QUESTION

Housing Dashboard

[11.24 a.m.]

Mr ELLIS (Braddon - Minister for Housing and Planning) - Honourable Speaker, I seek indulgence to add to an answer.

The SPEAKER - You may do so.

Mr ELLIS - To add to my answer to Mrs Pentland, as I mentioned, the July housing dashboard is publicly available, but the breakdown of completed projects is 3696, with 815 in the pipeline. Of that, affordable land release makes up 411 completed and 273 in the pipeline.

CONSTITUENCY QUESTIONS

Mrs PETRUSMA question to MINISTER for SCIENCE and TECHNOLOGY, Ms OGILVIE

[11.24 a.m.]

The recent floods and weather events have again highlighted the importance of our telecommunications networks. We recognise and thank all the efforts of our communications providers to bring communications back online as quickly as possible.

Are there lessons that can be learnt from the flood event? Will you reach out to Telstra, the NBN and other telecommunications providers to see what more could be done to improve resilience of our networks in emergency situations?

Beauty Point - Sidmouth-Batman Bridge Roadworks

Sidmouth - Roadworks Outside Sidmouth Store

Ms FINLAY question to MINISTER for INFRASTRUCTURE, Mr ROCKLIFF

Shane from Beauty Point would like an update on the road between Sidmouth and Batman Bridge. He says it was supposed to be finished in July. Can you advise when the works will be finished?

Joseph at the Sidmouth store would like to know why, when trucks used to park in front of his business, the truck parking area has been relocated further down the road? Why water now floods towards his entrance when works have been done on the road in front of his store? What consideration will there be for compensation for the incredible impacts that have occurred at his store throughout the delayed roadworks. As the new Minister for Infrastructure, will you visit Joseph to firsthand understand the impacts on him and the community?

Proposed Northern Prison - Consultation

Ms BADGER question to MINISTER for CORRECTIONS and REHABILITATION, Ms OGILVIE

Your decision to scrap the proposed northern prison was welcomed by many in the Deloraine community. However, the neighbours of the detention site and the wider community still have some concerns about what the future of this location holds. Will you commit to genuine consultation with the neighbours of the Ashley site and the wider Deloraine community to ensure that the future use of the site has a social licence and will be of much greater benefit to the Meander Valley community than a correction facility?

Local Councils - Recruitment Processes

Mr BEHRAKIS question to MINISTER for LOCAL GOVERNMENT, Mr STREET

From my time as a councillor to now, I have heard the concerns of Tasmanians about the way by which local councils recruit for senior positions. I understand that the government has been focusing on developing a stronger framework for recruitment and performance monitoring of general managers in particular. Can the Minister please provide an update on how this work is progressing?

The SPEAKER - The question is supposed to be directly related to a constituent in your area. Did I miss you referring to the constituent who wanted to know that answer?

Mr BEHRAKIS - Concerns have been raised with me.

The SPEAKER - I did not write these rules. I am just saying.

Huntingfield - Housing Development

Mrs PENTLAND question to MINISTER for LOCAL GOVERNMENT, Mr STREET

I have been informed about a new housing development in Huntingfield in the south of the state, which includes blocks as small as 130 square metres to increase housing density. In contrast, other local governments still require much larger minimum block sizes. For example, the City of Launceston general residential zoning is 325 square metres. What discussions are you having with local councils about reducing block size requirements for new developments to boost housing supply and increase multi-dwelling developments, ultimately helping to address the housing crisis more effectively?

The SPEAKER - I will do the reminder again. With Constituency Questions, you have to be asking a question on behalf of a constituent. You are not the constituents that I am listening to. We will let it go today, but we will not be doing it again. This is the way you wrote the rules; we are stuck with them. We will allow that question for today, but it is not hard to reframe the questions. Simple stuff.

St Helens - Online Access Centre Review

Ms BUTLER question to MINISTER for EDUCATION, Ms PALMER

Bill from Swansea and Rosina from St Helens want to know what the terms of reference will be for the pending Online Access Centre review. They note this announced review will determine the potential complete shutdown of 19 online access centres, 19 coordinator jobs, hundreds of volunteers and essential services provided to our regional community.

Ms BURNET - Speaker?

The SPEAKER - I do not think I can grant you a question. The reworking is three to be allocated at the Speaker's discretion between the JLN and independent members under the way that the motion agreed to by the House as drafted. That limits the Greens to one Constituency Question. Unless a member of the JLN or Independents have another question, that is the end of constituency questions. This is why you should talk to me before you write this stuff.

Time expired.

TABLED PAPERS

Parliamentary Standing Committee of Public Accounts - Reports

[11.31 a.m.]

Mr WILLIE (Clark) - Honourable Speaker, I bring up the following reports of the Parliamentary Standing Committee of Public Accounts:

- A short inquiry into the Tasmanian government's use of provisions of the *Financial Management Act 2016* to fund election commitments in 2021.
- Statement of understanding, Parliamentary Standing Committee on Public Accounts and Auditor-General of Tasmania.

I move -

That the reports be received.

Reports received.

Joint Sessional Committee on Gender Equality - Inquiry into Experiences of Gender Bias in Health Care in Tasmania

Ms ROSOL (Bass) - Honourable Speaker, I bring up the following report of the Joint Sessional Committee on Gender Equality:

- Inquiry into experiences of gender bias in health care in Tasmania.

I move -

That the report be received.

Report received.

Public Works Committee - New Risdon Prison Kitchen Project

Mr WOOD (Bass) - Honourable Speaker, I bring up the following report of the Public Works Committee:

- New Risdon Prison Kitchen Project

I move -

That the report be received.

Report received.

MESSAGES FROM THE GOVERNOR

Assent to Bills

The SPEAKER - I am in receipt of messages from Her Excellency the Governor.

BARBARA BAKER, *Governor*.

A Bill for an Act to amend the Annulled Convictions Act 2003, the Crown Proceedings Act 1993, the Ombudsman Act 1978, the Personal Information Protection Act 2004, the Right to Information Act 2009 and the Supreme Court Civil Procedure Act 1932 (Bill No. 8 (*Act No. 7 of 2024*))

A Bill for an Act to amend the Sentencing Act 1997 (Bill No. 7 (*Act No. 8 of 2024*))

A Bill for an Act to amend the Duties Act 2001 and the Land Tax Act 2000 (Bill No.22 (*Act No. 9 of 2024*))

A Bill for an Act to amend the Police Offences Act 1935 to repeal the offence of begging (Bill No.16 (*Act No. 10 of 2024*))

having been presented to the Governor for the Royal Assent, she has, in the name and on behalf of His Majesty the King, assented to the said Bills.

Government House, Hobart, 30 August 2024

Further:

A Bill for an Act to amend the Human Tissue Act 1985 (Bill No. 18 (*Act No. 11 of 2024*))

A Bill for an Act to amend the Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011 (Bill No. 21 (*Act No. 12 of 2024*))

A Bill for an Act to amend the Tasmanian Development Act 1983 (Bill No. 34 (*Act No. 13 of 2024*))

A Bill for an Act to amend certain legislation consequent on the enactment of the Racing Regulation and Integrity Act 2024 (Bill No. 11 (*Act No. 14 of 2024*))

having been presented to the Governor for the Royal Assent, she has, in the name and on behalf of His Majesty the King, assented to the said Bills.

Government House, Hobart, 5 September 2024.

TASMANIAN DEVELOPMENT AMENDMENT BILL 2024 (No. 34)

RACING REGULATION AND INTEGRITY (CONSEQUENTIAL AMENDMENTS) BILL 2024 (No. 11)

ASBESTOS-RELATED DISEASES (OCCUPATIONAL EXPOSURE) COMPENSATION BILL 2024 (No. 21)

HUMAN TISSUE AMENDMENT BILL 2024 (No. 18)

Bills returned from Legislative Council without amendment.

RACING REGULATION AND INTEGRITY BILL 2024 (No. 10)

Bill returned from Legislative Council with amendment.

[11.35 a.m.]

Mr ABETZ (Franklin - Leader of the House) - Honourable Speaker, I move -

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

Motion agreed to.

JUDICIAL COMMISSIONS BILL 2024 (No. 41)

First Reading

Bill presented by Mr Barnett and read the first time.

**NATURE CONSERVATION AMENDMENT (BRUSHY CREEK
CONSERVATION AREA) BILL 2024 (No. 44)**

First Reading

Bill presented by Ms Badger and read the first time.

MOTION

**Attendance by Members from the Legislative Council at Budget Speech and
Attendance of Ministers from the Legislative Council at Estimates Committee Hearings**

[11.37 a.m.]

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

That the House of Assembly requests that -

- (1) All Members of the Legislative Council attend in the House of Assembly Chamber following the First reading of the Appropriation Bills (No. 1 and No. 2) 2024 for the purpose of listening to the speech by the Treasurer in relation to the Tasmanian Budget 2024-25.
- (2) The Legislative Council give leave to the Honourable the Minister for Energy and Renewables and Minister for Parks and Environment, and the Honourable the Minister for Education and Minister for Disability Services, to appear before and give evidence to, the relevant Estimates Committee of the House of Assembly in relation to the Budget Estimates and related documents

Motion agreed to.

MOTION

Estimates Committees - Establishment

Mr ABETZ (Franklin - Leader of the House) - Honourable Speaker, I move -

That Government Business take precedence from such time as the Appropriation Bill (No. 1) 2024 and the Appropriation Bill (No. 2) 2024 are introduced, until the House has dealt with all business associated with the Budget.

- (a) all stages of the Appropriation Bill (No. 1) 2024 and the Appropriation Bill (No. 2) 2024 shall have allotted a maximum total of 102.5 hours as follows:
 - (i) up to the Second Reading: Maximum 15 hours;

- (ii) in the Estimates Committees: Maximum 69.5 hours; and
- (iii) in Committee of the whole House and Third reading: Maximum 18 hours;
- (b) on the Second reading, the Premier, the Treasurer, the Leader of the Opposition, and Leader of Greens, have unlimited speaking time and other Members speak for not longer than 20 minutes each;
- (c) when the Appropriation Bills (No. 1 and No. 2) 2024 have been read the Second time in the House of Assembly, the Bills be referred to Estimates Committees A and B of the House of Assembly.

House of Assembly Estimates Committee A: -

Date	Minister
<u>Monday, 23 September</u>	
0900 - 1230 Premier (3½ hours)	Hon. Jeremy Rockliff MP (8 hours)
1230 - 1330 Minister for Tourism & Hospitality (1 hour)	
1430 - 1730 Minister for Infrastructure (3 hours)	Hon. Eric Abetz MP (3 hours cont.)
1730 - 1800 Minister for Trade & Major Investment (½ hour)	
1800 - 2100 Minister for Transport (3 hours)	
<u>Tuesday, 24 September</u>	
0900 - 1200 Treasurer (3 hours)	Hon. Michael Ferguson MP (4 ½ hours)
1300 - 1430 Minister for Small Business and Consumer Affairs (1½ hours)	
1430 - 1830 Minister for Business, Industry & Resources (4 hours)	Hon. Eric Abetz MP (4 hours cont. / 7 hours total)
<u>Wednesday, 25 September</u>	
0900 - 1300 Minister for Parks & Environment (4 hours)	Hon. Nick Duigan MLC (7 hours)
1400 - 1700 Minister for Energy & Renewables (3 hours)	
<u>Thursday, 26 September</u>	
0900 - 1100 Minister for Finance (2 hours)	Hon. Nic Street MP (5½ hours)
1100 - 1200 Minister for Local Government (1 hour)	
1300 - 1530 Minister for Sport and Events (2½ hours) (inc. MPDC & Stadiums Tas)	

<u>Friday, 27 September</u>		
0900 - 1030	Minister for Community Services (1½ hour)	Hon. Roger Jaensch MP (6½ hours)
1030 - 1200	Minister for Aboriginal Affairs (1½ hours)	
1300 - 1630	Minister for Children and Youth (3½ hours)	

House of Assembly Estimates Committee B: -

Date		Minister
<u>Monday, 23 September</u>		
0900 - 1200	Minister for Police, Fire & Emergency Management (3 hours)	Hon. Felix Ellis MP (8 hours)
1200 - 1300	Minister for Skills & Training (inc. TasTafe) (1 hour)	
1400 - 1800	Minister for Housing & Planning (inc. Homes Tas) (4 hours)	
<u>Tuesday, 24 September</u>		
0830 - 1100	Attorney-General & Minister for Justice (2½ hours)	Hon. Guy Barnett MP (8½ hours)
1100 - 1300	Minister for Health, Mental Health & Wellbeing (5 hours)	
1330 - 1630	<i>cont.</i>	
1630 - 1730	Minister for Veterans Affairs (1 hour)	
<u>Wednesday, 25 September</u>		
0900 - 1100	Minister for Primary Industries & Water (2 hours)	Hon. Jane Howlett MP (5 hours)
1100 - 1400	Minister for Racing (3 hours)	
1430 - 1730	Minister for Education (3 hours)	Hon. Jo Palmer MLC (4 hours)
1730 - 1830	Minister for Disability Services (1 hour)	
<u>Thursday, 26 September</u>		
0900 - 1130	Minister for Corrections & Rehabilitation (2½ hours)	Hon. Madeleine Ogilvie MP (5½ hours)
1130 - 1300	Minister for Women & the Prevention of Family Violence (1½ hours)	
1400 - 1430	Minister for Science and Technology (½ hour)	
1430 - 1530	Minister for the Arts (1 hours)	

MEMBERSHIP OF COMMITTEES - HOUSE OF ASSEMBLY ESTIMATES

- (1) Estimates Committee A consists of the following four Members:

The Chair of Committees (Chair);
One Member nominated by the Leader of the Opposition (Deputy Chair);
One Member nominated by the Leader of the Greens; and
One Member nominated by the JLN and Independents.
- (2) Estimates Committee B consists of the following four Members:

One Member nominated by the Leader of the House (Chair);
One Member nominated by the Leader of the Opposition (Deputy Chair);
One Member nominated by the Leader of the Greens; and
One Member nominated by the JLN and Independents.
- (3) Members of the House who have not been appointed as Members of the Committee, may participate in proceedings by asking questions, in alignment with the ratio of questions; and may not vote, move any motion or be counted for the purposes of a quorum.
- (4) The Chair of a Committee has a deliberative and a casting vote.
- (5) During sittings, substitute Members may be allowed.
- (6) If a vacancy occurs in the membership of a Committee, the Speaker may nominate a Member in substitution, but in so doing has regard to the composition of the Committee as appointed by the House.
- (7) A Committee may proceed with business despite a vacancy in its membership.
- (8) The quorum of a Committee is a majority of the Committee.
- (9) If at any time a quorum is not present, the Chair will suspend proceedings of the Committee until a quorum is present or adjourn the Committee.
- (10) Any time lost for lack of a quorum shall be added to the time allocated to that session.

SITTING TIMES

- (1) Each Estimates Committee meets only in accordance with the abovementioned time-table adopted by the House.
- (2) Estimates Committees may sit only when the House is not sitting.

OPEN HEARINGS

All hearings of the Estimates Committees are open to the public.

PROCEEDINGS OF AN ESTIMATES COMMITTEE

- (1) Consideration of proposed expenditures in an Estimates Committee follows as far as possible the procedure observed in a Committee of the whole House.
- (2) A Committee will consider expenditures on an output by output basis, including Grants, Subsidies and Loans and the Capital Investment Program.
- (3) A Committee may ask for explanations from a Minister relating to the outputs.
- (4) The Minister who is asked for explanations may be assisted where necessary by officers in the provision of factual information.
- (5) Officers may answer questions at the request of the Minister but shall not be required to comment on policy matters.
- (6) Time limits of one minute for a question and three minutes for an answer shall apply in Estimates Committees.
- (7) Questions may be asked on a ratio of three Opposition, two Green, two Independents or JLN (to be allocated at the discretion of the Chair), and one Government.
- (8) A Minister may advise an Estimates Committee that an answer to a question, or part of a question, asked of the Minister will be given later to the Committee, where possible that Committee sitting day.
- (9) A Minister may provide additional information to a Committee about an answer given by or for the Minister.
- (10) Additional information -
 - (a) is to be written;
 - (b) is to be given by a time decided by the Committee; and
 - (c) may be included in a volume of additional information laid on the Table of the House by the Committee.
- (11) If any Member persistently disrupts the business of an Estimates Committee, the Chair-
 - (a) names the Member;

(b) if the Member named is a Member of the Estimates Committee, suspends the sitting of the Estimates Committee until the Chair has reported the offence to the Speaker; and

(c) if the Member named is not a Member of the Estimates Committee, orders that Member's withdrawal from the sitting of the Committee until the Chair has reported the offence to the Speaker;

as soon as practicable, the Chair advises the Speaker who then gives notice that the Member of the Estimates Committee be replaced.

(12) If any objection is taken to a ruling or decision of the Chair -

(a) the objection must be taken at once and stated in writing;

(b) the Chair, as soon as practicable, advises the Speaker who makes a ruling on the matter; and

(c) the Estimates Committee may continue to meet but may not further examine the output then under consideration.

(13) Television coverage will be allowed, subject to the same conditions that apply to televising of the House of Assembly.

HANSARD REPORT

An unedited transcript of Estimates Committee proceedings is to be circulated, in a manner similar to that used for the House Hansard, as soon as practicable after the Committee's proceedings.

REPORTS OF ESTIMATES COMMITTEES

(1) A report of an Estimates Committee is presented by the Chair or Deputy Chair of that Committee to a Committee of the whole House, such reports containing any resolution or expression of opinion of that Committee.

(2) When the reports of the Estimates Committees are presented, they may be taken into consideration at once or at a future time.

(3) A time limit of 30 minutes per Member applies to consideration of reports of Estimates Committees on the question "That the proposed expenditures be agreed to and that the resolutions or expressions of opinion agreed to by the Committees in relation to those expenditures be noted."

(4) When the consideration of reports of Estimates Committees A and B has been completed, the question is proposed and put forthwith without debate "That the remainder of the Bills be agreed to."

- (5) When the Bills have been agreed to by the House, the Third reading of each Bill may be taken into consideration at once or made an order of the day for the next sitting day.

Honourable Speaker, I thank all members for the cooperation and discussion that occurred in relation to extra hours. Whilst we can discuss how this all occurred, the good news, as I understand it, is that agreement has been reached. As a result, on a particular day we will be sitting a couple of hours later to give extra time to the Minister for Infrastructure and the Minister for Transport. There has also been an agreement on 24 September for committee A to sit earlier by half an hour to accommodate the Attorney-General. I thank the House for that. We will be finishing at 5.30 p.m.

With the new dynamics in this House and the various memberships, to have been able to land this is a compliment to everybody in this House and especially, might I add, the staff members who do a lot of the discussion behind the scenes to make the task of people such as Dr Broad, Mr Bayley, the independents and myself so much easier.

I commend the motion to the House.

Motion agreed to.

[11.39 a.m.]

Dr BROAD (Braddon) - Honourable Speaker, we were going to move an amendment to this. I thank the Leader of the House for adjusting the schedule, as mentioned, to give Infrastructure an extra hour and Transport an extra hour. We strongly believe that Infrastructure and Transport deserve at least three hours of scrutiny. That is what we have and we are happy with that. I thank the minister for his cooperation, right up until the last minute. Thankfully, we will not have to propose an amendment that I circulated to the members of the crossbench and the Greens. That will not have to go ahead. I thank the Leader of the House.

Mr BAYLEY (Clark) - Honourable Speaker, I echo the thanks of the minister and leader of opposition business about thanking the staff and other members for the collaboration and cooperation on this schedule.

Scrutiny and budget estimates are incredibly important and we acknowledge the significant amount of time, including the additional time that has been afforded in this motion for scrutiny this year. It is entirely appropriate where there are additional members in this House of many different flavours now. We need to make sure appropriate time is given to all members to ask their questions.

I acknowledge the staff that put significant effort into negotiating this through. Upfront and in advance, it is going to be a busy time of year for departmental staff, preparing their briefs and organising here. I wish them well and look forward to the conversation.

I note, and the minister may have mentioned it, that we have managed collectively to negotiate an additional day of scrutiny on Friday 27 September in Committee A to hear from Roger Jaensch about his portfolio - some significant time afforded here.

It is incredibly important to scrutinise the Budget and give members an opportunity to do so. I have a couple of amendments that I will put, one by one. They go to the issues of providing

maximum opportunity for non-members of government to scrutinise, and to the timely provision of questions on notice.

The SPEAKER - Can I confirm you wish to move not a job lot of amendments but to deal with them separately?

Mr BAYLEY - I will do them separately, thank you, Speaker.

The SPEAKER - If you would like to move your first amendment, then we will be debating the first amendment, if you could circulate it. Do all members have a copy of the amendment that is being circulated? Does the clerk have one?

Mr BAYLEY - The first amendment:

Under the hearing “Proceedings of an Estimates Committee”, paragraph (7):

Leave out the paragraph and insert instead:

- (7) Questions may be asked on a ratio of three Opposition, two Green, two Independents or JLN (to be allocated at the discretion of the Chair).

This is nothing more than doing away with the Dorothy Dixers from government backbenchers - the opportunity for government backbenchers to ask ministers questions.

We have set the precedent by doing away with Dorothy Dixers in this House because it was acknowledged that there are many members, there are real and genuine questions that need to be asked of ministers, and we need to provide the maximum opportunity for all members to ask those questions.

It is an incredibly important principle of estimate scrutiny that we have plenty of opportunity to get through all our questions. We have seen in past estimates, hearings and scrutiny that government backbenchers in many ways, run distraction on behalf of government about the time, message, and, often, the outcomes of these estimates committees.

This ensures that there is additional time for scrutiny by the opposition and the crossbench who have the job of scrutinising government. Backbenchers do not have that job because they are part of government. They have plenty of access to their ministers to ask questions, to get clarity, to push them on different issues. Taking up additional time within this precious week of estimate scrutiny is simply unnecessary.

We acknowledged, as a House, that we did not want to waste time pursuing Dorothy Dixers in Question Time. We acknowledged that and we did away with them. That is a positive thing for scrutiny, accountability, and, ultimately, for the efficient operations of this house.

This amendment keeps the same ratio for non-government members. All it does is abandon the Dorothy Dixers, so that we, the public and others do not have to endure them. This is a straightforward amendment. It is simple in its concept, and important given there the number of people on the crossbench, and there is a lot of time here for us to get through the scrutiny of government.

[11.46 a.m.]

Mr ABETZ (Franklin - Leader of the House) - Honourable Speaker, the government opposes the amendment. It is, if I might say, relatively mean-spirited to deny the government one eighth of the questions. That is what we are talking about: one-eighth. You do the mathematics on that: 14 out of 35 in this House is a lot more than one-eighth. I will not ask the member for Braddon to assist me in the mathematics, whether it is six or seven, but I think we can all agree that one-eighth is not too much to ask, especially in circumstances where the hours of estimates have been substantially increased and, at the request of the opposition, a further couple of hours have been added.

It really does demean the role of backbenchers in the government to say that they have no role in this process. They do have, as we have discovered with Constituency Questions, very genuine and real interests to prosecute. Therefore, it is appropriate that they be allowed to ask questions.

The Deputy Leader of the Greens suggested that the questions asked by government members might be a distraction. It always depends on one's perspective. One person's distraction might be another person's genuine pursuit of information, and it depends on which side of the politics one is on.

Dr Woodruff - We have not seen it yet but I guess we stay open.

Mr ABETZ - The interjections continue, do they not?

The SPEAKER - Members on my left, can we deal with the matter before the House?

Mr ABETZ - What I say to the House is that, in fairness, the government and government members ought to be entitled to one-eighth of the questions. It 'ain't too much to ask', if I can put it in the colloquial. I encourage the House, in the spirit of fairness and cooperation, as we have agreed on these Sessional Orders, to allow the Sessional Orders as presented to be passed. Then we can continue with the estimates with the extra time, indeed an extra day allocated, extra hours, and the information sought can be achieved, keeping in mind, we have committee A and committee B, the Public Accounts Committee, and other venues for members to pursue information, and there is also the GBE Estimates as well.

[11.49 a.m.]

Mr O'BYRNE (Franklin) - Honourable Speaker, I will be brief. By way of introduction, I echo the sentiments that have been aired about the constructive work that has been done over the last fortnight, the negotiations and discussions. As a crossbench member and on behalf of other crossbench members, we appreciate the goodwill applied to those discussions. We thank the Leader of Government Business and other members, including the Greens, for working through the original motion presented. There has been significant compromise put forward and we acknowledge that.

I also make the point, and it is probably the second time I have had to do this and I do not like to do it, but in terms of the Labor interaction - the first we heard of your move to expand the hours was when you came and visited me at about 9.15 a.m. this morning.

I would appreciate, in all goodwill - there would be discussions going for close to two weeks, and there have been a lot of negotiations, give and take - so I would seek, as an

individual member of the crossbench, a greater interaction from Labor on this. I supported the principle that you put forward. It would have made it much easier if we were not horse trading up until Question Time this morning.

In relation to the first amendment by Mr Bayley, this has been discussed. It was discussed last week. I am no fan of Dorothy Dixers. I am very happy to get rid of them in Question Time. In relation to Estimates, though, I think there is a different light that is cast over them. The Westminster system is 'party-blind' in terms of its principles.

I can recall being a minister and having various scrutiny hearings where backbench members of the government asked very difficult and non-Dorothy Dixer questions to the government, and that is a principle that I would be very nervous to break. Whilst at times this government has abused those principles, and they have been pretty ordinary Dorothy Dixers that have been an interruption, in my view, to the greater scrutiny of the budget, that, in my view, does not then extinguish the right of individual members under a Westminster system to ask questions in its Estimates process.

Ultimately it is up to the Chair to manage whether that is deliberately instructive. Whilst I am in sympathy for the amendment to remove the possibility of Dorothy Dixers, ideally the negotiations suggest that maybe we have a double rotation, so the one-eighth and then one-sixteenth, potentially, for the government.

I feel nervous about extinguishing the rights of individual members of parliament in an Estimates process to ask questions, friend or foe. I have seen ministers, when I was at the table, copping some friendly fire, so to speak.

Mr Abetz - Do not give them ideas.

Mr O'BYRNE - I am more than happy to and will continue to do so, particularly maybe in the extra hour that you have now.

Whilst I am in sympathy with the amendment, I believe it crosses a line and it fetters the right of an individual member. I think, as a House, we need to collectively acknowledge that.

[11.52 a.m.]

Dr BROAD (Braddon) - We also will not be supporting this amendment. I acknowledge that in the past, the rotation was abused by the government and was used to block lines of questioning, but that was when the rotation was significantly different.

If my memory does not fail me, I think the first Estimates that I did the rotation was something like two Labor, one Green, one government member. It might have been three Labor, one Green, one backbench, I cannot quite remember. It was used as a blocking mechanism mainly to break up questioning when you were onto something and the government was under pressure. These questions from government backbenchers were used to break up that momentum.

However, in this case I think that one out of every eight questions is not an unreasonable ask. What we saw in the last Estimates was one or two tricky questions from backbenchers, and we would certainly encourage them to use the right they have to get answers to questions for their constituents on things that have been bugging them. I would certainly encourage them

to put their own ministers under pressure. As Mr O'Byrne has highlighted, we certainly had backbenchers in the past when we were in government who were asking sticky questions.

This is the first time that we have had such a long rotation because of the nature of this current parliament. If we were to be talking about equity of questions, three Opposition questions to two Greens questions probably does not reflect the numbers in the House. However, we are willing to let that one slide, and will see how the current rotation goes this year. We will always have an opportunity to readjust next year if it is a complete failure.

Having said that, one out of every eight questions for a government backbencher, if the rotation is held to, will probably, in a one-hour session, only get them one question - maybe two at most. I do not think that is an unreasonable ask. Let us hope that the backbenchers use this opportunity to get answers to real questions and not ones that are simply presented to them.

[11.55 a.m.]

Dr WOODRUFF (Franklin - Leader of the Greens) - Honourable Speaker, I will say a few summing up words. I thank members for their comments. We brought this in today because of a position that the Greens have long held about Dorothy Dixers and, as Mr Bayley said, because we have removed them in the Chamber under the Liberals. For the longest time, certainly the time I have been a member over the past nine years, they have been used as blocking and time-wasting mechanisms. In previous times, before there was a balance in this parliament that has shifted the Liberals into not being in a comfortable majority position, they have had chairs who have not been fair in the rotation, and the role of the Dorothy Dixer questions has been misused.

It is a longer rotation, as Mr Abetz said - one-eighth - but it will take a long time for questions to come around if you are that person, and this is all about scrutinising the government. Our point is that backbenchers are in a different position to other members of parliament. They have privileged access to members of the cabinet. They have more opportunities than anybody in this House to present the case for their constituents and to challenge the views of the government.

That is why we brought it on. I hear what Mr O'Byrne said that these are just changes to the Sessional Orders. We are not writing something in stone here, and it is something which -

Mr O'Byrne - It is a precedent.

Dr WOODRUFF - Of course, but it reflects the precedent of the situation that we are in, which is that we have a very large number of independents. We have the Greens as a major party and the Labor Party as a major party. This is a different parliament to the parliament that you have operated in for your whole political career, and so different circumstances beget different responses, which is the reason we brought it in. However, we have heard the will of the rest of the House, and we will be back to make this argument another day.

Amendment negatived.

[11.57 a.m.]

Mr BAYLEY (Clark) - Honourable Speaker, we hear that debate, as Dr Woodruff said, and time will tell how the Liberal backbenchers choose to use it this year. We will be watching

carefully and look for the clangers that come. We can revisit this next year before next year's Estimate scrutiny.

The second amendment I will move is:

Under the hearing "Proceedings of an Estimates Committee", in paragraph (10):

Leave out paragraph (b) and insert instead:

(b) "is to be provided to the Committee by no later than 5.00 pm Friday, 11 October 2024".

For the benefit of Hansard, this basically sets that date - Friday 11 October - in stone by this House as to when questions on notice that are received by the committee must be answered and presented back to members. As it stands at the moment, paragraph (b) reads:

(b) is to be given by a time decided by the Committee.

Given these committees are effectively acting on behalf of the entire House, we believe it is appropriate that the entire House, as opposed to the committee, sets the time for the return of those questions on notice. We think it is fundamentally important and critical that those answers are received prior to the next sitting of parliament, so that the information that is received through the entire Budget Estimates scrutiny process, whether it is the answers at the table or the answers on notice, are before us and can inform questions and debate as we go forward.

The post-Budget session is going to be a critically important session in terms of the debate of this House. The date that we have chosen - Friday 11 October, which is the Friday before the next sitting following the Budget session - is a full two weeks from the last day of Budget Estimates, 27 September. It is a full two weeks for responses to be received. For an Estimates session that happens on the Monday it is obviously even longer than two weeks, so that is plenty of time for government and its officers to get this kind of information together. Collectively, we need these answers to do our job to scrutinise government and to ask further questions in follow-up sessions.

I will not dwell on this. I know the significance, importance and structure of this amendment will not be lost on anybody. It is all about this House setting a time two weeks after the last day of Estimates so that answers to questions on notice are received and can inform debate going forward.

[12.00 p.m.]

Mr ABETZ (Franklin - Leader of the House) - Honourable Speaker, the government opposes this amendment on the basis that it is up to each committee to determine for itself what the deadline ought to be. In relation to setting a time 'in stone', I do not think the member fully appreciates that some of the answers might take some time to get the information together so a mere fortnight may not provide sufficient time. For the committee to have the flexibility to determine when the answers ought to be provided is the appropriate course of action, having trust in the committee, as I do. It does leave it open for the committee to determine that there only be 24 hours' notice to be provided for answering questions because it is up to the individual

committee to decide, but I think commonsense has to prevail in these matters. In the event that there are matters of complexity, flexibility for the committee seems to be the appropriate way to go.

I urge the House to vote against this amendment.

[12.02 p.m.]

Dr BROAD (Braddon) - Honourable Speaker, we will be supporting this amendment for quite a specific reason. What we have seen in the past is what could probably be best described as a mixed approach to answering questions raised during the Estimates process. There have been some ministers who have been extraordinarily good at getting responses to this side of the House in time for us to use them during Estimates reply. However, we have seen some bad behaviour in the past where answers to what should be very simple questions are dumped in a batch right after the Estimates reply is finished.

Because of that history, we are going to support this amendment because two weeks is long enough. It gives us a chance to go through those questions before we have our Estimates response, which is the way this parliament should work. Two weeks should be enough to get answers to questions. If the government had been really good across the board at delivering responses in a timely manner, we would not have to do something like this. We urge ministers to do things in a timely manner. We need to have this in place because of past behaviour.

Mr O'BYRNE (Franklin) - I do not think this is an unreasonable amendment. It is not something that was directly canvassed with me, but I think the arguments articulated by the member for Clark and the member who just resumed his seat are sound. As someone who has asked questions and seen a level of tardiness by some people in responding, that leads to a level of frustration and inhibits the appropriate course of cross-examination in that final week of the Estimates block, that fourth week where we come back and report.

Having said that, if I have asked a question and the minister returns to me an answer that says, 'In part, we can answer it but there's a level of complexity and detail we need to provide to you', I would not exercise my right under this amendment to seek to admonish the minister. This is about good faith and goodwill and, from my perspective, I have always provided that consistently in this House in this configuration and will continue to do so.

I believe this is not an unreasonable amendment. I will support it and put on the record a level of goodwill if a circumstance arises, as the Leader of Government Business suggests, that there is a level of complexity, as long as there is goodwill and progress towards an answer, I will concede that timeline as a personal act as an individual member. This is not an unreasonable amendment and I will support it.

Mr Abetz - If I may, briefly, by indulgence, one minute?

The SPEAKER - No, I am afraid I cannot allow you, having spoken once, to speak again. You could quickly brief another member to jump up and do so but the Standing Orders are clear. We can talk amongst ourselves if you wish to quickly brief someone to make a comment, if that would further facilitate a good outcome and an agreed outcome of the House. That would be great. Mr Ellis, what a surprise.

[12.05 p.m.]

Mr ELLIS (Braddon - Minister for Police, Fire and Emergency Management) - Honourable Speaker, I can pass on from the Leader that given the assurance from Mr O Byrne that that kind of answer would be acceptable, we can support it.

Dr Woodruff - So, if Mr O'Byrne says it is okay -

Mr O'Byrne - No, it is an individual; if it's my question.

The SPEAKER - Leader of the Greens, we have been negotiating this quite well. Let us not let it fall apart. You are about to get your motion agreed to.

Amendment agreed to.

[12.06 p.m.]

Mr BAYLEY (Clark) - Honourable Speaker, I thank the House for agreeing to that amendment. I believe it will be a better situation. I hear the member for Franklin's commitment about goodwill. I am sure it is probably shared by just about everyone in the Chamber that if there is a genuinely good reason why this information cannot be produced, that will be considered. I reiterate my thanks to everyone for negotiating this through and setting up what looks like a fruitful, productive and transparent - I hope - Budget Estimates session.

The SPEAKER - Once again, I love your optimism.

Motion, as amended, agreed to.

MOTION

Select Committee on Transfer of Care Delays - Reporting Date

[12.07 p.m.]

Dr WOODRUFF (Franklin - Leader of the Greens)(by leave) - Honourable Speaker, I move -

That the reporting date for the Select Committee on Transfer of Care Delays be extended until 17 October next.

Motion agreed to.

Mr ABETZ (Franklin - Leader of the House) - I inquire as to whether that had been socialised with anybody at all.

The SPEAKER - It comes directly from the committee.

Dr Woodruff - It is socialised by the two members of the government on the committee.

The SPEAKER - Yes, for the member's interest, motions that extend reporting times are moved by the committee and presented to the House. Members on the committee are also not

supposed to broadly discuss matters of the committee, but they come to the House as they come to the House and are dealt with in that way.

MOTION

Government Administration Committee A - Inquiry into Discrimination and Bullying in Tasmanian Schools - Reporting Date

[12.09 p.m.]

Ms DOW (Braddon - Deputy Leader of the Opposition)(by leave) - Honourable Speaker, I move -

That

1. The reporting date for the Government Administration Committee A Inquiry Into Discrimination And Bullying In Tasmanian Schools be extended until 4 April next; and
2. If the House is not sitting when the committee completes its report, such report may be presented to the Speaker or the Deputy Speaker, and in that event the report shall be deemed to have been presented to the House and ordered to be printed.

Motion agreed to.

MOTION

Select Committee on Reproductive, Maternal and Paediatric Health Services in Tasmania - Reporting Date

[12.09 p.m.]

Ms HADDAD (Clark)(by leave) - Honourable Speaker, I move -

That:

1. The reporting date of the Select Committee on Reproductive, Maternal and Paediatric Health Services in Tasmania be extended until 25 March next; and
2. If the House is not sitting when the committee completes its report, such report may be presented to the Speaker or to the Deputy Speaker, and in that event the report shall be deemed to have been presented to the House and ordered to be printed.

Motion agreed to.

MOTION

Government Administration B Inquiry into the Electoral Disclosure and Funding Amendment Bill 2024 (No. 9) - Report Date

Ms WHITE (Lyons)(by leave) - Honourable Speaker, I move -

That the reporting date for the Standing Committee on Government Administration B's inquiry into Electoral Disclosure and Funding Amendment Bill 2024 (No. 9) be extended until 17 September 2024.

Motion agreed to.

MATTER OF PUBLIC IMPORTANCE

Infrastructure Failures

[12.11 p.m.]

Ms DOW (Braddon - Deputy Leader of the Opposition) - Honourable Speaker, I move -

That the House take note of the following matter: infrastructure failures.

I rise to speak about infrastructure failures, which is absolutely a Matter Of Public Importance. Whilst there are a lot of negatives to talk about as part of my contribution today regarding this government's failure to deliver on key pieces of infrastructure, I will start on a positive note. It is great to see the newly minted Minister for Infrastructure in the Chamber.

I start by shouting out to the Devonport City Council, because there is an example of someone who has got on with the job, taking control of a project and delivering in spades for their community. I am talking about the Living City project and the council's ability to attract public and private investment to their city. Today they have the outstanding gong of being Australia's top tourism town. Congratulations to them. There is an example of how to do things really well.

Alongside that, we have an example of how to do things pretty poorly, and that is this government. Whilst the Devonport City Council have done things very well to prosper economic activity across their region, they are waiting for the government to deliver the most important infrastructure and economic driver for Tasmania: the *Spirit of Tasmania* vessels. This government has let them down.

They are waiting for the berth infrastructure and for those ships to be in service to create a boost to the local economy. Each year that those ships are delayed, there is a half-billion dollar hit to the Tasmanian economy. There is nowhere, I say to the newly minted Infrastructure minister, that this will be felt more than in the north-west of the state, where you and I are from. They are relying on this. They have had timeframes shifted and they have no certainty about this project.

It is a hallmark example of the incompetence of the government that you lead, Premier, and the buck stops with the Premier. Leadership starts at the top. You say that you have

wrangled back control of this project, but we are yet to see that and we are waiting with bated breath. You might have had your Infrastructure minister resign, or did he get sacked by you? Did you have the intestinal fortitude to sack your minister for Infrastructure? The fact is that he is still in control of this project. He is a senior, key shareholder minister in this project. He still holds the Treasury portfolio.

How on earth can he be tasked with holding the Treasury portfolio when he has presided over the biggest infrastructure stuff-up in Tasmania's history? Every decision that has been made by this government over a significant period of time - these ships are five years delayed, they are half a billion dollars over budget, we do not know where they are going to be and there is nowhere for them to berth. These are key facts.

You might have wrangled back the Infrastructure portfolio and you might have said you have control of the project, but we have lost the chair of TT-Line. We have lost the CEO of TT-Line. The project is in complete disarray. There is no leadership to steer the project. The fact remains that we are absolutely no closer to even knowing when that infrastructure is going to be in place to make sure that those vessels can berth, be operational and bring economic benefit to Tasmania - not just the tourism industry, but across our economy.

I could speak about this for a long time, but I will hone in on a couple of facts about infrastructure and the failures of this government. It was not that long ago that the Premier held the Infrastructure portfolio, and I do not really think we saw much progress during that time. It will be interesting to see whether he is able to deliver the projects that his government has promised.

It is really important to note the comments of Saul Eslake, who talks about the fact that every policy decision made by this government has influenced the poor position of Tasmania's budget - record debt and record deficit. Every action of this government has influenced that and that is really concerning.

We have a government that has been to early elections, consecutively, making grandiose promises to the electorate about projects that they will deliver. We have had underground bus malls. Where is that one? We have had a four-lane Midland Highway. We have potholes the size of craters on the Bass Highway at the moment. That parcel of road between Latrobe - which you should know well, Premier, because it is where you live - and Launceston is absolutely atrocious.

It has been plagued by pothole after pothole. The quality of the road has deteriorated, but not only that, the congestion of traffic along that corridor of road across the north of the state makes it really unsafe. As someone who drives that a lot, there is a dire need for investment in that infrastructure to upgrade it - not only the potholes, but the quality and standard of that road and making sure that it is much safer for vehicles. You have much more work to do, Premier.

Time expired.

[12.16 p.m.]

Mr ROCKLIFF (Braddon - Premier) - Honourable Speaker, I thank the honourable member, the Deputy Leader of the Opposition, for bringing this matter of public importance to the parliament today. I really had to choke on the irony of the first couple of words that you mentioned, Deputy Leader, when you spoke about the Living City project. I agree it is a great

project and a great partnership between the Devonport City Council, the state government and the federal government over a few colours. It is a really good project. It was a commitment from us at the 2014 election and I was very proud, as Education minister at the time, to be able to invest in the brand-new library which has been centrepiece of that and a beacon for education on the north-west coast.

I speak of the parana arts centre. I am very proud of that and, as I said in last year's Budget roadshow speech at the parana centre, I was making the comparison between having the courage to build infrastructure, such as the stadium, for example - \$375 million worth of investment, which, at the time, you vigorously opposed. You crab walked your way to supporting it following the election, I might add, but I made the comparison between a Devonport City Council which had the courage of their convictions despite opposition, like we have had with the stadium infrastructure and seeing that through, just as we will see through the Macquarie Point Precinct infrastructure.

I am very proud of the fact that we are a government which has delivered considerable infrastructure and will continue to deliver \$5 billion worth of infrastructure over the forward Estimates, as will be evident in the Budget handed down by the Deputy Premier and Treasurer on Thursday. Our current infrastructure investment includes \$4.3 billion in roads and bridges and other transport infrastructure over the Budget and forward Estimates, and a further \$650 million by government businesses; \$683 million over Budget and forward Estimates on hospitals and health facilities; \$305 million over the same period on housing. Across government, the Treasurer has confirmed that \$5.1 billion will be invested in infrastructure in this week's Budget.

I note the comments of the CEO of the Civil Contractors Federation, Andrew Winch, who this week said:

All the dollars spent on investment on infrastructure ends up in cafes and service stations and shopping centres around Tasmania.

The funds flow through to support the economy. The inter-generational infrastructure that we have built in this state - regarding our school infrastructure, there is an irony to the honourable member talking about infrastructure investment that the member says the government is not delivering. As Education minister, we upgraded many schools across this state that were falling down around the students' ears.

Tasman District High School, for example: I was there just the other day with the cabinet, a regional cabinet and local member, Kerry Vincent, and others. It was fantastic to be there and it reminded me of the dilapidated state that the school was in before we invested in it. A new high school at Brighton, new primary school at Legana. The member for Rosevears, the Minister for Education, Ms Palmer, opened up the new Penguin District High School last week, if my memory serves me correctly. Investments in Smithton High School: everywhere you go around the state we have had investment in key infrastructure. Forth Primary School, I was there the other day, and that investment was made in kindergartens and early learning centres.

Hospitals - regarding the North West development, the new antenatal centre. The Minister for Health did a great job the other day highlighting the master plan. Investment in the

Mersey Community Hospital: The Launceston General Hospital (LGH) master plan and the work that is being done there, Deputy Speaker.

We have rebuilt the Royal Hobart Hospital. You mob could not lay a single brick. We have taken this infrastructure bull by the horns and we are getting it done. A new Midland Highway. I mentioned the Perth bypass the other day which was partly built during my tenure as Minister for Infrastructure. I am not taking credit for it, but I am commending the people who built it. That joint venture was a fantastic demonstration of people working together in partnership and delivering key infrastructure for the benefit of Tasmanians.

Time expired.

[12.21 p.m.]

Dr BROAD (Braddon) - Deputy Speaker, The Premier has resumed his seat and I did not hear him talk about the pothole situation that was raised by my colleague, Ms Dow.

The state of the Bass Highway in particular is a disgrace. The amount of potholes is outrageous and people are angry. It is not only the Bass Highway, there are other areas that are also falling to pieces. Now we have a major rainfall event, one of the things that people say is, 'It is great weather for ducks'. I think about the Bass Highway. It is great weather for tow trucks because the roads are falling to pieces and so are people's tyres and rims, and they are angry.

This is something that you need to address. I have raised this in parliament a number of times. There is something going seriously wrong with our highways when they fall to pieces after any sort of rainfall. We have seen punctures and rims and suspensions breaking down. Last Saturday night, for example, coming back from a fabulous Master Builders function, on the side of the road just past Elizabeth Town, I saw three cars on the side of the road, in the pouring rain, changing tyres. It was very ordinary. At night, you cannot see these potholes and they are huge. Not to mention the significant risk that motorbike riders are facing. If they hit one of these potholes it will get very ugly, very quickly.

On my way down on Monday, we saw sections of road, instead of being 110 kilometres an hour, pulled back to 60 kilometres an hour just so people have time to swerve and miss all the potholes. There is something going seriously wrong.

We know that potholes occur, but there is something systematically wrong because they are not getting filled-in in time, and a small pothole quickly turns into a large one.

Do not take my word for it, take the word of the many people who have commented on a post that I put on Facebook. We saw a big pothole near Deloraine. I put a picture of it online and said, 'There is a swimming pool under construction', and the post went nuts. People are angry. I will give you some of the comments that have been made. This describes where people are at with that.

Bec said, and I will remove an expletive:

Make your car roadworthy. How about make our roads car-worthy?
Honestly, it's a ... disgrace. Yes, it's like playing dodgem cars anywhere on the Bass Highway at the moment.

Pass Road, Rokeby, has a few swimming pools in the week. They have been patched and it's like a patchwork quilt until the next lot of rain.

The holes that I was talking about, they were all filled in when I came back from Launceston on Wednesday afternoon and have not even lasted two days.

Mark said:

Really, how hard is it to fix that?

Catherine said:

Travelled to Launceston and back today. Numerous cars pulled over with damage. Our vehicle damaged also by flying bitumen when trucks coming past us hit a pothole. Nice excess to pay now.

Lachlan said:

I'm sick of paying top dollar to rego and upkeep my car that roadworthy, but roads aren't safe to drive on. Three cracked rims and four tyres blown from these roads so far this year. Councils and state governments wouldn't cover some of the damages. Just filled it in and pat it with a shovel.

And so on.

Linda Rogers says:

It's bloody dangerous and I hope everyone who is getting damaged rims will be reimbursed. You certainly have to watch them carefully. It's a game of dodgem cars.

And it goes on and on.

Darren says:

Our cars have to be roadworthy, but are the roads car-worthy?

This is the sort of thing that people are raising and it has not happened just once. This is a continual problem that this government is facing. That bit of road, particularly between Deloraine and Latrobe, falls to pieces. What we see is the new bits of road - in the summer, bits of road are ripped up and reinstated, and it falls to pieces again. We are seeing patches on patches. What is going wrong with the way that our roads are being constructed and maintained because they are simply not holding up?

The Premier talked about the Midland Highway. There was one section near Symmons Plains that was an absolute disgrace and that was on Monday.

The roads cannot sustain this sort of damage and people cannot sustain this sort of damage. I urge anybody who is affected by this to go on the State Growth website and put in

a claim for the damage. Hopefully, the government will not make excuses and will pay people so they can fix the damage that these roads have caused.

Time expired.

[12.26 p.m.]

Ms BURNET (Clark) - Deputy Speaker, I welcome the opportunity to speak on three points about infrastructure failures from this government that we are seeing.

First, it is the excruciating failure, which the member for Braddon spoke about earlier, in the TT-Line and the failures there. I met with a couple of mayors in the north west late last week, and they were very concerned about the impacts on their communities, not only with the failure of the delivery of the port at the Port of Devonport for the berthing - the new wharf for the new *Spirits* - but also the impact on tourism, trade and business in that area. Infrastructure failings have real implications.

We know that the *Spirit* ferries were promised to be delivered two years early. It has blown out at least \$81.5 million and costing the economy hundreds of millions of dollars a year while delayed.

The Devonport Wharf upgrade has almost quadrupled in cost from \$90 million to \$375 million.

Saul Eslake warned us in 2020 that the ferries could be the most financially ill-advised project in Tasmania since the 1983 Franklin Dam. What a parallel that Saul Eslake said then, and certainly his most recent report has been very damning.

The Macquarie wharf 6 upgrades have stalled and we are jeopardising the Antarctic gateway status with the less-than-satisfactory response this morning, unfortunately, from the Premier. There has also been a huge blowout predicted, despite under-spending on critical projects like the Tasman Bridge upgrade. Every time you delay infrastructure projects the cost goes up and we see an exorbitant cost blowout currently.

The second point I make about this government's infrastructure failures is that they do not satisfactorily prioritise the things that the Tasmanian people require. We see those important infrastructure projects which are pushed down the line.

As to the \$1 billion stadium, it is not going to be \$375 million. Nobody is believing it is going to be \$375 million of taxpayer's money: it will be closer to a billion dollars. There is that failure to prioritise those very important things for Tasmanians like schools. We heard from Mr Garland this morning that Montello Primary School, which I have visited as well as part of the Public Works Committee, has the infrastructure there but it is 1950s infrastructure on a sloping block and not fit for purpose. It really needs much more money and it is not the only school that requires much more love and attention.

My third point is that over the last eight years, from 2015 to 2023, there has been infrastructure underspending. It is interesting that there is a budgeted amount, but each time the actual amount spent is well below what was budgeted, apart from 2022 where it was nominally close to what was budgeted. This is a significant lack of delivering on what has been promised. There are significant concerns about how this government prioritises and what the

government is delivering. With all the things that have come out of the TT-Line and Devonport wharf debacle, it is a brave Premier who steps up to take the Infrastructure portfolio when there are significant concerns for infrastructure projects to be delivered and delivered on time.

[12.32 p.m.]

Mr BAYLEY (Clark) - Deputy Speaker, I thank the members of the opposition for bringing on this Matter of Public Importance about infrastructure fails. We have heard a litany of examples and the *Spirit* is writ large, obviously, as an infrastructure fail, but I rise today to talk about the stadium as a monumental fail - in the making, nonetheless.

The stadium started with a dud deal in the first place. The AFL deal is a dud deal for Tasmanians. The stadium condition in the AFL deal currently presents the greatest risk to the Devils AFL and AFLW football teams. We Greens are very strong supporters of the football teams. We were tripartisan supporters of the football teams when the premier of the day was guaranteeing that it would not include a stadium, but history shows that a stadium was agreed to. It is a very hefty price.

Not only does the stadium not have planning approval and is not in line with the agreed master plan, not only was there no reference to Treasury, his own Cabinet or no engagement with community, a stadium is simply not something that the Premier can make a commitment to. I hear you say, Premier, that you will see this through, but this is a project that is yet to even be assessed and approved by a planning assessment and, at face value, this development completely contravenes the existing planning schemes, cultural values and reverential ambience of the Cenotaph is a case in point.

It is protected by the planning scheme. There are 15-metre height limits at Macquarie Point specifically to protect the sight lines from the Cenotaph. The sight lines are named in the Sullivans Cove Planning Scheme and yet those provisions are junked via the fast-track Project of State Significance process. They do not have to apply and the panel has absolute discretion as to whether or not it will consider those provisions.

The stadium is a fundamental fail because it puts Tasmanians on the hook for all blowouts. As my colleague, the member for Clark, just said, no-one believes that this stadium can be built for \$715 million and I do not think anyone believes that the government can cap it at \$300 million-plus either. We have seen reports from Canberra that a refurbishment of an existing stadium there is going to cost \$1.2 billion. A brand-new stadium build is anywhere up to \$3 billion. Nobody understands how your private-public partnership works and the simple fact that you, on the first day of the election, committed to so-called capping the public expenditure at \$315 million was an admission in the first place that you do not believe it can be built for \$700-odd million either. That was just a simple attempt to try to diffuse the political heat that is in this issue. It has not been diffused and it does continue.

There was a fundamental fail to negotiate GST exemption for the federal government's \$240 million. It was not until Labor asked a question in this House that your Treasurer even made a request. That request was reiterated the day before the election this year and that \$240 million is not GST exempt. The federal government will claw it back and that will come at the expense of health, housing and other important spends in the state. We note as well that the \$240 million from the federal government was committed to ancillary commitments for Macquarie Point, things like housing developments and the wharf upgrade and we are still to

get clear answers about exactly how the wharf upgrade will occur to accommodate the Antarctic Division's vessel.

It is a fail in that upfront this commitment was made despite the fact that it would not consider any of the impacts. There are impacts on the heritage precinct, impacts on existing values that are protected and impacts on traffic and public transport. These are significant issues that the Premier simply cannot make a commitment to upfront. It is a fail because it fails to consider the opportunity cost. How ridiculous is it that this government has paid out an interstate developer not to develop at Macquarie Point, according to the previously agreed plan? Saul Eslake has made it very clear that we should be making an infrastructure envelope and then prioritise our spend under that. That is how the Greens support infrastructure projects to be funded: prioritised and decided upon.

Time expired.

[12.37 p.m.]

Mr WOOD (Bass) - Deputy Speaker, our government is continuing to deliver record infrastructure investment, with almost \$5 billion committed across government in the 2023-24 financial year and \$5.1 billion to be committed in infrastructure investments in this week's Budget. We make no apologies for that.

Our current-year infrastructure spend includes \$4.3 billion in roads and bridges and other transport infrastructure over the Budget and forward Estimates and a further \$650 million by government businesses; \$683 million over the Budget and forward Estimates on hospitals and health facilities; \$305 million on schools and education infrastructure; and \$264 million over the same period on housing. Master Builders Tasmania has also welcomed the investment, saying that the commercial building sector is looking for certainty to invest in the staff and the government's future pipeline of work helps to provide that certainty.

The fact is that infrastructure creates jobs and we are proud to see a growing population and 47,000 jobs created, with an unemployment rate of just 4.1 per cent, which is something to be very proud of. Our government will continue to prudently and sustainably invest in the infrastructure our state requires to support future generations.

The Tasmanian Liberal Government is continuing to deliver record road and bridge infrastructure investment, with \$549 million on roads and bridges alone committed for investment in the current financial year. Our funding boost includes the largest transport infrastructure project in Tasmanian history, the \$786 million new Bridgewater bridge co-funded by the Tasmanian and Australian governments.

Other co-funded major projects include the continuation of the \$565 million Midland Highway Action Plan, the \$350 million South East Traffic Solution between Sorell and Hobart; the \$120 million project to improve the sidling section of the Tasman Highway between Scottsdale and Launceston; and \$280 million in works on the Bass Highway between Launceston and Marawah. In total, we invested a record of \$549.5 million in roads and bridges in the 2023-24 year, and we expect to exceed that figure in the current financial year.

The Treasurer has already announced that across government, the investment in infrastructure will exceed \$5 billion in the Budget and forward Estimates. On our roads and bridges program, last financial year's investment was more than four times the \$129 million

spent by the former Labor-Greens government in its final year in office. Last year's budget invests \$2.2 billion over four years on our roads and bridges.

The government's clear mission has been to stimulate the economy and support jobs, and it is clear that our plan to invest in infrastructure is indeed working. That can be contrasted with the contradictory approach of members opposite, such as the Labor member for Bass, Ms Finlay, who famously declared:

This is not the right time for significant investment in new infrastructure in Tasmania.

Since coming to office, we have rebuilt the economy to be number one in the country, and we are seeing that with a growing population, more than 49,000 jobs created and the lowest unemployment rate.

Mr Winter can talk about failure to deliver. The question is when will Mr Winter deliver Labor's first alternative budget? Those opposite have no credibility on economic or financial management. They have not provided an alternative budget in more than 10 years.

Members interjecting.

DEPUTY SPEAKER - Order. The member speaking was quiet during all your contributions. I ask that he has the same courtesy please.

Mr WOOD - We know what follows Budget day. We know Labor's failures. We know that the opposition response comes five days later, which is the day to deliver their alternative budget. They can say what they like about our budget, but at the end of the Leader's contributions it is convention to seek leave and table your alternative response.

Time expired.

[12.42 p.m.]

Ms BROWN (Franklin) - Deputy Speaker, I am glad to be able to speak on this Matter of Public Importance. This minority Liberal government has demonstrated a profound incapacity to deliver a robust public transport network and public transport infrastructure for Tasmania. This is an undeniable fact. We have witnessed cuts to our bus services that have left Tasmanians waiting for hours between services in our urban areas, and even longer in our regional areas.

The approach of this government is limited to quick fixes and patchwork solutions, lacking a comprehensive vision for our state. Tasmania is being left behind compared to other states and territories across Australia. Per capita this government spends only \$115.06 on public transport. This figure is less than the Northern Territory, and is less than half what is spent per capita in South Australia. This is nothing short of shameful.

Tasmanians are eager to use public transport to alleviate congestion and improve their lives. However, they are faced with massive wait times between services and, in some cases, buses not showing up. This reality undermines the very purpose of investing in public transport infrastructure. Addressing these issues requires a strategic approach, including increased investment, better planning, and a focus on both urban and regional areas. We need effective

and reliable public transport systems and infrastructure, which this government is incapable of delivering. It is clear that this government lacks a cohesive vision for infrastructure development in public transport. There is a lack of strategy, no big picture ideas and, quite frankly, they do not have a clue. This failure to act is detrimental to the wellbeing and mobility of all Tasmanians.

[12.45 p.m.]

Mr WILLIE (Clark) - Deputy Speaker, I could not pass up the opportunity. I was making a list, and I am not going get through any of it, but I will list some of the things off the top of my head that this government has not delivered. The TT-Line; potholes -

Mr Rockliff - Royal Hobart Hospital.

Mr WILLIE - You want to talk about the Royal Hobart Hospital? What about the emergency department upgrade that you have scaled back that will not even meet current demand? You backflipped on the northern prison and the underground bus mall. The Northern Suburbs Transit in my electorate is gathering weeds. The North West Transmission in full. Marinus Link: you talked about that for 10 years and nothing has happened. Ashley, you promised to close that twice, but nothing has happened. The Tamar Bridge, that is some made-up thing that nobody believes you will ever do.

This government's delivery has been an absolute disgrace. They talk a big game and they do not deliver. We are seeing on the north-west coast a political fix in terms of berth 1 -

Time expired.

VALIDATION (STATE COASTAL POLICY) BILL 2024 (No. 37)

Second Reading

[12.46 p.m.]

Mr ABETZ (Franklin - Leader of the House) - Deputy Speaker, I move -

That the bill be now read a second time.

The State Coastal Policy has been a component of the state's resource management and planning system for nearly 30 years. It has enabled many developments while protecting our coastal areas. It is essential that we continue to provide certainty and strive to balance sustainable and reasonable development in our coastal areas.

In recent months there have been concerns expressed about how the State Coastal Policy has been applied to development on actively mobile landforms, whatever that may mean. The recent approval of the Robbins Island wind farm - specifically the wharf needed for its construction, by the Tasmanian Civil and Administrative Tribunal - has raised questions about the application of outcome 1.4.2. of the State Coastal Policy. Allow me to read that to the House. It says:

Development on actively mobile landforms such as frontal dunes will not be permitted except for works consistent with outcome 1.4.1.

'Development' is also undefined. We then go back to 1.4.1, which tells us:

Areas subject to significant risk from natural coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea-level rise will be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.

That is the caveat, or the exemption, of those three-year considerations. Outcome 1.4.2. prohibits all development on actively mobile land unless it aligns with outcome 1.4.1. of the Policy, which only allows work for the protection of land, property and human life. Reading that, you can see that it does not allow any work for the protection of wildlife, for example, or the erection of signs by Parks and Wildlife asking people not to walk on particular areas of our coastal region, which, as I understand it, reaches in about 1 kilometre from the actual coastline.

The ongoing concerns with the operation of the current State Coastal Policy are compounded by the lack of a definitive description of actively mobile landforms or an accepted map of their locations. Tasmania hosts numerous developments on actively mobile landforms, whatever that may mean, which provide access to our beaches, recreation facilities, or works to help conserve wildlife, for example, keeping cattle out of areas in dunes where there might be penguin burrows.

Another area that might be considered is the works that were done in the sand dunes at the end of the Hobart runway; when it was extended, the top was taken off. As I understand it, the sand dune is there to enable the aircraft to take off without the dune extending too far into the heavens.

When you consider all the works that have been done in recent times - and I am sure there are numerous other examples - somebody mentioned a boat ramp to me the other day at Swansea - all those sorts of -

Dr Broad - I said that.

Mr ABETZ - It just goes to show I do sometimes listen to you, Dr Broad. There you go. Thank you for that other real-life example, and they are spotted all around the state.

The proposed bill provides the previous permits for developments on actively mobile landforms issued under the *Land Use Planning and Approvals Act 1993* from 16 April 2003 until the date of the commencement of this bill are validated. The introduction of this bill ensures that previous decisions under the State Coastal Policy and Tasmania's resource management and planning system do not give rise to unintended consequences for liability for the owners or managers of infrastructure on our coasts. To be clear, permits needed to have been issued on the basis of which people in good faith then undertook certain activities.

This bill also establishes that no action can be taken against individuals or organisations that have acted in line with the permits they were issued under the *Land Use Planning and Approvals Act*, keeping in mind that the maximum penalty for breaching the state policy is potentially 500 penalty units. Each penalty unit currently, as I understand, stands at \$202.

You can see the potential for crimes - and they are crimes, it is a criminal liability - that such a fine would attach, and people have undertaken those works believing that they had

appropriate permits and were acting according to law. Indeed, under the State Coastal Policy, if people thought they had acted illegally, the act of removing those illegal works would similarly attract a criminal liability. Anyway, this bill will ensure that our communities have no doubts about the validity and protection of their coastal infrastructure.

Separate to the bill, the government believes it is time to update the State Coastal Policy to include more contemporary planning controls for actively mobile land. This will improve how we assess proposals on actively mobile landforms.

A position paper is being released for public comment to outline these issues and the need for a more sophisticated policy setting, in line with recent planning reforms that have contemporised the state's planning system.

Furthermore, an amendment to the State Coastal Policy should clarify what constitutes an actively mobile landform so that we have some certainty about where it should apply to ensure we can protect our coastal environment, while allowing sensible and sustainable recreational and other infrastructure that benefits the community and the connection and enjoyment of coasts.

For the information of members, in 1.4.2. of the State Coastal Policy, we are told developments 'on actively mobile landforms such as frontal dunes ...'. That suggests that other possible landforms were also being thought of but undefined and, as I understand it, nobody in that area of expertise has been able to provide any sort of coherent definition or explanation of what this term 'actively mobile landforms' might mean other than frontal dunes, which similarly, in the State Coastal Policy, is not defined.

In relation to the term 'works' that is referred to in 1.4.1., 'works' includes any change to the natural or existing condition or topography of land, so any change must, of necessity, include the erection of signs that one assumes Parks and Wildlife officers have done on a regular basis around this state in a bid to protect those dunes. Technically, that may well be 'work' and as a result, those well-meaning wildlife officers who do a great job may be in breach of the State Coastal Policy as well.

With the introduction of the Tasmanian Planning Scheme across the state, we now have statewide mapping of coastal hazards and detailed planning requirements for assessing development in these areas. In addition, the new Tasmanian planning policies offer a more detailed set of guidelines to guide future land use in the coastal zone. These will soon be brought into effect.

I commend the bill to the House and, noting the time, I am not sure whether the opposition spokesman wants to make a short contribution now.

[12.57 p.m.]

Dr BROAD (Braddon) - Deputy Speaker, I do not get the choice; it is not my decision. I will say upfront that Labor will be supporting the Validation (State Coastal Policy) Bill 2024 and we have discussed this in the past in this place. It was quite a lengthy debate and I put the reasons why on the public record then and we in Labor have not changed our minds.

The minister has outlined some of the concerns which we share. This all hinges around those points in the coastal policy that relate to 1.4 Coastal Hazards and, in particular, 1.4.1. and

1.4.2. If these are interpreted in the strictest sense, they are an absolute prohibition on any sort of development or work in a coastal zone unless it is an area subject to significant risk for natural coastal processes. Hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea level rise will be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.

What that means, if this is interpreted in the strictest sense, is that you can do nothing on an actively mobile landform, which again is undefined, unless it is to manage or minimise the need for engineering or remediation works to protect land, property and human life. That is a very limited window for the ability for anybody to do anything on what could be potentially classified as an actively mobile landform.

Who does this impact? The State Coastal Policy deals with the area of our coastline up to a kilometre from the high tide mark, all the coastal zone a kilometre inland but also a kilometre from the high tide mark. Let us just take Hobart as an example. Where are you a kilometre from the waterfront in Hobart? That is a fair chunk of Hobart and stretches way up. I am not exactly sure where the high tide point is on the Derwent River itself, but I would assume it would be quite a bit further past Bridgewater. A kilometre radius from way up there near Bridgewater where the high tide can be measured is a long way.

I know, for example, in Ulverstone, a river that I know very well, the Leven, the high tide goes all the way up to the gulf bridge, which is some way inland. A kilometre radius from that particular point captures a lot of the town and a lot of the development that has been going on along the river and potentially would impact thousands and thousands of properties.

The other issue -

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

VALIDATION (STATE COASTAL POLICY) BILL 2024 (No. 31)

Second Reading

Resumed from above.

[2.30 p.m.]

Dr BROAD (Braddon) - Honourable Speaker, I was on my feet just before the bell and I will reiterate a couple of points. The Labor Party will be supporting the validation bill. The issue is about this apparent definition and the strict interpretation of the two points, 1.4.1. and 1.4.2., which, if you take the strictest approach, would be an absolute prohibition on anything unless it would be to minimise the need for engineering or remediation works to protect land, property and human life.

As the minister discussed in his second reading speech, there are a few things that are undefined. In the State Coastal Policy, 'development' is not defined, nor 'works', but, more importantly, neither is 'actively mobile landforms'. I have not found a definition of what an actively mobile landform is, and that was discussed when we debated this previously.

What that means is, if this resulted in a project or development challenged in court, it would be up to the court to make those definitions to define what an actively mobile landform is. If that happened, then the court - I assume, me not being a lawyer but others can provide their point of view - would take a view on the list of natural processes that are contained in 1.4.1. when it discusses areas subject to significant risk from natural coastal processes and hazards. This is where it goes in and has a list of things which could result on things that happen on actively mobile landforms.

It talks about processes: flooding, storms, erosion, landslip, littoral drift, dune mobility and sea-level rise. We know that some of those processes impact frontal dunes, and 1.4.2. talks about actively mobile dunes such as frontal dunes. We know that those natural processes that impact frontal dunes include dune mobility, sea-level rise, erosion, storms and flooding, which could potentially all impact frontal dunes, depending on where they are in the landscape.

Not all those things only apply to frontal dunes. They could apply to riverbanks, sea walls or agricultural land. Agricultural land is subject to landslip, erosion and flooding. It is a completely open question as to how a court would define what an actively mobile landform is.

In Coastal Hazards it talks about processes, so then it could be an open question as to what those processes are impacting. That could be riverbanks or any area with a particular slope. What this does is bring in a massive risk that all sorts of things could be captured that there was absolutely no intent to capture by the people who originally drafted the State Coastal Policy. That risk means that there is a whole bunch of developments that have potentially been illegally approved. You do not have to go very far to think about what is on a riverbank that has been approved. That could be a wharf redevelopment, a house, a road or even a pathway to the beach. One of the things that successive governments have been working on has been trying to narrow access to a beach by blocking off access apart from pathways. Could that be permitted because it minimises the need for engineering or remediation works to protect land, property and human life? Maybe, I do not know. Again, even that would be at risk. The irony of this is if we accept this literal interpretation, then it could bring in all sorts of things.

This bill makes sure that doubt is removed. All projects that have been approved have been - I am not sure what the appropriate term is nowadays - 'grandparented', perhaps, rather than 'grandfathered'. That is why we support it. We do not believe that there should be that risk hanging over an unknown number of projects. In my time, there have been projects that people were not particularly happy about, whether it be something like a coastal pathway, and somebody could take that to court and potentially win. Even that level of doubt means that this is a problem that needs to be fixed.

The other thing that needs to be fixed is the Policy itself. There is an issue here, and I would really appreciate the minister clearing up what is going on, because this validation starts from the commencement of the act. If the policy itself still stands at the commencement of this act, then potentially there are developments or works that could happen between the period of when the act commences and when the policy changes. These two things have to happen either at the same time or the policy needs to change before the validation period starts. Otherwise, we could have projects, potential works and who knows what caught in that gap, which we do not want.

I am not sure how the government is thinking about changing the State Coastal Policy. It appears that for a long time the State Coastal Policy was looked at and judged as a whole. It is 23 pages, or something like that. It was judged in its intent, instead of just having a strict interpretation of those two points. For example, if it was the government's view that of the actively mobile landforms, just frontal dunes should be considered, then you could make a simple change to 'development on actively mobile frontal dunes'. You could just delete a couple of words and that would remove all the doubt for everything else, like a riverbank or a slope or whatever else within one kilometre of the high tide mark.

The thing about 'within one kilometre of the high tide mark', as I have pointed out, is that it captures a heap of Tasmania that you would not expect, because high tides push way up a river. It is not just at the mouth of the river; it is where the tide goes to that could be considered the high tide mark. This needs to change.

We have to put the counter argument here too. What would happen if this was allowed to stand? We have people in this place who are no doubt going to argue that this bill should be knocked on the head: 'It is an outrage. This is just about one project. We should just knock the whole thing on the head'. They would then be accepting the doubt that this creates and the legal challenges that could go anywhere.

That is what the Greens and the independents who are flagging that they are opposed to this bill are accepting. They are accepting that a wharf development, coastal pathway or anything that this lack of definition could capture - they are happy for that to stand. They would also be accepting the risk that developments would not go ahead because of the uncertainty. They would also be accepting the risk that something that they like could get knocked off because of the lack of certainty that this policy has created.

It is up to them to defend that point. If the doubt remains, then the problem remains, and it could capture all sorts of things. There is a problem here that needs fixing, but this is not only about one particular project. I have had a lot of communication from people and a lot of the feedback from the bill itself is that this is wholly and solely designed for Robbins Island and that one particular project about building a wharf on Robbins Island or building a bridge to Robbins Island. To be clear about it: it is not. Having said that, Labor does support the project and it has been approved and improved in what appeared at the time to be a sensible view on what the State Coastal Policy stood for. This is Tasmania and we know that project on Robbins Island was going to be subject to a legal challenge no matter what the outcome of the approval. It was going to be challenged whether it was approved by council and even if it was not approved by council.

I imagine in the due diligence that happened, government and maybe even the proponents - I am not sure who; I assume it was the government - went through and made sure that all the t's were crossed and all the i's were dotted and everything lined up. That is when they came upon the Coastal Hazard section of the State Coastal Policy and this 1.4.1. and 1.4.2. and that doubt was created. In the past it has not been controversial. There has been no controversy about the State Coastal Policy being applied. I am not aware of any previous talk about the State Coastal Policy and how it was not being applied properly.

Some years ago, there was one person who pointed out the doubt about these two points but that did not go anywhere. That is only something that pops up if you google Tasmanian State Coastal Policy or if you try to find a definition for actively mobile landform, this

particular person's view pops up. That is the only time I have seen that. The doubt is there. We cannot have the doubt hanging over previous developments or future developments. It needs to be cleared up.

The intent of the State Coastal Policy is not to be a complete prohibition on anything that could be classified as an actively mobile landform, otherwise you do not need a coastal policy. All you need to do is say that you cannot do anything unless it is to minimise the need for engineering or remediation works to protect land, property and human life. You do not need a coastal policy if you have a complete prohibition unless it is to prevent engineering and remediation works. That is why we need to fix this. The government needs to outline exactly how they are going to adjust the policy and when they are going to do that because there is a timing issue here.

This is not just about one project; it is about a significant level of doubt that would need the intervention of the court to make definitions that could define anything. After that point of a court making a definition, the government would have to legislate to potentially correct what the court determines. It is wise to get in and make sure there is no doubt about projects that have already occurred, but we still have that ongoing challenge and it is the government's job to fix that before this commences.

[2.43 p.m.]

Mr BAYLEY (Clark) - Honourable Speaker, I rise to talk about this validation bill and will say up front that we are not supportive of it. We believe this is both a travesty and a perversion of proper process. Unlike the claim by the member who just took his seat, this is motivated by the commercial interests of a single private multinational corporation and their desire to use public land and water. This pre-empts a Supreme Court case and so contravenes the principle of separation of powers. It undermines the legal case that is before the Supreme Court of this government's own Environmental Protection Authority and it treats the community with utter contempt.

Despite numerous requests, this government has given no examples of the specific projects that are captured by this policy confusion. There has been no legal advice released despite numerous requests, both inside this House and publicly by members of the community. There has been overwhelming opposition in the consultation process with really substantive issues raised by very knowledgeable people in the coastal protection, legal and planning spaces. Despite this, the bill is before us and there has been no change from the draft that was tabled a few months ago. In fact, the only change is to extend the validation process. People should see this for what it is: overreach by government to assist a private commercial developer at the expense of a longstanding process that seeks to balance environmental protection and sustainable development.

The minister, even in his communications to stakeholders about this very issue, communicated that:

The State Coastal Policy is a critically important part of Tasmania's resource management and planning system and it has served us well in protecting the coast and providing for sustainable development.

If the minister believes it has served us well for so long in providing for sustainable development and protecting values, what is the problem? That was a letter to the Australian Coastal Society.

I note from the debate today that the leader of government business is prosecuting this bill in this House instead of the Premier, who is the responsible minister and whose name is on the Second Reading speech. I ask the minister why that is when he comes to sum up. I can only assume it is because of the deep community controversy about this bill and the fact that, presumably, even in Braddon it is a deeply unpopular move.

I acknowledge the work of the community and community groups who have helped inform us as members and the broader community about this policy and the challenges with it, some of whom are in the public gallery today. I thank everyone who made a submission to this process. I understand that it must feel like an increasingly futile exercise to engage in public consultation put out by this government, but people persist, as they should. It is important. I thank the groups who have engaged strongly in the public debate and this process: Planning Matters Alliance Tasmania, the Tasmanian Conservation Trust, the Australian Coastal Society, Environment Tasmania, the Aboriginal Land Council of Tasmania and the Circular Head Coastal Awareness Network, amongst others.

Between them they have repeatedly, both privately and publicly, called on the minister to be transparent and release the legal and other advice that was being relied on. They have publicly raised concerns about the bill. They have convened and participated in a raft of public meetings around the state that discussed this issue with the community in Kingston, South Arm, Bicheno, St Helens and Wynyard - all full-house meetings, as I understand. They encouraged public submissions and made their own submissions. They analysed the public submissions to demonstrate that 97 per cent oppose this bill. They communicated with us all directly to give us very sound arguments as to why this bill and its context are unsubstantiated. I thank you for all the very good work that you do. Irrespective of the outcome today, you have demonstrated that this bill is unnecessary overreach, legally problematic, and widely opposed. Thanks to the hundreds of people who have emailed us with concerns and made submissions.

I acknowledge the palawa people and the fact that pilitika/Robbins Island is an incredibly important Aboriginal cultural landscape. It has a history of over 40,000 years as a meeting place of Aboriginal tribes. It is a place that is very rich in resources: seafood, seals, marsupials and more. To the palawa community and elders, past and present, I acknowledge your opposition to this bill as articulated by the Aboriginal Land Council.

Coastlines, no matter where they are around Tasmania, hold a profound importance to palawa people because they continue to bear evidence of ancestral occupation. Coastal caves bear art, dune systems display middens or living places and the coastal strip has hut depressions and seal hides. Robbins Island is no exception.

Rebecca Digney from the Aboriginal Land Council writes that:

The Tasmanian Aboriginal community has a special interest in coastal dune systems because it is widely known that such dune systems often contain Aboriginal burial sites and other significant Aboriginal heritage values.

They have archaeological values, they are site-based values, stones and bones values. Pilitika is a significant Aboriginal cultural landscape, meaning the whole area has significance from an Aboriginal perspective. This process highlights the travesty that is the treatment of Aboriginal people by this government and their disdain and disregard for their views.

This bill has been just five months in the making since the government first realised there was a problem with the approval of the wind farm on Robbins Island. Here we are, debating a bill that was brought to public debate at the first opportunity.

On Aboriginal heritage protection, we have raised with the minister numerous times that it is over three years - over three years, Speaker - since the minister tabled a review of the *Aboriginal Heritage Act* in this House that recognised that Aboriginal heritage protection laws simply do not work. In July 2021, a tabling report that we received in this House said:

The review has confirmed that the government's long-standing position on the act is considerably out of date and that new legislation is required that expands the scope of the act beyond being mainly focused on mitigating the impacts of physical activities on Aboriginal heritage of archaeological significance.

It is clear that the act, itself, does not provide effective mechanisms for protection, nor does it adequately consider the significance of Aboriginal heritage in the context of Aboriginal culture. The entire Robbins Island development, which is a massive industrialisation of an Aboriginal cultural landscape, has been assessed against this flawed act that the government acknowledges does not work and it wilfully delays the introduction of a new one. It has taken five months to change the State Coastal Policy and validate and change things - suspend the law so that Robbins Island can be approved. It is over three years of inaction on Aboriginal heritage and that is a true shame.

Robbins Island is also an incredibly important natural landscape. It is a disease-free home for Tasmanian devils. It is the route of migratory parrots. It is surrounded by rich marine ecosystems and tidal flats that harbour shorebirds that fly from the other ends of the earth. It is truly a remarkable place.

The consultation process for which we are now debating a bill has been problematic. A draft was released and opened for consultation on 16 July. Two weeks later, on 1 August, comment closed and six days later - only three business days - the bill was tabled in this House. It demonstrates that there was never any intention to listen to the community properly. The only change, as I mentioned before, despite all those submissions from different people raising considerable concerns is to extend the validation period back to 16 April 2003.

How many submissions were received? There were 402 and, thanks to the Tasmanian Conservation Trust, we have an analysis that 0.8 per cent of submissions supported it, of which one was a sub-member of one of the submitters. In all, 96.8 per cent of people were opposed and 2.5 per cent either had qualified support or were neutral. This included 19 community groups and organisations, so unequivocal opposition to this bill from the community. That cannot be denied and yet the only change we had was to extend the validation period. I ask the minister upfront, whose submission is number 383? There is one submission that is listed on the website as anonymous and it would be interesting for us to know who that is and why that

has been withheld. You may not know, minister, because you are not the minister responsible. Nonetheless, I seek advice from you on that.

There has been significant effort from the community. Compelling arguments have been raised and this, coupled with the early repeated and loud calls for government to substantiate the proposal to release legal advice, to give legal reasons, to provide evidence of legal developments that are caught up in this, none of that has been forthcoming. We have had hundreds and hundreds of emails and this government has treated the community like fools. It had no intention to take on their views. It is spinning the need for this as some kind of community service. That it is about 'signs in coastal areas to stop people walking on penguin nests or to keep cattle off penguin burrows', but we know what sits behind this is the approval of a massive private commercial development.

The minister responsible - he is not even the minister responsible - Mr Duigan, who has been leading the charge on this, even had the audacity to suggest that this was about protecting Tasmania's way of life: 'The government will always support Tasmania's life'. That is in his 6 May media release launching this attack. I say that is an absolute crock. This is not about protecting the way of life, this is about facilitating the development of a private multinational corporation.

What is the greatest risk to Tasmania's way of life is climate change: sea-level rise, more frequent extreme storm events, and coastal inundation. Weakening the protections for coastal areas is a significant backwards step in the face of that. I read a quote from the Environmental Defenders Office's submission to this bill, which articulates this well:

Given the real and looming impacts of sea level rise, coastal inundation and flooding arising from climate change, EDO rejects any suggestion that the State Coastal Policy needs further amendment to potentially weaken the level of protection of lutruwita/Tasmania's vulnerable coastlines and communities.

There was a profound submission made to the process by four University of Tasmania law academics:

The implementation of strong coastal protection planning controls is more important now than ever. Climate change will have a profound impact on Tasmania's coastal zone: sea level rise will inundate coastal areas and accelerate coastal erosion. Many parts of Tasmania have significant exposure to coastal climate hazards due to legacy development in vulnerable coastal areas. These areas will require costly interventions in the future, either to retreat from or adapt to erosion and inundation. In light of these unavoidable hazards, it is essential that we minimise the creation of new risks is an essential adaption strategy. This means avoiding new development in exposed areas. Far from exempting development from the application of the State Coastal Policy, the government should be strengthening both the detail and application of the policy ...

On that, I finish in terms of environment and climate change. I raise the issue that the State of the Environment report handed to the relevant minister numerous weeks ago has yet to be tabled in this House. That is a report that should give us some information about the performance of this government, potentially in the performance of this policy, and yet it

continues to be withheld from release. The suspension of the state Coastal Policy to support a single massive developer in the face of climate change is a serious backward step.

As I mentioned before, there is a live court case that demonstrates that no assessment was undertaken against the State Coastal Policy. No assessment was undertaken against 1.4.2. in the State Coastal Policy and the EPA on advice came to that realisation. I read from the director, Wes Ford, from an RTI on advice to his board. He says:

My advice to the Supreme Court must be precise in that we have erred in law in that we did not consider the wharf against the State Coastal Policy.

And in his affidavit to the court, he goes on to say:

The DMP addressed aspects of the State Coastal Policy, however, it did not refer to clause 1.4. The Board considered and assessed the development proposal in accordance with section 25 of EMCA. However, it did not consider the application of the State Coastal Policy except to the extent that it was addressed in the DPEMP. The Board did not consider the possible relevance of clause 1.4 of the State Coastal Policy. As far as I am aware, no member of the board was aware of the issue. I advised the Board that I had formed the view that the Board and the council had failed to comply with clause 1.4 of the State Coastal Policy and further, that the tribunal had erred in its decision in relation to the permit and effect of clause 1.4 in respect of the proposed and of the proposal and in directing the council to permit the development of the wharf on an actively mobile landform.

There is a hole here. If we pass this legislation, there is a hole in the Robbins Island development in that the EPA did not assess the wharf development against the State Coastal Policy, yet we are going to validate it irrespectively. That means we will issue a permit for that no matter what happens and there will not be an assessment against the State Coastal Policy. The EPA obviously joined the appeal in the Supreme Court and that case is now active. Accordingly, and this is from the EPA director's affidavit:

Accordingly, on 14 March 2024, I formed the view on behalf of the Board that it was necessary and appropriate to bring this issue to the attention of the Supreme Court and that this should be done by filing an appeal of the tribunal's decision.

The case remains live, Speaker. Hearings are set down for November, as I understand. Yet, here we are in this place - the ultimate law-making Chamber in the state - and we are going to pull the carpet out from the under the feet of the EPA and intervene in a live case that is underway.

The wharf is absolutely through a frontal dune system - the Back Banks Dune. This is a spectacular 10-kilometre long beach and dune system, and the proposal would have a significant impact. It is to bulldoze a 50 metre wide corridor through the dune. It is to build a 500 metre long wharf across public land and out into coastal waters, and there is to be a 500 metre long ramp connecting the road to the wharf. This involves the excavation of roughly 150,000 tonnes of sand.

It is a huge industrial development on what is currently a pristine, untouched dune system. No assessment has been done as part of the Environmental Protection Authority (EPA) assessment; none has been done as part of this bill. Retrospective approval will approve it with no assessment of any impacts and risks at a time, as evidenced before, of climate change and climate chaos. The bill completely strips the ground out from underneath the EPA.

Many of the submissions that we received state, and I agree, that the case has not been made for the retrospective suspension of the State Coastal Policy. It sets a dangerous precedence regarding the separation of powers. Advice was not released, examples were not given and the only case for this bill writ large is the approval of the wind farm.

As the Tasmanian Conservation Trust puts it in its submission:

The government says that the way the State Coastal Policy has been applied comes under question, but what are those questions? How and what are the questions? 'Trust us', this government says, and take this unprecedented step. It throws into question the separation of powers of the government and the judiciary.

A member - You are not allowed to do that.

Ms Finlay - A stranger on the floor.

The SPEAKER - It is not their fault that they do not know. You, as members of parliament, are responsible to ensure that your staff know the rules. A few more steps and you would have been rugby tackled and removed from the premises.

Mr BAYLEY - It throws into question the separation of powers - the separation of government and the judiciary.

I mention again the submission from UTAS academics, and I read directly from it:

Regardless of how the policy might be applied and strengthened in the future, it is inappropriate to pre-empt the Supreme Court's determination of the legality of the approval by retrospectively suspending parts of the coastal policy. The fact that the EPA may have made a mistake in failing to fully consider the application of the State Coastal Policy to the proposal to build a wharf on Back Banks Dune is not a reason to retrospectively suspend parts of the policy. As part of the system of checks and balances inherent in Tasmania's separation of powers, it is the role of the Supreme Court of Tasmania to determine whether the decision of TASCAT should stand and, if required, make appropriate orders to correct errors in the application of law.

The oversight provided by the Supreme Court after considering the submissions of all parties means that the system of checks and balances is working as it is designed to, to ensure that there is independent expert oversight of administrative decision-making.

This is four legal lecturers from the University of Tasmania highlighting a significant concern that should alarm us all. At this point I flag that I intend to move a motion to adjourn this debate until tomorrow - tomorrow being at least until the conclusion of the Supreme Court challenge, but I will get to that in the future.

There is no need to rush this. What is the rush about the Robbins Island development? There is still an *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC) assessment - a federal assessment that has time to play out. There is still time for the court case to play out: for arguments to be prosecuted, the case to be heard, a determination to be made by the Supreme Court and for us, if needed, to act with the knowledge of that Supreme Court determination.

We know that this is about the Robbins Island development. The minister, the leader of government, did a very good job of articulating, on behalf of the Premier, a Second Reading speech that failed to mention Robbins Island once, despite the fact that this has been all along a significant trigger for this kind of action. The fact sheet that was published as part of this development says:

Tasmania has numerous developments that might be on actively mobile landforms, which provide access, recreation and help conserve areas of fragile environment. These range from boardwalks through the dunes, fencing, lookouts, boat launching facilities, bridges, jetties and even golf courses.

If this bill automatically approves something that's assessment or approval was questionable in the first place, it begs the question: who is liable if something goes wrong? If, by the leader of the government's argument, we need this bill so that these kinds of developments can be approved, it begs the question: who is liable if something goes wrong? The Environmental Defenders Office (EDO) addressed this in their submission:

EDO is concerned that the proposed validation of permits under the bill may endorse permits for development on actively mobile landforms that were never properly assessed in planning authorities or implemented by developers. This may have unintended negative consequences for lutruwita/Tasmania's coasts and communities, potentially exposing them to harm or impacts from developments that should never have been built. A correlated issue is that where developments have been built on these actively mobile landforms and result in some harm or loss to life, property or the environment, it is unclear who will be held liable for the remediation or mitigation of those harms.

Will it be the councils that erroneously approved the permits for the developments? The developers? Or will the Tasmanian government ultimately pick up the tab for those losses given that, through the bill, it proposes to 'validate' the permits?

The argument has been made that there has been no mapping, and I quote from the fact sheet:

The State Coastal Policy is compounded by there being no definitive description of an actively mobile land form or any accepted map of their location.

This is unconditionally rejected by the law academics from UTAS. The claim that uncertainty in 1.4.2. arises because there is no accepted map of actively mobile landforms is also not persuasive.

That is because extensive mapping of hazardous coastal areas in Tasmania already exists. According to the government's Coastal Hazards Fact Sheet, the Coastal Erosion Hazard Code and the Coastal Inundation Hazard Code exist to ensure compliance with 1.4.2. of the State Coastal Policy. Both codes contain provisions and mapping - that is, overlays - that control the use and development within hazard bands.

According to the fact sheet, the coastal hazards were mapped as part of the mitigating natural hazards through the land use planning project undertaken by the Department of Premier and Cabinet's (DPAC) Office of Security and Emergency Management.

The list database also provides access to coastal inundation and coastal erosion hazard bands. There is clearly mapping, and many a development has had to consider the mapping and evidence that is in the list. The coastal erosions hazard band - all the immediate coastline surrounding the Back Banks dune - is mapped as being at high risk of coastal erosion by 2050.

The coastal erosion hazard band - the inner coastline of Back Banks dune - is mapped as being of medium risk to coastal erosion by 2050. There are geomorphic polygons; there is coastal vulnerability and soft sediment landforms. There are a range of different maps. The coastal hazard bands layer in the corresponding coastal hazards technical report is the key here. This is a report written by DPAC that explicitly states over and over that the correct interpretation of outcome 1.4.2. is that development is not permitted except for engineering remediation works to protect land and human life.

We are doing this all backwards. We will do the bill first and we will change the policy next. There was a hastily uploaded discussion paper about the proposed changes to the State Coastal Policy that was uploaded yesterday and it has the immediate effect of amending the State Coastal Policy via section 12 - that is the proposition - of the State Policies and Projects Act. That effectively allows the government to go to the Governor and argue that there be an interim state policy that considers the changes that the government proposes to consider and to take forward.

There are several issues with this approach. If this parliament rejects the validation bill, then the interim state policy still allows for the Robbins Island wind farm and any other developments that should not go ahead to be approved ahead of consideration of the actual State Coastal Policy.

Even if the Tasmanian Planning Commission ultimately rejects any proposed changes to the State Coastal Policy, the interim state policy will allow time for the approval of other developments that should not be approved. A case in point here, potentially, is another one of ACEN's wind farms in the north-east of Tasmania which similarly has a wharf development heading across a frontal dune system, across public land at the beach and into coastal waters.

Honourable Speaker, I come to the proposition to adjourn the debate until tomorrow.
I move -

That the debate be adjourned until tomorrow.

The SPEAKER - The clock starts again, and we are now on the adjournment debate - five minutes.

[3.11 p.m.]

Mr BAYLEY (Clark) - Honourable Speaker, the proposition here is the debate be adjourned until tomorrow, tomorrow being when the Supreme Court has resolved its findings in relation to the case before it at the moment, including the application and the grounds of the Environmental Protection Authority. This is the proper way to do this. Allow the courts to interpret the problem, allow them to provide advice and then consider that advice and take a situation forward.

The UTAS law school academics state:

It is important to note that uncertainty always exists within the law and that it is the role of the courts to construe terms in legislation.

They go on:

Suspension of ... the law has always been a favoured power of arbitrary rulers. As long ago as 1688 when the English Bill of Rights was enacted, the Crown has been prohibited from suspending the law. That is because suspending the operation of a law undermines public confidence in the rule of law, namely that the law applies equally to everyone regardless of wealth, status or special relationships.

There is a strong perception amongst the community that this bill is brought forward at this time to assure an individual developer that regardless of the outcome of the judicial review proceedings currently before the court, the building of the proposed wharf at Back Banks Dune can proceed unimpeded by legal requests.

They go on to say:

Where review of a law is necessary, the government must clearly identify shortcomings or problems with the operation of the law and engage in public consultation, including with legal and other experts, on the nature of those problems and the best manner in which to address them, including by appropriately balancing all relevant interests. Conducted in that manner, law reform processes enhance public confidence that the parliament acts in the interests of the community as a whole and that new laws are based on well-considered justifications.

Finally:

In contrast, this bill is merely accompanied by a short announcement on the Department of Premier and Cabinet's website and a two-week period for public submissions.

This bill is a travesty. It is undermining the EPA and other litigants and applicants in an active Supreme Court case. It ignored community consultation that raised very real, valid and expertly put legal opinions. It progresses the interests of a single multinational developer at the expense of the public interest, proper process and environmental and Aboriginal cultural heritage values on public land. It is not urgent and it has not been justified.

This adjournment, and I urge members in this place to support it, is put here to allow for proper process to play out. It allows the EPA to stand on its own two feet, one of the very few times the EPA is engaging in a strong and robust manner in the legal system to stand up for the environment, one of the few times the EPA is taking action to protect the environment and yet it is going to have the rug pulled from under its feet.

Allow the court to do its thing. Give this issue time to play out and give proper consideration of the findings of the court. When that happens, if it is determined that there is seriously a problem that we need to address, then go through the proper process, amend the State Coastal Policy in the proper way, engage in a genuine and meaningful way with the community and genuinely listen and take account of their concerns and then act. To not do so raises serious questions about the intent of government, its favours for a single private developer and misuse of the processes of this House.

[3.15 p.m.]

Ms JOHNSTON (Clark) - Honourable Speaker, on the motion before the House regarding the adjournment of the debate, I rise to support this. It is an incredibly sensible move forward on this very significant matter. As the Deputy Leader of the Greens has outlined in detail, there is some significant concern for members of the community regarding the reach of this parliament into a matter that is currently before the courts for a judicial review. Quite clearly, I am concerned about the separation of powers and the role this parliament might play should it continue on its path today with this bill reaching into what ought to be considered by the Supreme Court.

I urge my colleagues on this particular matter to support the adjournment to allow the courts to undertake the very important role they do, and to allow the judicial review to continue for the courts to make a decision. If there is an issue following that decision that this parliament feels it needs to address, that is the time to address the issue, not beforehand. It is an abuse of process and the power Ms Palmer has if used to reach into a matter before the courts and pull the rug out from one of the parties to that particular court case and their appeal grounds for that.

It is not appropriate and sets a very nasty precedent, not only for this matter but for any matter before the courts. It goes fundamentally to the rule of law and the separation of powers. I urge members, no matter what your view might be on the merits of this particular bill, that we take the time to consider it properly, take the time to give the Supreme Court the ability to consider the matter before them, and then respond appropriately.

This is pre-empting a decision. I appreciate there are other views in this parliament but in my view, it is being done to circumvent a decision the Supreme Court might make that the

government does not like. That is not appropriate and not what we are here to do. It is a fundamental abrogation of our responsibilities and duties and fundamentally breaches the principle of separation of powers. I urge members, no matter what your views are on the merits of this, to at least let the Supreme Court deal with this matter appropriately and then we can consider our position following that.

[3.18 p.m.]

Mr ABETZ (Franklin - Leader of the House) - Honourable Speaker, it is a matter of some concern that people in this House and the University of Tasmania do not seem to fully understand the rule of law and the separation of powers. Let us be very clear on this. The separation of powers is that the government or the parliament determines the rules. Once those rules are set in place, it is for the courts or the judiciary to interpret those rules that we in this parliament have made.

In the event that it occurs that the rules may have been inappropriately written or might be interpreted in a manner that was not intended, or there is a perverse outcome as a result of the way this parliament may have written its laws, it is right and proper for this parliament to overcome its error and ensure that the true intent of the parliament is given expression. This is not interfering in the independence of the judiciary in any way, shape, or form. We are the lawmakers, the policymakers, and the judiciary independently interprets that which we create. Therefore, with respect, I am troubled that there would be four academics who would lend themselves to the sort of commentary that the member for Clark, Mr Bayley, has indicated to this House.

The simple fact is that with the current or the possible interpretation that is now being suggested for 1.4.2. of our State Coastal Policy, there is a situation where 30 years of development, people, well intentioned, in good faith, have undertaken activities and today live under the shadow of potential criminality, facing fines of up to \$10,000 when the government instrumentalities, planning commissions, et cetera, have approved their developments in good faith. They went forward in good faith, the government authority stamped it in good faith, saying, 'These are approved, continue'. Today, these men and women face the potentiality of criminality up to a fine of \$10,000. Do you think that is fair to the men and women of Tasmania who have undertaken these activities to live under that shadow any longer than necessary?

I thought every fair-minded Tasmanian would say that anybody who has done anything in good faith in those circumstances and gone through the appropriate approval processes that if the approval process is incorrect or is somehow deficient in a manner that was unforeseen by those applying and those approving, then it is appropriate to give comfort to those people that they do not face criminality. I thought it is a fairly simple proposition. It is a proper proposition. To assert that this somehow offends the rule of law or the separation of powers, with great respect, suggests that people have not been listening to law school lectures 101 that details -

Mr Bayley - These are the lecturers themselves.

Mr ABETZ - No, some of the lecturers. When I was at law school there were the Marxists and there were the conservative lecturers and they would provide you with their interpretation.

Members interjecting.

Mr ABETZ - Let there be no misunderstanding that certain academics will flavour their advice in relation to their political views. That is generally accepted, especially in papers, and scientists who do work for the Australia Institute have a certain slant. Scientists who work for the Institute of Public Affairs might have a different slant.

Time expired.

[3.23 p.m.]

Dr BROAD (Braddon) - Speaker, I take it that the manager of opposition business does not support the adjournment. I do not think he actually said that -

Mr Abetz - Government.

Dr BROAD - No, the government does not support the -

Mr Abetz - You have called me opposition as well. You are following the Greens lead.

Dr BROAD - Well, it is only a matter of time. We do not support the adjournment of this debate. I listened quite carefully to the reasons given. It seems like the Greens' doctrine from now on, and indeed the member for Clark, Ms Johnston, is that mistakes cannot be corrected. Mistakes in legislation cannot be corrected until there is a court case. If there is a potentially risky new interpretation of a law, that cannot be corrected until there is a court case. I do not think that is a good area for them to be campaigning on because there are mistakes. I will give you a couple of examples.

Once upon a time I worked for the water-management branch - for a very short period of time - public service was not for me. There was -

The SPEAKER - I think you mean the public service, not public service broadly.

Dr BROAD - Thank you, I stand corrected.

The *Water Management Act* defined a dam as the dam wall. You only had to assess the impact that the dam wall would have on the environment. That was the way the legislation was written. All the pondage area you could flood way back, up into World Heritage areas. That did not matter because the legislation only determined that you had to assess the dam wall itself. That went through the court and someone got away with building a dam and flooding back into a nature reserve.

What happens if that was spotted and that court case was on the offing and we came to parliament and said, 'Look, we are going to have to change the *Water Management Act* because it should not just be the dam wall, it should be the pondage area as well?' Then we would be having this argument, in a different way that you would be saying, 'Look, we have got to hold off that court case because the legislation was wrong'. Now the shoe is on the other foot, you are running the other argument. I urge caution in that.

One way of assessing risk is that you could have a bit of a mind game or a bit of a thought - what are the risks if I am wrong compared to what are the risks if you are wrong? The risks if I am wrong in supporting this validation of the State Coastal Policy bill are that a whole bunch of projects that have been approved remain approved. What happens if the

Greens are wrong and the other people who will vote against this validation bill, what happens if they are wrong? There is a whole bunch of uncertainty. There is a whole bunch of projects that are under a cloud. Mr Abetz has highlighted that there could be fines. We have had Mr Ellis talk in the past about how it is absurd because it would mean you could not go in and remove or repair things that were against the law because that is a work in itself. Those are the risks we are undertaking here.

From a risk management perspective, if I am wrong and if the government are wrong, a whole bunch of stuff that has been approved will remain approved. If you are wrong, it opens up a massive can of worms. We need to remove that uncertainty. Like I outlined in one example, if the shoe was on the other foot, we would be arguing - you would be arguing very strongly in this place that a dam should be defined as the pondage area and the dam wall before that court case hit and that person got away with flooding into a reserve.

[3.27 p.m.]

Mr O'BYRNE (Franklin) - Honourable Speaker, I will not get into the polemics of Marxist-Leninist theory on my feet or examples of dam walls. I was not in that role, so I will defer to your personal experience there.

I understand the motivations behind the amendment and I understand the passion and arguments about why this legislation has had to be created and debated in this House. I understand the emotions behind it. To me, however, it is a simple proposition.

We have a circumstance that brings into doubt any activity on our coastlines. Even if there is 100 per cent agreement about activity, either there is a dangerous wharf or there is a structure or something on our coastline, the advice is clear. That is not being argued. The advice is clear that any action to remediate, remove, or rebuild is a breach of the State Coastal Policy. We cannot continue to have that as a circumstance. This is a removal of doubt legislation. None of this bill, for me, removes any powers, rights, or processes under a normal planning process. I understand the motivations. I get it. I would probably be arguing the same thing if I was in your boat.

Projects need to go through a planning process on their merits. There are court processes, there are other community processes. However, this is something that was triggered and that was flagged in a transparent way by the EPA regarding their concerns. This is a very simple bill. It does not seek to fetter anyone's rights under the current planning laws. All it does is remove doubt, so workers or anyone doing lawful, or traditionally lawful, acts, even under the planning rules - to make structures safe or to do things on coastlines - can do so in a manner consistent with what has happened for many years under our current planning laws.

I understand the motivation and people's passion about this but let us not overcomplicate what this bill is trying to do and let us not get into a whole lot of other sorts of Marxist theory arguments. At the end of the day, this is about the bill. This amendment seeks to defer something on a false premise and therefore I cannot support it.

[3.30 p.m.]

Ms BURNET (Clark) - Honourable Speaker, I rise to speak on the adjournment of this debate and support the member for Clark, Mr Bayley, in relation to very obvious reasons why this is important to adjourn. We have an active case in the Supreme Court which really should be quite separate as a process in relation to what we are discussing today.

I am quite staggered to be here and have such poor process occurring in Tasmania's parliament. We are trying to push a bill through and yet there is good reason why we should not be considering this right now. We should be adjourning it, as Mr Bayley has suggested, and it is about that separation of process at least.

We have heard some straw-man arguments from the leader of government business and we have had the arguments put forward that those people who have suggested this from the law school are not providing valid information, but we have experts from constitutional law backgrounds, environmental law backgrounds and administrative law experts. I will quote from their submission about due process for law reform:

In a system of representative and responsible government, parliament makes an amends laws in the public interest. Where review of a law is necessary, the government must clearly identify its shortcomings or problems with the operation of law and engage in public consultation, including with legal and other experts, on the nature of these problems and the best manner in which to address them, including by appropriately balancing all relevant interests.

Conducted in that manner, law reform processes enhance public confidence that parliament acts in the interests of the community as a whole and that new laws are based on well-considered justifications.

In contrast, this bill is merely accompanied by a short announcement on the Department of Premier and Cabinet's website for a two-week period for public submissions. There is also no indication the public submissions will be available on the government website.

It goes on:

The fact that the statement of the department's website indicates that a position paper on a comprehensive review of the State Coastal Policy will soon be released further increases the perception that this bill is rushed through to preempt the Supreme Court's judicial review of the Robbins Island wind farm proposal and provide special dispensation from the law to an individual developer.

Honourable Speaker, we should not be supporting this law as it is. We should at least wait for the decision from the Supreme Court, which is why the adjournment is a particularly good idea at this juncture.

[3.34 p.m.]

Mrs BESWICK (Braddon) - Honourable Speaker, the debate that has been going on this afternoon has been repeated in my office for the last few days. We have felt the ups and downs of the confusion of this bill and the amount of red tape it is trying to remove. Our concern with this bill - and when I say 'our', I am talking about Mrs Pentland and myself - is that it is so closely linked with one particular project.

The SPEAKER - I remind you that your contribution is only on the amendment. You still get to speak on the actual bill.

Mrs BESWICK - Yes, 100 per cent.

The SPEAKER - The amendment is to defer the bill.

Mrs BESWICK - Yes. It is very difficult to divorce what we are debating from the merits of Robbins Island itself. It is a shame that the government has not addressed this issue earlier and introducing it now puts an already contentious project in a political spotlight.

Like others in this House, we have serious reservations about this wind farm. It must stand up environmentally. We know there are yet more stages of this to go. Having said that, I have tried to divorce my feelings from this assessment of this validation bill. While it is regrettable that it has been brought on in the shadow of one project, it is clear the State Coastal Policy needs to be modernised.

Mr Bayley has articulated the concerns about the separation of powers and the ongoing court case, and in particular, as a member representing the Braddon electorate, I am very torn. As stated by Dr Broad, while doubt remains, the problem remains. This policy needs to be updated and my preference was that it would not go through until after this work has been done. However, while the doubt remains, the problem remains and so we do need to pass this more urgently.

The SPEAKER - I remind you that because you are not a member of a party, you cannot speak on behalf of Mrs Pentland. She can make her own contribution. I appreciate the intent.

Mrs BESWICK - Thank you for the clarification.

The SPEAKER (Ms O'Byrne)- The question is -

That the debate be adjourned until tomorrow.

The House/Committee divided -

AYES 8

Ms Badger
Mr Bayley
Ms Burnet
Mr Garland
Mr Jenner
Ms Johnston
Ms Rosol (Teller)
Dr Woodruff

NOES 26

Mr Abetz
Mr Barnett
Mr Behrakis
Mrs Beswick
Dr Broad
Ms Brown
Ms Butler
Ms Dow
Mr Ellis
Mr Fairs
Mr Ferguson
Ms Finlay
Ms Haddad
Ms Howlett
Mr Jaensch
Mr O'Byrne

Ms Ogilvie
Mrs Pentland (Teller)
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Street
Ms White
Mr Willie
Mr Winter
Mr Wood

Motion negatived.

[3.43 p.m.]

Mr BAYLEY (Clark) - Honourable Speaker, that is pretty underwhelming, I must say, and very disappointing. That is a sound argument being raised by legal experts who are literally teaching our children about the laws and yet we, as a House, have rejected that.

The one positive I take from that contribution to debate was that all I heard in the arguments of those members, with the exception of Mrs Beswick, who voted against the motion to adjourn -

Dr Broad - I draw your attention to Standing Order 142, reflecting on a vote of the House.

DEPUTY SPEAKER - I ask the member to make his contribution with regards to the bill before us.

Mr BAYLEY - If I may just reflect on the debate then. The only arguments I heard being put forward by some members were that this is about doubt removal. This is about retrospectively validating approvals in the past. No mention of Robbins Island. This is not about Robbins Island. This is about a sign; this is about a fence; this is about cows. Nothing about Robbins Island. The reality is it removes doubt regarding the court case.

I foreshadow, in regard to Mr Garland's amendments which have been circulated to us, that if this is not about Robbins Island, there should be no problem excising Robbins Island from this bill. If this is truly about removing doubt on those signs, fences, bridges and jetties, then let us constrain the bill to those. It is clear from the advice of these law experts that we are straying into really dangerous territory to intervene and undermine the case of the government's own Environmental Protection Authority.

Time expired.

[3.45 p.m.]

Ms JOHNSTON (Clark) - Honourable Speaker, I rise to give my contribution on the Validation (State Coastal Policy) Bill 2024. I begin at the outset by acknowledging the considerable community input into this bill. I acknowledge the hundreds of emails I have received from community members across the state who are concerned by this bill. I acknowledge that, unlike many of the emails we get regarding bills that are on our pro-forma

platform and that are templated, these emails I received are individual. They speak to personal issues of concern regarding the bill.

I acknowledge the time and effort that hundreds of Tasmanians have taken to email and contact me directly regarding this. I acknowledge that in the very short period of consultation - only two weeks - 402 submissions were made. The vast majority of those, I believe about 96 to 97 per cent of those, opposed it. I acknowledge the individuals who made submissions, but also the many organisations who put thoughtful and considered submissions into this bill. I will speak a bit more about those submissions later on.

What has been highlighted for me with this bill is that there are a range of issues that need further consideration. There are a range of issues in relation to which this bill poses cause for concern. The first is fundamental: whether it is needed. The need for the validation bill has not been established in my view.

I have heard repeatedly in this House requests for the government to release the advice that it received, which it is relying upon for the need of this bill, and the government has steadfastly refused to release its advice or even give a summary of that legal advice. What is more, we do not even know who has provided it with this advice. Was it the Solicitor-General's office who provided it? Was it perhaps the legal advice from a proponent which the government is acting upon? We do not know. Even more importantly, the public do not know.

We are unclear what coastal infrastructure the government is particularly concerned about. I note that when this was put out for public consultation, there was very little detail about the examples or circumstances in which this bill might apply. I recognise that the leader of government business has got up today and talked about cows and signs and all those kinds of things, but this is too little, too late. We need some concrete examples and the community deserved to have those examples before them when they made those submissions.

The government has made unsubstantiated claims that there are a range of structures built on actively mobile landforms that are at risk, except they have been unable to identify one single example of a structure such as a boat ramp or a jetty that may be at legal risk and requires validation of its permits that the community can respond to. It is no good getting up in this place at the eleventh hour trying to provide examples of signage or fences to keep cows out that might be at risk. The community deserved to know those when the public consultation period was open. They deserved to have the opportunity to respond to those, to ask questions, and to understand those structures and what the permit arrangements were for those particular structures.

I also expressed concern - and I acknowledge the concern raised in the community and the organisations - that the Supreme Court should be allowed to do its job. It is an important principle that the parliament does not amend legislation while a court case is ongoing. I have heard debate previously regarding this. It is not a case where there might be a court case brought on. There is a live court case now, and if we were to approve this bill, it would pull the rug out from underneath one of the respondents to that particular case's grounds of appeal. It is changing the law whilst the court is considering the application of that law. It is not changing it for a court to consider it in the future, it is changing it whilst the court is currently considering it and that is a serious concern.

The University of Tasmania's Faculty of Law staff submission, which I think is a reputable submission, stated that part of the system of checks and balances inherent in Tasmania's separation of powers is the role of the Supreme Court of Tasmania to determine whether the decision of the Tasmanian Administrative and Civil Tribunal (TASCAT) should stand and, if required, make appropriate orders to correct errors in the application of the law. We would not be allowing them to do their job if we approve this bill. However, if the court case is allowed to continue, the outcome may clarify whether there is a need for validating legislation, and if there is a need, provide guidance on how it ought to be done. That is how we properly construct laws and reform laws.

I am also concerned about the retrospective suspension of the State Coastal Policy in that it undermines the rule of law. This bill retrospectively removes the application of key parts of the State Coastal Policy. This would mean that the building of the proposed Robbins Island wharf will be lawful, even if that approval was unlawful at the time of the Circular Head Council and TASCAT decision. This creates uncertainty in the law itself and undermines public confidence in the rule of law. If governments can change laws retrospectively, then people cannot be certain about what law applies at what time.

I am concerned that if this bill is passed, the impacts of the Robbin Island wharf will not be assessed by the EPA. If it is not assessed, no conditions can be required to minimise impact or to ensure it is constructed safely, as would ordinarily be the practice. This wharf construction is not insignificant; it is estimated 150,000 tonnes of sand would need to be shifted, digging down 14 metres and over half a kilometre distance. That is a significant development and if we pass this bill, there would be no conditions put on its construction or to minimise the impact.

I spoke earlier about public concerns and submissions and note that the period of consultation was incredibly short, not the ordinary period of consultation that we would expect from the government, but only two weeks. In that time, amazingly, 402 submissions were received, of which 387 submissions, or 96.8 per cent, were clearly opposed to the bill, and that constituted 368 individuals and 19 community groups.

Despite the fact that these 380 submissions clearly articulated their concerns with the bill, from the terms of the definitions to the impact on the Supreme Court case, to uncertainty and to the fact that the government has not provided advice, not a single change was made by the government in response to those submissions. The only change made by the government was to extend the validation period back to 2003, and that was not a change that came from those submissions. The community spoke loudly on this issue and the government has chosen to ignore it. That makes me highly suspicious of their motivations.

I am also concerned about the unintended consequences. We have had this discussion where it seems that we were quite unclear - and the term 'uncertainty' floats around this Chamber - about the kinds of infrastructures that might be illegal and the concern about liability for those individuals. This bill would provide blank approval to unspecified infrastructure projects or structures and permits, no matter if they were illegal at the time. It validates illegal structures and that is a great concern because those structures might not have had an assessment and we are providing a blanket approval to those.

This is all a very rushed process and it is being fast-tracked without effective public consultation and independent oversight. The cynic in me suggests this is all about approving the Robbins Island development and not at all about approving any other development. The

fact that the leader of government business could only come in today and provide some vague examples of what might be at risk suggests to me that they have spent the last four or five weeks trying to find an example that justifies this bill that is not Robbins Island. The fact that we need to do this urgently, despite the fact that there is a live court case regarding this, suggests to me that this is all about approving Robbins Island.

The impact of this bill goes far beyond Robbins Island. It goes to developments in the north east, it goes to those kinds of structures that the leader of government business is concerned about, which might be illegal for good reason. We will be validating those, though, if this bill is passed. All these factors and concerns raised legitimately by members of the public, organisations and the University of Tasmania law faculty are all valid concerns and they deserve those concerns to be considered properly.

We should not be rushing a decision without understanding the full consequences of this decision. We should be allowing the time for the court case to play out without interference and have the benefit of judicial review to understand if there is an issue that needs addressing and, if so, what the best mechanism is for achieving this with the lightest touch possible. What are precisely the mobile landforms we are talking about? What kind of infrastructure are we talking about?

Those are the questions this parliament should be asking. At the moment we do not have answers to those at all, so on that basis I believe the only responsible thing is to send this bill to a committee of this House for further consideration. I believe that would give the opportunity for there to be proper scrutiny, to hear submissions from the people who have provided their written submissions, to hear the evidence, to put before the committee the professors from the law faculty to understand what their concerns might be and perhaps hear from the proponents of Robbins Island about what their concerns might be. We need to hear from other community groups as well to properly understand the impact of this bill and what it would mean for the State Coastal Policy.

With that, Deputy Speaker, I move an amendment. I move -

Leave out all words after 'that'

Insert instead

- (1) The Bill be referred to the Standing Committee on Government Administration Committee A for inquiry and report thereon.
- (2) The Committee report by 4 March 2025.

I will circulate that now.

Deputy Speaker, I believe that there are a number of issues that deserve to be delved into in greater detail than what this debate today would allow. We owe it to the people and organisations who have made submissions to understand the full impact of this bill, to understand the impact on the Supreme Court matter before us, to understand the impact on the permits that may have been issued, whether they be valid or invalid, and to get a full picture of that. The only way we can achieve that is if we were to refer that to a committee - and I suggest that Government Administration Committee A is the appropriate committee for that

inquiry - to report upon. That way we can hear properly and perhaps even finally receive the advice from the government that they relied upon to propose such legislation. That would be very informative to this House to understand the motivations behind this particular bill and why it is so urgent that it be considered.

I strongly urge my colleagues to consider referring this. We have referred bills previously to government administration committees to allow further consideration and to test the bills to try to determine whether the clauses in the bill are appropriate. I urge my colleagues to support this motion.

[3.59 p.m.]

Mr GARLAND (Braddon) - Deputy Speaker, I too have significant concerns about this bill. It is not the first time the government introduced a bill to retrospectively validate planning decisions taken in response to the State Coastal Policy. However, at least on the last occasion in 2003, the parliament had clear evidence before it of the need to take such action in the form of a published decision of the Supreme Court. On this occasion, out of the blue, after 30 years of operation, we are suddenly told that the government's legal advice has raised concerns about the application of clause 1.4.1.

We have repeatedly been calling for the ministry to release the legal advice it says it has, yet it has repeatedly failed to do so.

The government has referred to various infrastructures that might be imperiled by the uncertainty regarding this clause. However, when requested to provide details about which infrastructure was at risk, again we have received no response. Other than the Robbins Island wind farm, we do not know what infrastructure is at risk from legal challenge. This makes it impossible for us to determine exactly what the risks are to those infrastructures and whether this retrospective legislation is an appropriate response to these risks.

The consultation on this bill was rushed, with only 14 days being allowed for comment.

A number of those who were able to provide submissions in that time frame have raised concerns about the unintended consequences of the bill. The Environmental Defenders Office, (EDO), in particular has raised concerns about unintended consequences for property owners and the state in terms of liability for possibly defective or unlawful planning approvals.

The EDO is concerned that the proposed validation of permits under the bill may endorse permits for developments on actively mobile landforms that were never properly assessed by planning authorities or implemented by developers. This may have unintended negative consequences for Tasmania's coasts and communities, potentially exposing them to harm or impacts from developments that should never have been built.

A correlated issue is that where developments have been built on these actively mobile landforms and result in some harm or loss to life, property, or the environment, it is unclear who will be held liable for the remediation or mitigation of those harms. Will it be the councils that erroneously approve the permits for the developments, the developers, or will the Tasmanian government ultimately pick up the tab for those losses, given that through the bill it proposes to validate the permits? These are not matters addressed by the bill.

Retrospective legislation needs to be clearly justified and carefully scrutinised before being approved by parliament. There are very good reasons for this. The key aspect of the rule of law is that the law is known and understood by the public to provide certainty to enable decisions and investments to be made. Changing the rules after the fact attacks the very thing the law is there to achieve. Respect for the law comes from its certainty, from its predictability.

The perception of the public is also important. Most of the submissions in response to this bill were very clear in their condemnation of the government in passing legislation to change the rules for one particular developer.

The rule of law requires people to trust the law-making process to not be misused to benefit one company at the expense of a community. The government should recognise this as it embarks on its quest to engage the public to support its ambitious renewable energy agenda. These developments need social licence.

I was recently reading the renewable energy development in Tasmania, a guideline for community engagement, benefit sharing, and local procurement, May 2024. I read this:

Establishing and maintaining a social licence and delivering social value to communities are essential preconditions for the success of renewable energy and associated transmission projects.

And this:

Social licence to operate is enjoyed when people feel both the processes and outcomes of the project are fair. Within this, trust is a fundamental factor in the ability to establish and maintain a social licence.

What message is this bill sending to the communities of Tasmania? It is sending a message that completely undermines any social licence this Robbins Island development might have. Why would a community trust a government or a multinational developer when they retrospectively change the rules when they did not comply with them in the first place?

There is another possible unintended consequence of this bill, or perhaps it is intended, but I bring it to the House's attention. This is in relation to the Robbins Island wind farm.

The Environmental Protection Authority confirmed on 17 May 2023 in an official statement that in assessing the Robbins Island wind farm, it required the multinational wind farm developer, ACEN, to provide information about the application of the State Coastal Policy to this development. According to the EPA, ACEN did not provide any information about how its development would address the issues inherent in State Coastal Policy 1.4.2.

In other words, according to the EPA, ACEN failed to address how clause 1.4.2. of the State Coastal Policy did not apply to its development, or what it was doing about those issues. As a consequence, according to the EPA, it failed to consider the impact of the wind farm development on the beautiful, fragile dune system at Robbins Island.

The EPA admits it erred in failing to consider this and that is why it has lodged an appeal in the Supreme Court. It erred by failing to assess the important aspect of the development that will involve a 500-metre-long wharf to be constructed across the Back Bank's mobile frontal

dunes on Ransonnet Bay and a 1.8 kilometre bridge across Robbins Passage to permanently connect the island to the adjacent mainland.

The road/wharf infrastructure, as per the documents provided during the development assessment process below revealed that the proposal would need to shift and estimate 150,000 tonnes of sand digging down 14 metres over half a kilometre long and the impact of this will not be assessed. I might add Aboriginal communities burnt their dead on coastal dunes.

There is no indication of where this sand will need to go. There were no conditions imposed by the EPA on this aspect of the development because it failed to consider it. This is an extremely sensitive environment. I know this area intimately. I spent the better part of my life walking that shoreline, fishing those oceans, and watching the birds that frequent that area fly across the island. The surrounding wetlands support between 20,000 and 30,000 shorebirds and water birds, and the wetlands meet seven of the nine criteria to be nominated for protection as one of Ramsar's Wetlands of International Significance, making them one of the top 10 wetlands in Australia.

The area is important to the local fishermen, yet the EPA has not fully considered the impact of this huge development in such a sensitive area. It has not done any baseline science of any note to determine what impacts will be affected on that marine environment. If it had assessed the impact, it might have made recommendations to minimise it or refused to approve the development. We do not know, and we will never know if this bill is passed.

There are issues that deserve more scrutiny and the best way to do this is to vote to send the bill to committee for further consideration. That is why I support this motion to go to committee to delve a bit deeper into the implications.

[4.08 p.m.]

Mr JENNER (Lyons) - Deputy Speaker, I take this opportunity to talk about this legislation the government has brought forth because it does concern me. Although I do understand that the changes need to be made, I ask: why the rush now? It cannot even wait a day.

This bill, in my opinion, does need to be referred to the committee. I will not reiterate what has been said, but this is retrospective legislation that has been brought forward to essentially circumnavigate the Supreme Court's decision and what they rule on.

Make no mistake, this has been brought about for the sole purposes to accelerate the Robbins Island wind farm project. To stand here and deny it would be a joke, and that is what concerns me the most. If it is not the case, then let us remove Robbins Island from the equation. To accelerate and completely remove due process by circumnavigating the Supreme Court's ruling for the sake of appeasing a foreign investment sets a very dangerous precedent. To ignore concerns that so many Tasmanians have about building this wind farm on Robbins Island is disgraceful.

The bill seeks to validate the State Coastal Policy planning decisions since 2003. That is an interesting timeline, because the bill lists brought before this parliament include the State Coastal Policy Validation Bill 2003, which allowed the then premier, Jim Bacon, to validate all decisions dating back to 1996.

It seems that successive planning ministers under 11 years of Labor and 10 years of Liberal government have not been able to fix things without again pulling the retrospective lever. This is a blunt instrument that is potentially dangerous which should not be used to provide a get-out-of-jail-free card to a blushing government.

There is a multitude of arguments about the morality of retrospective legislation, and there is no shortage of examples where it has ended in disaster. To change the legality of past actions by introducing retrospective legislation undermines the rule of law by creating uncertainty. We cannot expect people to predict legal consequences if the goals keep changing and shifting, and the rules apply retroactively.

The government cannot be seen to be shifting goal posts, particularly in favour of the interests of multinational corporations over the interests of Tasmanians. The parliament should not be seen voting in favour of circumnavigating and circumventing the findings of a Supreme Court. I support this going to committee.

[4.11 p.m.]

Mr ABETZ (Franklin - Leader of the House) - Deputy Speaker, if certain contributors to this debate were to be honest, would they agree that if you remove the word 'multinational' or 'foreign investment' they would change their attitude? This is an emotional - nearly a dog whistle type - approach to this matter, and I find it somewhat concerning. Would they agree with this legislation if Robbins Island was being promoted by an individual Tasmanian? Of course they would not. Referencing multinationals and foreigners in this debate is untidy and unnecessary, and I would hope that we as a parliament could have moved beyond that sort of rhetoric.

In relation to deferring this matter for a period of some six months, that will mean that those people who have undertaken activities for a period over the last 30 years would continue to live with the uncertainty of potential criminality for another six months. Do you really want to visit that upon our fellow Tasmanians? I understand - and I thank advisers for indicating - that I did misspeak when I spoke about criminal fines of \$10,000. In fact, it is \$100,000.

How would you like to go to sleep tonight thinking that there are members of this parliament who would visit criminality upon you when you had done everything in good faith and government instrumentalities had approved that which you had done? I believe that to be unconscionable. When we are asked as to why the rush, in general terms, when you realise that there is an error in legislation, you seek to correct it as quickly as possible.

In relation to changing the law after the event, I will be interested to hear certain people's commentary on a bill that is in the orders of the day, which is about expungement of historical convictions. That is changing the law after the event, is it not? I dare say the principle will not be carried over for that debate, which also goes to expose that these principles that certain people are espousing on the one hand are not principles that they are willing to espouse in another debate on orders of the day today.

We have also been told that this legislation needs to be deferred to a committee in relation to who takes responsibility for damage to property or harm or loss of life. The planning issues deal with issues of planning. Loss of life is not usually associated with environmental planning law; it would be in relation to a building law or not abiding by the appropriate health and safety

requirements of a particular construction. To try to bring the two together, with respect, is an interesting argument, but I do not think it necessarily has feathers to fly with in this debate.

It appears that those who are opposed to the bill - and let us be quite frank here, I understand their arguments; I respectfully, vehemently disagree with them, but I respect the argument - are using tactical procedures, be it adjournment to tomorrow. That did not work, so now we are going to have an attempt to defer it until 5 March 2025, which I might say is even worse than adjourning it until tomorrow.

As a government, we believe that our fellow Tasmanians are entitled to live with certainty and have the right to have clarified the activities that they engaged in over the past 30 years in good faith, with the approval of government authorities. I indicate that this court case to which people are referring has been brought by a government instrumentality, the EPA, which, in considering this matter, realised an error in process, and in realising the error in process saw an interpretation which for the past 30 years nobody really anticipated. I would have thought if others had so anticipated the matter, they would have brought such an appeal themselves during the past 30 years.

The fact that a government instrumentality has done so indicates transparency, fearless advice, and people undertaking their task without fear or favour in the very best traditions of our democratic system. I invite the House to reject this amendment.

[4.17 p.m.]

Dr BROAD (Braddon) - Deputy Speaker, Labor does not support sending this to a committee. A delay of six months does not solve any of the problems. All it does is kick the can down the road, and that uncertainty will remain there another six months. I listened carefully to the member for Braddon, Mr Garland, and he discussed how the Robbins Island proposal did not specifically address 1.4.2.

I wish I had more time for a better search and more capability on my iPad. The question in my mind is: has any DA ever addressed 1.4.2.? If we are going to apply that same standard to development applications (DA) that potentially trigger the State Coastal Policy, then no development would have gone ahead, if that was how the State Coastal Policy was interpreted. What I am attempting to do is try to look at a development application like, for example, the development application for the shared pathway from Cooe Point to the Cam River.

That is a development application, and I bet that development application did not specifically reference the State Coastal Policy 1.4.2. If they did, then they would not have gone ahead with that development, because it absolutely impacts the coastal environment and not in a way to protect human life or to prevent environmental damage. If we are going to apply the standard to Robbins Island - that it is critically non-compliant, in Mr Garland's mind, because they did not specifically address 1.4.2 - then we are going to have to do that to everything.

The bridge over the Cam River impacts the dune systems, so if State Growth did not specifically address 1.4.2. when they put in that DA, then it was critically non-compliant and is absolutely illegal. If we are going to apply a standard to Robbins Island, then we have to do it everywhere. This is exactly the risk we are talking about. This is the risk we are facing because it is not just one project, it is everything.

Kicking that down the road to a committee is not going to solve the problem or reduce the uncertainty. What happens now if we put in a development application for a beach access in Wynyard, for example? Is the council going to have the confidence that they can approve that for the next six months? No, because this will be hanging over their heads. That is why we have to get this to a resolution and sending it to a committee is not the answer.

If you want a definitive list of the projects that may be impacted by this, we need to go to TASMAR. I could do this if I had GIS software in front of me. I would create a clip from the high tide mark and Tasmania's coastline and create a shape file that was one kilometre thick over the whole area of the state and then I would have to try to find the data for every single DA that has been approved in that zone. That is a very big zone because it pulls in just about every single major metropolitan and regional town in the state.

Any development that has been in there that may or may not be on an undefined actively mobile landform, so landslip - okay, we could trigger everything that is on a landslip. It does not matter if you can put the engineering in place to make sure that that house does not go down the hill. It does not matter because it is critically non-compliant if it has not specifically addressed 1.4.2.

Every pathway, every house, every wharf, everything you can possibly imagine, every DA - let us just start with DAs, let alone works. Can you imagine how big that list is? Can you imagine the amount of work that would take? It is an enormous amount of work. I think people in public service have much better things to do than try to come up with a definitive list of potential projects that would be impacted by this uncertainty, because in my mind the uncertainty is enormous.

As I said before in this place, I had people come to me and talk about the State Coastal Policy and ask what the hell is going on with the State Coastal Policy. I read the policy, got down to 1.4.2. and nobody needed to tell me what the problem was. It was pretty obvious. If you interpret those two points in the strictest sense, it is a prohibition on just about everything. If you want a definitive list, that is a heap of work. Use your mind. If it is even on a sand dune, go around and walk around the beach somewhere. Go down to Clifton and have a look - what is going through a sand dune? Let us start with sand dunes. What is built on a sand dune? That house - bang, gone. That pathway - bang, gone. You can make up your own list in your own mind. You do not need the government to be putting out a list.

The danger is, when you put out that definitive list, that for somebody who does not like a particular development, it is an absolute red light. A red light is probably not the right term but it is an absolute hit list. What you are asking for is a hit list. I have said before that there are people who do not like some of the coastal pathways. I do not know why, but they do not. If they have that inclination they could take that to court and maybe even stop construction of a coastal pathway or stop the construction of a bridge because they maybe do not like the sound of the jackhammers or the drill piling. They could stop it because they have not addressed 1.4.2.

That is the risk we are taking here. The Greens do not care about that. They want to send that down the road for another six months. I am not prepared to do that. I think we need to get this certainty. We need to correct what is a mistake, what is a new interpretation. I do not know how many times you have to talk about a new interpretation. Maybe there is a DA where they have specifically addressed 1.4.2., but if they did it was not anything serious because just about everything would trigger 1.4.2. If you were just assessing any development against those two

dot points, nothing would have gone ahead and those developments would not have got through. That is why there is a problem, and that is why they need clarification.

[4.25 p.m.]

Mr BAYLEY (Clark) - Honourable Speaker, I thank the member for Clark for bringing forward this motion. I have to say that when I got up this morning, being lectured by minister Abetz about dog-whistling was not on my list of things that I thought would happen. I feel very much like the kettle being called black and I find it quite disgraceful, to be honest, as I do the comparison of this legislation to the expungement of criminal findings of actions that in this day and age are accepted and legal. They are fundamental human rights and an important part of redress for a wrong that occurred many years ago. I read here from Attorney-General, Guy Barnett's, media release from just a few days ago, 1 August 2024, about the expungement bill:

The Tasmanian Government has today tabled the Expungement of Historical Offences Amendment Bill. We have acted on the recommendations of an independent review of the *Expungement of Historical Offences Act 2017* undertaken by Ms Melanie Bartlett and Ms Taya Ketelaar-Jones in 2020. We are expanding the scheme to provide that related offences are also eligible for expungement, further supporting a victim-centred approach to investigations, improving measures to support effective record disposal and confidentiality of records for all parties, including specifically exempting applications ... The *Expungement of Historical Offences Act* provides a scheme to enable charges and convictions for historical offences to be expunged.

Somehow, comparing the retrospective validation of a whole range of unidentified, unsubstantiated developments to the expungement of crimes recorded against people that are no longer morally or legally acceptable, I find is a really disappointing comparison. It certainly does not pass the pub test. They stand separate.

I say that I absolutely support this motion to refer this bill to a committee in the absence of an adjournment and in the absence of allowing the court to receive evidence, allowing the court to consider that evidence, and allowing a court to make a determination. Referring this bill to a committee of this House to do similar, hear evidence, consider that evidence and make some recommendations is the next best thing. It is the very least we should do in this place.

Minister Abetz, if you do not accept the advice of legal academics from the University of Tasmania because you question their politics or their motivations, it will give you the opportunity to encourage someone, and maybe even the Solicitor-General could produce their advice to that committee so we can understand the alternative perspective. You seem to claim that those UTAS law lecturers have some kind of agenda or Marxist political approach - that is exactly what you said - but it would give us all an opportunity to hear from them, to hear from someone else and perhaps even to hear from the government's own legal advisers, whoever they may be, about this bill. We absolutely support the referral to a committee. This whole notion that someone with a house or someone with a fence that is keeping cattle out of a dune system somehow faces a \$100,000 fine because of that situation is an entirely straw-man argument. We have had no criminal prosecutions in this place for 30 years. We are talking about what is seen as a different interpretation - theoretically - of the bill as opposed to any other issues.

The fact that there have been no criminal proceedings brought forward for these developments in 30 years - the life of this State Coastal Policy - demonstrates that the risk is very low for those issues. If, at the conclusion of the court case or the committee process that finds that, yes, there are very real issues as articulated by the member for Braddon, with a walk at Cooeee to Penguin or somewhere else, then the House can consider how best to deal with that at the time.

To say here and now - in the absence of tangible examples, in the absence of credible legal advice and in the face of what is clearly the primary motivating factor for this legislation, which is the fact that the Robbins Island wind farm has hit a hurdle with the government's own environmental agency joining a court case in the federal court to challenge a development or part of a development that was not assessed - it beggars belief that we would do that.

Members on my right have articulated really clearly, and I articulated in my Second Reading contribution, that that wharf has not been assessed. If we pass this legislation, it will not be assessed. There is no capacity for conditions to be placed on its approval to protect certain values. There may be significant, important values in there at those areas.

There is no capacity for the environmental, social or Aboriginal heritage impacts of that to be assessed upfront. We are unaware of any excavations that have happened there already, any archaeological work or anything like that. What we will see is basically a huge industrial development with a significant impact - 150,000 tonnes of sand being moved to facilitate this industrial development - being rubber-stamped by this Chamber with no assessment, no cause, no consideration of conditions and no other considerations aside from the fact that we are in a tearing hurry now and there is currently a court case afoot.

I support the referral to the committee. It would give Committee A a good opportunity to invite witnesses, including the proponent, and including whatever alternative legal perspective the government wanted to put up. It would give the university law lecturers, who have been much maligned here by the minister, to have an opportunity to put their case. As is our job as committee members, we could take all that evidence, consider it and carefully look at the recommendations. We may recommend doing a retrospective validation of everything.

From what I have heard in this debate from both the government and the opposition, that this is all about historical developments on these mobile landforms over the last 30 years. Nothing about Robbins Island. Do not worry about Robbins Island. If, after hearing the evidence in the committee, we conclude that, 'Okay, fair enough, there is a problem there, let us retrospectively validate those issues so that no one will come knocking down the door with a legal challenge to those developments'. Well, we can do that then. If we do not want to consider the Robbins Island development and we want the Robbins Island development to be properly assessed to demonstrate that it can stand on its own two feet - if indeed it can - then we can also do that.

At the moment we have this blancmange of a bill that captures everything in its wake - everything in the past and everything going forward, or at least everything including the Robbins Island wind farm - despite the fact that there is a live court case active in the Federal Court.

This is a complete mess. It is clearly running counter to community sentiment about what this House should be doing and what the community wants us to do. I reiterate again:

0.8 per cent of the submissions that were received as part of this consultation process supported this House passing this bill today.

Everybody else raised serious concerns, be they political ones in terms of practicality, legal ones, environmental or Aboriginal heritage ones. There are legitimate concerns that need to be aired. There are legitimate concerns that we owe as a House the opportunity for Tasmanian people to articulate and put their own evidence forward. In the absence of allowing the Federal Court to give us some guidance on what to do here, Committee A reporting by 4 March is certainly the next best thing. We will be supporting this motion.

The SPEAKER (Ms O'Byrne) - The question is -

That the amendment be agreed to.

The House divided -

AYES 8

Ms Badger
Mr Bayley
Ms Burnet
Mr Garland (Teller)
Mr Jenner
Ms Johnston
Ms Rosol
Dr Woodruff

NOES 26

Mr Abetz
Mr Barnett
Mr Behrakis
Mrs Beswick
Dr Broad
Ms Brown
Ms Butler
Ms Dow
Mr Ellis
Mr Fairs
Mr Ferguson
Ms Finlay (Teller)
Ms Haddad
Ms Howlett
Mr Jaensch
Mr O'Byrne
Ms Ogilvie
Mrs Pentland
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Street
Ms White
Mr Willie
Mr Winter
Mr Wood

Amendment negatived.

Recognition of Visitors

The SPEAKER - I welcome to the parliament, sitting in the Speaker's Gallery and not paying any attention to the Speaker is the former Premier of Tasmania, David Bartlett. Welcome to the Chamber, Mr Bartlett.

Members - Hear, hear.

[4.42 p.m.]

Ms JOHNSTON (Clark) - Honourable Speaker, we have before us a bill that is all about uncertainty -

Members interjecting.

The SPEAKER - Can I just stop the clock for a moment? We will wait before starting Ms Johnston's time until it is a little quieter and members and Hansard can hear her.

Members interjecting.

The SPEAKER - Order. I am quite serious, gents, that is enough. I do not want to evict the former premier from the gallery. It is very awkward.

Ms Johnston has the call. We will start the clock.

Ms JOHNSTON - Thank you, honourable Speaker. We have before us a bill that is all about uncertainty. Quite clearly, we have missed the opportunity now to refer this bill to a committee to try to get some certainty about the problems the government tell us that we have with regards to the State Coastal Policy, and to determine the most appropriate way forward when dealing with those alleged problems. I believe the only course that this parliament can take responsibly is to listen to those 387 submissions that have raised significant and serious concern about this particular bill and reject the bill as a total package.

It leaves the government to be able to track changes to state policies the proper way. There is a process that can be undertaken to amend and change state policies; a proper process which involves significant community consultation and the involvement of the Tasmanian Planning Commission. We can do that.

However, what I fear and what I believe to be true is that this bill is not about proper process. It is not about clarifying the State Coastal Policy. It is not about trying to ensure that we have the best protections for our coastal areas. This is about facilitating a commercial development, and just one single one. I look forward to seeing how this debate progresses. I hope that we do go into Committee and consider amendments that I know the independent member for Braddon has circulated prior, because that will really be where the rubber hits the tar.

Are we seriously trying to address the alleged uncertainty about permits that have been issued before? How much may now be uncertain? Or are we just trying to facilitate Robbins Island? I look forward to the debate, but I urge members to reject the bill.

The SPEAKER - Are there further speakers on the bill? There being no further speakers on the substantive bill, I will put the second reading.

A member - I have an amendment.

The SPEAKER - Then you need to jump for the call. I have asked for further speakers. There being no further speakers on the bill, the minister in summing up.

[4.44 p.m.]

Mr ABETZ (Franklin - Minister for Business, Industry and Resources) - Honourable Speaker, I thank members for their contribution in relation to a matter raised by my counterpart in the opposition in relation to how we will be dealing with the State Coastal Policy. I believe that I did set that out in my second reading speech but allow me to quickly repeat two paragraphs separate to the bill.

The government believes it is time to update the State Coastal Policy to include more contemporary planning controls for actively mobile land. This will improve how we assess proposals on actively mobile landforms. We might even get a definition of them. A position paper is being released for public comment to outline these issues and the need for a more sophisticated policy setting in line with recent planning reforms that have contemporised the state planning system.

That is what the government's intention is, and we will be pursuing that and trying to truncate that as quickly as possible.

During the debate we heard that this was a perversion of proper process and that it pre-empted a court case. I think I have covered those matters in relation to one of the amendments or attempts to adjourn this matter. The idea of separation of powers is very clear: government and the parliament has control of policy, and the courts, through the judiciary, interpret those policies as put in legislation by the legislature. If there is doubt about that, or if there is an unintended consequence, it is quite properly the province of the parliament to rectify the uncertainty.

We must keep in mind that the uncertainty may well be impacting on a plethora of developments right around this state and, with it, there is the potential of a \$100,000 fine for those that have engaged in developments by seeking approval from the appropriate authorities, receiving that approval, undertaking the development in absolute good faith and today, as we look at how the law or the coastal policy, which has the effect of law, might be interpreted, we have a huge degree of uncertainty which our fellow Tasmanians are entitled to have lifted off their shoulders.

How come this is related to the Robbins Island matter? It is pretty clear and pretty obvious. For 30 years, this policy has existed and what has occurred is that, on reflecting on the Robbins Island proposal, the government's own agency established by this parliament, the Environmental Protection Agency, has determined that there is an interpretation that can be applied to the paragraph we have been referring to, 1.4.2, as a result of which it has quite properly gone to the Supreme Court to appeal the approval process to ensure that that which our predecessors have put in place can be properly determined.

Confronted with that, it is quite right and proper for a parliament to say if that is a potential interpretation, it is something which we disagree with and was never intended, and, as a result, we will clarify it to remove any uncertainty whatsoever.

Mr Bayley asked me why I was taking this bill on behalf of the Premier. I dare say he thought it was an opportunity to take the training wheels off and allow me to deal with a piece of legislation and see how I go. Thanks to the Labor Party, we might get this through, Mr Bayley. What happens from time to time and there is no secret to this - premiers are relatively busy - is that legislation which falls within their bailiwick is referred to other ministers. I just happen to be the lucky minister to get this gig.

In relation to the legal opinions, I think it is a well-established practice that the government does not make available the legal opinions that it has. When we then ask what all the various legal opinions are, if there is uncertainty, then that is why you seek to get rid of the uncertainty.

Reference was made to 402 submissions. I understand that figure is correct. In relation to submission 383, I was asked why that was anonymous. I am advised that it was not anonymous. It was a confidential submission, and given that somebody wants confidentiality, I am sure everybody in this place would agree to protect that.

It was suggested that Mr Duigan talked about this legislation as protecting Tasmania's way of life. He is absolutely right, because there are all these developments around the state on our coastal areas that allow us to get our boats into the water, that allow people to walk along the coastline, and even ride a bike along the coastline -

Mr Shelton - The Surf Life Saving Club.

Mr ABETZ - Oh, and surf life saving. Getting access to our waterways so that people can walk through sand dunes. From time to time, we put a duck walk over the dunes to try to help protect them. Nevertheless, it is a development that works. We allow and have allowed certain activities to enable us to enjoy that which nature has bestowed upon us. Minister Duigan is absolutely right. I dare say the surfing senator would be most upset if access were not given to the waterways in which he surfs. One suspects he might, from time to time, tread over mobile landforms.

It has been suggested that this legislation is only to approve one project. I have said it sufficiently and I will say it again. This is to validate all those activities which have occurred in the past where people, in good faith, have sought confirmation, approval by government authorities, and received it and then acted upon it.

I agree with Mr Bayley that we are the ultimate law-making authority. That is what a democratic parliament does, and it is for the courts to interpret. If we believe that the laws made by this place are ambiguous or could be improved, then it is our responsibility to get rid of the uncertainty, to improve those laws, and then allow the law to have certainty, and allow our fellow Tasmanians to live with that certainty and take away the uncertainty of potential \$100,000 fines.

I was asked about the rush with this legislation, given that this coastal policy has been active for 30 years. It is because after 30 years, somebody has put forward a consideration which was never considered in the past 30 years to be applicable. If that is the situation, then that is why we would seek to overcome those uncertainties.

I have already dealt with the question of who is liable if something goes wrong, like loss of life, health and safety issues, as opposed to planning issues. To raise those sorts of matters does stretch credulity somewhat. Arguing the planning is fine, but trying to somehow argue that offending 1.4.2 could lead to loss of life or something else is a bit of a stretch, with respect.

Mr Bayley - I might trip over one of those fence posts or something, minister.

Mr ABETZ - The honourable gentleman interjects in a manner that I do not object to, and it adds to the debate. Unlike his leader, he is very cautious and careful and judicious with his interjections. If the post was unsafe, it would not be because of the planning law. It would be because of the way the post was put in or not protected, especially on the top of it. These days, with the star pickets, they put the yellow tops on to try to help protect people. They are the sorts of things, but it is a different part of the law.

I was then asked about the coastal hazards policy. Yes, we do have coastal hazards and they are mapped, but that is only a subset of the totality of our coastline and the coastal policy 1.4.2. Therefore, we have part of the equation, but not the totality of the equation. Therefore, I would submit for the House that whilst helpful, it does not really overcome the situation. Actively mobile landforms do not equate to areas identified within the coastal erosion hazards ban. I draw that to the attention of the House.

I am going through other matters that have been raised that I have responded to in relation to the adjournment requests. Mr Bayley referred to the Robbins Island matter being before the Federal Court. I understand it is the Supreme Court, but nothing really rests on that. The principle remains from that which Mr Bayley was indicating.

In relation to Robbins Island, the assessment of Robbins Island and those matters associated with it will continue. It will only be the coastal policy 1.4.2 that will be validated. The other matters that are quite rightly the subject of environmental and other considerations will continue completely unabated. This will not just rubber stamp a project. All it deals with specifically is 1.4.2.

The work, the money spent, the sweat poured out over keyboards by individuals who prepare development applications - there is a lot of time, effort and money that goes into them and then when they are approved, that is one major step but to say that if you have not put a shovel into the ground, you have not really substantially started the project, is, with respect, not to understand the difficulties associated with a complete development. The development application is a very expensive process, getting all sorts of various expert reports together, plans, architects, et cetera, to try to ensure that which is put before the approving authority is sufficient to enable approval.

With those comments, I commend the bill to the House.

Bill read the second time.

VALIDATION (STATE COASTAL POLICY) BILL 2024 (No. 37)

In Committee

Clauses 1 and 2 agreed to.

Clause 3 -

Interpretation

[4.59 p.m.]

Mr GARLAND - First of all, I express my disappointment with where the Labor Party stands on this bill. When I voted back in the 1980s, I was a strong Labor Party supporter. They represented the working class, which I come from. What this bill represents right now is an attack on the working class. What is proposed to be put on Robbins Island is absolutely disgraceful. It is where we spend our leisure time; it is where we take our family and our children to enjoy the outdoors and that unique environment.

I have had to listen to the opposition today speak about why they are supporting this bill, and it has left me a little confused. They seem to have latched onto the government smokescreen of talking points about the risk this uncertainty poses to various pieces of infrastructure around the state. This is why I intend to move an amendment to this bill to reveal why the Labor Party is supporting this bill.

Are they genuinely concerned about the risk to infrastructure and acting accordingly, or do they want to pass an act that gives special treatment to a huge multinational wind farm whose planning permit is being challenged in court?

The amendment I am proposing seeks to specifically exclude the Robbins Island wind farm development approval from the validation provided by this bill so it enables and gives protection and certainty to the owners of all those jetties, wharves, houses, fences and signs that are at risk of legal challenge.

The amendment I am proposing is to clause 3, page 4:

Page 4, after the definition of ‘Outcome 1.4.2’.

Insert the following definition:

Robbins Island Development means that development in respect of which a LUPA permit was issued, or purportedly issued, by the council responsible for the municipal area of Circular Head for development application DA2020/00042;

Both the government and the Labor Party say this act is needed to protect existing coastal infrastructure from possible legal challenge. Although none of us have seen the legal advice raising the risk of legal challenge, I do not want to stand in the way of providing that certainty to owners of these existing structures, should it be required.

What the parliament should not be doing is passing legislation that gives special treatment to a multinational developer that has not yet commenced construction but is wanting the rules changed for its development. An important aspect of the rule of law is that no one is

above the law and everyone is equal before the law. In other words, no one should be getting special treatment. I would have thought the Labor Party would stand up for the rule of law.

Most of the 400 or so submissions received in response to this bill see this bill as exactly that: an attack on the rule of law, giving special treatment to a multinational developer of the Robbins Island wind farm.

Even the government-owned cheerleading squad - the Tasmanian Chamber of Commerce and Clean Energy Tasmania - in their submissions expressed, in their words, their 'strong support for legislative clarification to advance the Robbins Island Wind farm project'.

I will refer to the submissions of Ms Anja Hilkemeijer, Professor Jan McDonald, Dr Emille Boulot and - excuse me if I do not get the pronunciation right - and Ms Cleo Hansen-Lohrey. I will say something about the authors. Ms Anja Hilkemeijer is a teacher and researcher in constitutional law. Professor Jan McDonald has wide-ranging teaching and research expertise in environmental and climate law and policy. Dr Emille Boulot is a researcher in national and international environmental law and governance. Ms Cleo Hansen-Lohrey teaches and researches in administrative law. The signatories are all staff members of the University of Tasmania Law School.

Suspension of or dispensing with the law has always been a favoured power of arbitrary rulers. As long ago as 1688, when the English Bill of Rights was enacted, the Crown had been prohibited from suspending the law. That is because suspending the operation of a law undermines public confidence in the rule of law, namely that the law applies equally to everyone regardless of wealth, status or special relationships.

There is a strong perception amongst the community that this bill was brought forward at this time to ensure an individual developer that, regardless of the outcome of the judicial review proceedings currently before the court, the building of the proposed wharf at Back Banks Dunes can proceed unimpeded by legal requirements.

Mr ABETZ - Honourable Speaker, I hate to rise on a point of order. The difficulty here is that we are only speaking to the addition after 1.4.2. - Robbins Island development. Mr Garland is referring to the new clause A with the substantial contribution he is now making.

If there is going to be that delineation between the two, I confess to Mr Garland and the Chair that I had prepared notes to deal with both matters together, not separately, and we do have that issue before us.

DEPUTY CHAIR - Thank you minister. I draw your attention to dealing with the first matter.

Dr BROAD - On indulgence, we do have a problem with the way that this is being constructed and debated because if we knock off the first clause, then the new clause A is irrelevant. I would suggest that we do these as a job lot. The process here is going to be quite difficult.

DEPUTY CHAIR - As Chair, I have ruled on this. My advice is that procedurally, that is not possible. It will be the job of the member to make that clear to those people. If they do support this first amendment, the second amendment then has challenges being taken forward

without that same support. If this is not supported at this time then Mr Garland would remove his next amendment.

Dr BROAD - Not put it.

Deputy CHAIR - Not put it. We test it one at a time. My advice is, procedurally, we must take the amendments one at a time.

Deputy CHAIR - Continue, Mr Garland, but your contributions need to be made just to the first part of your amendment, your first amendment, the amendment that we are dealing with.

Mr GARLAND - The amendment is to clause 3. It is twofold.

First, it is to provide a clear definition of which development this amendment is seeking to exclude from the application of the validating act.

Second - whoops.

DEPUTY CHAIR - That is right. We just need the first part. If you have completed your contribution, I invite you to take your seat and see if there are any other contributions so that we can deal with the first amendment.

Mr ABETZ - We have a difficulty with what we have before us because the amendment, as it stands, makes perfect sense. 'Robbins Island development' means a particular development that is identified in application DA2020/00042. That is an unassailable fact. However, if we put that into the legislation then vote down the second, the new clause, then anybody reading the legislation will ask, 'What on Earth was that put in the legislation for?' From the government's point of view, we will be opposing the amendment, albeit that it states an obvious fact, but the purpose behind it is to have the consequences in the second amendment, which we oppose.

Dr BROAD - We do not support this amendment or the subsequent amendments that are reliant on it.

I have to point out the irony and hypocrisy of the comments from Mr Garland. First of all, I must say that I take offence to the to the idea that the Labor Party has simply been following Liberal Party talking points. I find that offensive because I have spoken on this matter a number of times and have outlined exactly how we have come to the position that we now have: that this is bigger than one project. I have said that many times. This is not just about Robbins Island. This is about every other project that could potentially be impacted by that. Not just about one project.

We heard a lot of talking there about everyone being equal before the law, everybody should be treated the same, there should be no special treatment for anybody. That goes in both directions. What we have got here is special treatment of one particular development application. Ironically and this is hypocrisy, the member who brings this amendment to the House is singling out one development. What we have been saying all along is this is not about one development, this is about all developments.

In some of my contributions, I pointed out that you have to treat everything the same, that is what I have been saying very consistently. When I made the point that if Robbins Island had not specifically addressed that 1.4.2., then you need to go back to all the other development applications and judge them exactly the same. If that coastal pathway has not specifically addressed 1.4.2. like the member for Braddon, Mr Garland, says has to be in place, we have to judge them all, whether that be a walkway down Clifton Beach, a surf club redevelopment at Port Sorell, or anything else you can think of. You have to treat everything the same, which is ironically what the member is calling for. He is calling for everything to be treated the same, then his motion and his amendment seeks to single out one particular development that he does not like. That is not the way the law should work.

We have stood in this place before and had debates about singling out one case in point or one particular development. That should not be the role of government; that should be the last resort. What we are trying to do in this place today, as I have outlined on many occasions and in the previous debate, that this is much bigger than one development. Yet, here we are, singling out one development.

There were a lot of people who made submissions to this Validation of the State Coastal Policy bill. The vast majority of those were anti-Robbins Island wind farm people. They wanted to single out this particular project, they wanted to say, 'Absolutely no way do we want this project to go ahead' but the legislative roadkill would be all these other potential projects and development applications that would also get crushed by it.

That is why we need to fix this, not for one project, but for everybody. You go back and have a look at Robbins Island and what they put up in in their defense of their project. It does not take much of a look around to see that this is the same sort of rationale that a whole bunch of other projects used. They were not the exception. This is the bit that the Greens refuse to acknowledge, and that Mr Garland also, more than likely, refuses to acknowledge. This has been going on for decades. These projects have been assessed in exactly the same way. Robbins Island was assessed in exactly the same way. What has happened here is a reinterpretation of the law that potentially causes havoc, which we need to fix for everybody, not just one project.

What we see all the time is you just throw that baby out with the bathwater. You do not listen to the arguments that I have been putting forward. That is your prerogative. You just pretend that everything I have said I have not said, the arguments that I have been putting I have not put. Well, I have. This is more than only one project. This is about every other project in that zone.

I do not really want to have to repeat myself over again, but I once again point out, you have to treat everybody equal before the law. You cannot give somebody special treatment. That is exactly what these amendments do, but instead of being a positive, it is a negative. You are seeking to single out one development that has been assessed in exactly the same way as a whole bunch of other developments, and we will not support it.

Mr BAYLEY - Thank you, Chair, and thank you, Mr Garland, for moving this motion. We have certainly been listening, Dr Broad. People keep making the argument that this is bigger than one project, that this is about all our activities in the past, this is not special treatment singling out one development. This is a development that is different. It is a development that is different. It is not approved, it is in the court.

Dr Broad - It has been approved; it has been challenged.

Mr BAYLEY - Which of the fence posts or jetties or boardwalks are before the Supreme Court? Any others?

Dr Broad - There is a whole bunch of works that are -

Mr BAYLEY - None. This is absolutely an important amendment and this costs this bill nothing. If you go and vote against the subsequent clauses, this stands there, it will look a little curious because it will not have any reference. Frankly, this bill is going to look very curious to a lot of people anyway minister because this, as has been said repeatedly, is just a stitch-up job to clear the way and kill-off the court appeal of the Robbins Island development.

As you say, minister, this is a statement of fact. The Robbins Island development means that development in respect to which LUPA permit was issued or purportedly issued by the council responsible for the municipal area of Circular Head for development application, DA et cetera. It is a statement of fact.

Dr Broad - The development application was approved. You said it was not approved. It was approved.

Mr BAYLEY - But it is currently before the courts. There is no other project that is before the courts and that is why this is a different project. That is why this is to be treated differently. That is why the law lecturers argued that this was a massive overreach by this parliament to reach into the Supreme Court case and pull out this development or put it in and pull the development out of the Supreme Court by suspending the application of the State Coastal Policy.

This is absolutely appropriate. We will support all these amendments, but this one costs nothing. It is a statement of fact, it does not undermine the bill in any other way, even if you do vote against those subsequent clauses, and it allows that development to be identified. Let us remember that this was all stimulated by the Robbins Island development in the first place. It was all caused, as has been articulated in the Second Reading speeches, by the EPA realising that it erred in law by not applying the State Coastal Policy, not applying clause 1.4. of the coastal policy.

This amendment does not cost anything. It can sit in there as a definition if the following clauses get up or not. It is irrelevant to the fact that that can stand there because it is a statement of fact. This is bigger than only one project, Dr Broad, I agree, but this is one particular project that has its legal approval in a completely different status. It is a completely different frame from any of the jetties or any of the fences or any of the boardwalks that have been described in the past.

In relation to issues of legislative roadkill, which is what you are afraid of, you are afraid of leaving a whole lot of developments unvalidated. What Mr Garland is clearly seeking to do with this amendment is to make sure that project, which has a different DA status and is subject to a Supreme Court case, is treated differently because of that fact. It is treated differently because of the advice of lawyers, because of the perspective of the community, and because its DA is not resolved. It is still under contention and there are still pathways for this application and its appeal process to go from the Supreme Court, and it can go further.

With regard to legislative roadkill, if you want to avoid impacts on all those historical developments that have been built on actively mobile landforms, you would think that you would support this amendment because this clears up any confusion and clears the way for the bill to be passed to retrospectively approve any of those other non-Robbins Island related developments, making sure that the status of Robbins Island, given where it is in the Supreme Court, is recognised as being different and is, as a result, not subject to the bill.

Ms JOHNSTON - I will be very brief. I indicate on the record my support for these amendments. This is essentially where the rubber hits the tar, where we understand the true motivations behind this bill. As has been made quite clear by the Deputy Leader of the Greens, the Robbins Island project is unique in terms of the planning process. It is in a class of its own in that it is subject to appeal. Unlike the other permits that both the Leader of Opposition Business and leader of government business have tried to indicate are uncertain and need clarification, the Robbins Island permit is subject to appeal.

We can achieve the certainty that the government and the opposition seem to require by the validation of those historical permits by removing the Robbins Island permit under appeal from the provisions of this bill. If the true motivation for this bill is to give the approval and remove a barrier to the Robbins Island development, then there is a reason for them to vote against this amendment. If the government and the opposition are genuine in trying to address the uncertainty that they claim, then there is no harm in approving this amendment. As Mr Bayley has indicated, the amendment before us is factual. It states a simple fact about what the Robbins Island development application is.

The subsequent amendment is where the rubber hits the tar. I urge members that if they are genuine in their reasons for trying to bring on this bill to address uncertainty, then there is a clear distinction between other permits that have been historically granted and the status of the Robbins Island project, and there is a very clear reason why you might want to carve out in the application of this act the Robbins Island development. I encourage members to support it.

DEPUTY CHAIR (Ms Finlay) - The question is -

That the amendment be agreed to.

The Committee divided -

AYES 8

Ms Badger
Mr Bayley
Ms Burnet
Mr Garland
Mr Jenner
Ms Johnston
Ms Rosol (Teller)
Dr Woodruff

NOES 26

Mr Abetz
Mr Barnett
Mr Behrakis
Mrs Beswick
Dr Broad
Ms Brown
Ms Butler
Ms Dow
Mr Ellis
Mr Fairs
Mr Ferguson
Ms Haddad

Ms Howlett
Mr Jaensch
Mr O'Byrne
Ms O'Byrne
Ms Ogilvie
Mrs Pentland
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Street
Ms White (Teller)
Mr Willie
Mr Winter
Mr Wood

Amendment negatived.

DEPUTY CHAIR - Mr Garland, as you were on your feet, do you wish to further speak to clause 3?

Mr GARLAND - I withdraw.

DEPUTY CHAIR - I call Mr Bayley.

Mr BAYLEY - Deputy Chair, on clause 3, I am interested in outcome 1.4.2. of the State Coastal Policy as in force during the validation period. A question that we raise is: how does this reconcile with the fact that there were two different versions of outcome 1.4.2. in the State Coastal Policy in operation during the validation period - that being the wording of outcome 1.4.2. in force to February 2009.

Up until February 2009, there was a definition or a clause that said, 'Development on actively mobile landforms such as frontal dunes will not be permitted'. Then, subsequent to February 2009, there is another definition that is currently in use, which reads, 'Development on actively mobile landforms such as frontal dunes will not be permitted except for works consistent with outcome 1.4.1. The issue we raise is the dual definitions across the validation period. Yet, this bill simply refers to what appears to be a singular definition that is enforced during the validation period.

Mr ABETZ - The validation period that the bill seeks to deal with is the 30-year period from when the State Coastal Policy first came into effect. It stands to reason that if there was an amendment along the way, that amendment therefore supersedes that which occurred before, or which was the policy before. However, the purpose of this bill is to validate all developments in relation to both iterations of the State Coastal Policy.

Mr BAYLEY - That is not entirely correct because the validation period, as defined in this clause, is not the entire duration of the policy back to 1996. It is from 16 April 2003.

This bill defines outcome 1.4.2. It means outcome 1.4.2. of the State Coastal Policy, as in force during the validation period, when there were two outcome 1.4.2. clauses in the policy.

Mr ABETZ - The member is correct. I did not make myself as clear as I should have done. In 2003, as I understand it, the change validated all previous developments. They have already been dealt with. Therefore, this bill deals with those from 2003. I should have been referring to the last two decades rather than the last three decades in relation to the approvals.

Mr BAYLEY - There are still two versions of that clause that you are talking about. You are satisfied that the definition of outcome 1.4.2. captures both those definitions or both those clauses across that validation period?

Mr ABETZ - We had the State Coastal Policy of 1996, then we had the State Coastal Policy of 2003. As I am advised, the bill covers them all from 2003.

Mr BAYLEY - Which begs my next question. The validation period means the period commencing on 16 April 2003 and expiring on the commencement of this act. That is the definition. In earlier versions of the bill, in the draft bill, the validation period has been between 25 February 2009 and the commencement of the act. Can you outline the reasons for that change?

Mr ABETZ - It was in 2009 that reference was made to 1.4.1. I think I have the answer to the conundrum. The policy was changed in 2009, but there was no validation back to 2003, and that is why we have the two dates.

Mr BAYLEY - Does that cause a problem? Why does it not go back and try to validate all developments approved to 1996 - to the start of the State Coastal Policy?

Mr ABETZ - Because there was a previous validation act of 2003. That is why I corrected the record just then. Previously I had been talking about 3 decades. In fact, it is two decades plus one year.

DEPUTY CHAIR (Ms Finlay) - The question is -

That clause 3 as read be agreed to.

The Committee divided -

AYES 26

Mr Abetz
Mr Barnett
Mr Behrakis
Mrs Beswick
Dr Broad
Ms Brown
Ms Butler
Ms Dow
Mr Ellis
Mr Fairs (Teller)
Mr Ferguson
Ms Haddad
Ms Howlett

NOES 8

Ms Badger
Mr Bayley
Ms Burnet
Mr Garland
Mr Jenner
Ms Johnston (Teller)
Ms Rosol
Dr Woodruff

Mr Jaensch
Mr O'Byrne
Ms O'Byrne
Ms Ogilvie
Mrs Pentland
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Street
Ms White
Mr Willie
Mr Winter
Mr Wood

Clause 3 agreed to.

Clause 4 -

Validation of certain actions

Mr BAYLEY - A question here: we have heard a lot today in this debate about definitions, particularly definitions of 'actively mobile landforms'. I note that this bill, in clause 4(1), states that 'development on actively mobile landform is taken to be consistent with ...', et cetera. Yet, there is no definition of an actively mobile landform offered in the interpretation or anywhere else in the bill. The question is what definition of 'actively mobile landform' is being used in the context of this new bill? If that was such a problem, why is it that this bill does not seek to address and clarify that and offer the security that comes with that, if that was a cause of such confusion?

Mr ABETZ - The simple answer is because however anybody might want to interpret that particular phraseology, 'actively mobile landform', this will cover it. I take the member's point that there should be some definition of it, and that is why we as a government are undertaking some consultation and reviewing the State Coastal Policy to clarify some of these matters and get rid of the uncertainty that you have rightly identified in this. We have identified it previously, no matter how you might want to interpret 'actively mobile landform', it will be covered by this validation bill.

Mr BAYLEY - You are arguing that there is not sufficient mapping and previously there was not a sufficient definition. It still leaves it ambiguous, does it not? How will one determine which LUPA permit is captured?

Mr ABETZ - They are all captured if they were approved under LUPA, and then it will be approved in relation to this. Does there need to be a reconsideration of the State Coastal Policy? Absolutely. That is why we, as a government, are undertaking that process.

Mr BAYLEY - Which goes to a subsequent question I had in relation to subclause (4), which reads:

Any act or thing done or omitted or required to be done or omitted in pursuance of, in reliance on, or arising from, the issuing, or purported issuing,

of a LUPA permit during the validation period is taken to have been validly done or omitted or required to have been done or omitted.

That is a capture for every single LUPA permit that exists, not just ones purportedly on mobile landforms. I accept that there is a clause 5 that goes to the avoidance of doubt, but I refer you to the submission of the EDO that makes the point that, read as a whole, clause (4) is applying to every single LUPA permit.

It is attempted to be qualified under (5), but there is nothing that links those two clauses. Such as, in (4), the EDO suggests that you could say, subject to (5), any act or thing done or omitted or required to be done or omitted, et cetera.

Mr ABETZ - This bill is referred to as the Validation (State Coastal Policy) Bill. That is what this bill deals with and I do not think it would come as a surprise that any sensible interpretation of this would see this as being restricted to the LUPA approvals in relation to matters related to the State Coastal Policy.

Mr BAYLEY - I am not sure that is the case. Advice is being offered. You may want to take it.

Mr ABETZ - The ever-trustee advisers invite you, Mr Bayley, and me, to have a look at Clause (3) interpretation. For the purposes of this bill, LUPA permit means a permit within the meaning of the *Land Use Planning Approval Act 1993* that is issued under that act in respect of development on an actively mobile landform. That is why that constrains it. My initial assessment was correct, but it is defined and locked in by Clause (3).

Mr BAYLEY - Several submissions raised and, on their behalf, we raise the issue of liability. Who is liable for permits that may have been erroneously issued which are now validated by this bill and subsequently cause some harm of some description? Who is liable in that instance?

Dr BROAD - Your argument is only valid if it could be argued that something was put there legally. If, for example, there was a fence post or a set of steps down a sand dune that could be argued were illegal and somebody tripped and fell, then there could be a legal argument. If this State Coastal Policy was to remain as is, because it breached the State Coastal Policy, it was illegal. Therefore, there is a legal argument that that illegal structure caused damage. That is the only conceivable way you could argue physical harm. That is what you are getting at? If someone hurts themselves, who is responsible?

Mr BAYLEY - Yes, that is right.

Dr BROAD - The only planning sense would be if it was illegal or constructed negligently. The legality -

Mr BAYLEY - Is not the purpose of this whole act to validate potentially illegal or -

Dr BROAD - Everything that is approved.

Mr BAYLEY - Illegally approved structures.

Dr BROAD - Everything is deemed approved. Everything was approved and this validates their approval. It removes doubt about 1.4.2. That is what this does, so nothing is illegal. It is only illegal if it gets taken to court and - if the State Coastal Policy stood, and it was taken to court and proved to be illegal then it is illegal. At the moment the DA has been approved and there is one DA, maybe more than one, but one DA that we know about that is subject to an appeal, but they are not illegal. They have been approved.

Mr BAYLEY - I am interested in the minister's view.

Mr ABETZ - Basically, Dr Broad has summarised it correctly. This legislation deals with planning aspects, not the construction aspects of any development. If somebody gets approval to build an office block, but then does not construct it according to the appropriate requirements and the building collapses and people are injured, that has nothing to do with the planning approval. It has everything to do with an illegal construction or matters unrelated to the planning approval. I cannot see how the approval of a development application, in and of itself, can lead to the consequences to which the member refers.

Mr BAYLEY - To be honest, I do not accept that argument. This is a bill that validates past planning approvals and some of them may have been issued contrary to this policy, theoretically. That is the whole purpose of this bill, and, therefore, may cause, if it was to cause harm - the question that I am raising and is being raised by lawyers in submissions to this process is - who would then be liable?

Mr ABETZ - That is a hugely hypothetical question that you might ask a mooted class to consider, but I am not sure -

Mr BAYLEY - Is it the council that issued the original permit? Is it the Crown because of this process or -

Mr ABETZ - I cannot see how the issuing of a permit can lead to damage to a person's life or, yes, [inaudible] person.

Dr Broad - It is specific to the State Coastal Policy?

Mr ABETZ - Yes.

Dr Broad - We are talking specifically about the State Coastal Policy?

Mr ABETZ - Yes. This is about the State Coastal Policy and development applications. For example, allowing a jetty to be constructed, if somebody falls off that jetty, if it was constructed without the required safety requirements at the time then -

Mr BAYLEY - But if it was constructed with the required safety requirements?

Mr ABETZ - If something is constructed with appropriate safety requirements, then it is considered not to be illegal and one suspects causing negligence or in tort would not be available for the person who fell or injured themselves. I cannot see how that could or would arise.

Dr BROAD - Your argument only really makes sense if you take for granted that clause (4), like your previous argument, basically approved everything. Then your argument may have some vague merit. If, for example, this act inadvertently approved everything in the past, which we have already demonstrated it does not. It is tied specifically to the State Coastal Policy and specifically to development applications that have already been approved. Your argument does not have any basis.

Ms JOHNSTON - Can I seek clarification about that, using Robbins Island as an example? If this bill is approved, then there will be no assessment on the impact of the Robbins Island wharf. What if there is a loss resulting in that permit being validly issued, assuming that it would circumvent the court process? Who is liable for that loss, whether it be an economic loss or environmental loss? Because it is an approval only being provided via this bill, it has not undergone an assessment process which it ordinarily would have undergone. Who is liable for any loss that might result from us circumventing the normal assessment process?

Mr ABETZ - The normal assessment process continues. All this does is deal with the issue of 1.4.2. There are many approvals that are provided which lead to difficulties for businesses, like when townships get bypassed, the local coffee shops and petrol stations get a loss of custom. You can think of all sorts of reasons as to why approvals might occasion some sort of a loss, but in relation to the State Coastal Policy which we are dealing with, it is difficult to consider a realistic situation of loss in the sense to which the member is referring.

This bill, if passed, will not validate and approve the Robbins Island proposal. All it does is deal with the issue of the State Coastal Policy. All the other issues are still alive, and in relation to the matters that might entertain the Supreme Court tomorrow, we will, in the next few days, be dealing with those matters unrelated to the State Coastal Policy.

Ms JOHNSTON - To be clear, this bill will mean that the Robbins Island development will not be assessed against 1.4.2.?

Mr ABETZ - That is right.

Ms JOHNSTON - There will be no assessment. If there are any issues relating to the lack of assessment and the consequence of that lack of assessment on the development, it is just the way it is because of this. Am I understanding correctly?

Mr ABETZ - That is right. The approach to development applications that has been the case - and I stand corrected - since 2003 will continue, as people have been used to for that period of 21 years.

DEPUTY CHAIR (Ms Finlay) - The question is -

That the clause as read stand part of the bill.

AYES 26

Mr Abetz
Mr Barnett
Mr Behrakis
Mrs Beswick

NOES 8

Ms Badger
Mr Bayley
Ms Burnet
Mr Garland (Teller)

Dr Broad
Ms Brown
Ms Butler
Ms Dow
Mr Ellis
Mr Fairs (Teller)
Mr Ferguson
Ms Haddad
Ms Howlett
Mr Jaensch
Mr O'Byrne
Ms O'Byrne
Ms Ogilvie
Mrs Pentland
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Street
Ms White
Mr Willie
Mr Winter
Mr Wood

Mr Jenner
Ms Johnston
Ms Rosol
Dr Woodruff

Clause 4 agreed to.

Clause 5 agreed to.

DEPUTY CHAIR (Ms Finlay) - The question is -

That the bill be reported without amendment.

AYES 26

Mr Abetz
Mr Barnett
Mr Behrakis
Mrs Beswick (Teller)
Dr Broad
Ms Brown
Ms Butler
Ms Dow
Mr Ellis
Mr Fairs
Mr Ferguson
Ms Haddad
Ms Howlett
Mr Jaensch
Mr O'Byrne
Ms O'Byrne
Ms Ogilvie

NOES 8

Ms Badger
Mr Bayley
Ms Burnet
Mr Garland
Mr Jenner (Teller)
Ms Johnston
Ms Rosol
Dr Woodruff

Mrs Pentland
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Street
Ms White
Mr Willie
Mr Winter
Mr Wood

Bill reported without amendment.

VALIDATION (STATE COASTAL POLICY) BILL 2024 (No. 37)

Third Reading

Bill read the third time.

EXPUNGEMENT OF HISTORICAL OFFENCES AMENDMENT BILL 2024 (No 35)

Second Reading

Continued from 6 August 2024 (page 105).

[6.12 p.m.]

Dr WOODRUFF (Franklin - Leader of the Greens) - Honourable Deputy Speaker, it is important that we recognise what we are doing today. It is a further step towards rectifying the injustices that occurred to Tasmanians over decades because of the state-sanctioned criminalisation of people for homosexuality and cross-dressing. Essentially, criminalising them for being nothing more than their true selves. We have recognised through the last 27 years, which was the end of the criminalisation of homosexuality and cross-dressing, the end of those crimes, that those crimes were offensive, discriminatory, and harmful.

In 2017 we removed those crimes from the statute. The then premier, Will Hodgman, apologised on behalf of the State of Tasmania in 2017 to all the people whose lives were harmed and for the lost lives that people who were wrongfully convicted of homosexuality and cross-dressing. Those people's lives were changed forever. People live with those scars today. Many of those people, in fact, might be listening to this debate tonight. It is an important moment for people because here we are talking about expanding and improving on the expungement legislation that was brought in, in 2017. Many people still live today from the distress and the lost opportunities, and indeed from the decades of public shame and stigma that occurred as a result of those crimes existing and for them either being convicted, charged and found guilty of simply being themselves and expressing themselves, or being caught up in that process by being arrested and locked up.

That is why we are here today, to work on the amendment bill which is before us, which follows the independent review that was done of the 2017 legislation. Our legislation to

expunge the crimes of homosexuality and cross-dressing in 2017 required a three-year review. What we have from the three-year review has been an independent review. I thank and commend the work of Melanie Bartlett and Taya Ketelaar-Jones who did that work in October 2020. That was some time ago. It is well overdue that this matter is before us and that it gets dealt with forthwith.

The independent reviewers made 13 recommendations to improve the legislation and the processes for expungement. Of those 13 recommendations, five of them do not require legislation. The recommendations relate to: streamlining the processes for expungements to occur; supporting applicants through the process; promoting the scheme widely and making it known to more people; and the manner in which documents are disposed of. I refer to documents in relation to historical information about people being charged with the then crimes of homosexuality and cross dressing. We understand that those recommendations have been fully adopted and are being worked on.

I would appreciate the Attorney-General addressing those five recommendations that do not require any legislative reform and giving the House an update on the progress towards those things.

The Greens strongly support the eight recommendations in which the independent reviewer proposed changes to legislation. Seven of those eight recommendations are included in the amendment bill before us here today. The Greens strongly support those seven recommendations and I will make some comments about a number of them.

We welcome the intention to expand the expungement scheme to include offences for which expungement can be sought. Examples might mean offences at the time, such as resisting arrest, and obstructing and assaulting police officers. Broadening the scheme to allow for these types of offences - that were incidental to the crime of the time itself - recognises that the charges would not have been laid except for the fact that the person was being charged in the context of their conduct being of a 'homosexual nature', which was the language of the time. They are captured essentially under the then crime of homosexuality.

The independent reviewer made the recommendation because the purpose of the act of expungement was to acknowledge that homosexuality and cross-dressing offences should never have been crimes. Then it follows on from that, in the spirit of the act, any of these charges or convictions would not themselves have arisen except for the existence of the homosexuality and cross-dressing offences in the first place.

That all seems manifestly sensible and obvious to the reasonable person but it is necessary to have the nature of the expungement specifically expanded.

We endorse Equality Tasmania's recommendation that there be a broader range of incidental offences and records capable of expungement, such as move-on provisions, loitering, intoxication, public annoyance, as well as the police surveillance records. We support Equality Tasmania's recommendations that records relating to protests seeking to draw attention to Tasmania's discriminatory homosexual and cross-dressing laws also be capable of expungement.

This is a whole web that we can see here that hovered over people's lives who for decades were able to be arrested, charged and threatened with being put, if not actually put, in prison

for 21 years, simply for the crime of being themselves: of being a homosexual person, of being an LGBTQIA+ person, of being a person who was in public cross-dressing, offending the moral fabric of the time. It was so wrong, and we are here today to do what we can to unpick the crimes of the past, but, more than that, to bring justice and healing through closure.

I also want to mention the matter of section 15 of the act being amended to provide that the annotation process does not apply to secondary records. It is worth discussing some of the thoughts that people had about this recommendation. The reviewers noted that there was a strong argument that annotation on records would not give applicants confidence that their records would truly be disregarded.

Equality Tasmania also questioned whether annotated records were an appropriate method for expunging the records of a prior crime. The reviewers made note that the Anti-Discrimination Commissioner indicated a preference that records be retained for historic purposes. Equality Tasmania also did not want to support the erasure of records. Here we have an interesting issue at heart of people wanting to remove the evidence, but also not wanting to erase the fact that this was a terrible act of discrimination that occurred in Tasmania's history.

This then leads us to distinguishing between ordinary records and secondary records, which is what this does. Secondary records are defined in Victoria as:

An official record that is a copy, duplicate or reproduction of, or extract from, another existing official record, irrespective of whether those records are held by the same entity or by different entities.

For those records, the data controller must either remove the entry, make the entry incapable of being found, or de-identify the information contained in the entry and destroy any link between it and the information that would identify the person to whom it has referred.

The independent reviewers have recommended that the annotation process does not apply to secondary records. We will now, going forward, have a situation where the annotating on records, which many people in the LGBTQIA+ community believe are important to be kept for historical purposes, does occur on primary records, but not on secondary records. That is entirely appropriate and something that the Greens support.

The other matter I note is recommendation 8, that there be a specific disposal schedule to provide that all records that are collected or created, when an application is made, are disposed of after a period of six months. On the matter of the disposal of records, Attorney-General, could you comment on who would be responsible for doing that work? Which agency would be responsible for doing that work? Would it be the police? In terms of the application, it would be the Department of Justice, I am assuming.

Mr Barnett - Yes.

Dr WOODRUFF - This is for determining an application for expungement: that records from that would be disposed of after six months.

The other matters in here are relatively incidental. The point that is important to make is that they have been widely accepted by the community most affected, the LGBTQIA+ community. Equality Tasmania has made a substantial submission on the matter to members

of parliament. I formally thank Rodney Croome and the members of Equality Tasmania who have worked towards this legislation today. We all know of Rodney Croome's advocacy because we have all been phoned, emailed and spoken to on numerous occasions. It is Rodney's gentle, persistent and strong advocacy over decades that has been a beacon for the LGBTQIA+ community, not just in Tasmania, but in Australia and around the world.

We are lucky to have a person like this in our community. He is always there reminding us of what we need to do to right injustices of the past, the harms of which still live in the hearts and minds of people who were harmed. We have a responsibility to do what we can to right those wrongs, and to make sure that we have legislation today in our state so that they do not happen again.

Rodney Croome and Equality Tasmania's comments on this bill were very clear. They support the recommendations in the amendment bill. They strongly call for the government to include recommendation 13, which is not in the bill, which is to have redress for people who were harmed, who live with the impact of what they suffered, and who live with the experiences of being wrongfully convicted. It is hard to imagine what it would be like living in society with the threat of being imprisoned for 21 years if you were found to be living as a homosexual person.

The importance of redress is that it is part of what is required for healing. It is about closing the loop on the injustices that were done, and it is about us as a state fully atoning for the harms and the loss of life; the trauma and the humiliation; the enormous stigma and shame that people live with; and the active discrimination that people experienced and that many feel lives on with them.

I strongly believe that the majority of Tasmanians would agree that a mechanism for redress is the right thing to do and should be included in this bill. I thank members for agreeing to our motion in August to adjourn the parliament so that we could ask the Office of Parliamentary Counsel to prepare some amendments and to bring in an amendment, which I flag now I will bring in during the Committee stage of the bill, to provide for a process to develop redress. This is being carefully considered. I thank the Office of Parliamentary Counsel for their work on it. I have had conversations with members in the Chamber, back and forth, and in fact, I have a slightly amended version to the amendments that we circulated previously. I hope it addresses all the comments, questions and minor concerns that different members had.

It will require the government to establish an independent assessor. That independent assessor will go away and prepare a methodology by which redress can be determined for an individual applicant. It does not prescribe the methodology that will be determined. It leaves that open. There are different models and circumstances to consider in Tasmania. We are a special circumstance - we are not like other jurisdictions because we were the latest in Australia, the most recent, to have continued the crime of homosexuality and so, there are many particularities to Tasmania.

The independent assessor would then provide that information to the government and that information would be tabled in parliament as a disallowable instrument. It would then be available for parliament to consider that methodology before it was finally approved. That would give the process time and independence. It would give members of parliament an opportunity to have a look and to accept or reject the process that has been developed and, once accepted in whatever form, it would become the mechanism by which individual cases of

expunged convictions, if they sought compensation, would be able to have compensation. It would determine the level.

That is what I will outline when we go into the Committee stage of the bill.

I again thank members of the LGBTIQ+ community who have shared their stories and experiences of what it was like to live their life until 1997 under the threat of jail, of criminalisation, for being themselves and for expressing themselves in a way that in Tasmania today seems like it was a century ago, not just 27 years, which, in itself, is a very short time in people's lives. There are people who are still living with that hanging over them - crimes that can be expunged. This is about going the extra step, improving the legislation, and providing a mechanism for address, for compensation that is in line with the precedence that we have already established in Australia. For example, for redress for members of the Stolen Generation and those who were abused in state care, for compensation to victims of crime. There have many ways that the state can seek to atone for wrongs that have occurred. We think this is the right approach.

I look forward to members' views. I hope we can all agree on that important matter of justice. It would be a very moving day for people who are affected by those crimes in the past and I look forward to members' comments. We strongly support the amendment bill.

[6.30 p.m.]

Ms WHITE (Lyons) - Deputy Speaker, at the outset, I can indicate the Labor Party's support for the Expungement of Historical Offences Amendment Bill 2024. I thank the Attorney-General's department and staff for organising a briefing on this matter when it was expected to be debated in August.

I will not repeat what I said on the debate of the bill at that time. I spoke to the adjournment that was before the Chair. However, what had happened in that instance, just to refresh people's memories, is that the LGBTIQ+ community had asked us to adjourn the debate to provide some time for the Leader of the Greens to work with OPC to draft some amendments. The point I made at that time was that, ultimately, these law reform improvements are to specifically benefit that particular community. I thought it was sensible for us to adjourn so that we could allow for that time, given that had we not done that, we would not have been acting on the wishes of that community who, fundamentally, we are trying to make improvements for through this reform legislation.

I am happy now to contribute to the second reading debate and provide my thoughts on the bill that is before the Chair. I will also reference the proposed amendments that have been circulated by the Greens.

Ultimately, Deputy Speaker, the value of the 2017 reform was a statement we made as a state about the regret and sorrow for our intolerance, for far too long, towards consenting adults in homosexual relationships and those who chose to cross-dress. It was an important statement of this parliament expressing our apology at that time, given by then premier, Will Hodgman, on behalf of the state of Tasmania, and then outlining how we would take steps to redress those wrongs.

At the time the legislation was debated, it was across the parliament that we joined together to enact legislation that was happening across the country to expunge charges or

convictions relating to historic sexual offences and cross-dressing offences. These reforms were happening from state to state to territory across the nation, and Tasmania was joining in that.

I note as well, because I think it is important to recognise, that the former attorney-general, Vanessa Goodwin, was the member of the then Hodgman government who was fundamental in progressing these reforms in Tasmania. This work was carried on by then attorney-general, Matthew Groom, who brought that bill to this parliament.

Built within that legislation was a review of the act. That occurred in October 2022 and the report of the independent reviewers has led to the amendments before the House that we are debating now. The reviewers also called for submissions from this consultation. They made 13 different recommendations, including some that require legislative change. These recommendations, bar one, have been accepted by the government and incorporated into the work of government, whether it is in the departments, through the work they are already doing to implement those recommendations, or through their legislative changes before the parliament right now. I will come to the one recommendation that was not adopted by the government in a minute, but I wanted to pick up on some of the comments in the review that led to the reviewers suggesting clarification and improvements.

They made 13 recommendations, as has already been outlined, but I will touch on each of them briefly for the benefit of those who are listening.

The first recommendation was:

That the Act is amended to allow for the expungement of charges or convictions for resisting, obstructing or assaulting police under section 34B of the *Police Offences Act 1935* (Tas) or failing to comply with the direction of a Police Officer under section 15B of the *Police Offences Act 1935* (Tas), or any equivalent provision as in force at the time.

The reviewers found, through the evidence they received and the submissions that were provided to that review process, that there was a potential for these charges to have been made against somebody that could not be expunged under the original legislation but were related to their homosexuality or their cross-dressing. This recommendation asked the parliament to amend the legislation to remedy this so that any offences where a conviction was made against somebody for these types of offences are also captured.

The second recommendation was:

That printed copies of the application form be available from Service Tasmania, and also a telephone contact number be clearly noted on the EHOS website.

This came from information that was shared with the reviewers that the only way to access information about the scheme or to make an application on the scheme was online. As we know, the age of the people who are most likely to be affected by these historic offences means that some of them may not feel comfortable with that method of engagement. Providing physical hard copies in Service Tasmania and a phone number to call is another way of providing better access to justice.

The third recommendation was:

That information identifying legal and non-legal support services be provided to all parties ...

This just makes sense.

The fourth recommendation was:

That the information on the website, and at the relevant sections in the online and hardcopy application forms, should be clarified to clearly state that the applicant is not required to provide all of the information requested in order to make a valid application.

This is an important point that speaks to the fact that for an offence that may have been some decades ago, you may not have all the information but if you can provide your name, date of birth, and some other identifying details, the secretary of the department can help fill-in the picture so that an application can be progressed with these changes that are before us.

The fifth recommendation was:

That the Act be amended to delete the word 'applicant' in Section 10(3)(c) first occurring and replace it with the word 'Secretary'.

This is to give effect to recommendation 4.

Recommendation Six was:

That the secretary consider establishing a formal feedback process to be sent to all applicants following the determination of their application to identify any systemic issues or provide further support to applicants.

A straightforward recommendation.

Recommendation 7:

That section 15 of the Act be amended to provide that the annotation process does not apply to secondary records.

This is something that Dr Woodruff, the Leader of the Greens, has spoken to in her contribution already, about some of the challenges that presented. These amendments that are before us hope to remedy some of those problems.

Recommendation 8:

That a specific Disposal Schedule be issued which provides for all records collected or created in the determination of the application be disposed of after a period of six months ...

It goes on to provide some further information, but I think that is again a self-explanatory recommendation.

Recommendation 9:

That the act be amended to provide that any records, documents or material that have been collected or created in the investigation and determination of an application for expungement are exempt from the provisions of the *Right to Information Act 2009 (Tas)*.

Again, this is to make sure that this information, which is obviously incredibly sensitive and private to an individual - if they want it to be expunged from the record, they do not want that information to be able to be retrieved through right to information.

Recommendation 10:

That the definition of 'record' in Section 9 of the Act is narrowed. The definition should provide that the records which are required to be provided to the applicant are records relevant to the offences which are the subject of the application for expungement.

Again, that is self-explanatory.

Recommendation 11:

That the secretary's obligation under section 12(3)(b) to provide the applicant with copies of relevant records relating to the application should be qualified by a provision limiting this obligation in circumstances where there is a possibility that disclosure may have adverse impacts on another person's privacy, safety, wellbeing, rights or interests.

Again, I think that is incredibly self-explanatory.

Recommendation 12:

That further efforts are taken to promote the Scheme.

I will come back to this in a moment.

Finally, recommendation 13:

That a payment should be made available for those whose records are expunged under the Act.

That goes to the point of why we had the adjournment of this debate in August, so that the Leader of the Greens could work with the Office of Parliamentary Counsel (OPC) to draft amendments that would help give effect to recommendation 13, noting that is not contained within the bill before this House.

I have some questions for the Attorney-General based on, in the first instance, recommendation 12. The report, on page 25, talks about some of the challenges they identified regarding publicising and promoting this scheme. They said:

Since the commencement of the Act there has been no further advertising or promotion of the Scheme. CBOS has advised that it provided additional promotion of the Scheme, including targeted posters and postcards, to the Secretary and DPAC for media approval. However, confirmation was not provided to progress with this.

I am interested to know from the Attorney-General what advice you have received about why it was not progressed, and what guarantee you can provide that with the adoption of recommendation 12, which is for there to be improved advertising, that this will not also be scuttled at some point within the department or by the government, despite the fact that it was the intention of Consumer, Building and Occupational Services (CBOS) to do this prior to this being clearly set out in the legislative changes that are before this House.

I note further on in the report that the reviewers observed that CBOS is the appropriate body to oversee the administration of the scheme. They go on to say:

The unit is well functioning and well-funded. The cohort of staff is appropriate to deal with these processes, given the other work they are engaged in, and the consequent knowledge and experience they have in dealing with sensitive and confidential information.

That is important to note for two reasons. One, it is a recognition of the good work of the staff and their ability to affect this scheme. Second, it talks about how this unit in CBOS is functioning and well-funded, which raises the question of why, when they put forward a proposal to the secretary to provide for greater advertising and promotion of the scheme, it was not supported.

From my reading of this report, it sounds like they had the resourcing and funding to be able to advertise the scheme, but for some reason it was not progressed. I am interested for the Attorney-General to provide advice about whether he knows why the secretary decided not to go ahead with that program of promotion, and also what guarantee can be provided that recommendation 12, which is for further efforts to be taken to promote the scheme, is followed through. Arguably, one of the deficiencies of the scheme, as noted by the reviewers, is its failure to be widely promoted, the failure for a telephone number to be provided on the website, and the failure to have hard copies of application forms available at Service Tasmania.

If you did not know to go to the website, it would be very difficult to know the scheme even exists because there has been no advertising of it since the legislation passed the parliament. This may explain the very low numbers of people who have made applications and the low awareness amongst those who have made application of who may be eligible for the scheme.

I note the advice from Equality Tasmania, which has been mentioned by the Leader of the Greens, which is urging we parliamentarians to consider in some form the financial compensation or payment in recognition of the harm caused by this historic law, which picks

up on recommendation 13 of the report - the one recommendation that the government has chosen to not include in this amendment bill.

Many would be shocked to know that it was contained as a criminal offence within Tasmania's laws to be homosexual or to cross-dress until 1997. That is not very long ago. We obviously have made significant steps since that time to not only change that law - to remove it so it is no longer a criminal offence - but also to expunge the records of anybody who may have been charged with an offence.

It points to the fact that a lot of people have been harmed through previous laws of this parliament, whether it be impacted through charges that may have been laid or just the emotional and mental trauma that was caused by such laws, which prevented somebody having an open, loving relationship with the person they loved, just because that person was homosexual. It beggars belief that Tasmania would have such laws for such a long time.

I am proud of the fact that this parliament has moved to redress that, and to make sure that we have legislation such as the 2017 legislation that expunges the record of anybody who was charged with an offence of homosexuality or cross-dressing. It is important to note that the reason people are asking for a provision of compensation to be provided for in this amendment bill is to acknowledge the deep hurt and trauma that was caused to anybody who was charged with that offence.

From the advice that has been provided by Equality Tasmania and the good work of Rodney Croome - and I echo the sentiment shared by Dr Woodruff - it is likely there are very few people who will choose to take the step of seeking financial compensation or redress, but it is really important for this parliament to make a statement about how important we think it is that if somebody needs to take that step, they are supported to do so, and that they will be appropriately compensated for the hurt and harm caused by previous bad laws of this state.

Equality Tasmania have provided advice in their submission, which is attached to the reviewers' report. They say the following:

The stigma of conviction and the damage of subsequent discrimination could be rectified more fully if the state were to provide financial compensation to those affected. Compensation would obviously help make good the financial losses of those who suffered conviction, stigma and discrimination. On top of this, it would show, more compellingly than anything else, that the state takes conviction-related stigma and discrimination against LGBTIQ people very seriously, that this stigma and discrimination have no place in today's society, and that they must never be permitted again. Obviously, it would also help encourage those who would benefit from the expungement legislation to avail themselves of its remedies.

The Labor Party agrees. We look forward to supporting the amendments that the Greens will seek to move in the Committee stages of this debate, because fundamentally this bill provides a way for this parliament to continue to show our support for the LGBTIQ+ community in Tasmania. This is an opportunity for us to collectively demonstrate that we choose acceptance and love over fear and division and that together we will work proactively to progress equality for the benefit of the entire Tasmanian community.

I will conclude my remarks there because we will be going into the Committee stage. I thank the Leader of the Greens for the work that has been done on this, and in particular the work of Equality Tasmania and Rodney Croome. Their advocacy has been tireless and comes from a place of seeking justice. I look forward to being able to see those amendments included in the final bill that passes this House. It will give a very strong and bold statement that this parliament supports love and equality and that we will do everything we can to stamp out discrimination and offer redress for the mistakes of the past.

Members - Hear, hear.

[6.51 p.m.]

Ms HADDAD (Clark) - Deputy Speaker, I will make some brief comments in support of the Expungement of Historical Offences Amendment Bill 2024 in my capacity as the shadow minister for equality.

In starting my contribution, I take the parliament back to 1997 and refresh our memories of some of the things that were happening in Australia and around the world. John Howard was Prime Minister, Kim Beazley was the opposition leader, Geoffrey Rush won the best actor Oscar for his role in the film *Shine*. It was the year Princess Diana died. The first Harry Potter book was published. Pete Sampras and Martina Hingis took out the Australian Open men's and women's titles. Tony Blair was elected Prime Minister of the United Kingdom. The Thredbo landslide occurred. Netflix was founded. The film *Titanic* was released and became the highest grossing film, winning 11 Oscars. Adelaide beat St. Kilda in the AFL grand final. The Kyoto Protocol was signed and, if you were a young kid, you might have had a Tamagotchi, an electronic toy that hit the shelves that year.

I share these pieces of pop culture and history, not to be frivolous or funny, but to demonstrate to the Chamber and to Tasmania that these things may seem a while ago to some, but, really, they are very recent history. They are a very recent memory for most of us in this Chamber.

The reason to go back to 1997 is because that is the year that homosexuality and cross-dressing were decriminalised in Tasmania. They were removed from our Criminal Code in 1997. It is really not very long ago. Everyone in this Chamber was alive at that point. I was in high school, as I am sure many others were, and many others would have been working already. The youngest member of our caucus, and I think the youngest member of the parliament, Meg Brown, was five years old at that time and just starting kindergarten.

I go through that history to demonstrate that what we are dealing with in the bill before us, the expungement of historical convictions for homosexuality, is recent history. I do not feel like we are talking about historical convictions here, despite the name of the bill. We are talking about convictions that are the very recent history, memory and experiences of those who were affected.

Those convictions inflicted enormous harm on the people who were convicted of homosexuality and of cross-dressing crimes. They continue to inflict harm - having a criminal record, a criminal conviction recorded against your name causing enduring harm and discrimination for many years to come. It is a dark and shameful period of our history as a state that it took until 1997 for it to no longer be a criminal offence to simply love who you love, if that person is someone of the same sex as you.

It was in our Criminal Code which meant it attracted a maximum sentence of 21 years. It is unfathomable, I think, to most. It would be unfathomable to most young people today to think that you could go to jail for 21 years for cross-dressing or for living as a homosexual person and loving someone of the same sex.

Achieving decriminalisation, removing these crimes from the Criminal Code, was not an easy road. There were enormous obstacles and barriers in the way of that campaign to change those outdated laws. I pay tribute, as others have, to many community advocates and to parliamentarians who did not give up on that fight that eventually led to the law being changed.

The long campaign that led to the decriminalisation was marked by some pretty horrible things, including premier Robin Gray at the time in the 1980s saying that homosexuals were not welcome in Tasmania. There were meetings of the campaign for decriminalisation where police surveilled those meetings, writing down the number plates of people as they arrived at and left those meetings. There were countless aggressive, hostile town hall style meetings across the state driven by homophobia and hate. There were historic arrests of people who were staffing the Tasmanian Gay and Lesbian Rights Group stall at Salamanca Market in Hobart, just across the road from where we are sitting right now.

Everybody would be familiar with those historic photos of Rodney Croome and others being dragged away by police simply for standing at a stall that was advocating for gay rights. That organisation is the predecessor to Equality Tasmania.

Alongside that aggression and hate was a determined, disciplined campaign to do what was right. That culminated in Nicholas Toonen, who at the time was Rodney Croome's partner, taking a historic case to the United Nations Human Rights Committee. In 1994, that committee held that our laws criminalising homosexuality were a breach of international human rights. They had to go.

I note that in April of this year there was a special event held. Many members of parliament and lots of community advocates and community members attended the Salamanca Arts Centre, which was to commemorate 20 years since that historic case was won at the UN.

If anyone has not been to look at the plaque that is on the wall at the Salamanca Arts Centre, I really encourage you to do that, to read about the history. It is a meaningful and moving piece and I will quote just one part of what that artwork says:

The Tasmanian UN decision is a reminder of how important it is to protect and guarantee human rights. It is also a reminder that small groups of committed people can change the world for better. It changed Tasmania for the better and the world for the better, as crimes regarding homosexuality around the world have been repealed.

Despite that decision in 1994, the road to repealing those laws from our Criminal Code following that turn and decision also was not a straightforward one, despite that landmark win.

What followed the UN decision was an increase in homophobic rallies, a boycott of Tasmanian products, and intervention from the Australian Government, Amnesty International and the High Court. Thousands of LGBTIQ+ Tasmanians chose to leave our beautiful state. Many of them never returned. However, the community campaign continued in the face of

these challenges and in 1997, that legislative change was finally achieved. Homosexuality and crossdressing were removed from our Criminal Code. It was no longer a criminal offence to love who you love.

That was 27 years ago, when we had the worst record as a state of the treatment of LGBTIQ+ people and the protection of the rights of this community. In the intervening 27 years, we have gone from the worst to amongst the best, certainly the best in Australia's jurisdictions. In those intervening years, 27 of them, we have seen significant change come through this parliament and in the community. We have seen the passing of the *Anti-Discrimination Act* by Judy Jackson, a trailblazing former attorney-general. Judy protected the rights of not just LGBTIQ+ people but every Tasmanian from discrimination.

Judy was also responsible for the relationships recognition legislation. This landmark legislation recognised the legal rights of same sex couples before marriage equality was achieved at a federal level. We saw the inclusion of same sex couples in being able to adopt a child. We have seen an annual pride festival grow bigger and bigger every year. We have seen LGBTIQ+ working groups across most government agencies and NGO sectors. We have seen several attempts at state-based marriage equality laws come through this parliament, leading eventually to marriage equality being achieved at a national level, with Tasmania providing a resounding yes vote in that historic postal survey. It was not a referendum.

As shameful as it was that a postal survey was conducted to pass judgment over the rights of same-sex couples, it was historic that Tasmania presented a 63 per cent yes vote. In my electorate of Clark, nearly 74 per cent of residents voted yes in that postal survey.

This parliament also saw historic change achieved from opposition in 2019 when we updated the *Births, Deaths and Marriages Act*. It should have been a pretty straightforward thing to do, but it ruffled a lot of feathers at the time. We made some pretty straightforward changes to allow transgender and gender-diverse Tasmanians to have their birth certificate identification documents correctly recognise and record their gender.

In 27 years, we have gone from being one of the worst to one of the best states for recognising and protecting the rights of LGBTIQ+ Tasmanians, and that is something that everyone in this Chamber should feel rightly proud of. Tasmania has in large part moved from being a closed-minded, homophobic community to a warm, welcoming community - one that celebrates diversity, welcomes love and celebrates every Tasmanian, celebrates our LGBTQIA+ Tasmanians and does everything that we can to remove discrimination in this state.

As we have heard others say - and I will not go through all the details of the bill because my colleague Rebecca White has done that, as has the Leader of the Greens and the minister - the original legislation passed in 2017 and was accompanied by a formal apology from then premier, Will Hodgman. It establishes the existing expungement scheme where people charged and convicted of homosexuality or cross-dressing offences can apply to have those convictions expunged. This was an important and long fought for change. While there have been very few applications to have former convictions expunged, the fact that the expungement regime is in place is an important and worthwhile thing. It recognises that those laws were wrong and that past convictions continue to inflict harm.

This bill follows a review of the existing scheme, which was built into the original act and was conducted by Melanie Bartlett and Taya Ketelaar-Jones. Their review looked at the operation of the scheme and recommended a number of changes that are incorporated into this bill, and others have gone through the details of those changes. The bill adopts all the recommendations of the review except one, and as we have heard others say, that is the recommendation to establish a scheme of redress to compensate with financial payment people who successfully have those previous convictions expunged.

It is a real shame that the government has ignored that one recommendation. The case for compensation and redress is clear and would not be an enormous financial impost on government. I note that there have been few applications under the existing scheme. It is important to note that and not forget that the impact of being charged and convicted has had on people. It is a lasting impact. Having a criminal record has a lasting impact on your life that can cause you trouble and difficulty day to day. Equality Tasmania spoke about that in their briefing paper on the bill, where they said:

Charges and convictions under our former laws led to fines, jail time, aversion practices, involuntary outing, loss of jobs, loss of family, loss of relationships, interstate exile and suicide. Victims endured humiliation, shame, stigma, discrimination, pain and trauma for decades after their conviction. Having a criminal record made it much harder for those targeted under the old laws to find employment and housing.

This is the long-term and enduring harm that was experienced and continues to be experienced by people who were wrongly convicted under those old, outdated laws. It is governments of the past who committed those wrongs and who created those long-term harmful consequences, and it is in the power of this government and this parliament to fix it. Financial compensation should be part of that. The reviewers said at Part 6 of their report that they 'appreciate the significant impact that compensation or redress schemes can have in acknowledging and attempting to recraft past wrongs perpetrated by the state'. They said that they agreed with submissions made to the review that compensation:

... confirms the expressed wish of parliament in enacting this legislation that it was intended to send a compelling message that the state is serious in its commitment to remedy, to the extent that it can, the discrimination against, and distress and harm experienced by, Tasmanians in this context.

They further noted that it reflects contemporary social policy and thinking.

It is not enough to say, and I suspect that the government may say, that people can make a separate application to Treasury for an ex gratia payment if they have a conviction expunged. That is not a satisfactory pathway. The process to go through to have convictions expunged will be a lengthy and administrative process, and it is not right to add to that a second onerous application process. After a successful application for expungement, applicants should not have to go through a second application for a discretionary government payment.

It is important to note that with ex gratia payments, they may or may not be made, so someone could go through the emotional and significant process of having a past conviction expunged, be successful in having that expunged and still be denied an ex gratia payment. There should be a compensation scheme built into this bill to protect from that. It would be

incredibly harmful and inflict further injury, harm, hurt and unfairness on someone who has already suffered due to these old, outdated laws.

Forcing people to apply separately for an ex gratia payment through Treasury could also be influenced by the will of the person who holds the Treasury portfolio at any given time at the time of an application for an ex gratia payment. I have to ask myself what would happen if the person holding that Treasury ministerial position held deeply homophobic views that could influence their decision to sign off on an ex gratia payment. That is not an example of responsible public policy.

Rather, there should be a redress scheme built into the legislation, as was recommended by the reviewers. It is the right thing to do, and I note that the amendments that have been circulated by the Greens would implement that. As the shadow attorney-general, Rebecca White, has indicated, the Labor Party looks forward to supporting those amendments. We remember in doing that that we have gone from the worst to the best. Tasmania should be proud that we have gone from a state that had a very dark history of the treatment of gay, lesbian, transgender and gender-diverse people to be one of the best.

We are now a jurisdiction that others look to for best practice in protecting the rights of LGBTIQ+ Tasmanians. We have gone from a state fueled by hatred, homophobia and discrimination to one that embraces love and diversity, and that is a positive thing. We can do the right thing here by recognising that the government has come to the table with a bill that adopts all the recommendations bar one. That is a good thing and it has been very welcomed by the LGBTIQ+ and broader community, but we can go further by supporting the Greens amendment to introduce a redress scheme that would be embedded into this legislation. It would not be an enormous impost on government but would make an enormous difference to the lives of those who were convicted under those outdated laws and who have suffered the enormous, enduring consequences of having those convictions, simply for loving who they love or for cross-dressing, affect their lives for decades since.

With those comments I will conclude my contribution and look forward to the rest of the debate.

[7.08 p.m.]

Mr BARNETT (Lyons - Attorney-General) - Deputy Speaker, I thank my colleagues in the Chamber and those who have contributed earnestly, directly expressing their views. I commend each and every one of you for that and thank you for all those contributions.

I will respond to Dr Woodruff, Rebecca White and Ella Haddad's contributions and to note, as I think Ella Haddad in her final note said, that our government has endorsed 12 of the 13 recommendations of the independent review. We have those well underway, and the legislation before us reflects much of what is in that report and in that review. I note that. Also, I note on the record, my meeting some months ago now with Rodney Croome and to indicate he was representing Equality Tasmania. We covered a range of topics and it was a productive and enjoyable discussion. On a number of matters we agreed to disagree, but basically, we had a good discussion. I acknowledge his advocacy in this space and note that I acknowledge the advocacy and the views of everyone and respect that.

I indicate with respect to those recommendations, some 13 of them in the bill. I will quickly run through with the first recommendation. We have accepted 12 of the 13. Number 1

is in the bill, 2 is complete, 3 is complete, 4 is complete, 5 is in the bill, 6 is complete, 7 is in the bill, 8 is underway, 9 is in the bill, 10 is in the bill, 11 is in the bill, and 12 is underway.

Number 13 is the one that we did not support as a government due to the existing general ex gratia framework under section 55 of the *Financial Management Act*. I will speak more about that shortly and acknowledge the difference of views in the Chamber. I acknowledge the Greens' amendments that have been foreshadowed to be dealt with in Committee. I respect that and I will share a few remarks at a high level. We look forward to sharing our views with you in response to that once we get to the Committee stage.

With regard to the views that have been expressed, I will go through those as best I can, from both Dr Woodruff and Ms White. There was a little bit of a crossover there, so I will pick them up in the order that I have them before me.

With regard to the promotion of the scheme and to indicate that the government is planning further promotion of the scheme, subject to finalising the bill before us through both houses of the parliament. The Department of Justice is finalising a communications scheme to consult with the LGBTIQ+ media, the relevant news magazine, *Star Observer*, the *Mercury*, *The Advocate* and *The Examiner* is my understanding.

With respect to the use of social media, my advice is that social media will also be used: paper-based advertisements, distribution of information through LGBTIQ+ networks, website content, direct stakeholder engagement, and a media release. A communications plan for post-amendment communications will result in greater reach throughout the Tasmanian community.

I cannot speak for the former attorney-general with respect to previous communications, but I have been keen to progress this bill. I note that it was 1 August, the bill is exactly in the same form as it was when we brought it through the parliament at the end of last year, October-November. In fact, it was November, so it is in exactly the same form. There was some debate at the last sitting when it was introduced in early August. There was time to at least consider the bill because it was in exactly the same form and that is why there was somewhat of a surprise with regard to the suggestion or recommendation to adjourn.

We did have other matters on the agenda, but I am very pleased that you now have the relevant amendments before us that we can consider carefully and I will share some remarks on that.

With regard to the communications arrangements, the scheme has had a higher profile in the media following the independent review that was undertaken and that is acknowledged. In relation to the agency responsible for the disposal of records, Dr Woodruff asked me to respond to that. The recommendation is to introduce a specific disposal schedule of all the records. That is the advice I have. The agency that is responsible for disposal is the agency that holds the relevant data. Section 3 defines the relevant data controllers as the Registrar of the Supreme Court, the Administrator of the Magistrates Court, the Commissioner of Police and the Director of Public Prosecutions. These data controllers are accountable for the disposal of records as required by the act and relevant agencies such as the Department of Justice and departments also responsible for the disposal of records when no longer lawfully required. That is the normal course of events.

I believe it was Ms White who was asking about CBOS. I do not administer CBOS. It is administered by the Minister for Small Business and Consumer Affairs. I am not able to advise and it is not known to me why funding decisions were made by the Department of Justice in relation to the funding to CBOS. That was a decision made by a previous minister and by a former secretary. That is the advice I have.

There was a question about the recommendations and what has happened to those relevant recommendations. It is a fair question and I advise the Chamber of the response that I have from the department in terms of those non-legislative recommendations. Dr Woodruff, this might assist you accordingly. The review has made a number of recommendations that did not require legislative amendment: recommendations 2, 3, 4 and 6, including revisions to the application form, updated guidance for applicants, and the introduction of a feedback mechanism for applicants. I can advise that these have been completed.

Recommendation 8, to introduce a specific disposal schedule for all records collected or created, has been accepted in principle by the Department of Justice and the departments adopting a policy to apply for a destruction authority from the Office of the State Archivist for all relevant records and that is relevant to the department. I spoke earlier about the other relevant parts of government, various courts and the police.

In relation to recommendation 12 and efforts to promote the scheme, the government acknowledges the need for consultation with the LGBTIQ+ community representatives in relation to any appropriate promotional activity of the scheme. I have touched on how we would, through the department, expect to communicate and promote the scheme accordingly, as I have recently remarked.

I will address a couple of the other questions that I believe are relevant to this place and potentially the other place. First, I touched on this in the Second Reading speech, but in the six years since the scheme's operation, there have been 15 applications for expungement; 14 of these applications were for offences that were not homosexual or cross-dressing offences. They were outside the act's scope. One application did relate to a homosexual or cross-dressing offence, but it was not eligible for expungement due to the circumstances of the case. The application was refused by the secretary.

There has been some debate and discussion about the ex gratia payments and I thought I would advise the Chamber and those listening, in terms of the Budget papers, reflecting the recent planned decreases in ex gratia assistance under section 55 of the *Financial Management Act*, the advice I have and the increases in ex gratia assistance in 2021, primarily in relation to corporate reconstruction. In 2019-20 it was \$610,000, 2020-21 was \$6.2 million, 2021-22 was \$4.7 million, 2022-23 was \$300,000 and then the forward Estimates for 2024-27 is \$100,000. That might provide some background and context about the ex gratia payments.

Why is the expungement number so low? Is it likely the number of expungements will increase over time? As of June 2024, there were 15 applications with none meeting the criteria for expungement. These are, admittedly, low numbers. However, whilst this is an important scheme, it does cater to a very small number of people. The independent reviewers' report noted that 96 people had been convicted of homosexual offences with no relevant prosecutions after 1984, and this leaves the bulk of convictions occurring before the late 1970s.

Many of these people will now be elderly or have sadly passed away. This may reflect why we have only one application to date that is within the scope of the scheme. It is our hope that the further promotion of the scheme that is being planned will lead to further applications, but these may be very few. Not all people with these charges will be interested in having them expunged. Nationally, research shows the number of applications for expungements have remained low.

Regarding the consultation process on the bill, we had consultation last year and then earlier this year in August, and there was quite extensive feedback from and consultation with relevant stakeholders and interested parties. I will not go through that; it is on the public record.

I will touch on why the bill excludes compensation, and I will come to that in one moment. Before I do so, I have touched on the promotion side of things and indicate that the department's LGBTIQ+ community reference group was consulted on the bill. I thought I would put that on the record as well. Just at a high level, before the Greens bring forward their amendment in Committee, the amendments require the appointment of an independent assessor.

Three months after commencement of the assessor and within six months of their appointment, they must complete a public submission process and report to the Premier on a recommended method for calculating an amount of compensation payable to eligible applicants. Within 30 days of receiving the report, the Premier must then prepare a draft order which specifies the method for calculating the amount of compensation to be paid under the act to eligible participants for parliamentary approval.

These remarks reflect the Greens' initial amendments, and I know they have been refined earlier today, so I will say more about those in Committee. The amendments do not follow the recommended approach in the review for a simple two-tiered payment method, depending on charge or conviction, and refers to payments as compensation rather than ex gratia payment. It is unclear on what grounds the independent assessor would determine a compensation calculation method for historical convictions, and ex gratia payment as recommended by the review is typically not designed to compensate a person for losses, but rather reflect a non-legal liability of the state, such as an expression of regret.

I indicate a couple of concerns that the public interest may not be served, as it is anticipated establishing a compensatory scheme will cost more in establishing costs than will ever be delivered in compensation, as of June 2024. As I said, none of the 15 applications under the act have met the criteria, and it is not clear why the act provides for the Premier to choose to appoint an independent assessor at later times following the report of the first independent assessor.

This would appear to allow the Premier to make different appointments until satisfied with the report received, although, in that case, parliament may be critical of multiple orders being put before it, following each report.

I will have further to say with respect to the Greens amendments in Committee, so I might leave it there as we are, I am sure, heading that way in the not-too-distant future. I hope I have addressed the questions and queries of Dr Woodruff and Ms White prior to getting to the committee.

Dr Woodruff - If you support the amendment - yes, job done, I suppose.

Mr BARNETT - We will address the amendments once we get to the committee, and I look forward to doing that. I appreciate the goodwill of the Chamber to progress the bill and look forward to further discussions in the committee. I thank the House for the opportunity to share those remarks. Before we do go into committee, I just wanted to, again, thank, as others have, my department and, specifically, Bruce Patterson, who is here tonight with Meegan Essex and David Seeley from my office. I really appreciate their help and support.

EXPUNGEMENT OF HISTORIC OFFENCES AMENDMENT BILL 2024 (No. 35)

In Committee

Clauses 1 to 8 agreed to.

New clause A to follow Clause 8A, part 3A inserted

Dr WOODRUFF - As I discussed in my Second Reading speech, there are two amendments to read in. We will not get through that tonight, but I will make a start as a new clause A and a new clause B. Just to set the record straight, my understanding is that the government's LGBTIQ+ advisory committee looked at all the recommendations of the independent review and wholeheartedly supported all 13 of them. They also supported having a clause for compensation, so here we are.

Mr Barnett - I do not disagree with that. It is just that my department met with them. That is what I wanted to say. They met with them and they were consulted.

Dr WOODRUFF - Yes, they were consulted, and I understand that they support having an amendment like this in there.

Mr Barnett - No problem at all.

Dr WOODRUFF - Yes, good. I will start. I need to read the clause in. New clause A to follow clause 8A, part 3A inserted. After section 19 of the principal act, the following part is inserted:

Part 3A - Compensation payable under Act

19A Interpretation of this part

In this Part –

assessment means an assessment carried out by an independent assessor to determine the amount of compensation to be paid to eligible recipients under this Act;

compensation order means an order made by the Premier under section 19E(4);

eligible recipient means a person whose charge has been expunged under this Act;

independent assessor means a person appointed under section 19B;

initial compensation order means the first compensation order made by the Premier after the commencement of this Part.

Initial decision means the first decision of the Secretary to expunge a charge under section 12 that occurs after the commencement of this Part.

19B Independent Assessor

- (1) The Premier must appoint an independent assessor to conduct an assessment under this Act –
 - (a) within 3 months after the commencement of this Part; and
 - (b) if a compensation order is disallowed under section 19E, within 3 months of the disallowance.
- (2) The Premier may, at other times, appoint an independent assessor to conduct an assessment under this Act, if the Premier considers that the appointment is necessary to ensure that appropriate compensation is paid to eligible recipients under this Act.
- (3) The Premier may only appoint a person as an independent assessor under this section if satisfied that the person has relevant knowledge, expertise and experience to make an assessment under this Act.
- (4) The appointment of an independent assessor is to be on such terms and conditions as the Premier thinks fit.
- (4) An independent assessor has the power to do all things necessary or convenient to be done, in connection with, or incidental to, the conduct of an assessment.

DEPUTY CHAIR - The time being 7.30 p.m. I will report progress.

Progress reported; Committee to sit again.

ADJOURNMENT

Extreme Weather Conditions in Tasmania

[7.30 p.m.]

Mr ROCKLIFF (Braddon - Premier) - Honourable Speaker, I rise tonight to speak about the extreme weather conditions that Tasmania has faced over the course of the last 10 days. All of us in this Chamber will understand that this has led to significant damage, mainly as a result of destructive winds. I believe winds up to 187 kilometres an hour were recorded at Maatsuyker Island, and well over 140 kilometres an hour in other parts of the state.

We have had rain as well, and the ground is at full capacity. We have had floods in the Derwent Valley, predominantly. Mr Barnett and I were there with Mayor Dracoulis yesterday, inspecting some of that damage.

We know that thousands of Tasmanians have been impacted by power outages and I am advised that 564 customers are still without power across the state this afternoon. I am advised that TasNetworks experienced significant impacts with more than 20 per cent of its network damaged, which has been, as you would appreciate, extremely tough.

I acknowledge our emergency services: our SES personnel, our volunteers, our TasNetwork staff and contractors who not only worked tirelessly during this difficult period, but often under very difficult conditions. Naturally, you would expect that TasNetworks and the SES would not put their employees into danger during these times, but they assisted with difficulty that was experienced by many people. These were not power connections in the street. These were power connections lost in flooded paddocks, across farmland and the like. These locations were very difficult to access, in very difficult and often dangerous conditions. We very much appreciate that. They have worked through challenging conditions to clear roads of debris, to restore power and to help vulnerable Tasmanians. I am aware of two people - contractors - who were injured during the course of their activities. Our thoughts are with them and their families in their recovery.

I will mention our SES personnel and our volunteers. Minister Ellis and I met with Andrew and Riley on Father's Day on Sunday. They are a father and son team. Andrew notched up 25 years with the Meander Valley SES and his son, Riley, has followed in his footsteps by recently joining the crew. It was a day off for dads, as it should have been. Not for Andrew and Riley. Once again it highlights the magnificent community-mindedness of these individuals and I pay tribute to them. The father and son spent their day, and no doubt many more hours, helping their fellow Tasmanians, as I am sure many men and women did across Tasmania during that time.

As the recovery and clean-up efforts ramp up, we have continued to work closely with local and federal governments and non-government organisations. We have responded quickly to support the community. I thank the Australian Government for its commitment to Tasmanians in the recovery process. I informed Prime Minister Albanese during this time. He is very open to providing support and passing on his best. I also acknowledge Jenny McAllister who has worked with minister Ellis over these times. We had a text exchange just yesterday, and I publicly thank Jenny for the work and offer of support as well, which we very much appreciate.

Together, we have activated the jointly funded Commonwealth State Disaster Recovery Funding arrangements to enable support to be provided to local communities and councils as they commence recovery efforts. To date, we have distributed more than \$4 million in emergency grants to support Tasmanians impacted by the recent storms and flooding. We have worked closely with communities to develop the emergency grants, with support available to assist with food, water and essential needs through the following grant programs: the Temporary Living Support payments of \$2000 per household where the principal place of residence has been without power for greater than seven days or cannot be lived in due to damage; the \$250 Emergency Assistance grants for residents in the Derwent Valley who have been impacted by floodwaters or who have become isolated due to associated road closures; and an Emergency Food Grant Fund providing \$350 payments for households across the state that have been impacted by power outages for at least 72 hours.

I was very pleased to be at the Beaconsfield Neighbourhood House with minister Jaensch just the other day with Jan, the Neighbourhood House Manager. We announced \$255,000 to Neighbourhood Houses and \$50,000 each to Food Bank Tasmania and Loaves and Fishes, to assist with immediate food and water relief to impacted communities.

I also announced yesterday a waiver of the landfill levy until 30 November, to make it easier to remove materials damaged or left on their property by floodwaters.

It will be some time before we know the full impacts of the weather event. Long term recovery from natural disasters requires sustained effort. We will continue to work with local government as well as the federal government to understand recovery needs and impacts on the central public infrastructure.

I again thank Tasmanians for coming together during this difficult and really challenging event. I thank members of parliament of all political colours who have contacted me directly. Some of those direct contacts have informed me of some of the supports that have been needed. Honourable Speaker, I include you in some of that communication as well. We can ensure that we tailor support and grants to people given their individual circumstances and the lived experience during these times. That has been very helpful in that process.

I am talking to Tasmanians now. If you have not already, download the new TasALERT app or visit the website to stay informed. While the challenges are largely over at this particular time it is important to note that TasALERT is Tasmania's primary source for emergency information. Information about the grants available to Tasmanians is also available on the TasALERT web page under the Recovery tab.

Time expired.

Marist Regional College - *Frozen Jr*

[7.38 p.m.]

Dr BROAD (Braddon) - Honourable Speaker, in the break from parliament, I was very privileged to go along to a few events and I will talk about them.

The first one is Marist Regional College's production of Disney's *Frozen Jr*. Honestly, I cannot exaggerate how good this show was. The quality of everything to do with this

production was just super fantastic. Their singing was outstanding, the cast was amazing, and it just went off without a hitch. We went to opening night with my family and we all had a rollicking good time.

The cast was amazing. We had April Jones as Anna; Charlotte Jaensch as Elsa; Leila Jones as middle Anna so those two sisters were the older Anna and the middle Anna; Leila McCarthy as middle Elsa and Paige Aiken as the young Anna; Elsie Boone as young Elsa; Alexander Saltmarsh as Christoph, and he was very good, very funny; Xander Williams as Sven; Miller Jackson as Olaf and he was really funny, he was great; Alastair Bett as Hans; Fraser Perry as Keig Agna; and Elizabeth Lever as Queen Aduna. There were others as well.

The quality of the singing was just amazing as was the quality of the production. There were some real wow moments.

I just have to point out that I thought the star of the show was Charlotte Jaensch - and I know Roger did too and he was right up the front.

There are some challenging songs with really high notes that you just have to hit. I know that Roger probably remembers the moment when Elsa is singing 'Let it Go', and she is in this black, sort of shroudy thing, then, when she lets it go, - a stagehand, who was Erin Dehan - who was very nervous about this whole situation, it was night one, how is it going to work? - then, when she first belts out 'let it go' and this costume came off, and there she is. Wow, it was just amazing.

Mr Jaensch - In another costume.

Dr BROAD - In another costume. Better point that out in the *Hansard*. The blue Elsa costume, the black was taken away and there was this beautiful blue dress underneath. She just hit the note and absolutely nailed it, like you would not believe. Like you could go to a Broadway show and if that actress could hit that note, that singer could hit that note like Charlotte did. Amazing.

The SPEAKER - Did you want a tissue?

Dr BROAD - I know it was an emotional rollercoaster for Roger, but your daughter is seriously so talented and so was the rest of the cast. It was just the way it was put together. It is so fantastic. know that you know my children, two of them, attend Marist as well, seeing their friends - it was just amazing. Jess McGee is director and Nathan Humphries is production manager, Alexandra Seaton did the choreography. Amazing. Look, you should go and watch it. Well, it is probably too late now, but look, anything to do with Marist and singing was fantastic.

I also went to one from the Ulverstone Secondary College, which was *Back to the '80s*, which was a totally awesome musical. Ulverstone High was my old school and it took me back to the days when we put on *Smithy* way back in 1990. It is a long time ago, ironically or not ironically, I point out that the lead of *Smithy* when we did the production back in 1990 is now the principal at Ulverstone Secondary College.

The quality was amazing it was really funny too. It had a lot 1980s references all the way through it that most people my age, who were born before and lived through the '80s got all the

references. It was very funny, it was very well put together and, again, the leads - so one of the things about something like Ulverstone, is you are saying, 'Oh, I know his father. I know that one's daughter', but it was very well put together, held at the Leven Theatre, which is a fantastic venue still.

Pippers and Pippen Henderson, Edwin Edwin Glius, who was really good as Corey Palmer Jr, Aiden Gandini, Campbell Holton, Roscoe Davis, William Robertson, Josh Maxfield, Tuvo Lake, Maddy Fields, Ella Blair, Ruby Koppelman, Sinead Orton, Darcy Knowles, Sienna Atkinson, Seth Crane, who played Fergal McFerrin, who is this very nerdy character and did it very well, Lydia Sutton, Charlotte Clebo, Jayden Dakin, Caitlin Riley, and I could just go on and on. Ably conducted by the amazing Georgina Harvey. The way that it was put together was amazing. Great job by Fiona Patterson, who was the director and producer. Once again, a fantastic show. It is so good to see such talent in the north west, and all the kids having a crack. It was an amazing show and well put together. Very funny. I Loved all the references. I think if you went through all the 1980s references, they listed just about every song you could talk about.

One of the other things I went to was the 2004 Awards for Excellence for Surf Life Saving. It was a great event, but that is probably not what I will talk about. I do not have very long, but one of the issues that was raised with me was life jackets, because surfboat rowers got pinged by the police for not wearing life jackets when they were out training in a surfboat in the river. Now, what is going on is that there was a carve out when this ridiculous bit of red tape was put in place that surfboat rowers did not have to wear life jackets in the surf zone, which is fair enough because you could get tangled up and it is dangerous but where does the surf zone start and finish? What this government requires is registered surf lifesavers, who have to be bronze-medallion qualified, are not safe in a surfboat and now, once they get past the surf zone or go up the river to train, they need to wear a life jacket. It is insane and they need to fix it.

Time expired.

Foster Care Week

[7.44 p.m.]

Ms ROSOL (Bass) - Honourable Speaker, I rise to speak tonight about something that is very close to my heart, which is foster and kinship carers. Close to my heart because I am a foster carer and also because carers do amazing work. This week is Foster Care Week.

We hear a lot of negativity about child safety services and rightly so. We are experiencing incredible understaffing, under-resourcing, and we know from the commission of inquiry that there have been significant issues in child safety services. Throughout all that, however, foster and kinship carers keep on doing what they always do, caring for Tasmania's children who are in need and who are vulnerable. I would go so far as to say that foster carers are the backbone of our childcare system and we would not have a child-safety system without them.

Our child-safety system relies on the goodwill, determination, strength, commitment and kind-heartedness of carers who consistently go above and beyond. They experience many difficulties in their role as foster and kinship carers, including a lack of support. They are at the bottom of the pile with minimal rights and almost no protections. They manage incredibly

difficult behaviours with minimal support and very rarely get a break. We know that there are few respite carers available at the moment and so that means that long term carers are left with very few opportunities to take a break from what is very stressful work.

Foster carers and kinship carers often face long-term uncertainty for the future, not knowing what might happen to the children in their care and living with that uncertainty, sometimes for years. Foster carers are effectively providing case management themselves a lot of the time. We know that there are not enough child safety officers (CSOs) at the moment, and that means that many children are unallocated, do not have CSOs, and foster carers are left holding the pieces in those situations and do the work of a case manager.

Foster carers and kinship carers are constantly fighting for resources, for healthcare for the children in their care. They have often received minimal, formal or meaningful recognition for what they do. Department of Education, Children and Young People (DECYP) talk a lot about children needing to be known, safe, well and learning, and that is one of the key lines from DECYP about what their goal is for caring for children. It is safe to say that without foster and kinship carers, that simply would not happen.

Foster and kinship carers have children in their home, they know those children. They keep those children safe, they do what it takes to ensure that those children can be well, and they look after their learning and help them get to school. The majority of children in out-of-home care are known, safe, well and learning because of foster and kinship carers putting in the hours, advocating for the children in their care, supporting them, and providing a safe space.

While I am here, I also want to mention the Foster and Kinship Carers Association Tasmania (FKAT). They are the peak body for foster carers in Tasmania and provide support to foster carers and kinship carers across the state. They put in huge numbers of hours of informal support that they are not funded for. They are a voice for carers, constantly advocating for carer needs, and advocating for the children in care. They provide training to foster carers and they are also involved in providing resources to carers. At the moment they are working on a review of the Foster Carers Handbook and they have also contributed to the *Who Can Say OK in Tasmania?* guide, which was launched today by the Department for Education, Children and Young People.

In this Foster Carers Week, the Greens say heartfelt thanks to all the fostering kinship carers who are providing amazing support and care to children in out of home care in Tasmania. We are incredibly grateful for what you do, and we honour you in that work. Thank you.

National R U OK? Day

[7.49 p.m.]

Mrs PETRUSMA (Franklin) - Honourable Speaker, the second Thursday of September marks National R U OK? Day, a day that calls upon us all to reflect on the importance of checking in with one another and the profound impact a simple conversation can have on someone's life. At the core of this initiative is a question that can open the door to connection, healing and understanding: Are you okay?

The origins of R U OK? Day are deeply personal and stem from a heartbreaking loss. In 1995, Barry Larkin tragically took his own life, leaving behind grieving family and friends struggling with unanswered questions. One of those affected was his son, Gavin Larkin, who later transformed his sorrow into a force for change.

In 2009, Gavin set out to honour his father's memory by championing a simple yet profound question: Are you okay? Working alongside Janine Nern on a documentary to raise awareness about mental health, they soon realised that a documentary alone would not suffice to bring about meaningful, widespread change. A national campaign was needed, one that could reach people across Australia. From this vision, R U OK? was born. Even as Gavin fought his own battle with cancer, he remained a passionate advocate for the belief that a conversation could genuinely change someone's life.

While Gavin sadly passed away in 2011, his enduring commitment left behind a lasting legacy: a national movement dedicated to fostering a culture of care and support. R U OK? still today continues to inspire people to reach out and support those who may be struggling, ensuring that no one faces their challenges in isolation.

What makes this movement truly remarkable is its foundation and lived experience. R U OK? is built on the stories and insights of those who have walked difficult paths, and these experiences remain at the heart of everything the organisation does. From the team members to the ambassadors, their commitment to honouring and sharing these journeys plays a vital role in shaping and continuously improving the campaign's impact.

This year on R U OK? Day, which is this Thursday, 12 September, community director Lachlan Searle will lead an online event to teach participants the four essential steps of an R U OK? conversation. These steps are to ask are you okay?; to listen; to encourage action; and to check in regularly. By attending, participants will not only learn these crucial steps, but will also hear from R U OK? community ambassadors who explain why it is important to ask this question, not just on R U OK? Day but every day.

In addition, businesses and community organisations are strongly encouraged to host their own events, whether in person or online, so people can come together, connect and spread the RU OK? message. These gatherings also provide a valuable opportunity to share stories, foster connections and highlight the importance of this movement.

As well, individuals are being encouraged to wear a splash of yellow in workplaces or schools to show support and raise awareness. This simple gesture serves as a visible reminder of the importance of checking in on one another, ensuring the RU OK? message reaches far and wide.

This includes the R U OK? conversation convoy which will tour Tasmania from 17 September to 4 October. Starting in Smithton, the convoy will travel south to Hobart before travelling north along the east coast. Along the way, the convoy will host public breakfasts, lunches and events to help attendees to understand the critical role we all play in supporting our friends, family and colleagues. These gatherings will also offer a powerful opportunity to foster meaningful conversations and to strengthen connections in our communities.

We commemorate R U OK? Day this Thursday. Let us all remember that asking R U OK? is much more than a question. It is an invitation to engage, to listen deeply, and to

show compassion. By embracing this practice, we can help create a world where reaching out to others become second nature, and where every conversation holds the potential to change or even save a life.

Book Week - Children's Book Council of Australia

[7.54 p.m.]

Mr WILLIE (Clark) - Honourable Speaker, I rise tonight to talk about the Children's Book Council of Australia Book Week. As a member of parliament, like many members of parliament of this House and the other House, it is a privilege to be invited to participate in Book Week. As a parent, it is probably far enough post-event now to be able to talk about it. I know that it can be very stressful in households across Tasmania for parents and carers because we want happy children.

I was fortunate to go to Rainbow Childcare and Early Learning Centre in Newtown to read a book. A bit of a ritual that I do now is to go to Fuller's Bookshop each year, a fantastic bookshop in my electorate of Clark, because they have the shortlist books all on display. I take a little bit of time to read through the books and choose one to take to wherever I am going and donate that to their bookcase. I chose a book called *The Bird Has Arms*, which was about a bird called Roy, who is an ordinary bird in every way. He is not the biggest or the smallest; his squawk is not the loudest or the quietest. He even follows the same football team as everyone else. He was very normal except for one thing: he had arms. Absolutely nobody knows, and Roy would like to keep it that way.

The Bird Has Arms is a story about difference and identity. It is about learning to see what sets you apart and what makes you strong, and it is about pride in your own uniqueness. It was a bit of fun, that book. It got a few laughs - probably more laughs from me than the children at the time.

It is a great week where we celebrate the love of reading with children and adults, early education and care workers, students, teachers, support staff, parents, all getting into the spirit and dressing up.

I have heard of lots of different events and things that happen in schools. In my own children's school, they had a book parade around the oval. I have heard of teachers and support staff being really supportive in some schools where they might do a book week t-shirt art activity so all the kids can participate. They have dress-up boxes. There are really inclusive ways of bringing all families in together to celebrate a love of reading.

We know that we have literacy issues in Tasmania, so these sorts of things that promote regular reading in households are really good. In my household, we had a Ronaldo, we had a Willy Wonka - I think my eldest son wanted to make a bit of a joke about our last name - and we had a little Bluey who went off to daycare as well. I acknowledge that it is a significant event. It gets bigger each year; it is huge in a lot of communities now. I think it is about 80 years old: the Book Council shortlisting of books and celebration of reading.

I wanted to mark that event. I know many members of parliament participate in it and it is a bit of fun, but it is a very important cause.

Infrastructure Spending - Comments made by the Premier

[7.58 p.m.]

Dr WOODRUFF (Franklin - Leader of the Greens) - Honourable Speaker, this morning in question time, the Premier referred to comments I made regarding planned infrastructure spending in the upcoming state budget. He described me and, through me, the Greens, as being anti-school buildings, anti-roads and anti upgrading hospitals. I will take this opportunity to correct the record.

The Greens are pro-infrastructure that benefits and supports the funding across the forward Estimates of infrastructure builds and the jobs that these provide, where these are prioritised first in Tasmania, with our limited budget, into areas of social disadvantage. We support the building of homes and schools, and ambulances and hospitals. We support the maintaining and upgrading of existing infrastructure, the climate resilience and the ruggedising of bridges and roads and other public facilities.

We recently saw another year of poor NAPLAN results for Tasmanian students. Obviously, we need school infrastructure so that students can better learn in classrooms that are the right size and in playgrounds that are excellent. We need to have hospital infrastructure like a Royal Hobart Hospital that is fit for purpose. Unlike the Liberals, the Greens support the hospital staff who are aghast to hear that the Liberals are downgrading the long-promised expansion to the emergency department there with a cheap, substandard version that will not even be enough to meet the pressures on the badly overcrowded space there today, let alone enough to plan for the future increases ahead.

The Greens support infrastructure spending that is directed to build affordable homes for Tasmanians desperately in need. It is a housing crisis. There are some 4500 people waiting for homes on the public housing list. Hundreds of people spend their night on the streets, or in cars with their children. The government should make a serious budgetary commitment and a focus on building the public and social housing that we need, which can be done if there is a will.

What we do not support is the Rockliff Government spending money on infrastructure that puts the interests of corporations and their desires ahead of everyday Tasmanians. The Liberals have committed a billion-dollar stadium at Macquarie Point that Tasmanians overwhelmingly do not want and do not need. The \$715 million that they say will be required to build a covered stadium on that challenging site is preposterous and treats Tasmanians like fools for pretending that it is even possible.

We know the costs are going to blow out dramatically. In the Australian Capital Territory, for example, they are looking at retrofitting or building a new stadium. The retrofit costs have come in at \$1.2 million and it is not even a covered stadium. Building a new one is coming in at just under \$3 billion. We have seen cost blowouts on the *Spirit* presided over by this government. Their failure to support to secure port infrastructure in a timely manner will mean it will cost Tasmania's hundreds of millions of dollars.

In light of these infrastructure failures and the cost blowouts, you would think the government would reconsider ploughing ahead with a billion-dollar plus stadium and put needy Tasmanians first. All the staff and the energy and the time of the highly paid consultants which are going into the Macquarie Point stadium project could be used instead to scrap the efficiency dividend that the Treasurer is proposing - \$300 million that is taking jobs today out of critical

services: the vacancy control committees that are taking, stealthily and steadily, jobs out of hospitals, schools, child safety protection workers and the police. There is nowhere that is immune under the Liberals and their cruel austerity budget.

They could instead fully staff the healthcare system. They could staff the people who are on strike now because they care about the conditions that are not there for mothers who are expecting to birth at the maternity ward; they care about the fact that radiology is not being provided in a timely fashion or that forensic science is being done in a woefully substandard way because of the lack of funding.

We could provide Tasmanians with essential services - real cost-of-living measures like free public transport and free public schools. People would expect that to be the case, but it is not the case. If you are struggling with paying a budget, the cost of getting your child to a school really makes a difference. We could be doing something real like building 1000 homes a year.

It can be done. It can be done if there is a will. It can be done if the focus is not blindly being put onto a stadium, onto the interests and the whims of a corporation, for example, like the AFL, who clicks their fingers. It is at the expense of everyday Tasmanians. The Greens are proud to stand with the striking workers and with the majority of Tasmanians who implore the Treasurer and the government to listen to the advice of Saul Eslake; listen to the needs and demands of striking workers; and listen to their constituents who are ringing them up because they cannot get a bed, because they are sleeping in a car with their kids, because they are desperate.

This is an opportunity to not continue with a broken business-as-usual model. It is the broken model being used around Australia by governments that are hanging onto the idea of austerity budgets and hanging onto the idea that if you pump prime corporate sectors, somehow the money is going to trickle down and end up with jobs for nurses and teachers.

It just does not. It has been proven as a failure, but we need is that same pipeline of jobs. Of course we do, but it can be done if you are directing them to build homes and expand the Royal Hobart Hospital in the way that has been promised for nearly a decade now. It is unbelievable that the government does not understand that this is not the sort of infrastructure that Tasmanians want to be their priority, and a billion-dollar stadium is the top of that list.

Deputy Premier - Comments made by the Leader of the Opposition

[8.02 p.m.]

Mr FERGUSON (Bass - Deputy Premier) - Honourable Speaker, earlier today, the Leader of the Opposition made a number of assertions, including that I have a problem with the truth. I have always told the truth and, in fact, it is those opposite who have been slippery with the truth.

First, Mr Winter suggested that I misled the parliament on 1 December 2022 at the TT-Line GBE scrutiny committee hearing. At the hearing on 1 December 2022, the CEO of TT-Line was asked about the nature of the contract with RMC. In response, Mr Dwyer said:

The contract with RMC is a fixed-price contract. Whatever is in the contract is fixed with RMC so it won't go over budget.

Later at the same hearing, I referred to the CEO's statement in evidence that it was a fixed-price contract. If anyone has been misleading the public, it is Mr Winter who, with his Deputy, Ms Dow, issued a media release on 5 July which selectively quoted my evidence to hide the fact that I was in fact referencing the CEO's earlier comments. As the document I will table shows, the former CEO confirmed recently in writing that it is an indisputable statement of fact that the contract with RMC was a fixed-price contract.

Also, during question time today, Mr Winter alleged that I had made statements in the House on 21 May to the effect that I was unaware of serious financial issues at RMC until the caretaker period this year. Mr Winter is again being tricky here, because he knows - or he ought to - that I clarified the record on the same day to make it clear that I had been informed of TT-Line's earlier concerns regarding RMC's financial circumstances on 21 December 2023, although there was no financial or other request at this point in time.

I refer Mr Winter to the *Hansard* to remind him of my statement on 21 May, which, for the record, was reviewed and endorsed by the former chairman and CEO, and I also table that advice.

Finally, Mr Winter has also asserted today that I was made aware in November 2023 that the Berth 3 upgrades would not be ready for the new vessels by August 2024. Yet again, Mr Winter is being creative with the truth, and that is being generous. He should be ashamed of this ridiculous politicking. I have not claimed that I was told that the full upgrades at Berth 3 would be completed by August. What I have said is that I was told that an interim solution was expected to be in place in time for the arrival of the vessels.

What I said to the Public Accounts Committee on 12 August, some four weeks ago - and it is necessary for me to have to bring this back into the House so that members are aware of the facts and what in fact has been stated - was:

Prior to the caretaker period, the expectation was that Berth 3, which would be under construction right now, would be constructed to a stage by August to allow loading to occur on one of the three ramps, meaning that the ship would be able to be fully utilised, but it would be a less efficient loading pattern without the full three decks.

I think we accepted, prior to caretaker, that that would be an acceptable outcome because the project was still being delivered over a longer period of time. I also note that Mr Winter has also been asserting today that the government cancelled contractual arrangements with the Hazell Brady joint venture, in favour of a Victorian contractor.

Honourable Speaker, this is a shameful distortion of the truth. As I have stated on the record, the decision to rescind the award of preferred tenderer status was taken unilaterally by TT-Line during the caretaker period. The government was not consulted on this decision. It was not informed of it until after the election. I table for the House an apology from the former CEO in that regard.

I have a clear conscience on these matters. I do not need to correct the record. I have not misled the parliament, but I hope that my comments and these documents can settle the matter as to who is misleading Tasmanians.

Volunteering Tasmania

[8.09 p.m.]

Mr O'BYRNE (Franklin) - Honourable Speaker, I rise tonight to talk about volunteering in Tasmania and the terrific work of Volunteering Tasmania. A number of weeks ago I had the privilege of catching up with the Volunteering Tasmania team, including the CEO, the wonderful Mel Blake, and policy officer Sappho Bettega, to hear about the state of volunteering in Tasmania and the incredibly important research that Volunteering Tasmania have put together.

Volunteers underpin communities right across our great state, and in many ways, volunteering is a key part of the Tasmanian way of life, whether it is helping a neighbour by mowing their lawns, coaching your kid's first footy team on weekends or providing care for an elderly or sick friend. Many Tasmanians participate in structured volunteering roles too.

There are deeply committed telephone crisis supporters who regularly volunteer shifts at organisations such as Lifeline Tasmania, or those who help run emergency food relief providers. The impact that volunteering has on those who receive support from volunteers is profound. It can mean receiving assistance in an emergency from a local volunteer fire brigade or volunteer ambulance officer. It can also mean being cared for and supported in times of difficulty or crisis.

We all know that volunteers play a critical role in our society and plug gaps in our workforce. It is hard to imagine what Tasmania would look like without volunteers. Volunteering Tasmania shared some fascinating insights from their State of Volunteering in Tasmania report that I wanted to share tonight. Over two-thirds of Tasmanian residents aged 15 and over, or 332,100 people, contributed to the community as volunteers in 2023. This is greater than the 66.2 per cent rate of participation in volunteering for all Australia, meaning Tasmanians volunteer more than the national average.

In fact, Tasmania has volunteered an estimated 89.4 million hours of their time in 2023. That is a staggering figure and something that Tasmania should be enormously proud of. To put in context how extraordinary that is, here is a comparison. Parliament only sat for 441 hours in 2023, meaning that is a year's worth of parliamentary sitting times achieved by volunteers in Tasmania every two-and-a-half minutes.

However, volunteers will not always be there to help out in the ways we depend on them to be. In the last nine years, formal volunteer participation, which includes more structured volunteering activities, has decreased by 12.1 per cent. There are a number of barriers to participation that current or prospective volunteers are facing. The Volunteering Tasmania report identifies a number of them, including cost-of-living pressures, a lack of time, burnout, screening processes, training and certification such as first-aid or food handling, poor resourcing, lack of volunteer managers or inflexible rostering.

The need for volunteers is growing not only across Tasmania but across the country, and so these increasing barriers to volunteer participation are concerning. This is not only a community services issue, but also a whole-of-government issue and requires a whole-of-government strategy to address. Kind words and gratitude for volunteers are great, but at the end of the day we need to properly recognise the value that volunteers bring by investing in volunteering industry infrastructure and providing volunteers with support.

We also need to look at what we can do to make volunteering easier and more accessible, and to remove unnecessary barriers where possible. Volunteering Tasmania do a fantastic job of supporting and advocating for volunteers already, but there is more that we can all do to support their mission and support Tasmania's volunteering industry.

Some of the great policy initiatives Volunteering Tasmania suggest and champion include providing free worker screening and volunteering insurance coverage, offering career pathways, training and professional development opportunities for volunteer managers, and providing referral services and support to connect volunteers with appropriate and accessible roles. Adequate indexation of government funding for community volunteer organisations is a fundamental part of it as well.

Tasmanian volunteering organisations do so much for our state and our community with the minimal resources they have, and I thank Mel and Sappho for taking the time to speak with me and share their insights. I thank the entire Volunteering Tasmania team for the terrific work that they do and all those right across the state who are volunteers. I will give a shout out to all those volunteers in sporting associations, particularly those involved in football finals over the last weekend and this weekend coming. Volunteers are the heart of our community.

Ms Butler - And parkrun.

Mr O'BYRNE - And parkrun volunteers. I was a volunteer on Saturday. I was the token scanner. We did that, so well done. That is one of my hours up. Congratulations to all those parkrun volunteers and sporting volunteers across Tasmania. Thank you, Mel, great work in Volunteering Tas.

Storm and Flood Event - Community Spirit and Support

[8.15 p.m.]

Mr ELLIS (Braddon - Minister for Police, Fire and Emergency Management) - Honourable Speaker, I will be brief. Tough times bring out the best in Tasmanians and that is especially true of our incredible emergency responders. The storm and flood event that we have just lived through was severe and destructive. Trees down everywhere, people trapped in their homes, businesses flooded, power off for more than a week and, sadly, more challenges remaining.

In that adversity, we are reminded of why this is one of the best places in the world to live, work and raise a family. We are a community that wraps our arms around each other, particularly in times of need. As Tasmanians, we activated an army of helpers from all walks of life. SES volunteers from the north-west, the east coast and down the Tasman, converging on Launceston to relieve their mates' fatigue after many hard days in the field.

Fathers and sons volunteering on Father's Day to keep their communities safe.

Police officers and firefighters working alongside each other to door knock and evacuate vulnerable households in flood zones.

TasNetworks crews that had been working around the clock to get the lights on and returning to find their own homes without power too.

Surf lifesavers trading the beach for flooded rivers as part of our specialist Swift Water Rescue team.

Family, friends and community groups who opened their doors to others needing a cuppa, a hot shower or just a place to charge their phone.

The businesses who said to their staff: 'take the week' so that they can volunteer, foregoing earnings in the business for the greater good.

To all these people and many more, we say thank you. The Tasmanian community has been incredible. For the most part we have done our preparations, followed instructions from emergency services and stayed safe.

The TasALERT app even reached number one in its category in the App Store with well over 40,000 downloads. As the floodwaters subside and the winds ease, we have now turned our minds to recovery. The Tasmanian Government has activated assistance packages to support people with the cost of recovery. Payments are available for short- and long-term periods without power for homes that are rendered uninhabitable. We have waived the landfill levy for goods spoiled by the storm and flood.

If more support is needed, we will not hesitate to act. This has been and will remain a team Tasmania effort. Our small state has shown again, just why we love living in a close-knit community that truly cares for each other.

Project Interrupt - the Good Ship *Heart*

[8.17 p.m.]

Mr BAYLEY (Clark) - Honourable Speaker, I rise tonight to talk about the good ship *Heart*. *Heart* is the central character in Project Interrupt. She is a ship made completely out of plastic. Not just any plastic, *Heart* was made over two years from marine debris recovered from Tasmania's coastline: pipes, ropes, buoys, bags, mesh, foam and more.

Heart is the inspiration of adventurer and activist, Samuel McLennan, a project established to highlight the scourge of plastic marine debris. Specifically, *Heart* is made from debris lost from Lutruwita/Tasmania's aquaculture and fishing industry. Their journey from Hobart to Sydney is part of a campaign to raise awareness about the volume and impact of marine debris and how we need to take more action to tackle it.

Sam built *Heart* over two years in a friend's shed on the Tasman Peninsula. She was choppered from construction site to launch site and hit the water floating. In a media report from the time, Sam said:

The community has really gotten behind this project. It's incredible. Through this whole 15 months I've been talking with a lot of schools and organisations and individuals. It's been really beautiful to see so many people of so many different ages standing up and talking about how important it is to have a sustainable environment. It has really shown me how many people really do care and that has been special. We have to keep fighting.

I first engaged with *Heart* on the day she left Hobart. Racing out of Parliament House on 19 April I had hoped to catch Sam, have a chat about the project and wish him well on the journey north but, sadly, I missed the boat - literally. By the time I got to the waterfront there was *Heart* already chugging down the river. After some wrangling with MAST to get certified and authorised to sail, Sam was permitted to head north as far as St Helens to prove up the seaworthiness of *Heart* and then tackle the notorious Banks Strait and eventually on across Bass Strait.

He is stopping in towns along the way, engaging with schools, local environment groups and community members to start a conversation about marine debris and call for more action. I followed Sam up, and took the opportunity to connect him with Aboriginal rangers working on truwana, Cape Barren Island, and *Heart* successfully crossed Banks Strait and tied up at the township off the corner on Cape Barren a few weeks ago. 'Saving the seas in a rubbish boat,' wrote palawa journalist and photographer, Jillian Mundy, from the *Koori Mail*, who met him there and wrote a piece for the paper. Selfishly, a stopover on truwana gave me a second chance to catch up with Sam and lend him some support.

I was heading there a couple of weeks ago and teed up a berth to sail from Cape Barren to Flinders to get a sense of the seaworthiness and sacrifice Sam was making in the name of awareness raising. Sadly, foiled again, Sam headed-off the day I landed, getting ahead of the storm fronts that lashed the state over recent weeks. A few days later, I finally caught up with him at Lady Barron on Flinders Island. As Sam flagged in his comments, community support for this initiative has flowed, and he has had the backup of a support vessel since Hobart. Since St Helens, he has had two and they were there, bobbing away in the island storms and swell of the Lady Barron Wharf.

It is difficult to anticipate what to expect when you are visiting a 29-foot plastic-pipe vessel. More contraption than craft, *Heart* is a blancmange of materials cut, drilled, fitted and tied together with rope. There is sleeping space for two and not much more, but Sam has spent every night aboard, cooks aboard, and has come to do without the comforts the rest of us take for granted.

He is still on Flinders, waiting for a weather window to start the crossing to Victoria. First, it is up the Flinders coast, onto the Sisters, over to Deal Island, then across to Wilsons Prom in Victoria, before hopping his way around the coast and north to Sydney. This is a well-paddled route, especially by kayakers, but a significant voyage not without risk. The reward is the chance to highlight marine debris as one of the environmental challenges the oceans and our coastlines face from industrial fish farming. One conversation at a time, he is not just pointing the finger at aquaculture. We all need to take responsibility for waste.

All drains lead to the sea and Sam's journey highlights the individual and collective action needed to tackle waste and marine debris. Congratulations to Sam and your team. I acknowledge all your sponsors that have helped you on the water. I encourage anyone

listening to check out Project Interrupt. It has a website, an Instagram page, and a Facebook page.

I thank Sam for his action and for having me aboard *Heart*. To finish, I will read into Hansard, *Heart* and Sam's goals. They read:

Goals on the ground (and in the ocean)
To prevent waste from entering the environment and remove the waste that is already there. To develop strong leaders who are committed to creating people and environments that increase health and abundance.

Congratulations and thanks for your action, bon voyage on the way north, thank you.

Southern Tasmania Netball Association - Senior Presentation Night

[8.22 p.m.]

Ms BROWN (Franklin) - Honourable Speaker, I rise tonight to speak on an event that I had the privilege of attending on Saturday, the Southern Tasmania Netball Association (STNA) Senior Presentation Night. It was an evening that celebrated the dedication and achievements of individuals who made significant contributions to the sport of netball.

The STNA award recipients are truly wonderful people that have a spirit of commitment and excellence for the sport. I will take a moment to recognise their outstanding contributions: James Adams, Karen Leonard, Ash Morr, Rani Moline, Tiana Pitt, and Ash again.

Speaker, it is important to remember that these remarkable individuals do not seek recognition for their own achievements, but are driven by the love of the game and are committed to its growth. Their selfless contributions enhance the netball community and set a high standard for all involved. I commend them for their hard work and dedication and I am grateful for their unwavering passion that helps keep our sport vibrant and thriving.

Circular Head Arts Festival

[8.24 p.m.]

Mr JAENSCH (Braddon - Minister for Children and Youth) - Honourable Speaker, I take this opportunity to endorse Ms Rosol's tribute to foster and kinship carers in this Foster Care Week. I also acknowledge Dr Broad's tribute to the arts and young performers on the north-west coast, a truly wonderful season that we are part of right now.

I add to that with my own recognition of a fantastic festival that is underway, right now: an event that occurs in my electorate at this time every year and I look forward to it with great anticipation. To be more accurate, it is about 40 events occurring over about five weeks under the broad umbrella of the Circular Head Arts Festival known as CHArts, which is now in its fifth year.

The CHArts Festival is a month-long celebration of culture, heritage, music, writing, storytelling, and the visual arts. Food is another important part of the festival, showcasing Circular Head's reputation as one of Tasmania's great food bowls, featuring this year our newest

TV celebrity Josh 'Pezza' Perry from *MasterChef*, who is a performance piece now in in the CHArts Festival.

CHArts is presented by the Circular Head Council with the help of local businesses, organisations and individuals who sponsor prizes and make their spaces available for exhibitions or performances. I recognise, in particular, the incredible work of Jodie Saville, Amber Power, Hannah Bruce and the army of volunteers and talented local creatives who come with them to make this program possible each year, bigger and better than ever.

The predecessor of CHArts, which was known as the Circular Head Arts Festival, was the most popular event of its kind in Tasmania through the late 1970s and 1980s attracting as many as 7500 visitors to the region. It helped establish our region as a home for highly regarded artisans and designers in many art forms and media, many of them featuring the region's beautiful and iconic native timbers at the time. Unfortunately, attendance and sponsorship and the number of organisers dwindled over about a decade and the final Circular Head Arts Festival was held in 1996.

Whilst this region was not my home at the time, I had already heard of its great success as a groundbreaking drawcard for the region. It has been so gratifying to see its reincarnation, CHArts, going from strength to strength. It is a fixture on Tasmania's arts calendar. Last year's festival hosted a record number of events and exhibitions in locations from Rocky Cape to Marawah, with more than 3500 people enjoying the month-long program.

CHArts provide a platform for local artists to showcase a huge array of talents and techniques, while giving residents and visitors from across the state the opportunity to attend and participate, and to learn new skills themselves. It was my great pleasure, Speaker, to perform the official opening on 1 September and my pleasure to see the very talented Paris Gregory and Andy Coulter named as the winners of the prizes that I sponsored.

Their artworks depict two iconic characteristics of Circular Head. Its wonderful, well-connected neighbourly spirit and its tempestuous weather. Paris was a runner-up in the CHArchibald section, the portraiture section, with a portrait of her friend and neighbour, Jill. Andy's painting titled 'Circular Head Nor'wester' captures the awe-inspiring energy and movement of a big blow moving across the region from the south-west. I congratulate them both along with Jeff Power who won the overall CHArchibald Prize as well as every other prize winner and every entrant this year.

I express my admiration for every artist who shared their creative expression and passion with the public by submitting an entry. While we were there, there were many people who could not be there. They were at home with trees across their road, with fences down, with the power off. We know that there were many Circular Head residents out in the storms trying to reconnect power and provide services to people who needed them. Our region, and Circular Head in particular, is very good at recognising its volunteers and the people who contribute to the fabric of their society, none less so than the artists themselves.

They all love creating, making beautiful artworks, interpreting their environment. If they were just doing it for themselves, these things would be hanging on the walls in their homes. Instead, they contributed them to part of a celebration of their community, their way of seeing the beauty of their world and making an event that their community can be proud of. It is an iconic community, a wonderful community spirit, not only celebrating its wonderful produce

and its industries, but also its artists who are now strongly featuring in the brand identity and pride of that community.

This year's CHArts Festival will run until 6 October, so there is still plenty of time for everyone to come and see it for themselves and I encourage all Tasmanians to take a drive into the beautiful north-west coast in its springtime glory and enjoy the opportunities not just to admire beautiful art, but to make your own.

During the next three-and-a-half weeks of the festival calendar, you can try your hand at painting, screen printing, working in clay, creating Zen-inspired abstract patterns or joining a one-night cafe choir under expert tuition.

The House adjourned at 8.30 p.m.