Thursday 17 October 2019

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

QUESTIONS

Hydrogen Generation Plan

Ms WHITE question to PREMIER, Mr HODGMAN

[10.02 a.m.]

You have been attacked by your own former strategist and chief of staff, Brad Stansfield, for being flat and lacklustre with no agenda.

Members interjecting.

Madam SPEAKER - Order please.

Ms WHITE - You have repeatedly been exposed,

Members interjecting.

Madam SPEAKER - Order. This is as very serious question.

Ms WHITE - A bit touchy over there.

Members interjecting.

Ms WHITE - You have repeatedly been exposed for your lack of urgency and lack of action on securing jobs in a hydrogen export industry for Tasmania. Last week your energy minister, Guy Barnett, issued a press release claiming that northern councils had been briefed and had signed on to your long overdue hydrogen plan. Other states are well advanced in pursuing opportunities for hydrogen generation. Tasmania risks being left behind. If you finally have a hydrogen plan, will you table it today? And if you will not table the plan then what exactly have councils signed on to?

Mr O'Byrne - Your old mate is not doing the work.

Madam SPEAKER - Mr O'Byrne, we are not off to a good start.

ANSWER

Madam Speaker, I thank the current Leader of the Opposition for the question and the opportunity to again state that under this Government our renewable energy capabilities and capacity is being considerably increased. There are more job opportunities and investments occurring in renewable energy in this space now than there has been for many, many years. We are part of a nation-building and state-building program that is strongly supported not only by my Government but also the Morrison government to advance our opportunities right across the renewable spectrum and that includes hydrogen opportunities.

Despite what the Leader of the Opposition says, that is, and remains, and will continue to be with the strong advocacy of my minister, including with all key stakeholders and that includes local government, to advance our opportunities.

Ms O'Byrne - Where is the plan? Why is your plan secret but no one else's is?

Madam SPEAKER - Ms O'Byrne, warning one.

Mr HODGMAN - As I have said in this House before, I have been engaged in discussions not only domestically but also abroad about opportunities for Tasmania to play an increasingly important part in hydrogen technology and capabilities and to further diversify our renewable base and to create more jobs.

Ms White - Table the plan.

Mr O'Byrne - A chat over a glass of wine and the hors d'oeuvres does not mean anything.

Madam SPEAKER - Warning number one, Leader of the Opposition; warning number one, Mr O'Byrne.

Mr HODGMAN - This state's economy now, as the strongest performing in the country -

Ms WHITE - Point of order, Madam Speaker. It goes to standing order 45. The question was if the Government truly has a plan, they should table it. If they do not, what are they keeping secret?

Madam SPEAKER - Unfortunately, that is not a point of order. I will ask the Premier to resume.

Mr HODGMAN - Thank you, Madam Speaker. Our energy plan, our strategy, the delivery that we are progressing under this Government in renewable energy including in hydrogen, compares very favourably to that which occurred under previous governments.

I acknowledge, in the past much was done in this space, a lot of it opposed by the Greens, of course, hypocritically, but under this Government, those advances are being made. We are progressing our opportunities, supporting growth in renewables and in hydrogen. We will continue to work at a national level, as I and as the minister has outlined, contributing to the national agenda but also to what we do in Tasmania.

Members interjecting.

Madam SPEAKER - Order. The protocol is that the Leader of the Opposition gets the first two questions. Please proceed, Ms White.

Infrastructure Strategy

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

[10.06 a.m.]

Almost a year after it was supposed to be completed, you have quietly uploaded a draft 30-year infrastructure strategy on your website. Sadly, it falls well short of expectations.

Mr Ferguson - So quietly, I told the parliament yesterday.

Madam SPEAKER - Mr Ferguson, you get one warning.

Ms WHITE - Thank you, Madam Speaker. The document is riddled with consultant babble and contains no mention of specific projects, funding, recommendations or time lines. In fact, the document says, 'The strategy does not list specific projects or actions'.

Yesterday, in response to the strategy, the RACT called for action, not more reports. Most alarmingly, the document entertains privatisations and toll roads to fund new infrastructure. The strategy describes asset recycling, otherwise known as asset sales, as an effective way to leverage public capital in a resource-constrained environment.

As your Government plunges Tasmania into a debt spiral, can you categorically rule out privatisation of assets and building toll roads, as your strategy describes?

ANSWER

Madam Speaker, I was pleased to let the parliament know about this yesterday. The Leader of the Opposition, who has been missing for most of the week, missing from public exposure all of last week, undermined and overshadowed by her new shadow treasurer, is having a very rocky start to question time this morning. It begs the question: where have you been, I say to the Leader of the Opposition?

The Government has made it very clear in last year's budget, as I said in question time yesterday, that we would deliver a 30-year strategy for our state's longer-term prospects to make sure that our infrastructure is fit for purpose.

Mr Hodgman - Vision, it is called.

Madam SPEAKER - Order, Premier.

Mr FERGUSON - It is very surprising that of all people, the Leader of the Opposition would dare try to needle the Government for a visionary document when it is the Leader of the Opposition who has no vision, confirmed by her new shadow treasurer.

Far from quietly announcing it on a website, it has been sent to a range of stakeholders who have an interest in the long-term infrastructure that our state needs. They are going to be consulted now, because that is how it works. Dr Broad might like to google 'consultation pun' so that he can come up with an adjournment speech. He has been missing in action as well.

Ms WHITE - Point of order, Madam Speaker. It goes to Standing Order 45. It is a very serious question; whether the government will rule out privatisation of assets or whether they will introduce toll roads in Tasmania, because they are in a budget debt spiral.

Madam SPEAKER - Thank you, that is not a point of order either.

Mr FERGUSON - Thank you, Madam Speaker. The House ought to be reminded that Dr Broad is the shadow infrastructure minister.

Ms White - I get the first two questions. You don't want to be asked questions by me, do you?

Mr FERGUSON - He has not asked any questions. He too, has no policy, no plan and no vision, but the gentleman next to him is now going to deliver Dr Broad's plans.

Members interjecting.

Madam SPEAKER - Order, I ask for a bit of decorum in this place. I do not want to be throwing out warnings on the spot, otherwise none of you will be here. Please, both sides, calm down.

Mr FERGUSON - Madam Speaker, it is a serious matter. The Government is taking this matter seriously. We have announced the infrastructure vision and strategy in last year's budget. We have delivered it. The Labor Party has been whingeing about it, wanting to see it. It has now been released as a draft for public consultation to allow all Tasmanians to have a look at it to provide their own thoughts, maybe. Here is an idea - maybe the Opposition might like to put in its thoughts because all Tasmanians are able to do that.

This needs to be about more than just about electoral cycles. It needs to be more than just about budget periods. It needs to be about the long-term infrastructure that our state requires. Isn't that what the Tasmanian community are always looking for from their government and their political leaders?

I can say on behalf of Government that we are not privatising or introducing tolls, but we are looking for a genuine approach with the community looking over the longer term. Long after David O'Byrne has taken your job, we want to have long-term plans in place so people can see how we are going to make sure that over the long term our infrastructure is fit for purpose. I say to the Leader of the Opposition, I am very sorry that you will not be able to use this for your planned media release for the day, but we are consulting, as we should be.

I thank Infrastructure Tasmania for their good work, which has been openly mocked by the Opposition, in helping Government and the Tasmanian community work through the long-term generational infrastructure investments our state needs.

Ms Ogilvie - Madam Speaker -

Madam SPEAKER - Sorry, protocol goes first to the Greens.

Ms OGILVIE - Point of order, Madam Speaker. I believe we have standing orders, but they do not include the sequence in which the Greens and I - and I understand this is a new scenario - are to ask questions.

Madam SPEAKER - Let me just pull you up on that. It says traditionally the first two questions go to the Leader of the Opposition and the third to the Greens. They are the instructions the Speaker is given and I try very hard to honour them. Then the next question will go to the Liberals and then you will get a turn.

Twamley Dam and Prosser River Pipeline - Funding

Dr WOODRUFF question to TREASURER, Mr GUTWEIN

[10.12 a.m.]

In 2016 your Government loaned $6 million to the cash-strapped Glamorgan Spring Bay Council to construct the controversial Prosser River dam at Twamley in the middle of 50 hectares of endangered swift parrot habitat and a pipeline to run water to Tassal's fish farm in Okehampton Bay and a ludicrous Solis golf course proposal.

The council has just voted not to proceed with the Twamley dam or second stage of the pipeline, fearing a catastrophic debt burden. That was a courageous and clear-sighted decision to prevent taking ratepayers into penury. You signed off the original loan with negotiations conducted in secret between your agency and the previous mayor. Councillors at the time publicly called out the flawed process.

Water on the east coast is scarce and very precious. Regional climate heating models tell us it will continue to dry. This dam and pipeline proposal for the benefit of two water-squandering private companies should never have been considered. Now that the council has pulled the plug on the project, will you rule out giving any more public finance to the Twamley dam and Prosser pipeline process?

ANSWER

Madam Speaker, I thank the member for her interest in this matter and the question. I have made this point very clearly before, and you understand this. The arrangements that the council entered into with Tassal were matters for the council to engage in.

Regarding the Twamley dam, the Government has not provided assistance to that dam; we have been through a process with the council, we have supported them and they have established a commercial arrangement with Tassal.

Dr Woodruff - It was a flawed process.

Mr GUTWEIN - If you want to take aim at the previous council, that is a matter for you. In terms of the current council, the Government is very engaged with the council and I have had a number of discussions with the mayor on this particular matter. Whilst the Government stands ready to work with the council, obviously they are working through a commercial arrangement with Tassal which, as I understand it, has a commercial imperative that water flows through that pipeline. It is perfectly reasonable for the mayor to have raised with Tassal that they provide additional funding to ensure that water can run through that pipeline.

My understanding is that once water flows through that pipeline, over a period of time, Tassal will meet all of the costs associated with that, including the interest costs and the capital repayment.

Dr Woodruff - They made $78 million last year. This is a terrible situation.

Mr GUTWEIN - I make the point that it is a commercial arrangement between the council and Tassal.

Ms O'Connor - Rule out public subsidies.

Madam SPEAKER - Dr Woodruff and Ms O'Connor, please listen to the answer.

Mr GUTWEIN - Obviously the mayor has raised her concerns about the Twamley dam with me. I have spoken with TasWater and asked them to engage with the council, which I understand they have, and bring to the table TI and the council and stakeholders to discuss what the requirements might be regarding that catchment moving forward. That is a sensible whole-of-government approach to take.

Dr Woodruff - Make sure Tassal pays for it - they want it, they pay.

Madam SPEAKER - Dr Woodruff, warning one.

Mr GUTWEIN - Again, you take aim at Tassal, which is providing jobs and investment in that community, something I understand is welcomed by that council. Yet you come into this place to play politics with a set of circumstances, albeit difficult, but I think with a pathway through, and you attempt to play politics, which is what you normally do.

Ms O'Connor - I beg your pardon? We are just asking a question.

Dr Woodruff - There's no water.

Mr GUTWEIN - As I have explained, Madam Speaker, the council has made its decision and that is entirely the right of council to do that.

Ms O'Connor - We're just doing our jobs. It's about water and public subsidies.

Madam SPEAKER - Order. Could I please stop this? No discussion across the Chamber.

Mr GUTWEIN - As I have explained, the Government has been engaged and TasWater has engaged with the council. My understanding is that they will bring Tas Irrigation and Tassal to the table and have a discussion about the broader challenges of that area and how they might solve this problem moving forward.

The politicking of the Greens is nothing more than that.

Dr Woodruff - We're standing up for the community. Someone has to do it.

Ms O'CONNOR - Point of order, Madam Speaker, under standing order 144. The Treasurer is using offensive words against us, accusing us of politicking when we are simply asking questions that are being asked in the community. This place is politics. What do you mean?

Madam SPEAKER - Could I have that standing order again? Was it 144?

Ms O'Connor - Yes, 144, offensive words against a member.

Madam SPEAKER - I think you are being overly sensitive and I rule it out.

Mr GUTWEIN - Madam Speaker, I accused the Greens of being politicians, to be frank. I do not know what your KPIs are, but certainly one of them would be frightening communities.

The mayor is working through this sensibly. The Government is engaged with the council. I am hopeful they can arrive at a commercial outcome between the council and Tassal. In terms of what occurs into the future, we have asked TasWater to engage with the council along with TI and other stakeholders with a view to looking at the needs of the broader catchment.

Jobs Growth - Investment in Skills

Mr TUCKER question to MINISTER for EDUCATION and TRAINING, Mr ROCKLIFF

[10.17 a.m.]

Can you update the House on how the Hodgman majority Liberal Government is supporting jobs growth through the investment in skills? Is he aware of any alternatives?

ANSWER

Madam Speaker, I thank Mr Tucker for the question. I know his considerable interest in this matter. A strong economy and the job creation that flows from that remains the number one priority of the Hodgman majority Liberal Government. As business confidence across the state continues to lead the nation and more Tasmanians are finding work, this Government recognises the vital role vocational education and training plays in underpinning that growth. The data speaks for itself.

As of August 2019, 248 600 Tasmanians are in work - 8400 more for women, 2300 more for young people, and there are 700 fewer long-term unemployed than when we came to government in March 2014. In fact, 13 500 jobs have been created since March 2014. There are more full-time jobs and more part-time jobs in the Tasmanian economy. The unemployment rate is down by almost a full per cent since 2014, and it is down in every council across Tasmania, all 29 of them, proving that every part of Tasmania is benefiting from our strong economy.

Despite what those opposite say, these results do not happen by accident. It is a whole-of-government responsibility. Education and skills remain at the heart of our plan for growing Tasmania's economy and our investment of over $100 billion into training each year is producing results and developing the right skills for our growing economy.

We have said before and I will say it again, you have to have a plan and our plan is working. Tasmanian apprentices and trainees are more likely to complete their training here than anywhere else in the country. Our completion rates are higher than every other jurisdiction around the country. Despite a national five-year decline in apprentice and trainee activity, Tasmania continues to perform better than the Australian average across most of the indicators. Trade apprentices, for example, and trainees are up almost 10.5 per cent and they decreased by 0.6 per cent nationally. Again, this is no accident. You need a strong economy, businesses to be confident, a well-funded TAFE and a high-performing training system.

Those opposite do not have a plan for the future because the shadow treasurer, after asking for the invitation as I stood up, has already admitted this week that they do not have a plan but they will have a plan sometime in the future. I am not sure whether it will be a year before the election, a week before the election or the day before the next election but you will have a plan, I am sure.

Mr O'Byrne interjecting.

Madam SPEAKER - Order, Mr O'Byrne.

Mr O'Byrne - He is inciting me.

Madam SPEAKER - I know he is inciting you, but you are better than that.

Mr O'Byrne - I know that I should be better than that, but he drags me down.

Madam SPEAKER - Please do not give into the urge. I want you to practice mindfulness. This is going to be a zen parliament. We are going to have one minute of silence for the minister, and I mean absolute silence.

Ms O'CONNOR - Point of order, Madam Speaker. I seek your guidance on a matter that has come between us. There is a gentleman in the Press Gallery who is taking photographs at the moment, and that is great in the interests of transparency and accountability. However, I note your ruling to us yesterday that Greens' members and staffers are not able to take photographs from the Press Gallery. I note there is an individual up there who is taking photographs but is not a member of the Press Gallery. Perhaps you could explain to the House why there are two different sets of rules?

Madam SPEAKER - There are no two sets of rules. We will investigate who that person is. There have been complaints from members within this House that there be no-one up there bar the press. This House is completely open, everything is recorded, everything is online and everything goes through *Hansard*, so we will investigate who is up there.

Ms O'CONNOR - On the point of order, Madam Speaker, we support the right of people to take photographs from the Press Gallery and we do not want that gentleman removed or to make problems for him. This is a point we are making about accountability and transparency and, potentially, two different sets of rules.

Mr O'Byrne - The gentleman is a long-term journalist photographer. He has been around for many years.

Ms O'Connor - I know, I have no problem with that, but -

Madam SPEAKER - The ruling is that is the Press Gallery -

Ms OGILVIE - Point of order, Madam Speaker. A little more information and a bit more transparency about how the process works would be helpful. I am not sure how you go about that, but perhaps that is something that you could consider. The member for Clark's point is legitimate. Sitting down here we do not know who is there. Maybe a little bit more transparency around the decision-making would be helpful.

Madam SPEAKER - I know you have been away a for a while but that is called the Press Gallery and that is for the press. That is the other gallery.

Mr FERGUSON - Madam Speaker, I suggest this matter be truncated. If members have an issue they ought to write to you outside of the question time.

Madam SPEAKER - Leader of the House, I have been written to twice. I have had complaints from other members who do not like that Greens want to take photos of political action from the

Press Gallery. I have made a ruling that it is not happening. The gentleman up there is a media representative. End of story.

Ms O'CONNOR - On the point of order, Madam Speaker, I am foreshadowing with you that we will table a motion that the House allows photographs to be taken from the Press Gallery by any person, whether they are a member of the press or not.

Madam SPEAKER - I am sorry, Ms O'Connor, but you are not giving any due consideration to other people who do not agree with your opinion.

Ms O'Connor - Well, how would we know?

Madam SPEAKER - This is not the time to raise it.

Ms O'Connor - We can raise it any time.

Mr Ferguson - This is not the time. Remember, you don't own this place.

Ms O'Connor - That is right, and nor do you and we should be accountable.

Madam SPEAKER - Order. This is question time. Let us get back to work. Minister, with all those naughty interruptions, you can have an extra minute.

Mr ROCKLIFF - Thank you, Madam Speaker. My momentum has been somewhat broken, I feel. I will go back to where I started. I was talking about the lack of a plan on the other side. When it comes to our plan, we will not be losing 4000 apprentices as those opposite did between June 2012 to December 2013. This side of the House is supporting our TAFE system, not tearing it apart. We have increased recurrent funding to the level of 10 per cent above what those opposite promised, to 80 per cent of all state training funds available.

We are providing an additional $2.9 million to TasTAFE to employ more trades teachers, nursing teachers, support staff and expand training places. We are investing over $20 million in new TAFE facilities and upgrades to infrastructure across the state. Our policies are encouraging small and large businesses to invest in apprentices and trainees and grow our Tasmanian economy.

Our strong connection to industry and the community and investing in the skills that they need is a key part of our strategy. I will be meeting with our strategic community and industry partners tomorrow to continue our work on directing skilled investments. Senior community and industry leaders will represent key sectors, including building and construction, agriculture, tourism and hospitality, advanced manufacturing, engineering, disability and health services, neighbourhood housing and migrant resources, and ICT industries will be represented at a forum I am attending tomorrow morning. This Government has overseen a huge positive change for the Tasmanian economy and our skill system, supporting the jobs growth that Tasmanians need and deserve.

Parliamentary Sittings outside Hobart

Ms OGILVIE question to TREASURER, Mr GUTWEIN

[10.27 a.m.]

People want more democracy, not less. We have heard that people in the north and north-west of the state want more engagement. Treasurer, you can never have too much democracy.

Ms O'Connor - Apparently, you can in here.

Ms OGILVIE - Yes, I got a fair workout trying to get the jump. In the next two years, parliament could be held in Launceston for Bass, Burnie or Devonport for Braddon, St Helens for Lyons, and Huonville for the electorate of Franklin. Treasurer, will you commit to taking our important parliament to each electorate so all Tasmanians can see our democracy at work and participate directly in our parliamentary processes?

ANSWER

Madam Speaker, I thank the member for Clark for that question. I have to say, it has a tinge of rewriting history about it. We have taken this parliament to Bass and Braddon on other occasions and it was very, very expensive.

First, I agree with the member. Democracy is a fantastic thing. It is the greatest gift that we have in the western world and it is something that we should all treasure. Regarding the costs associated with taking the parliament elsewhere, this Government's focus will always be on ensuring we invest record amounts into Health, Education, Infrastructure and into ensuring we look after those who are most disadvantaged.

I encourage Tasmanians who have an interest in democracy to engage through the normal processes, which are vast and varied. In the upcoming budget, for example, we will be advertising shortly to call for community submissions, of which we normally get a significant number. I expect that, once again, we will see both the north and north-west of the state as well as the south well represented in the submissions that we seek.

Regarding the parliament travelling north, to the north-west or even down to the south, at this point in time, our focus on this side of the House will be in ensuring that we continue to invest in the essential services that Tasmanian's need.

Infrastructure Strategy

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

[10.30 a.m.]

Your flat and lacklustre 30-year infrastructure strategy is a massive disappointment. There was an opportunity for this strategy to explore the state's infrastructure challenges and propose long-term solutions that all sides of politics and all levels of government could get behind. It is completely devoid of specific projects, delivery time lines or recommendations. Instead, it is full of weasel words and consultant babble like this -

> Restoration of transport efficiency through enabling greater mobility is an important part of Tasmania's future.

What does that actually mean? How much did this strategy cost to produce?

ANSWER

Madam Speaker, if you want an exercise in irony, it is a question from Dr Broad that refers to anything that is 'flat and lacklustre'. Dr Broad was unable to be in the parliament yesterday when I

told the parliament all about this infrastructure 30-year strategy, which was produced by Infrastructure Tasmania and did not involve the use of consultants. Therefore, I am unable to give you a dollar amount because there was no outside consultancy at all.

Dr Broad, understand that this is a long-term strategy for the state. If the Labor Party want to mock the work of our public servants who have worked hard with government agencies and with government businesses to work toward a long-term strategy for infrastructure needs for our state, then you have failed your first test as shadow infrastructure spokesperson.

It seems that the Opposition is currently oblivious to the fact that we have a strong infrastructure pipeline, which is published, budgeted. It is a record $3.6 billion infrastructure investment by the Hodgman Liberal Government. We are able to say that because we have a plan. We have a budget and a clear plan for the future. It has been voted for by the Tasmanian people. They chose our plan over the Labor Party's attempt to put forward a different plan at the last election.

Since the last election, Labor has walked away from all their social policies - their seven health policies. I do not know how many infrastructure policies they took to the election, but the fact is we have delivered, through Infrastructure Tasmania, a strategy for the future.

Dr BROAD - Point of order, Madam Speaker, standing order 45, relevance. I am seeking, 'restoration of transport efficiency through enabling greater mobility'. What does that actually mean?

Madam SPEAKER - That is not a point of order, but I will leave it up to the minister.

Mr FERGUSON - I say again to Dr Broad, who is a bit lost in the woods at the moment. He has no plan.

Members interjecting.

Madam SPEAKER - Come on, order.

Mr FERGUSON - He has no alternative. His Leader will not allow the shadow treasurer to have an alternative budget. They are all over the place.

I ask the Opposition to stop mocking our public servants who have worked hard and have delivered the strategy which is currently out for consultation. Dr Broad, Google is not a platform, puns are not a policy. If you have a better alternative, publish it.

Housing - Affordable Action Plan No 2

Mrs RYLAH question to MINISTER for HOUSING, Mr JAENSCH.

[10.34 a.m.]

Can you update the House on the Hodgman Liberal Government's Affordable Action Plan No 2? Is the minister aware of any alternative plan?

ANSWER

Madam Speaker, I thank my colleague, Mrs Rylah, for her question and her interest and support in dealing with this very important topic.

Tasmanians can rely on the Hodgman Liberal Government to keep our economy strong, manage the budget and help create more jobs for Tasmanians. This is exactly what we have been doing since we came to government and what we continue to focus on, particularly in delivering more homes for Tasmanians who need them.

Mr O'Byrne interjecting.

Madam SPEAKER - Order, Mr O'Byrne.

Mr JAENSH - Our first Affordable Housing Action Plan exceeded its targets delivering 984 affordable lots and homes for Tasmanians, with 1605 households assisted. We are now moving ahead with our second Affordable Housing Action Plan.

Today I am pleased to update the House on the first quarter results under that plan. This quarter has seen us maintain the momentum, delivering on our commitment to Tasmanians who are in greatest need. Since the action number two commenced on 1 July this year, well over 300 applicants from the Housing Register have been housed, and we have assisted a total of 142 new households into housing that meets their needs, including: 16 households assisted into affordable home ownership for the first time; 45 new social housing dwellings constructed; 18 households assisted in escaping family violence; 9 backyard units delivered to support young people to remain at home; 44 households have been assisted into affordable private rentals; and 14 new units of homeless accommodation have been provided.

These figures show we have hit the ground running with our second Affordable Housing Action Plan, and we have a strong pipeline of work underway with more than 100 houses currently under construction and hundreds of homes coming online over the next 12 to 18 months.

In addition, as part of our $5 million emergency response to address homelessness, we are working with shelter operators and Hobart City Council to prepare for the delivery of 28 one- and two-bedroom units at Hobart Women's Shelter and at Bethlehem House. We have already seen additional family-sized units come online through our project with UTAS and Hobart Women's Shelter, which now have families moved in. This year we are seeing record investment in providing housing and homeless accommodation. With the Commonwealth housing debt now waived, we will see a further $15 million of state funds put into the supply of homes for people on the Housing Register.

In our Budget this year, $68 million of state money - a record investment for this state in housing and homelessness - that budget figure is now $88 million in 2020. This means more jobs and more job creation as well, particularly in the building and construction industry.

I recently announced that construction is starting on a new $13 million Wirksworth integrated aged care facility at Bellerive. Wirksworth will include residential care beds and independent living units. The facility will have the capacity for up to 50 residents. Construction is expected to create 50 full-time jobs and provide economic activity of $30 million, as well as creating approximately 31 full-time jobs in the long term for aged care staff. Developments like this are an important part of our plan.

Today we will break ground on a new 25-unit complex in Goulburn Street in Hobart. I am pleased to announce to the House that Fairbrother Construction was the successful tenderer for this

$9 million project which is expected to be completed in around 16 months from now. The project will create about 60 construction industry jobs and provide a significant economic boost for our region. High-quality social housing in close proximity to services is a key initiative and this inner-city strategic site will be built specifically for older residents and people with disability.

I was asked also whether I knew of any alternative plans. After five-and-a-half years in opposition, this week the new shadow treasurer has confirmed that Labor still has no vision and no long-term plan for Tasmania. They have no plan, no policies and no credibility on housing.

This means either they have no ideas, or they support ours. I suspect it is both. On housing, as on everything else, Labor is all politics and no plans. They take a situation, they milk it for all it is worth politically and then they quietly support it because they know we have a good plan. They milked the Huntingfield Housing Land Supply Order Disallowance motion a couple of weeks ago, for all it is worth politically, then quietly, when they think no one is looking, back it because it is a good idea. If that is a backhand compliment, I will take it, but it is not an alternative and neither are they.

Ms Ogilvie - Madam Speaker -

Madam SPEAKER - Ms Ogilvie, so that we can get this right and you do not think I am picking on you, I have to give the Opposition seven questions, the Government backbenchers four questions, the Greens two questions and yourself, one. If we go earlier than time, which we are not going to, there would be another question for the Greens and yourself.

Ms OGILVIE - Point of order, Madam Speaker. We do not know if we are going to go earlier than time and I do not believe that we -

Madam SPEAKER - Standing order 48A says it is the best of one hour or the minimum number of questions to be asked.

Ms OGILVIE - Madam Speaker, on the point of order, if we are going to dictate the process by which the questions are asked there is no point in anybody jumping. Just lay it out.

Madam SPEAKER - I cannot give you a response. That is protocol and procedure. It's going to be a great day.

Ice Pipes - Proposed Ban

Dr WOODRUFF question to MINISTER for HEALTH, Ms COURTNEY

[10.40 a.m.]

Yesterday you announced you would be tabling a bill to ban the sale of ice pipes in Tasmania. As Health minister have you considered the health impacts of this at all? The Australian Government's Department of Health website says that the most common route of administration for ice is by smoking. The alternative is injection. Injection of any illicit drug, including ice, carries increased risks of addiction, overdose, infectious disease transfer and vein collapse. As well, the sharing of pipes, which is more likely if you ban the supply, increases the risk of transferring infectious diseases.

A program in Vancouver, Canada, for example, distributes crack pipes in a similar fashion to our needle and syringe exchange program. That has resulted in a significant decline in health problems associated with smoking crack.

How can you justify this decision as the Minister for Health? Will you back down from tabling that bill and instead commit to rolling out a health program similar to the one that is working to save lives and cut health costs in Vancouver?

ANSWER

Madam Speaker, I thank the member for her question. Quite frankly, I am appalled that the Greens have come into this place advocating for ice pipes to be distributed amongst our community. That is just appalling.

Dr Woodruff - Are you crazy? You're the Health minister. This is evidence.

Madam SPEAKER - Dr Woodruff, discipline, please.

Ms COURTNEY - All members in this House know the impact that ice and other illicit drugs have on their communities. This Government -

Ms O'Connor - You're talking to a scientist.

Dr Woodruff - Harm reduction - the cornerstone of Australia's health policy.

Madam SPEAKER - Order.

Ms COURTNEY - This Government makes no apologies for sending a very clear message to the community that illicit drugs are not okay. As a government we have done a number of things legislatively to ensure we send that strong message to the community and to those people who want to peddle drugs. We want our communities to be kept safe. That is why this side of the House took this policy to the election, which was endorsed by the people of Tasmania.

Greens members interjecting.

Madam SPEAKER - Order. Ms O'Connor, warning one; Dr Woodruff, warning two.

Ms COURTNEY - The misuse of illicit substances is a very important issue in our community. That is why I am pleased that we are going to be delivering on this election commitment. We know the harm drugs are causing in our community. Like many other jurisdictions, Tasmania has generic drug paraphernalia possession offences. However, it is one of only two jurisdictions that does not have specific offences relating to restricting or prohibiting ice pipes in resale or wholesale settings. This is why we are taking clear action to better align our laws regarding illicit drugs and reinforcing the very strong message to Tasmanians that ice is illegal, highly addictive and very dangerous.

We also know that drugs cause significant harm, which is why we are funding more resources into this sector to address the scourge affecting the lives of Tasmanians. The Hodgman majority Liberal Government is providing extra funding of $100 000 a year over two years to trial the 24-hour, seven-day-a-week, 10-bed residential rehabilitation program for women. This funding is on top of recurrent annual funding of $91 000 for the Velocity Transformation men's program which

provides a 12-bed residential facility for men based in Moonah. This is on top of the announcement made last year for an extra $6 million over three years for 31 more community-based alcohol and drug rehabilitation beds across the state. This includes the north-west, where we have seen an extra 12 beds open since January this year alone through the delivery of the new $4.2 million dedicated rehabilitation services facility.

Madam Speaker, we understand the impact that illicit drugs has on communities, which is why this side of the House is taking clear action to ensure that those people who have substance abuse challenges are supported to be able to get the help they need while sending a very clear message to retailers, wholesalers and the entire community that drugs are not okay.

Hobart Airport Interchange - Commencement

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

[10.45 a.m.]

Your Government has a woeful track record of getting infrastructure projects out of the door. At the last election, you promised that construction of the $30 million Hobart Airport interchange would start in the 2018-19 financial year. During budget Estimates last year, the former infrastructure minister, Jeremy Rockliff, restated that construction would begin by mid-2019. Yesterday, in a feeble attempt to spruik your lukewarm, at best, 30-year infrastructure strategy, you revealed construction on the airport roundabout would not begin until next year. Why has your Government so badly mismanaged this crucial project, delaying it further while everyday people are forced to sit in traffic frustrated at your lack of action?

ANSWER

Madam Speaker, the Hodgman Liberal Government is getting more infrastructure out of the door than ever before. The shadow infrastructure minister might want to go back and do some research. I know that he often likes to tell us about his research, so he might like to actually have a look at the record, because we are right up there. The shadow infrastructure minister was out of the room yesterday when I made reference to the Hobart Airport interchange project, which is on track and on time. I said yesterday that it is going to tender, which is currently under evaluation, and will be announced in coming weeks.

This is on our agenda of deliverables. It has been transparently clear for some considerable months. For Dr Broad to attempt to muddy that project is very unfortunate. This Government is taking action and getting infrastructure built and the shadow infrastructure minister might want to reflect on the things he has brought into the House on that question.

This is an important project -

Mr O'Byrne interjecting.

Madam SPEAKER - Mr O'Byrne, are you missing a coffee?

Mr O'Byrne - No, not at all.

Madam SPEAKER - The very next time you open your mouth, you will be going out to get one. Thank you.

Mr FERGUSON - Madam Speaker, if ever Mr O'Byrne gets an opportunity to have some clear air, he will be able to have a third go at his op-ed where he talks about his upcoming vision.

The Hobart Airport is not a joking matter. That interchange is an important project and this Government will build it. Although the Leader of the Opposition and others want to mock the infrastructure, it is very surprising that they would even mention the Royal Hobart Hospital because they did not lay a single brick, yet under this Government it has not only started but very nearly finished.

We say to the shadow infrastructure minister, do a little bit more research, do a little bit more work. Why don't you come up with a plan of your own? The gentleman next to you has promised that he will deliver the vision that Ms White has been unable to produce and, Dr Broad, perhaps you could contribute to that as well.

Building and Construction Sector - Job Creation

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

[10.49 a.m.]

Can you advise the House how the Hodgman majority Liberal Government is growing our economy in creating new jobs through support of the Tasmanian building and construction sector?

ANSWER

Madam Speaker, I thank the member for Lyons, Mr Tucker, for his ongoing interest in this matter, and everyone's interest on this matter on this side of the House. The Hodgman majority Liberal Government is a strong supporter of our building and construction sector and it is committed to generating further investment into jobs across the industry.

Today Tasmania is a much stronger, more confident place to be than when we came to government in 2014 and it is no accident that we can say that Tasmania's economy is the best in the country. We took our long-term plan for a brighter future to the Tasmanian people in 2014, they elected us in majority and we took that plan into government. Tasmanians saw the progress that had been made in delivering our plan across the state in four years under a majority Liberal Government and they supported our long-term plan again last year. Our plan is delivering results. This includes more than 13 500 new jobs created since we came to office.

It is a plan that is working in Tasmania's building construction sector, which is widely acknowledged by industry insiders and commentators as nation-leading. Do not only take my word for it. I quote the Master Builders of Australia in Tasmania that Tasmania '... is the hottest construction market in the country and has been for some time'. Recently, the Housing Industry Association was also quoted as saying that building approval growth was 'the state's strongest performance in 25 years'. New household lending data released by the Australian Bureau of Statistics shows that Tasmania leads the nation in lending for the construction of new homes and is the best state for first home buyers.

Since 2014, the number of construction jobs has grown by 18.4 per cent. This strong growth is expected to continue over the next four years as our significant pipeline of infrastructure is developed across Tasmania. In the year to August 2019, the number of lending commitments for the construction of new homes was 6.9 per cent higher than the year before, while all other jurisdictions saw lending for this category decline. Over the same period, the value of lending for the construction of new homes increased by nearly 10 per cent compared to the previous year. At the same time, Tasmania remains the best state to buy your first home. The number of first home buyers in Tasmania grew 11.9 per cent in the year to August 2019, compared to the previous year with 1991 first home buyers. This is great news for those entering the market.

Tasmania's housing sector continues to lead the nation. Tasmania is the fastest growing jurisdiction in Australia for building work on both the quarterly and annual basis. Tasmania is the only jurisdiction in Australia to see growth in building work done. Tasmania is also the strongest-growing state in the nation in the number of dwelling completions on both a quarterly and annual basis. Over the year to June 2019, dwelling completions grew 12.3 per cent and the HIA Housing Scorecard confirmed Tasmania has seen the biggest improvement in building conditions in the nation and now sits second only to Victoria in favourable residential building conditions.

This strength has been assisted by strong capital investment from the Hodgman Liberal Government. The 2019-20 Budget included a record $3.6 billion investment in intergenerational infrastructure supporting future growth, investment attraction and job creation and the future looks bright. The recently released Infrastructure Tasmania Project Pipeline forecast that $15.2 billion is to be spent on infrastructure in the next 10 years.

Tasmania is a much stronger, more confident place to be, but it has not always been that way. Our businesses do not suddenly switch from being the least confident in the country to being the most confident or the most optimistic about their futures. They need the right conditions to grow and to prosper, to invest and to employ more Tasmanians and this includes the strong, stable budget management that we have provided. In contrast, Tasmanians know you cannot trust Labor with economic and budget management and they have form, with a shocking record. It was the Labor-Greens government that took Tasmania into recession and trashed the budget and they still have no plan. Tasmania can rely on this majority Liberal Government's long-term plan to keep our economy strong, to carefully management the budget, to support our businesses and create more jobs.

Bridgewater Bridge

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

[10.54 a.m.]

The new Bridgewater bridge has become a monument of your failure to deliver major infrastructure projects. In March 2016, your Government announced that Infrastructure Tasmania had comprehensively redesigned the project. In budget Estimates that same year the head of Infrastructure Tasmania, Allan Garcia, said construction was expected to begin as early as 2019. As a result of the Liberal Government's mismanagement, Infrastructure Australia concluded that the business case you prepared for this vital project does not stack up. We are nearing the end of 2019 and you have not laid a single pylon, not one bolt, not even a barrel load of concrete. You are now preparing to tender for yet another consultant to develop and investigate options for a new Derwent River Crossing, which will be based on new geotechnical data and funding constraints

plus other tasks required to support further scoping and development of the Bridgewater Bridge project.

How can there be funding constraints when you have repeatedly claimed that the Bridgewater Bridge is fully funded? When will the Bridgewater Bridge replacement commence, and can you guarantee that it will be delivered on budget?

ANSWER

Madam Speaker, I thank the member for his question. The Government stands committed to delivering the project that is vital to link our Midland Highway to our capital city. It is a bridge and infrastructure for all Tasmanians and I encourage all members to continue to stand with this project. I note that the Labor Party walked away from the project. It was in Dr Broad's media release that I might have seen from across my desk about two weeks ago, when he was lining up with other people who want to see the money diverted to other projects. That was a very disappointing statement from Dr Broad, who claimed those people were standing with his position. That is regrettable. To answer the question, the geotechnical work is an important step.

Ms O'Byrne interjecting.

Madam SPEAKER - Ms O'Byrne, warning two.

Mr FERGUSON - If Dr Broad is serious - I invite him to be serious - the geotechnical work is a critical step in the design for the bridge. The engineering designs will rely on the knowledge -

Members interjecting.

Madam SPEAKER - Dr Broad, warning one.

Mr FERGUSON - The engineering for the bridge will rely on the geotechnical advice. It is a shame if the Labor Party is again mocking public servants and engineers who will provide advice. It shows that Labor is all politics and no substance. I suggest to Dr Broad that if he really is serious about asking me questions about funding constraints, to understand that is what a budget is. The budget is the amount of funding that is being provided.

I was asked a question about Infrastructure Australia. The Infrastructure Australia advice has been received, it has been noted and the two governments have committed to continue with the project. That should not be lost on Dr Broad. It is a part of the city deal. There are now no barriers to government proceeding with the project. I say to Dr Broad, and others who are appearing to join him in this, the Hodgman majority Liberal Government was elected on a platform to build this bridge.

Dr Broad interjecting.

Madam SPEAKER - Dr Broad, warning two.

Mr FERGUSON - It is a difficulty for the Labor Party. It is a matter of historical record. Labor had the money for that bridge years ago and spent it on other projects.

Members interjecting.

Madam SPEAKER - Ms Butler, warning one.

Mr FERGUSON - This bridge has been promised for at least 20 years. Labor had been in power for much of that time and did not start it. When they had the funding from the Howard government they spent it on other projects.

Contrary to the false claims from Labor, the status of this project remains unchanged. It is a national priority initiative. The Government takes onboard the feedback from Infrastructure Australia, ensuring that the final design is fit for purpose and can be built within the funding allocation. That is what responsible governments do. We will continue to liaise with the federal government. I am pleased to note the release of the tender. Unlike the Opposition, I am pleased with the progress in the geotechnical studies to inform the final design. The Deputy Prime Minister and I, and our Governments, have committed our agencies to work together to deliver a bridge that meets the funding envelope, taking into consideration the matters raised by IA. Despite the wishes of some, we will not be diverting funds allocated to the Bridgewater bridge to other projects.

The question remains for Dr Broad and his current leader: do you want us to continue to deliver that bridge, or do you want us to divert the funds as you did in government?

The Bridgewater bridge is a key component of the $1.6 billion Hobart City Deal. We expect Tasmanians to be driving on a new bridge in 2024, with or without Dr Broad's support.

Infrastructure Projects - Budget

Mr O'BYRNE question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr FERGUSON

[11.00 a.m.]

Your predecessor hailed this year's Budget as a record infrastructure budget. In fact, spending in infrastructure was claimed to be a key reason that the Budget is careering into massive net debt. Your Government has a woeful track record of getting infrastructure projects out the door. Every year the average underspend on infrastructure by your Government has been 23.5 per cent or $127 million per year.

Will you finally come clean and confirm that you have no hope of delivering on your infrastructure promises this financial year? Or is this a desperate strategy to slow down infrastructure projects to make the Budget look better and delay plunging Tasmania into billions of dollars of net debt?

ANSWER

Madam Speaker, I thank the man who will have a plan for his question. What the shadow treasurer has claimed in public and in this House is not true. The Government has invested a record $3.6 billion in infrastructure in my agency, in my portfolio and across the agencies and portfolios across government. The shadow treasurer should welcome that.

The Treasurer has been very clear when he and the Government were framing the Budget, which, by the way the Labor Party do not have an alternative to, to create more jobs and to increase our investment in response to the headwinds that we know are occurring in the national economy.

We want to make sure that Tasmania has the infrastructure it needs now and in the future. I think it stands the test. The shadow treasurer ought to answer this question: how much money does he think we should be spending on infrastructure? This is the question that he will refuse to answer. He refuses, or he is not allowed, to have an alternative infrastructure budget. Ours is $3.6 billion. What is Labor's alternative? Until they say otherwise, their alternative budget is our Budget.

Ms O'Byrne interjecting.

Madam SPEAKER - Ms O'Byrne, I remind you that you are on two warnings.

Ms O'Byrne - Thank you, Madam Speaker, that is very kind of you.

Madam SPEAKER - You are welcome.

Mr FERGUSON - I note that the Government's infrastructure spending as a proportion of our total expenditure has almost doubled from around 7 per cent in 2014 to almost 12 per cent in the 2018-19 financial year. It is a comparison that is not flattering for you, Mr O'Byrne, as the former infrastructure minister.

The 10-year $500-million Midland Highway Action Plan is not only on schedule, it is ahead of schedule. It is now 63 per cent done or underway and we are five years into the 10-year plan. Additionally, tranche 1 of the Rail Revitalisation Program was completed on time.

Mr O'BYRNE - Point of order, Madam Speaker. Standing order 45, relevance. I asked the minister about his chronic underspending in this year's Budget and whether he could explain why there is a chronic underspend in infrastructure in this Government's program.

Madam SPEAKER - Mr O'Byrne, you know that is not a point of order.

Mr FERGUSON - Obviously, the member is embarrassed.

Tranche 2 of the Rail Revitalisation Plan is also underway. The successful tenderer for the Hobart Airport Interchange Project will be announced in the coming weeks and that project will start early next year.

It is only for Labor to play politics. Labor is playing a merry dance with Tasmanians. They have no plan. Mr O'Byrne as the former infrastructure minister was part of a government that actually had the money for the Bridgewater bridge and diverted it to other projects.

This Government has an impressive track record of getting infrastructure projects done in the financial year, a far higher percentage as a representation of the Budget than previous years. It is not a flattering figure for the Labor Party. What the Tasmanian community deserves and what they ought to have is an opposition that is prepared to say what they believe in. The Tasmanian community is sick and tired of words from the Opposition when they have no substance. They have no policies, no plan and no vision. I now question whether you support the Bridgewater bridge project, which is a vital project that has been promised to Tasmanians at subsequent elections, committed to Tasmanians as part of the Hobart Deal and it is now reasonable for this House to ask the Labor Party, where do you stand on the Bridgewater Bridge, where do you stand on our infrastructure budget and do you support the Government's budgeted allocation of $3.6 billion in infrastructure -

Ms Butler - They trusted you to do that and you are not going to do it.

Madam SPEAKER - Ms Butler, two.

Mr FERGUSON - over the budget and forward estimates?

Infrastructure - Performance of Minister

Mr O'BYRNE question to PREMIER, Mr HODGMAN.

[11.05 a.m.]

It is quickly becoming apparent that Michael Ferguson has transplanted his destructive style of mismanagement from the Health portfolio to Infrastructure. It appears you did not learn from Michael Ferguson's record of mismanagement on the largest infrastructure project in the State's history, the Royal Hobart Hospital.

You have put him in charge of delivering major infrastructure projects, but all he has done to date is to pose behind the wheel of a few tow-trucks or stand in high-viz and a hard helmet on the roadside where no construction was occurring.

Have you endorsed his go-slow approach to the infrastructure roll-out in order to make the budget look better, or are you willing to admit that Michael Ferguson's mismanagement is putting jobs and investment at risk?

ANSWER

Madam Speaker, I thank the member for the question. At a time when Tasmania's economy is the strongest performing in the country, 13 500 jobs have created since we came into government. Tasmanian businesses are the most confident in the country and they are the businesses of any state or territory that are supporting most of their government's policies.

It is extraordinary for the member who so often wishes the worst for Tasmania to ask a question about our economic conditions when they have never been better. It is not only the job of a state government -

Ms Standen - Are you going to back him in? Are you going to back Ferguson in?

Madam SPEAKER - Ms Standen, one.

Mr HODGMAN - to deliver such a positive outcome but it is also because our businesses are confident, they are investing, they are spending more and they are creating more jobs for Tasmanians.

I was delighted to note that not only are Tasmanian businesses the most confident in the country, young Tasmanians are also very optimistic about the future and that is something we embrace and that we will continue to talk about, no matter the negativity that comes from members opposite.

There is a $3.6 billion investment into infrastructure, and $1.6 billion for transport infrastructure. This Government's infrastructure spending is a proportion of total expenditure. It has almost doubled from around 7 per cent in 2014 to close to 12 per cent in the 2018-19 financial year. A 10-year Midland Highway action plan with $500 million committed to that. We are about 63 per cent of the way through completing that or under construction. There is $120 million into our freight rail program ensuring that our freight rail is efficient and safe.

What we are doing at the Hobart Airport, in conjunction with the Commonwealth, our irrigation networks we have spoken about, working very closely with the Australian Government on a range of transport infrastructure needs, right across the state. A budget that not only includes that record level of investment but also its forecast will support the jobs for 10 000 more Tasmanians.

I cannot believe that the Opposition would claim that this Government's performance in getting our economy up to the state that it is now in, off the back of many things that are supporting business confidence, including this massive infrastructure investment, which is a challenge for us to deliver. There is no doubt that

Ms Standen - Are you going to back him in then?

Madam SPEAKER - Ms Standen, that is two.

Mr HODGMAN - major infrastructure projects like the Midland Highway or the Bridgewater Bridge, the Royal Hobart Hospital which had stalled under the former government, these are all massive projects being delivered under this government.

This is a problem the Opposition never had to have, because they could not lay a single brick on the Royal Hobart Hospital, yet they come in here and criticise every single thing that goes wrong with that massive project, that has also been a massive job employer and job creator in Hobart.

I welcome the opportunity to speak about what we are doing to invest in infrastructure which will support more job opportunity and it has always been part of our plan; yes, we are bold, we are ambitious and energised, but the contrast from an Opposition who have half a decade in government and have only now decided that the economy is an important thing. The new shadow Treasurer took a while to also acknowledge that but in addition said it would be important to have a plan. Earlier this week he proudly told everyone he would be working hard to deliver a plan, which highlighted the fact that under the Leader of the Opposition, Rebecca White, up until now they have apparently not had one. Interestingly, too, we noticed the story has changed a little over the week because whilst the op-ed in the *Mercury* started with, 'I'll do this and I'll do that and I'll work hard', it has now morphed into a 'we'. I wonder who it was who went to Mr O'Byrne and said, 'No, you've got make this a little less about you and a bit more about us'? While it is clearly the case that there is no 'i' in 'team' when it comes to the Labor Party, there is a very, very big 'i' in 'David'.

Members interjecting.

Madam SPEAKER - Order. Could we please restore some dignity to the parliament and listen to Mrs Rylah.

Parks - Investment and Jobs

Mrs RYLAH question to MINISTER for ENVIRONMENT, PARKS and HERITAGE, Mr GUTWEIN

[11.11 a.m.]

Can you please update the House on the Hodgman majority Liberal Government's recent investment into Parks, creating jobs and also the benefits of having a consistent plan? Are you aware of any alternative plans?

ANSWER

Madam Speaker, I thank the member, Mrs Rylah, for that question and her interest in what is a very important matter. As the Premier has just pointed out, we have a $3.6 billion infrastructure program that is going to generate jobs. Importantly, private investment will pile on behind it and it will underpin and sandbag our economy.

We recognise that to sustain and provide world-class visitor experiences we must invest in our national parks and reserves to ensure that they compete on the world stage and protect the very values that people enjoy. Since coming to government we have made an unprecedented investment in Parks infrastructure projects that create jobs in regional Tasmania and ensure that our parks are safe and well managed.

There is no better example than the Government's $4 million investment in stage 3 of the day walks for the award-winning Three Capes Track. I am pleased to advise that upgrades to make one of the state's most spectacular hidden gems more accessible are nearing completion. In the coming fortnight, upgrades to visitor facilities at Remarkable Cave will be complete, resulting in new parking, a new coastal viewing area with improved accessibility, cape viewing area improvements, a renovated toilet, and site rehabilitation for improved appearance: investment, jobs, improved facilities for visitors and locals alike. In late November works for the part-day walk to Crescent Bay and Mount Brown will also be finished, signalling the completion of major works for stage 3 of the Three Capes project - again, more investment and more jobs.

All works have been undertaken by local Tasmanian business, AJR Construction, along with Hazell Brothers and MTN Trails. The works are improving facilities for Tasmanians and encouraging interstate and international visitors to extend their stay on the Tasman Peninsula.

Significant investment in our world-renowned national parks is creating jobs and stronger economies across our regions whilst presenting and protecting what is so special about the state. We have a long-term plan and it is a plan that is working. Tasmanians are more confident. Our economy leads the nation, investment is flowing in, jobs are being created and record investments are being made into Health, Education and other essential services.

I was also asked if I was aware of any other plan or alternative. We know that Labor still has no long term vision or plan. The new shadow treasurer has admitted this; in fact, he went into print.

Mr O'Byrne - Did you actually have to write this down to read it? You could have just said it off the cuff - most other people have.

Mr GUTWEIN - Mate, I have the notes worked out, do not worry about that.

Madam Speaker, he went into print on Monday and took what can only be described as a very vicious swipe at Ms White. He completely airbrushed the previous shadow treasurer out of the picture. His honesty was surprising in explaining that after nearly six years in opposition they have no vision and no plans. I will remind people of what he said: 'I will do the hard work needed to put before Tasmanians a vision and a plan.' As I have said, he was taking direct aim at Ms White. After her time as Leader, and nearly six years in opposition, he has declared that they have no vision and no plan. It is not surprising. I guess it confirmed what we all know - that the man is ambitious - and it confirmed exactly what we have been hearing in the community. At every opportunity he is doing his best to white-ant Ms White; at every opportunity he is running Ms White down, declaring her a failure.

What was interesting - and the Premier touched on it a moment ago - is that in his attack piece, which we will call the 'O'Byrne Manifesto', it is clear that the *Mercury* article was written in secret without Ms White having the opportunity to see it. Maybe Ms O'Byrne had a look at it, maybe the O'Byrnes worked on this together, but it was written in secrecy. We know that because, once Ms White read it, she forced him to change it. I said on Tuesday that this bloke will have a bob each way, 'Two-Bob O'Byrne' or 'Two-Bob Dobby', so it was no surprise when I read the *Advocate* and, as the Premier has correctly said, there is no 'i' in 'team', but there is a very big 'i' in 'David', because he had hastily corrected the version that was written in the *Advocate*.

The words, 'I will do the hard work needed' had become, 'I had the responsibility to ensure that we do the hard work needed'. There you go. You thought you were going to have to do it all on your own and now you are going to take them with you, Mr O'Byrne.

Madam Speaker, this week we have determined that that side have no vision and no plan. On this side of the House, we have a plan that has ensured Tasmanians are confident, it is a plan that has ensured we are leading the country in terms of our economic output. It is a plan that has delivered 13 500 new jobs for Tasmanians and it is a plan that we are proud of. We will wait until you put yours on the table.

Time expired.

VEHICLE AND TRAFFIC AMENDMENT BILL 2019 (No. 19)

ROADS AND JETTIES AMENDMENT (VALIDATION) BILL 2019 (No. 25)

ROADS AND JETTIES AMENDMENT (WORKS IN HIGHWAYS) BILL 2019 (No. 26)

Bills agreed to by the Legislative Council without amendments.

POISONS AMENDMENT BILL 2019 (No. 45)

First Reading

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

SITTING DATES

[11.22 a.m.]

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

> That the House at its rising adjourn until Tuesday 29 October 2019 at 10 a.m.

Motion agreed to.

MATTER OF PUBLIC IMPORTANCE

Jobs in Building and Construction

[11.22 a.m.]

Mr TUCKER (Lyons - Motion) - Madam Speaker, I move -

> That the House take note of the following matter: Jobs in Building and Construction.

How hot is our construction market and how good is our Building and Construction minister? As the minister reported to the House earlier, to quote the Master Builders of Australia, our state is '... the hottest construction market in the country and has been for some time.'. The Hodgman majority Liberal Government is a strong supporter of our building and construction sector and is committed to generating further investment in jobs across the industry. Our long-term plan is delivering results. This includes more than 13 500 new jobs created since we came to office.

Recently, the Housing Industry Association was quoted as saying that, 'building approval growth was the state's strongest performance in 25 years.'. Since 2014, the number of construction jobs has grown by 18.4 per cent. This is very strong jobs growth in this sector. It is good news and Labor and the Greens do not want to hear this good news. The Greens just want to debate who can take pictures of them in the House. We know who everyone is calling the inner-city hipsters with no plan.

The strong growth is expected to continue over the next four years as the Hodgman majority Liberal Government's significant pipeline of infrastructure is developed across Tasmania. A huge part of the Government's long-term plan is to build the skills and training needs of Tasmanians for the jobs of today in the building and construction sector and the jobs of the future, too. Really good things are happening in this area.

In the 12 months to March 2019, the total number of apprenticeships and traineeships commencements in Tasmania increased by 5.7 per cent compared to the previous 12 months, up by 5140 new commencements. In comparison, nationally, total commencements decreased by 2.7 per cent over the same period. This is our state of Tasmania bucking the national trend. In the 12 months to March 2019 trade apprenticeships in Tasmania increased by 10.4 per cent, compared to the previous year, up to 2060 commencements, while trade commencements for Australia decreased by 0.6 per cent over the same period.

Again, the Australian average was down but Tasmania was up. Non-trade commencements in Tasmania increased by 2.8 per cent compared to the previous year, to 3085, while non-trade

commencements declined nationally by 4.5 per cent over the same period. In the 12 months to March 2019, female apprentice and trainee commencements increased by 3.7 per cent compared to the previous 12 months. At 31 March 2019 in Tasmania, the number of female apprentices and trainees in training had increased by 3.1 per cent compared to a year earlier.

The Hodgman majority Liberal Government has implemented a number of specific initiatives supporting continued growth in the number of apprentices and trainees, with $5 million provided through the 2017-18 Budget for grants to small businesses that have taken on apprentices or trainees. This program is now fully allocated. An additional $7.5 million over three years was committed in 2018-19 to provide grants for small businesses to take on apprentices or trainees in targeted sectors of the economy. This program has so far supported 1151 apprentice and trainee commencements with 738 employers.

The Growing Apprenticeships and Traineeships Industry and Regionally-Led Solutions Program is designed to increase the number of apprentices and trainees employed in industries and regions. The program aims to identify barriers that limit the employment of apprentices and trainees, and trial targeted solutions to resolve these barriers. Two rounds of this program have been released since February this year. These grant programs complement the Payroll Tax Rebate (Apprentices, Trainees and Youth Employees) Scheme available to larger employers. The Government has also extended this scheme until 30 June 2021, with a focus on targeting identified skill shortages in the economy. In the 2018-19 financial year the payroll tax relief scheme has supported 2096 apprentices or trainees and 212 youth employees at a cost of $5.8 million.

Let us not forget we have committed $15.5 million to support TasTAFE to establish centres of excellence at purpose-built training workshops in the industry for trades and agriculture. This year we have invested an extra $2.9 million in TasTAFE, which will see 8.5 new teachers in allied trades and seven new teachers in nursing. The Tasmanian training system has the highest level of completions across all Australia. This Government has overseen a huge positive change to the Tasmanian economy and we are directing significant investment into skills development for today and into the future.

Let us not forget it was Labor and the Greens who introduced the Tasmania Tomorrow reforms, which tore TAFE apart. Under Labor and the Greens the number of people commencing apprenticeships declined by 40 per cent, as reported in the Skills Institute 2013 Annual Report. They also lost more than 4000 traineeships and apprenticeship positions statewide and did nothing to reverse this concerning trend. This is in only a year and a half. From June 2012 to December 2013, over 4000 apprentices and trainee jobs disappeared in Tasmania.

Time expired.

[11.29 a.m.]

Ms BUTLER (Lyons) - Madam Deputy Speaker, with the building and construction industry struggling to meet demand due to this Government's lack of foresight to provide the supply, I am surprised the member brought this on today. I am more than happy to talk about the building and construction industry in Tasmania and what a fabulous industry it is and how it needs protecting. It certainly needs protecting against cladding. That is something your Government failed to address, let alone tried to rectify.

The Tasmanian Government has been aware of the risk associated with highly flammable, combustible aluminium cladding since the Lacrosse fire in November 2014 yet the Hodgman

Government have taken no decisive action to mitigate the risk. The Minister for Building and Construction must call on a verification method to demonstrate compliance with the performance method. There is no evidence that destruction testing of the individual aluminium cladding has ever been undertaken in Tasmania. We need to be sure that our building cladding is safe. This protects our building and construction industry.

The Government will not release the names of the 42 at-risk buildings. After the events of January 2019 when the Neo 200 building in Melbourne caught fire, it is time for the Government to put public safety first. Any risk is not good enough, if your inaction leaves the building and construction sector compromised.

We are calling for product substitution and proper scientific laboratory analysis of cladding material by testing temperatures which core burn on whole walls and styles and structures fanning poorly. Insurance companies are requesting categorisation and increased data on cladding content information with destruction testing of individual panels and comprehensive, informed safety risk assessments.

Like the 41 buildings listed in Tasmania, the Neo 200 building that burned in January 2019 was also classified as low risk. In Tasmania, we have no way of guaranteeing that the aluminium composite panel - ACP - we are importing is compliant; non-conforming building products are products that claim to be something that they are not and do not meet the required Australian standards. The Senate inquiry into ACP in September 2017 found that as there are safe non-flammable and fire-retardant alternatives available, there is no place for polyethylene - PE - core ACPs in the Australian market. On 6 September 2017, they called for a total ban on the importation, sale and use of aluminium composite panels with polyethylene core, a national licensing scheme for all building professionals and a national approach to increase accountability across a supply chain and the introduction of a penalties rating for non-compliant work.

The Government has done nothing to protect the Tasmanian building and construction industry. You have also done nothing in response to my call for a complete audit to be undertaken of all residential and non-residential buildings and dwellings in bushfire-prone areas with ACP on them. Nothing has been done, so you are sending first responders into bushfire-prone areas without knowing if some of the buildings they are trying to put out have ACP on them. Some of them are literally wrapped in petrol and you have no interest in identifying which ones are those buildings.

Whilst the rest of Australia takes this seriously, you have only applied administrative controls. Your inaction has compromised the building and construction industry.

Karen Andrews, our federal industry minister, has stated that the cladding issue should be dealt with by states and territories. Your federal minister is telling you to deal with it, and you are not dealing with it. Also, the Insurance Council of Australia recently stated that parts of Australia could become uninsurable due to fire risk. There is no plan to protect the building and construction industry of Tasmania.

Just this week, Victoria announced new laws that will allow the state government to chase builders for the cost of cladding rectification, prompting the main industry body to feel that it has been singled out for a problem caused by many players, including the government. Is this the approach that will happen because of your inaction? That builders will have to pay the ultimate price with you not doing anything to protect them by implementing a proper system around product replacement of ACP.

No guidelines have been issued to the industry to protect them from this huge threat. Nationally, it is called a 'cladding crisis'. It is not a beat-up. Every other state seems to take it very seriously, except for Tasmania. We are only going to put in some administrative controls and wait until there is a fire and then deal with it. It simply is not good enough.

Other jurisdictions have been engaging suitable professionals to review and inspect overall fire safety of buildings, including the installation of any external wall cladding and these experts have been able to provide an assessment of any steps required to maintain or improve building safety. Other jurisdictions are introducing drenching systems to buildings that have cladding - not only multi-storey buildings but residential buildings with cladding. You have done nothing to protect the building and construction industry.

This will end up really affecting our surveyors, architects, builders, local government and even planning. The Government has applied a few administrative controls and pretty much botched any responsibility in taking action to protect the building and construction industry. We have some of the best quality builders in the world in Tasmania. You cannot bring motions like this into the House without acknowledging that there is a massive problem within the industry that you have nothing to address. It has been absolutely abysmal.

In other jurisdictions, plans are being put in place to remove or rectify any non-conforming aluminium composite panel cladding immediately. They understand that it is a safety risk to the public and to first responders.

Time expired.

[11.36 a.m.]

Ms OGILVIE (Clark) - Madam Deputy Speaker, I am very interested in this debate. Whilst the construction industry issues are obviously top of mind, given the amount of work that is in the project pipeline, it is important that the workforce alignment and issues around TAFE and how to bring our kids on to apprenticeships, are dealt with at the same time. I will use my time to make a broader contribution on jobs. That is what people want, particularly in my electorate.

The northern suburbs have a very high level of unemployment in certain areas. They are particularly interested to know what we are going to do across a range of fronts. For my money, I see there are three horizons to what we need to do as a state: develop our industry, develop our workforce and develop jobs.

Unlike the Liberals, I am very keen on having more public service jobs in Tasmania, but I will focus on APS jobs. I hope the Liberals will come on that journey because they have the capacity to have the conversations that are needed to make that a reality.

With the infrastructure moves that are happening, particularly at our science and technology precinct at Macquarie Point, of which I am very supportive, there is a natural opportunity to place more jobs in our great state.

I have been a long-term supporter of the case for building a space technology industry, based on the great work that is done at our university, particularly in the physics department and our radio telescope. The dish was given to us by NASA. We already have long-standing arrangements in place we can build upon, to build that industry. When I first starting talking about this, people thought it was a little bit 'out there', pun intended. Now we know that space is a $3.5-billion industry

globally. It is being driven by the major technology research centres in Europe, the UK, the USA and China. That is where it is all happening. They share the International Space Station and from there the industry spreads out across the planet.

Australia does particularly well in telecommunications. We are experts in satellite and experts in communications. I come from a telco background myself, albeit as a lawyer, but I do like working with those engineers. We have some locally who have lived and worked all over the planet, engineers with Telstra in particular, who are capable of and competent in helping to build this industry.

I am specifically thinking about the work we do on climate change. This comes through the work that our physics department has been able to do on GPS and feeding into the GPS system with their expert mathematicians and the fact that our university owns an array of radio telescopes that sit right across the nation that are critical to the functioning of global GPS systems. Our radio telescopes and research scientists are able to track the polar orbits of space equipment and satellites and all of the stuff that is up there when the northern hemisphere goes dark, so we are in an excellent position to build this industry.

I would like to see it to be more aligned with our Antarctic front end, as New Zealand has done, because many organisations, and the Americans in particular with their expertise in robotics, would like to bring their equipment to Antarctica to test it. I am not talking about doing anything other than test equipment in an environment which is as close to a space environment as we can find on the planet. This is an opportunity for us.

I would also like to see a reinvigoration of how we work with and consider our schooling and its connection with TAFE. Once upon a time there was a natural pathway there. The work around the city deal and the $1.3 billion that is coming needs to be closely aligned with work to build up our project-based learning in schools. This is leaning towards the STEMM and tech side of things as well.

I have given some thought as to how we can do things better in other industries as well. If we are able to create niches around shared services models for particular industries, or whether it is the APS or telecommunications industry, those kinds of industries for Tasmania are a superb and very fertile hunting ground because it is not resource driven, it is not manufacturing. It is not things we have to create or cut down. This is intellectual capacity we are selling, our IP. We know as a smart and switched-on state, particularly with our university capacity, we have an endless amount, whether it is consulting or education sales, technology, engineering - all of those areas are really ripe for more movement.

There is an area which I think we can do better around small business and that is with red tape. I am still working on getting people on board with this concept, but I know there is some genuine interest in making things simpler, easier and more efficient for small businesses. I would like to see a parliamentary process to measure the regulatory burden of whatever legislation it is we are bringing in to make sure we understand the impacts of that and to create a baseline against which we can generate some measurements. It has been put to me that that in itself might be adding some red tape to it, and I will take all of those arguments on board as I work up the case for that.

One of the areas in which we really need to deliver some incisive focus is on women and jobs and a fair go with superannuation. I believe women have traditionally not been as articulate, or let us say as bolshy as they need to be, about getting a fair slice of the economic pie. That is something

we need to lead by example on in Tasmania. Many women in the older age bracket - and I consider myself part of that now I have reached my milestone fiftieth birthday - find it difficult to retire in prosperity.

Time expired.

[11.44 a.m.]

Mr JAENSCH (Braddon - Minister for Disability Services and Community Development) - Madam Deputy Speaker, I am a little bewildered. The MPI that we sent out today was on jobs in building and construction. Whilst everyone has a right to contribute on a debate in this place, Ms Butler's mad rant on buildings literally -

Dr Woodruff - That's very unprofessional.

Mr JAENSCH - She talked about buildings literally wrapped in petrol, which we have heard before in here. It is an issue she is quite entitled to bring to our attention, but for Labor to put this forward as their lead response to the topic of jobs in building and construction says it all.

I also want to make sure that we put back on the record again not the Liberal Party's opinion, but the response from respected industry and safety professionals on this matter. On 26 July in response to Ms Butler's calls regarding cladding, Tasmania Fire Service district officer Andrew McGuinness told the ABC -

> It is just not that simple. If there is a relatively low risk from a firefighting perspective, then you'd have to have some pretty solid evidence to support removing that material. I'd rather see a considered and measured approach taken. Wait until the evidence comes out and use that evidence to make informed decisions on what we should do.

Matthew Pollock, executive director of Master Builders Tasmania, said recently:

> Claims that people living and working in buildings in Tasmania are under threat of an inferno are disingenuous and fundamentally at odds with the facts. They demonstrate a misunderstanding of the immediate issues for the industry that are vital to the state's economy.

That was not a good start. Also Maddie, wherever she has gone, we love her, but she went into space and climate change in response to jobs in building and construction.

Dr WOODRUFF - Point of order, Madam Deputy Speaker. Members in this place should be referred to properly and respectfully. The minister needs to properly refer to the member for Clark.

Madam DEPUTY SPEAKER - Thank you for your point of order. Minister, you heard that comment.

Mr JAENSCH - I withdraw anything that may have caused offence to the member for Clark, Ms Ogilvie.

Dr WOODRUFF - Point of order, Madam Speaker; it is not offence, it is protocol. It is a standing order. It is offensive to the parliamentary Standing Orders, not to me as a member.

Madam DEPUTY SPEAKER - Minister, the member should be referred to by the correct title.

Mr JAENSCH - Thank you, Madam Deputy Speaker. I refer to the member for Clark, Ms Ogilvie, and I withdraw any comment that may have caused offence.

The point here is that we are talking about jobs in building and construction. Building and construction is vitally important to our economy, to all Tasmanians and to our Government. As Mr Tucker and Ms Archer have already highlighted this morning, Tasmania is in a period of unprecedented building activity, responding to unprecedented confidence in our economy and demand for more industrial commercial and residential land and buildings, including more homes for Tasmanians and people who are coming to live here, new arrivals from other places, Tasmanians who are no longer leaving and people who want to move out of renting and into home ownership.

This is a group we are seeing more of, and in our housing sector we are seeing a new group of people emerging who have traditionally been renters who want to move out of renting and into home ownership, who have been facing increased rental costs and are finding they are no longer able to save for a home of their own. We met a lot of these people on Sunday. We knew they were there and we catered for them at the Housing and Homelessness Expo. When those people were queuing up at the doors to come in at 10 o'clock and throughout the day, a huge number of them queued, sometimes for quite some time, to speak to the representatives from Tassie Home Loans about the HomeShare product, about Streets Ahead and their opportunity to get assistance into new housing.

There were 351 people in this category who we assisted under our first Affordable Housing Action Plan, Tasmanians on low incomes who wanted to move into homes of their own: 16 so far have been assisted since 1 July under our second Affordable Housing Action Plan and we anticipate there will be many more.

They have been identifying a need for more housing and more land for them to build houses on. That is important and this is also what our building and construction sector is telling us when we sit down with the Masters Builders, the HIA and the community housing providers that we are seeking to commission new builds from to provide more housing for Tasmanians. We are running out of land. There is a low capacity in the industry and they are gearing up to continue to build more houses, but they are running out of land in the areas of highest demand for housing, those areas closest to supports and services, transport, schools and jobs, and that is why providing land for housing has been part of our Affordable Housing Strategy from the beginning. Jobs in building and construction depend on it.

That is why our Huntingfield, Moonah, Rokeby and Devonport housing land supply orders are so important in releasing new land to market that has not previously been available to them. It is why we are working on more of those housing land supply orders right now to get more land into market for people to build on. That is why we have dedicated ourselves to releasing at least 380 more lots under our second Affordable Housing Action Plan.

I call on Labor, in particular, and in light of this reality, to stop their cynical games around us including the release of more land and counting the release of more land in our supply achievements under our Affordable Housing Strategy.

[11.51 a.m.]

Dr WOODRUFF (Franklin) - Madam Deputy Speaker, when we are talking about jobs in building and construction we have to look at the biggest construction project on the Government's horizon at the moment, which is the Bridgewater bridge. I believe $576 million is the current estimate for that project, of which $461 million would need to come from the Commonwealth alongside $115 million from Tasmania. By any account in Tasmania, they are very big numbers.

The Bridgewater bridge has been grinding on for years and years. I remember the endless talkfests the previous minister, Mr Hidding, had on this topic. It went on from election to election, always another announcement but never anything acted upon. That is a good thing because within this process is a complete failure to pick up on where that money should be spent. Now that we have a Hobart City Deal and a collaboration between the mayors of the Greater Hobart councils, we are coming to hear loud and clear that it would be a disastrous way to prioritise this very rare opportunity to get a large amount of Commonwealth funding to put into a construction project. It would be disastrous to put it into the design the Liberals in Government are pushing, which is an over-engineered Bridgewater bridge.

We need a functioning Bridgewater bridge. Everyone in here agrees on that. Everyone in the community agrees it needs to be a functioning Bridgewater bridge, but it does not need hundreds of millions of dollars of taxpayer's money diverted towards a bridge that will be nice for yachties to sail through.

I want to declare a conflict of interest. My husband and I have a yacht. We like to sail our yacht. But I am prepared, as a yacht owner, to selflessly forgo the opportunity to sail into the upper parts of the Derwent so that that money can be far better spent on public infrastructure. Where it needs to go, instead, is toward a light rail corridor. Hands down, most yachties would agree, and they would probably line up and sign a statement that says they are prepared to forgo the beauty of the upper reaches of the Derwent so that Tasmanians could have the benefit of a light rail. Wouldn't we all think that is a good trade-off? I would have thought so. That would really be a have-your-cake-and-eat-it moment.

The Glenorchy City Council and the mayor have come out and made very strong public statements to this effect. We have been waiting and waiting for that light rail corridor. Here is the opportunity. I understand we can get it for the same price tag. We can have an improved Bridgewater bridge and a light rail corridor for the same amount of money. The jobs that go with that construction are the future. It provides for people in low incomes, medium incomes and even high incomes in the area between Hobart and Bridgewater.

To be able to jump on a light rail train, to be able to move quietly, energy efficiently, with low carbon and quickly into the middle of Hobart and out again would be transformative. It would massively increase the value of property along the area, one of the things I would have thought the Liberals would be champing at but, for some reason, they are stuck on this idea that you have to be able to get your yacht up into the upper reaches of the Derwent. What madness is it that would prioritise yachties over light rail for Tasmanians? I cannot imagine it. I look forward to continuing this conversation.

The university and all other large businesses would welcome the opportunity for people from the Derwent Valley to be able move quickly into the area. Imagine the access for students from the New Norfolk area to be able to come quickly, cheaply, simply and with low carbon miles into the middle of Hobart to go to uni. How wonderful that would be to make that travel distance so much

shorter. How important it would be for people who are struggling in traffic on the Brooker Highway to have access to light rail, yet the Government is stuck on wanting to have yachts go up the river. It is something Senator Eric Abetz has his heart set on and, somehow, everyone else has to jump to that tune.

Mr Ferguson - Can I invite you to have a look at the Hobart City Deal? They are both provided for, okay?

Dr WOODRUFF - No, we want a commitment that there will be light rail. There has never been a statement that light rail is -

Mr Ferguson - I invite you to have another look at it.

Dr WOODRUFF - No, minister, I invite you to make a public statement that you will be prioritising light rail. Stand up and make it to the House. We would love that. We would stand with you and welcome you. We would love that.

Mr Ferguson - We are not locking in on a certain technology. That is what the review is for.

Dr WOODRUFF - Well, lock in, lock in. I encourage you to lock in on a project that is good for us all. The climate emergency is upon us, in case you had not noticed. We need to reform and totally transform our building and construction industry. We need materials for the future. We need to be replacing concrete. We have to have alternatives. We need an LVL industry in Tasmania. We need to be creating new industries and jobs in those industries using plantation timber and creating LVL here, not bringing it from the mainland.

This is a wonderful opportunity for the forestry-loving Liberals to use plantation timbers in an LVL industry. Why are you not jumping at it? Why are you not investigating it? The Greens have been asking these questions of the previous Building and Construction minister and received radio silence. I do not think she had even thought of it - climate change and construction, no. She did not seem to have anything to say about that, either. Construction in the future, right now, is being massively affected by floods and all the other things that will confront us. We look forward to the Government talking about light rail.

Time expired.

Matter noted.

PLACE NAMES BILL 2019 (No. 38)

Second Reading

Resumed from 16 October 2019 (page 48)

Ms OGILVIE (Clark) - Madam Deputy Speaker, it is quite a while between leaving off mid-sentence and picking up again. I was sharing my thoughts on proposed section 13 and the practical approach to litigation versus an approach of having a provision in there that allows the government to take punitive action or issue a fine.

I have been speaking on that section 29 process from the Trade Practices Act and whether there is indeed a gap in the state regime that ought to be filled. Despite my reluctance to endorse any sort of overarching controls on language - I had previously pointed to both the Trade Practices Act, our advertising regulations, real estate industry regulations and the like as being part of how we do business - the reason that we regulate those things and copyright and patents is to ensure that trade and commerce is fair and for consumer protection as well, so that is the recap.

It seems to me that it would be beneficial to have a right or a capacity for not just individuals who have been ripped off by somebody using the incorrect name intentionally and causing damage to that individual. The example I would give is if I were to enter into arrangements to buy a block of land that was sold to me as being sited in one area and perhaps was actually in another area or different postcode, or perhaps a different street name. If we think about the main thoroughfares and streets in Hobart they command higher prices and we know where those areas are. If I have entered into arrangements to do that and have gone out and spent time with a mortgage broker, paid my fees, done the title searches and got a conveyancer on board, all of those things, I could actually be thousands of dollars out of pocket before I even sign the contract.

We are dealing with the period between wanting to purchase or entering into a heads of agreement to purchase something and then finding out later that it is actually in a different area or the land title that you ultimately receive does not match what has been put forward. There is a difference between puffery, which is my favourite legal term meaning selling something and misrepresentation; you are allowed to be exuberant in selling something and pointing out the benefits of it and those sorts of things, but there is a limit where you actually then move into to misrepresentation, and misrepresentation is language that you use that is intended to deceive, so there is an element of intent there.

When it comes to clause 13 I am very grateful that the minister has taken the time to listen and make those proposed amendments. I have one additional amendment which is quite small that I would like to float. I think it would be helpful but I am very happy for the minister to take it on board and consider it as we watch how this clause rolls out.

In another scenario it could be perhaps a hotel, it could be a business - those sorts of things that can be impacted by place names - a winery for example. There are many areas where place names interact with trademarks, brand names and domain names as well. As a consumer I would love to be in a position where if something went horribly wrong and I was out of pocket and had been sold a pup in relation to the land I thought I was buying, I could go to the government and say, 'I would prefer it and it would be simpler and less risky for me as a consumer who has suffered some damage if you would fine that person', because I or my friends may have had dealings with that person in the past and if it is a repeat offence, a fine from the government. It takes the litigation risk and expense off the consumer and it is a bit of a sword, as they say in legal terms, that could be used by the government. We always like to think about remedies in legal life as we have a sword and a shield. The shield is to protect you from bad behaviour and the sword is your rights to go ahead and sue and litigate.

For the record, I will read into *Hansard* the proposed amendment, which is an avoidance-of-doubt amendment. This is a technique you use where you want to leave the general prohibition in place but take out a concern to be clear to the people reading this bill, or those who might actually be in court in litigation over this bill and looking at these debates for some guidance around what parliament was thinking when they brought it in.

Cars are a scenario in which it is the intention of this parliament that clause 13 would not apply. The proposed amendment says:

> For the avoidance of doubt, nothing in this section prevents the use of a traditional, colloquial or comedic name for a place if such a name is used in good faith -

so that avoids the intent issue I was speaking of previously -

> ... in circumstances where the use of such a name is unlikely to mislead or deceive another person.

It reflects the parameters of the Australian Consumer Law section 29 around deceptive behaviour, intent, misrepresentations and misconduct.

I would like to go a little further with the minister's indulgence, because I have not actually been able to sit with him and work through this in detail. In clause 13(1) it currently says:

> In this section -
>
> *document* includes a brochure, map, notice, sign, billboard, advertisement, promotion and banner, whether in print, digital or other format.

I would like to contain that further and because we are talking about formal, legal documents, I would like that definition perhaps to instead say that 'document means a brochure, map, notice, sign or billboard'. What that does in balance with the amendment proposed for clause 13 is really define it and name it down to official documents, because I believe that is what we are talking about.

We do not want to stop the *Mercury* from having fun with names like 'River City' and 'Bridgewater Jerry'. That is not the goal and I want to be able to be at the pub and talk about those things too. None of that is in a commercial context. We have the avoidance-for-doubt amendment which is supportable and a good way to go, but we are smart enough, and Parliamentary Counsel might consider this, even over time as the bill is implemented, to truly define what we mean by that official document regime.

That is my proposal. We might chat about that in Committee. I support the bill and the amendment. My amendment will not be a trigger for withdrawing support of course, but it might be something that we look at going forward.

In relation to the interaction of this bill, particularly with trademarks, copyright, domain names, wine labels and all those sorts of things, I know a lot of consideration has gone into how those two things interact but it is very important to say on the record that the importance and the value that we put on place names, particularly when it comes to commercialisation of products, particularly agricultural products with our Tasmanian brand, is very important. We talk a lot about Brand Tasmania here. I know a lot of government energy is going into refocusing that brand and I am very supportive of that. They are a good team who I have met with and very much doing great work there.

I look at other countries, perhaps France, and how well advanced they are in relation to their domains and provenance, not just with food and agricultural products but their art market. That is

also very interesting. Even when it comes to coal here and that debate that we had, I am for climate action myself, but when it comes to coal we could be looking at things like block chain and we could do that with our winery, our grapes and our cherry industry, using technology to really solidify that domain and provenance issue and where our products are going as well. I see that there is a bit of a tech overlay that over time we can have to this thing.

I was at the supermarket the other day looking at imported products that I like to buy and thinking about the place name and the brand name around agriculture. Maldon salt is a great one from the UK. It is such an iconic place name brand. Under our Tasmanian brand - and I know the energy going in there - sit all of our local brands and agricultural land as well, from wineries through to truffles through to lavender through to other things that we produce, so I am very interested in that.

Of course, the interplay is with trademarks, people who have the capacity to register trademarks and understand that regime and those who just go ahead and start using it because they have always called the farm 'Bluebottle Farm' or whatever it happens to be, but a place name that is not a registered place name but something that is traditional. There are some elements where the commercial might interact with the colloquial but hopefully in a positive way.

I have considered web name registration and how it sits with some of the intellectual property rights business we deal with, particularly when it comes to Aboriginal names and local or customary names as well. It was put to me that a certain party could register any domain name they chose because it is a free-for-all in web land; if it is available, you could register it and own it. That is not the case. You can register a domain name but you cannot own it unless you own that name. If somebody else has a registered right to own and use that name, particularly a trademark, you would very quickly receive a lawyer's letter.

There are copyright rules that come into play also, particularly for Aboriginal art. Perhaps there is some work to do on this aspect. The TAC had cause to do some work on domain name registrations to ensure that Aboriginal place names were used appropriately by their people and not by others who might wish to adopt or purloin names for commercial purposes. Some of this is about learning to rub along together in this space. Some of it is about ensuring that in pure commercial contractual arrangements consumers have the protection of government and that monitoring will occur.

There are a bunch of great names that we like to use. One of the things I always think about Tasmanians is that we do not take ourselves overly seriously. I hate to say it, but the two-headed Tasmanian joke was around for a very long time but we do not hear that anymore. That has died, so let us not bring that one back. Nobody wants to kill off our sense of humour, but we need to make sure that when things go beyond humour, when they become commercial or when puffery and the sales approach turns into misrepresentation to the detriment of another person, that we act and act decisively.

The Australian Consumer Law Act is a federal act of parliament. What we would have here is a local regime with a little bit of local teeth in case people need to use them.

I consider myself somebody who is in favour of free, robust speech. I am somewhat libertarian in that regard, which sometimes confuses people as they may be unable to predict where I will come at things from. But the more we retain our ability, which is a plenary right, to think and do what we want within the parameters of a sensible legal regime, the better off we are.

That is the guts of it from my perspective.

For lawyers who might be looking at these debates in the future, if you are advising your client or you are already in court on one of these matters, it is the sense of unfairness that we are trying to address in this bill. Penalty provisions in consumer law are perhaps even more weighty, but you can add to that the cost of having to mount a case, get lawyers involved, take the risk of a costs of order against yourself if you fail. Sometimes you cannot prove the wrongdoing. They are very clever. It can be hard sometimes to get the evidence.

I will wrap up now and thank the minister for his work and even cheekily say being unusually responsive to lobbying, which I know was pretty ferocious. It was good that you were able to listen. I thank Parliamentary Counsel for their drafting. I request consideration now or over time of my proposed one-word amendment which I think further contains the issue to official documents. It would be a good move. I thank the minister for his efforts on this bill.

[12.16 p.m.]

Ms HOUSTON (Bass) - Madam Deputy Speaker, my contribution will be brief and relates to the impact of the Place Names Bill on Aboriginal communities and the use of traditional names.

I have had a number of conversations with members of the Aboriginal community in recent weeks about the Place Names Bill. For the most part the feedback has been positive and there has been support for the bill. However, there were concerns about the potential for penalties to be imposed for not using the official name of a place. After all, as the minister acknowledged on Tuesday, all places here had names prior to colonisation. Some communities were concerned that by using their traditional names for places they were at risk of hefty penalties.

Fortunately, the Government has taken this concern into consideration and sought to amend the Place Names Bill so that the use of traditional names will not be affected by penalties. This is a significant improvement.

The concerns raised about place names and the continued use of traditional place names are rooted in the traumatic, historical events that occurred in Tasmania. Modern-day Tasmania is super-imposed over an ancient and complex cultural landscape that has evolved over more than 40 000 years. Prior to British invasion there were nine nations, several clans within each nation and complex inter-relationships between peoples and place. There were also a number of languages and dialects with overlapping languages between neighbouring nations. Research indicates that three main language groups with variations in them and with fluid boundaries existed at the time of British invasion.

The violent and rapid process of invasion and colonisation, contact diseases and the kidnapping of women by sealers and whalers as well as the fierce defence of the palawa homelands through years of warfare saw the majority of Tasmania's Aboriginal population wiped out within a generation and the survivors displaced and dispossessed. This has left deep scars on the Tasmanian Aboriginal communities that are apparent to this very day. People were removed from traditional homelands and detained and isolated in the remote establishment at Wybalenna. Languages were largely lost through the force of acculturation, cultural practices banned and Aboriginal people, my own ancestors included, forced to survive in a very different world to the one they had come from and often in different places to those occupied by their ancestral clans. They carried with them the remnants of their language and what remained of their cultural knowledge.

My family was fortunate in having been successful in securing the release of our matriarch Woretemoeteyenner from Wybalenna so that she could live with her daughter, Dalrymple, and her grandchildren in north-west Tasmania. It is a fondly told story that Woretemoeteyenner, known to us as Granny Riggs, and others as Margaret Riggs or Pangya Bungya would dive in the bush carrying one of her grandchildren on her back and sing them the names of the places and trees. This is how language was transmitted from one generation to another.

The reality of dispossession, relocation and the movement of survivors of Wybalenna onto the islands and mainland Tasmania led to the emergence of the three main communities based on the Furneaux Islands in Tasmania's north-west, and in the south of the state. These communities formed the foundations of today's modern Tasmanian Aboriginal communities. These are the custodians of this land. Time has made them distinct communities and they have been shaped by the environment around them and their lived experiences. They have clung to culture and fragments of language that are the threads that bind us to our past and which we must weave together for a future.

These communities have much in common and much in difference. Many of those who spoke to me feel that not all the communities have the same input on issues that are of importance to them. One of these issues is in the place names applied to sites within the areas that they live. Different groups have always called some places by different names than those used by other groups or have multiple names for aspects of the same geographical feature. One of the key themes of the conversations about the Place Names Bill was that in the past, the Aboriginal community that live in a particular area were often not consulted about the dual naming of places and they certainly never had an input into the application of English names for places and landmarks. Perhaps the new dual naming process will address the some of these issues.

Currently, 13 sites have been assigned names under the Aboriginal and Dual Naming Policy 2012. While this is an important step in the recognition and preservation of Tasmania's Aboriginal heritage and culture, there are communities who felt excluded by the previous process of dual naming and have concerns about what would happen if the Place Names Bill should pass without amendment and the penalties still apply.

In Aboriginal tradition, places and geographical features having multiple names is not uncommon. Some names have been applied to multiple places, for example, truwana, the name given to Cape Barren Island under the dual naming policy, was also used for the state of Tasmania by some communities. Place names, places and words often have multiple pronunciations. Some of this is because there is no distinction in some sounds such as 'j' and 'c', or 'p' and 'b', in palawa languages whereas there is in English, so the recording of these words was problematic. Ballawinnie and palawini are the same word and the same thing. We often see 'g', 'c' or 'k' interchanged in the written recordings of names, such as Trucanini and Truganini.

During one of many discussions about the Place Names Bill, the question was asked, 'What would happen if some Aboriginal people called the South Esk River the mangana lienta instead of the South Esk, or the Tamar River at Launceston the muluka lienta instead of the kanamaluka'? Issues like these could have led to fines, had penalties still been in place for the use of traditional names.

For tens of thousands of years the palawa pakana - there we have it again, more than one name for the same thing - have had multiple names for places and different ideas of where the boundaries started and ended. The important thing for the Aboriginal people is that Aboriginal people should

have the right to call places by the names they know them by, by their traditional names without fear or sanction. Traditional names are the way of claiming place and belonging. To deny even having legislation, the threat to curtail this use of traditional language, would have been an infringement on the rights of Aboriginal people and carried the stench of the wrongs of the past. It invoked a long-held memory of cultural genocide that included the prohibition of language.

Languages were lost and everything renamed under colonial regimes. There were also concerns raised about the potential for sanctions to fuel divisions between Aboriginal communities because different groups used different names for the same location. This can now be resolved internally. The Place Names Bill, once amended to protect Aboriginal people from being fined for using an unofficial but traditional name for a place, addresses this as well.

The formation of a place name advisory panel that has places for community members provides at least a possibility for Aboriginal community membership, though it would have been preferable to have an identified position on the panel. The formation of a reference group with expertise in Aboriginal languages and a majority Aboriginal membership is a positive development. The revised dual naming process is more inclusive, allowing all Aboriginal groups to make submissions for dual naming and these submissions will be considered by a skill-based panel. This change is welcomed by many Aboriginal communities as it allows for greater input for those communities living in the areas where dual names are being proposed. As such, it is a positive outcome.

The importance of local traditional names for places cannot be overstated. Places have names. They have always had names but some of these were lost. Therefore, finding those traditional names and speaking them again is a process of recovery. The act of renaming places with foreign names is an act of colonisation. Local Aboriginal people being able to reclaim place by traditionally naming places and geographical features again is an act of decolonisation, albeit a small one. Another step toward decolonisation would be the commencement of land handbacks and perhaps that is next.

Lastly, I acknowledge the extensive work that has gone into reconstructing language, the development of the palawa kani Program and into the naming of 13 places with dual Aboriginal names. This has been a significant project and is worthy of recognition. Hopefully this was only the beginning of an ongoing process to hear places called by their traditional names once again. Thank you.

[12.27 p.m.]

Mr TUCKER (Lyons) - Madam Deputy Speaker, I am pleased to support the Place Names Bill. Place names are an enormous important reference point for all members of society. From natural features such as rivers and mountains, to localities, streets and reserves, place names are the most common way that people identify geographical locations. They are fundamental to property addressing, emergency services activities and navigation products.

The Government recognises that place names were in existence prior to European settlement and that Aboriginal people used place names to identify geographic features and places and continue to do so. This bill provides for the establishment of a new place names act to introduce contemporary place naming processes and the repeal of outmoded clauses pertaining to the Nomenclature Board in the Survey Co-Ordination Act 1944.

Whilst the existence and use of place names is taken for granted in everyday life, the importance of rigorous processes for assigning appropriate and authoritative names to natural and

manmade features generally goes unnoticed. Tasmania's current system for the official naming of places was established more than 60 years ago. Whilst minor amendments have been made to the Survey Co-ordination Act 1944 over the years, those provisions remain largely unchanged and do not provide for contemporary digital data management, different administrative arrangements and community expectations with respect to consultation and representation. Prior to preparation of the bill, two rounds of community and stakeholder consultation were undertaken, with strong support exhibited for the proposed changes. The draft bill has been circulated to stakeholders and additional personal briefings were arranged to ensure proper understanding of the new provisions.

The bill provides for a number of key elements. The first is the replacement of the Nomenclature Board with a new minister-appointed Place Names Advisory Panel chaired by the Surveyor-General. The panel will consist of the Surveyor-General as chair, a senior spatial data and mapping officer from the department, a person nominated by the Director of the Parks and Wildlife Service, a person nominated by the Local Government Association of Tasmania, a community member with knowledge and experience in outdoor recreation, and up to two community members with knowledge and experience in heritage or historical matters and logistics. Additional members can be appointed by the minister as prescribed by the regulation.

Other than the Surveyor-General and the senior departmental officer, all other members of the panel are appointed by the minister. The new panel will overcome the constraints imposed by the current legislation whereby members of the board were assigned by outdated departmental names and the appointment process was unnecessarily cumbersome. The inclusion of additional members from the community will ensure wide experience is available in the assessment of new naming proposals.

The second key element is the establishment of a place names register and the appointment of a registrar through a minister. An entry in the registry is to include each approved name for a place and include the location, boundaries or extent of the approved place. The register may also include for information purposes the names of areas and features that are not required to have approved names or that have been named under other acts. The register will be in an electronic format or as otherwise determined by the Surveyor-General and will be made available to the public via a web portal.

The registrar is to be appointed by the secretary of the department and is to maintain and make available the guidelines to maintain the register of place names by making entries in the register as names are approved and making amendments where alterations are approved. The registrar is empowered to make minor amendments to the register such as typographical corrections or minor changes to the extent of a place where there is no impact on community use or expectation around that place.

The third element is that the minister will assign place names, not including street and road names, upon the recommendation of the Place Names Advisory Panel. After considering the panel's recommendations the minister may either approve the recommendation, which may be to assign, alter or revoke a name, or refuse to accept the panel's recommendation, in which case the minister may request that the panel reconsider the matter and make a new recommendation. In respect to names approved by the minister, the name is official once the minister makes his or her decision. The approved name will be reflected in the register and made publicly available. The registrar may then cause a notice to be published in the *Gazette* specifying the details of the decision.

Another key element of the bill is to provide for the minister to be able to endorse the issue of the guidelines that will give comprehensive documentation about the principles, practices and processes for construction, hence the omission of place names which will reference and comply with the provision of the Aboriginal and Dual Naming Policy in force at the time.

The guidelines will provide more flexible consultation and objection processes proportionate to the significance of the specific naming issue, and will specify the persons responsible for proposing certain names and set out their responsibilities. The guidelines will be made publicly available in electronic format and will be reviewed regularly.

The next element is to clarify the definition and scope of the term 'place'. This section ensures that ambiguity in the definition of 'place' is removed and that definitions are consistent with the manner in which other jurisdictions describe them.

The bill also clarifies the responsibilities for the naming of roads and streets, properly giving responsibility to the relevant road authority. The responsible authority, such as the council, is the authority that has the naming responsibility for the road or street. In accordance with the guidelines, the responsible authority may name the road or street, alter or revoke the name of a road or street, or amend the extent of a road or street. These actions may be made by the responsible authority so long as it complies with the relevant provisions of the guidelines and the act and the relevant procedures of the responsible authority.

Once an acceptable naming decision is received from a responsible authority by the registrar, an entry is to be made in the registry to reflect the action. At this point, such a naming action is taken to be an approved name. The registrar may only refuse a submission from a responsible authority under this section if the naming action does not comply with the guidelines or if the proposed name is the same as an approved name for another place. If the registrar is unable to resolve a suitable naming submission with the responsible authority, the registrar is to submit the naming action to the panel for consideration and then the matter proceeds as earlier described for other naming proposals, including that the panel makes a recommendation to the minister for a decision.

This section empowers local government in particular and removes red tape from the current processes where some councils have only partial authority over street and road naming. Importantly, this section will allow road names to be approved earlier in the development cycle, which will facilitate early assignment of addresses to new properties. That will mean that when titles are issued, new owners will not be faced with delays in connecting utility services such as electricity and telecommunications, which can occur at present due to the delay in addresses being assigned.

The bill introduces provisions for penalties to apply if the names of places are deliberately misrepresented. This is a provision that has not been present in Tasmania before but is present in other Australian and New Zealand jurisdictions. This section provides that a person must not in a document, brochure, map, notice or advertisement identify a place that is not the approved name for that place if the person knows, or reasonably ought to know, that such identification is likely to or has the capacity to mislead or deceive another person. This includes if the person deliberately represents that a place has an approved name when there is no approved name for the place. The penalty provisions are in terms of a fine not exceeding 50 penalty units for a body corporate and not exceeding 20 penalty units for an individual. Further fines are available for each day during which the offence continues.

This provision is not intended to apply to circumstances where a proportion of an approved name is used, such as when an Aboriginal or dual name such as kunanyi/Mt Wellington is used. In accordance with the Aboriginal and Dual Naming Policy recently revised by the Government, either or both names in this example are permitted without sanction. An example of deliberate misrepresentation of a name is when a party may suggest a lot for sale is one locality when in fact it is in another. This has the potential to mislead a potential purchaser and may have consequences for their future development plans, bank loans and insurance considerations.

As well as penalties, the bill provides for the panel to issue warning notices on a person if the panel reasonably believes that the person has committed an offence under the act. Additionally, the bill provides for the Surveyor-General or the chairperson to issue infringement notices if the Surveyor-General or chairperson reasonably believes that a person has committed an infringement offence against the act or regulations made under the act. Such infringement notices are to be issued in accordance with section 14 of the Monetary Penalties Enforcement Act 2005 and are to be for an amount up to 10 per cent of the maximum applicable penalty for the offence. These provisions for warning notices and infringement notices allow the panel and the Surveyor-General to take graduated action with respect to possible offences in proportion to the nature and severity of the possible offence.

Finally, this allows the Governor to make regulations for the purposes of the act. The regulations may be made in relation to fees and charges, cost of proceedings and other matters that may be specified in the guidelines, such as the process for reviewing and appealing a decision of the panel or registrar.

The Government fully supports the introduction of this bill. We firmly believe that the Place Names Bill introduces significant efficiencies to place-naming processes. Consultation with stakeholders was conducted in two stages over an extended time frame and the draft bill was also circulated for comment. The Government is therefore confident that the bill was strongly supported by stakeholder groups. The bill reduces red tape, streamlines processes and empowers the community to have a role in place-naming processes.

[12.41 p.m.]

Mr BARNETT (Lyons - Minister for Primary Industries and Water) - Madam Deputy Speaker, In summing up and responding to queries, I thank all members who have made a contribution during the debate. It has been productive discussion and somewhat enjoyable. During the period of time since the bill was first introduced to parliament I have tried hard to listen to the members and respond to feedback. I took that opportunity to address some of those concerns. Following that feedback, I determined to draft two amendments that are before us in this Chamber. I forwarded those in advance to colleagues in this place and I thank you for that feedback. Ms O'Connor said it was unprecedented to receive that level of response and feedback and, yes, it is a Government amendment.

Ms O'Connor - Not unprecedented. I said it never happened in the last term. It has happened in this term with the Brand Tasmania bill and this bill.

Mr BARNETT - Thank you for that clarification. Whether it was is not entirely relevant to me but it is good. This is democracy in action and I have responded to the concerns that have been expressed. I have tried to do my best on behalf of the Liberal Government to improve the bill. Hopefully we can get to a position where can all agree we have a bill we are confident in and believe is in the best interests of our constituents and the state of Tasmania.

I acknowledge Dr Broad, Ms Ogilvie, my colleague, Mr Roger Jaensch, Mr John Tucker and a special note to Jennifer Houston, thank you so much for your contribution. It was a heartfelt contribution, I took it personally and I thank you for it. It comes from the heart, along with your understanding of these important matters and our Aboriginal and Dual Naming Policy. I hope we can do whatever we can in this parliament to ensure those objectives you have in terms of the importance of place. We know the importance of place and the importance of land. The importance of where we live is important to the Tasmanian Aboriginal people, so I am acknowledging that and I thank you.

I note Ms Ogilvie's contributions and have highlighted a number of the quirky natures of some of the place names and the strong sense of ownership the community has to place names. Ms O'Connor made this very clear as well, that we do have a sense of ownership of place names. The Nomenclature Board has been around for 65-odd years and there is evidence of that long-running support in the community. I was one of those who loved listening to Wayne Smith on ABC local talkback, talking about the definitions and the meaning behind relevant place names. I can see the odd nod around the Chamber, so I say thank you to Wayne Smith, author and talkback speaker on ABC. Thank you for sharing the meaning and importance of place names to the Tasmanian people. It is a great show and it tells a lot about the state of Tasmania and why we love this place so much.

I will address some of the questions raised by members and have noted that they have been put in a productive and constructive manner. I will be responding to the best of my ability to each of those in turn, noting that some of those are multiple questions on some matters. There will be a range of responses addressing various topics.

One of those was the penalty provisions raised by Dr Broad, Ms O'Connor and others. These provisions were introduced in this bill and this parliament for the first time based on feedback from the local community, as Mr Tucker has indicated. There was a lot of feedback, two levels of consultation over the number of years, and we have taken that feedback onboard. It is also based on advice from the Office of Parliamentary Counsel, advice from the consumer affairs group within the Department of Justice, feedback from the relevant departments in the states of Queensland, New South Wales and South Australia, which each have similar merit provisions to ours in terms of penalty provisions, as well as New Zealand.

The views of the departmental officers working in those jurisdictions were sought to inform the decision to draft penalty provisions. Whilst the content of the penalty provisions in those jurisdictions varies, a common theme is that they are a potent method for heading off issues that could escalate into serious cases of misuse of place names. As a lawyer standing here, I and others in this Chamber would know that the law has an educative role. It is important that we send a message that we do not want deliberate misrepresentation of our place names in Tasmania, so the penalty provisions stand behind that.

Ms O'Connor - Can I ask by interjection, minister, what is the genesis of this bill? Where did the idea come from? I did not ask that question following the second reading but perhaps you can talk about it now.

Mr BARNETT - It is reflected in my second reading speech, Mr Tucker also noted it, but it goes back some 65 years, when the first bill was introduced. The genesis was based on the fact that that was then and this is now. We have come 60-plus years since then and many place names have been identified and rolled out and we are aware of them. Things have changed since then, so we

wanted to streamline the process, reduce the red tape and encourage more public consultation. A number of provisions have been updated and clarified, including the penalty provisions.

Ms O'Connor - I am trying to get to the bottom of it. Were you lobbied to bring this legislation in?

Mr BARNETT - Well, it has been going for a number of years, 2015 and then 2016 were public consultation processes based on the fact that it was getting a bit outdated, and it needed to be updated. My point is that, yes, we have a heartfelt support, we talked about the Nomenclature Board and the word nomenclature and the role of place names. When that all started 60-odd years ago, the naming of those places took a lot of effort and time and that did occur. We now have the Aboriginal and Dual Naming Policy in place, so we need to update to ensure we remain relevant in the 21st century.

Ms O'Connor - You were lobbied to bring the bill in, is that correct?

Mr BARNETT - I personally have not been lobbied to bring the bill in because I am a newish minister of 31 October last year, as Minister for Primary Industries and Water. I am advised by the department that they noted a number of deficiencies in the bill over the years and they have been looking for the opportunity to modernise it. The Government goes through a review of a range of legislation from time to time, this dates back to 2015, four-plus years ago, and then 2016. They had rounds of consultation, taking feedback, looking to the other states and what they are doing. How can we ensure that we are improving what we are doing here to make it as relevant as possible to modern day Tasmania? I hope that helps.

The circumstances that are intended to capture the penalty provisions is where there is a deliberate attempt to mislead or deceive. I believe I made that point clear in my second reading. I am reclarifying it now. We do not want any misleading or deceptive conduct, any effort to misrepresent a place across this great state of Tasmania.

Over the years, and indeed as recently as two weeks ago, members of the public have contacted the department about situations where contracts have failed as a result of the kind of misrepresentation such as when a property for sale was represented as being in one suburb when in fact it was in another suburb. Ms Ogilvie made that clear in that she thought it was totally inappropriate with her background as a lawyer and involved in competition and consumer law and the like. She is entirely correct. We do not want that to occur when you have a mortgage and your insurance in place. You might have been to real estate agents and had their commitments; you might have had an assessment of the loan. This sort of thing is simply not on. We need to combat that. This is what this bill does; we do not want any deliberate attempts to mislead or deceive.

Ms O'Connor - Like if you had land in Rokeby and you were advertising it as being in Howrah Gardens, for example.

Mr BARNETT - Absolutely. It is a very good example. That is exactly what should not be happening. We must provide mechanisms where we can stop that happening. We have had a good debate. My shadow across the Chamber has asked why have penalty provisions. One of the reasons is that otherwise you would have to rely on common law action. If you have a lawyer, money and a lot of time then, yes, you can go to court.

Ms O'Connor - If you vote Liberal.

Mr BARNETT - You can go to court whether you vote Liberal, Labor or whatever. You might even vote Greens.

You can go to court but guess what? That takes time. It takes money. You need a lawyer. The point is that the civil remedies are there. They have not been removed; they remain there. We are putting a message in this bill to say that false, misleading and deceptive conduct in saying you are in one suburb when your property is in another suburb or you are one street and it is on another street is not on. There is are a number of examples of that.

Civil remedies are not being removed. This is providing an opportunity for the little guys. Let us call them the quiet Tasmanians. You might be the quiet Australians or the quiet Tasmanians. These are the little guys. Those people who perhaps do not have the resources; they do not think about it - they just need protection. They need support. There are dozens, hundreds, thousands of Tasmanians buying and selling properties, starting a new home, building a property, building a home, getting a start in life, moving from house to house, suburb to suburb, city to city, town to town. It applies across the state and it is a really good initiative.

It is supported in New South Wales, South Australia and Queensland, and in New Zealand. We have taken on board that feedback. That is part of the reason we have the penalty provisions. They are important. It is an avenue for ordinary citizens to have their rights protected and government can act and support that effort.

The proposed amendment to clause 13, which I issued in advance of the second reading speech, removes the doubt. It makes it quite clear that the penalty clauses are not to be invoked for the use of traditional, colloquial, comedic or Aboriginal and dual names. On behalf of the Government I am saying that is the case. That is the position of the Government. We want to remove any doubt. I know in the eyes of some people in this Chamber and others in the community there was some doubt about that when the bill was first released. The member for Clark was very strident in those views and criticisms at the time. I copped it in the neck but that is all right.

Ms O'Connor - That was very brave of you, minister.

Mr BARNETT - That is okay. That is part of the parliamentary process and democracy in action. Ms O'Connor is very good at making that point known.

Ms O'Connor - We must have had a point because you have brought in an amendment.

Mr BARNETT - Nevertheless, I did not want there to be any doubt. That has now occurred and we have the amendment to remove any doubt.

I want to respond to Ms O'Connor's questions about penalties and how they will be imposed and implemented over what you would call a graduated process so I will outline that. First, a warning will be issued and that will send a message to say, 'This is not on, you can't do it'. That would occur through the Surveyor-General and the Government. Second, if that warning is not heeded, an infringement notice will be implemented through the Surveyor-General and the department. It would set out to show cause that you have to act within a certain period of time. The exact details of what is in the notice and how it is written will be determined in due course by the experts. It will be served in accordance with the provisions of the Monetary Penalties Enforcement Act 2005. Then, as a final resort for serious cases of misrepresentation, the penalty clause can be used.

Dr Broad - Minister, by interjection, what happens if the developer receives a notice and argues the toss?

Mr BARNETT - Sorry, receives a notice?

Dr Broad - Then says 'I disagree. I challenge this as I believe this location is actually called "Blah"'?

Mr BARNETT - That is a good question. If they disagree with a decision as agreed to by the minister with the Surveyor-General and the views of the Place Name Advisory Panel, then they are acting contrary to the place name that has been advised is there, then they would suffer the consequences of the penalty: they would be warned; there would be an infringement notice; and, as the final resort, the penalty clause would be imposed. I can go through the detail and the penalty clauses.

Dr Broad - That was not the question. The question was: what happens if the process occurs and they challenge?

Mr BARNETT - There would be a penalty.

Dr Broad - Yes, but if they challenge it.

Mr BARNETT - When you say 'they challenge', the place name is the place name. It has to go through the Place Names Advisory Panel; it has to be approved by the minister - yes or no - and if it is 'yes' then that is the place name. There is no opportunity, as far as I am aware, for further challenge.

They have to go through a consultation process to have a place name identified so there is a process in that. It is very thorough. There will be advertising and public feedback. A property developer should expect to consult and have their views represented during that process in advance of the place name being identified. Once the decision is made, that is it. Localities are defined by a proclaimed plan and that is quite unambiguous. It is quite clear: once the panel has made their decision and the Surveyor-General has noted the name of the place.

Dr Broad - Not if they are arguing tradition or one of the other exemptions.

Mr BARNETT - I am happy to go through with a little more detail. Let me respond further to some of the questions that have been put during the second reading speech.

In South Australia, they have had penalty clauses since 1969. Based on research, the department finds it useful to be able to refer to penalties when they are alerted to misrepresentations and use that capacity to engage with offending entities to resolve matters. Based on the feedback I have received, they have not had to prosecute but the deterrent effect has served very well for many years, particularly in relation to the incorrect use of the state and locality names as per the example outlined above, which I will talk to you about.

To this degree, a staged or graduated approach has worked well interstate. That is my point about the law has an educative role. If the law says there will be a penalty; you cannot do it, you cannot deliberately mislead. It goes through a graduated approach of issuing a warning notice, then an infringement notice, and then the penalty.

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

PLACE NAMES BILL 2019 (No. 38)

Second Reading

Resumed from above

Mr BARNETT (Lyons - Minister for Primary Industries and Water) - Madam Speaker, as I saying before lunch, we are progressing through the minutes of the penalties provisions. I was responding to Dr Broad's question relating to a party disputing a warning or an infringement. It is important to remember that in the first instance, the panel would need to be satisfied that it was deliberate misuse of the name to deceive or mislead and in the circumstances where a warning letter - and I am talking about warning letters, infringement notices and then the actual fine itself - where a warning letter has been issued if a party were to respond disputing the circumstances that had been referred to in the warning, then the panel would consider the response on its merits before deciding whether further action was required.

I am also advised by the department that if an infringement notice has been issued and the alleged infringer disputed the circumstances of the infringement notice, then under section 21 of the Monetary Penalties Enforcement Act 2005, the party can elect to have the matter heard by the court. That is a matter in accordance with the law. It would end up in court if that dispute occurred. If the matter was of such a serious nature to warrant prosecution, then the prosecuting party would need to be satisfied that the deliberate misuse satisfied the provisions of the act and could be proven in court.

As I mentioned earlier today, suburb boundaries are approved by the Nomenclature Board. Those authoritative boundaries are depicted on the Land Information System Tasmania, commonly known as LIST, and they are absolutely unambiguous.

To recap, a deliberate attempt to mislead or deceive a person by the misrepresentation of a place is not on and will not be countenanced and the law has an educative role.

I wanted to touch on Dr Broad's raising the spectre of the Surveyor-General becoming a 'names policeman' and whether that would be a desirable addition to the statutory role. He is sitting in the adviser's chair here today. The depiction of him as a policeman is not appropriate. I thank the Surveyor-General again for his support and assistance in the progress of this bill. The reality is that on the rare occasions when matters of this nature are brought to the attention of the department, the Surveyor-General in concert with the Place Names Advisory Panel will have the opportunity to take advice from relevant parties, for example, the Property Agents Board of Tasmania or the Aboriginal and Dual Names Reference Group before making a decision in accordance with similar processes that occur interstate. My colleagues in those jurisdictions may also be consulted. Under clause 15 of the bill, the panel will issue the warning notice via the Surveyor-General.

I was asked to provide some examples. We went through that in the second reading debate earlier but I will make it very clear. An example is if a business or resident erects a street sign that reflects a name other than the approved name, this may be the name of a commercial entity housed in the location, or the name of a resident, or the name that was not assigned by council but which

the resident preferred. A second example is if a developer represents a road by another name, other than the approved name; this could be a boutique name or an estate name that has the potential to mislead and create problems for service delivery and emergency response. That is a key point - the risk to emergency services across the state. If they are not able to locate an address in the time available that they had to do the job to serve our constituents and to support them and help them in that time of need would be totally unacceptable. As a government, I speak on behalf of all of us. That is not what we want. As well we have postal services. Australia Post has a job to do. Their service delivery is very important in communicating and keeping communities connected. There are many good reasons why what we are doing is well backed up. All official names in the Place Names Tasmania database are in the LIST and the emergency services organisations for dispatch. It is on the public record. It is well known. It is accepted and it needs to be correct. We need to be confident that LIST is correct. An incorrect street sign, for example, would undermine the response to an emergency.

I have covered quite a few concerns expressed but I will keep going.

Ms O'Connor - Did you talk about the panel and why there is a person on it who is potentially going to be the bungee-jumping champion?

Mr BARNETT - I am looking forward to getting to bungee jumpers. I have a very good response for you. I hope you like it. I am foreshadowing that.

I am going first to the Place Names Advisory Panel and the Aboriginal and Dual Names. Ms O'Connor outlined that the amendment to the penalty provisions addresses the concerns of the Aboriginal community more broadly and questioned the non-inclusion of an Aboriginal person as a member of the panel. She also questioned the need for a member of the outdoor and recreational community on the panel. That is the bungee-jumper example.

In terms of the composition of the Place Names Advisory Panel and the involvement of the Aboriginal communities with Aboriginal and Dual Names, Ms O'Connor has acknowledged how the proposed amendments largely allay concerns that were expressed from the Aboriginal communities about the penalty clauses. That is noted and appreciated. That feedback was helpful as was Ms Houston's contribution, as I said earlier.

First, the panel does not specifically provide for representation by Aboriginal people. However, there is nothing to prevent Aboriginal people from being selected as part of the community membership processes, subject to appropriate knowledge and experience. The Aboriginal and dual-naming policy provides for the establishment of a reference group of experts in Aboriginal language and matters. The reference group is intended to be majority Aboriginal people and will ensure appropriate advice is provided to the Place Names Advisory Panel about Aboriginal and dual-naming submissions. As minister, and on behalf of the Government, all submissions concerning Aboriginal and Dual Names will be referred by the panel to the reference group. That is really important. It is the only reference group of experts established by the panel due to the importance of the Aboriginal naming matters.

Apart from Aboriginal and Dual Names, the number of naming decisions likely to come before the new panel each year is expected to be low. I will give you an example. The average number of topographical or cultural features' names in the last three years has been three to four. That is the advice I have received from the department. Road and street names, some of which previously came to the board for deliberation, are now the province of local government in most instances.

Submissions coming to the panel will automatically go to the reference group for feedback, consultation and advice and then that will then come back to the panel.

I wanted to respond to Ms Houston's contribution, which was very positive and heartfelt. As a government we remain totally committed to supporting the Aboriginal and dual-naming policy as an effective contribution to the broader community's understanding of Aboriginal history and culture. During the Tasmanian Government's recent review of the policy of general and consistent view expressed during the consultations was that a revised Aboriginal and dual-naming policy should be expanded to allow for both Aboriginal and non-Aboriginal organisations, local councils or individuals to nominate an Aboriginal or dual name directly to the Nomenclature Board.

A clear view also expressed across submissions was that local and regional Aboriginal groups and organisations should be directly consulted about Aboriginal and dual name proposals, particularly those proposed in their local area, and that many Aboriginal communities and local groups were seeking opportunities to inform Aboriginal and dual naming in Tasmania. The minister, Roger Jaensch, is very firmly supportive of these comments and these contributions. I appreciated Mr Jaensch's contributions earlier in the debate. There was also very strong support for the expansion of languages used to inform dual naming to include other Tasmanian Aboriginal languages and local knowledge, and for proposals to be based on sound history and research. As a result of the review of consultation feedback a number of improvements that enhance inclusivity, procedural efficiency and broader promotion have now been made to the policy.

I will outline those five or six key improvements. They include: one, expanding on the parties who can nominate Aboriginal and dual naming proposals; two, ensuring local Aboriginal groups will have a say about place name nominations in their area; three, ensuring there is a provision on replacing existing place names that are racially or historically offensive to Aboriginal communities; four, including the consideration and the use of other Tasmanian Aboriginal languages for place naming; five, improving and clarifying consultation requirements under the policy; six, clarifying the requirements for authenticating Aboriginal and dual names including the creation of an independent expert reference group.

The purpose of the original and the revised policies remains the same; to provide clear direction about the application and use of Aboriginal names for naming Tasmanian features and places. The principles are essentially the same, that we acknowledge places in Tasmania were named by Aboriginal people long before the arrival of European settlement and we are committed to preserving that Aboriginal heritage and language as best as possible. Mr Jaensch is committed, as the relevant minister, and I wanted to make sure that is clear on the record.

As to the queries from the Leader for the Greens, the member for Clark, regarding bungee jumping, more specifically in relation to the outdoor and recreational community member, I can advise that from the first release of the issues paper and throughout subsequent consultation, respondents were in favour of an inclusion of an outdoor recreation representative.

Ms O'Connor - Why? Many respondents would be have been in favour of an Aboriginal representative, too.

Mr BARNETT - Bear with me. I am getting there. Bushwalking clubs specifically responded with submissions requesting representation on the panel. I love bushwalking and the outdoors, as you indicated in an earlier contribution, including the Pollie Pedal, but that is not the reason for this part of the bill.

This is due to the fact that the bushwalking communities are home to members who walk and undertake recreation in caves, on ski slopes, rock climbing and cycling. They are primary users of topographical maps and the place names portrayed on those and have been in important resource for the Nomenclature Board's reference for decades. I am advised that the ministerial-appointed community membership of the board has included members of the bushwalking community for a large portion of the board's existence, including one member for about 28 years. I pass that on. That is the reason for the relevance and merit of an outdoor and recreation community member of the panel. I am sure that would be well appreciated by those in that community and they will add value to the advisory panel.

The member also asked about the guidelines and when they would be updated. Thank you for that question. They will be updated. You referred to the August guidelines. I can indicate that the guidelines were dated June 2019 but, when the bill came out in August, the document was dated in August, so it was probably assumed the guidelines were also dated August. The most recent guidelines are dated June 2019, but once the bill has passed the guidelines will be updated to reflect the terminology of the act. Minor alterations were made to the draft guidelines in June as a result of submissions and alterations. Those inclusions will be advertised publicly or as soon as the bill goes through the parliament, all being well. I am advised by the department that the updated version of the guidelines will be available for my endorsement prior to the commencement of the act, subject to parliamentary processes, which is expected to be in late 2019 or early 2020.

Dr Broad - Guidelines are disallowable. Is that what you are saying?

Mr BARNETT - No, guidelines are guidelines -

Ms O'Connor - Some are rules and some are guidelines.

Mr BARNETT - They are not rules and they are not regulations but they are guidelines. They are not a disallowable instrument, but they will be put up for public perusal. Anybody here or anybody else can express a view about the guidelines at any time.

Ms Ogilvie, independent member for Clark, proposed amending clause 13(1) of the bill, the definition of 'document' -

> In this section -
>
> *document* includes a brochure, map, notice, sign, billboard, advertisement, promotion and banner, whether in print, digital or other format.

I understand that Ms Ogilvie's proposal is to remove the word 'includes' and insert the word 'means'. I have thought about that carefully and consulted with the department and we have advice from the OPC. The view is that the proposed amendment is seen as being too restrictive because 'means' requires an exhaustive list and is seen as being too restrictive a word for the circumstances being contemplated. The current wording of 'includes' is non-exhaustive and is preferred as it allows for the full range of things that can be documents. 'Includes' gives the flavour of what is intended through the examples of brochures, maps, et cetera, and the list is not completely prescriptive. In this way the clause is looking to the future. It is like future-proofing. It allows for what might be included in future. It talks about maps, notices, signs, billboards, advertisements, promotional banners, whether in print, digital or any other format. I am not sure what type of format

that will be in five, 10, 20 or 100 years. I am not sure anybody could predict that and that is why we have used the word 'includes' rather than the word 'means'.

I understand the intent of Ms Ogilvie's suggestion because it is well noted, with her background in competition law, as a lawyer and understanding the importance of drafting, to try to keep things as tight as possible. We do not want totally ambiguous legislation but it is unambiguous. It is also expansive enough and it is a future-proofing approach. I appreciate the contribution made by Ms Ogilvie, independent member for Clark, in that regard.

The bill modernises outdated sections of the Survey Co-ordination Act 1944, that is over 65 years ago, that pertained to the nomenclature and provides for a new place names advisory panel that better represents community expectations. The bill empowers local government to be the responsible authority for road and street naming, which will remove red tape from addressing processes and greatly assist the Tasmanian community.

The new bill will establish the Tasmanian Place Naming Guidelines, which are a contemporary resource and reference for place naming in Tasmania. The Tasmanian Place Naming Guidelines will reference the current Aboriginal and Dual Naming Policy and ensure that policy governs all Aboriginal and dual naming submissions. The bill will increase the opportunity for public consultation on naming proposals and ensure that the panel will be making recommendations in full knowledge of the opinion of the community. The penalty clauses will provide an opportunity for sanctions for serious breaches of the act and introduce capacity for a graduated approach to naming transgressions when such matters are brought to the attention of the department.

I acknowledge all the positive and constructive contributions from key stakeholders in the community and local government, feedback from TRACA as well and others in the community, members of the House during the consultation process, and based on that I have obviously put forward two amendments for consideration by this Chamber. Based on all of that, I am confident that the matters currently before the board and matters previously decided by the board and previous ministers will transition smoothly to the new arrangements through the savings and transitional provisions, and that the existing Place Names Tasmania portal which comprehensively records all names and their status will continue to transparently provide the public and stakeholders alike with a reference point to Tasmanian place names.

In summary, it is good, modern, future-focused, well-constructed legislation that will serve Tasmanians well now and well into the future.

Bill read the second time.

PLACE NAMES BILL 2019 (No. 38)

In Committee

Clauses 1 to 4 agreed to.

Clause 5 -
Minister may endorse guidelines

Dr BROAD - I am seeking some clarification regarding the process for bringing in new guidelines. Can you clarify who would be responsible for drafting the guidelines and are any new guidelines approved by the board before they are put before the minister for endorsement?

Mr BARNETT - The advice from the department is that the guidelines will be assessed, reviewed and approved by the panel after consultation with the public. They will be made available to the public after a suitable period of time and they will get feedback on that, go back to the panel and then the panel will approve it, it will be issued to the minister for endorsement and then approved.

Dr Broad - Would the department draft the guidelines that go out to consultation?

Mr BARNETT - Yes, the department will draft the guidelines which will go to the panel for review consideration, which will then go out to the public for feedback and consultation, and then the guidelines will be issued, once they are approved by the minister.

Ms O'CONNOR - Minister, I am also interested in the application of this section of the bill and to understand how you can foreshadow what differences there might be between the June guidelines, the August guidelines that we have, and the ones that presumably will come out soon. Do you see any substantive differences beyond the replacement of the Survey and Co-Ordination Act 1944 with the Place Names Bill 2019? Are there other technical considerations or details that the House should be aware of in preparing those guidelines? I understand what you have said about them being guidelines but once they enter the statutes they take the effect of rules and some clarity about these guidelines would be helpful.

Mr BARNETT - There is nothing untoward in terms of the guidelines.

Ms O'Connor - I didn't suggest there was.

Mr BARNETT - I am just ruling that out. The guidelines will be updated from time to time. They will reflect what is in the bill and then be put out for public consultation, get feedback and then issued in the way I have described just a few moments ago. The guidelines were released for feedback and consultation when the bill was released for consultation and there was some minor feedback and changes to the guidelines. There were just five minor points made so I thought I would note those in the *Hansard* so you can get a feel for the feedback from the consultation.

According to the department, and I quote:

> We added a process to advertise new versions of the guidelines prior to implementation to allow public consultation on feedback from the Wellington Park Trust; added wording around the consultation with Wellington Park Trust in naming submissions in their area; changed the roads and the streets naming the responsible authority wording a bit after advice from OPC to make it consistent with the bill, specifically around naming highways; added a statement around 'a feature may have more than one approved name'; and added a section for the reserving of a road and street name to clarify the process for an HVC.

In short, you would call it somewhat technical but it was certainly updated to reflect the feedback from public consultation. That will happen from time to time and it will be reviewed and assessed by the Surveyor-General and then the panel, and when reissued it will need to be signed off and agreed by the minister and released into the public domain. This will happen from time to time, as and when required, based on feedback from the public and advice from the advisory panel.

Ms O'CONNOR - Thank you for that. Are you able to tell the House how, for example, the next iteration of the place-naming guidelines will accommodate a situation such as a developer who has an application for a subdivision in an area in or around Rokeby but wants to name their subdivision a different name because there is a stigma attached to Rokeby? They might, for example, want their subdivision to fall within Howrah Gardens or to have another name entirely. How would the place-naming guidelines accommodate that particular circumstance where a developer is seeking to have a place that is a suburb?

Indeed, that capacity is provided for in clause 9 of the bill, under Part 3, proposal of certain place names, which applies to places other than a place referred to in section 4(1)(c), which is a highway, road, street, lane or thoroughfare that is open to the public or a private road. How do you foresee the place-naming guidelines working for a developer who wants to have a subdivision reclassified or renamed?

Mr BARNETT - Thank you very much, through you, Chair, in response to the Leader for the Greens, to make it clear, the guidelines will detail the processes for naming an alteration of boundary extents of localities. The Place Names Advisory Panel via the registrar will receive a submission from the local government authority and will expect the submission to have followed due process with respect to consultation with the affected community as laid out in the guidelines. The panel will make a recommendation to the minister who will either accept or reject the recommendation or, as with other place names, omissions.

You have talked about a developer wanting to put in a submission to change the name of a particular location to some other name. That submission will go to the local government authority. There would then be public consultation and later they would get feedback based on that. The local government would then come to a decision and that would then go to the Place Names Advisory Panel. That is my understanding.

Ms O'Connor - And then to you, as minister?

Mr BARNETT - Yes, that is my understanding.

Dr BROAD - Minister, could you clarify the difference between the process you have just outlined for an area to be renamed compared to the current process in the current legislation?

Mr BARNETT - It is the same as the current process.

Clause 5 agreed to.

Clause 6 agreed to.

Clause 7 -
Registrar of Place Names

[3.02 p.m.]
Dr BROAD - I am seeking clarification about the powers of the Registrar of Place Names. This may not be the appropriate place. The issue is where a street name is used in multiple locations.

The minister spoke earlier about issues with ambulances not being able to find locations, et cetera. One example would be Lovett Street. There is a Lovett Street in Queenstown and in

Bicheno, but, more importantly, there is a Lovett Street in Devonport and a Lovett Street in Ulverstone. Those last two Lovett streets are relatively close together. There are other examples. How many Queen streets are there? How many King streets are there? They are everywhere. In this instance, if somebody rings for an ambulance and says, 'I need an ambulance at 27 Lovett Street', where do they go? Are there any plans to deal with that potential issue when it comes to addresses and making sure that those sorts of clashes are minimised? Or it is just a historical thing that we cannot do anything about?

Mr BARNETT - The current arrangements will continue. In terms of Lovett Street or King Street or Queen Street, of which there are very many across the state, interstate, and the globe. Obviously, emergency services have to get the right town, whether it be Queenstown, Bicheno, Ulverstone or Devonport, as you have described. Those arrangements have not changed. Emergency services have to do what they have to do to get to where they need to go.

The Registrar of Place Names will be appointed by the secretary of the department. They maintain and make available the guidelines and they maintain a register of place names. As I indicated in my earlier contribution, the registrar is to make entries in the register as names are approved and is to make amendments when alterations are approved. The registrar is empowered to make minor amendments to the registers, such as typographical corrections or minor changes to the extent of a place when there is no impact or community use or expectation around that place.

Dr BROAD - Clause 7(3) says -

> For the purposes of subsection (2)(d), a revision of the register is a minor revision if the Registrar is satisfied, on reasonable grounds, that the revision -

Amongst other things -

> (b) corrects a typographical error or anomaly.

Is it within the power of the Registrar to correct anomalies like multiple names?

Mr BARNETT - In the circumstances set out in clause 7(3) as you have described -

> … if the Registrar is satisfied, on reasonable grounds, that the revision -
>
> (a) does not affect -
>
> (i) community use of the approved name to which the revision relates; and
>
> (ii) community expectation as to the place in respect of which the revision relates; or
>
> (b) corrects a typographical error or anomaly.

It is a technical amendment as set out in clause 7(3)(a) and (b).

Clause 7 agreed to.

Clause 8 agreed to.

Clause 9 -
Proposal of certain place names

Ms O'CONNOR - Clause 9, Proposal of certain place names, enables a person or a company to nominate a new name or potentially a change of name to a place.

Minister, I will be very careful with my language here. What we are trying to determine is whether there is any veracity to a matter that has been raised with us about a potential conflict that is embedded in this bill relating to a prominent Liberal Party figure who is also a developer. I am not going to defame anyone even though we are protected by privilege in this place. Because this is an opportunity for clarity about the genesis of this legislation and its provisions, I am giving you the opportunity here in this section to be very clear about whether this section has any connection to a prominent Liberal Party figure who is a developer? We have been provided with information that has raised some concerns. It is hearsay, hence my caution.

What we are trying to understand is whether there are any underlying reasons that this legislation has been prepared and tabled, and whether it has any connection at all to anyone involved with the Liberal Party of Tasmania?

Mr BARNETT - In response to the Leader for the Greens, thank you for being cautious and careful with your language. To make it very clear, I have not been lobbied and I am not aware of anybody being lobbied about this particular clause or other aspects of this legislation. I have been this minister since 31 October last year. I have gained some advice from the department, which has confirmed they have not been lobbied, nor have they been lobbied by anybody in the Liberal Party or had any proposals in this regard in any way that they are aware of. I put that on the record. Perhaps you may be thinking of something I am not fully aware of, but that is a matter for you and I thank you for sharing it in a measured manner.

I will summarise the key points about clause 9. It applies to places other than roads or streets. In this clause a naming proposal for a new name or an alteration of an approved name or the alteration of the extent of an approved name may be submitted to the registrar in accordance with the guidelines. The registrar may refuse to accept the proposal if he or she believes that the consultation requirements in the guidelines have not been complied with or if the proposal does not adhere to the guidelines.

Whether it is a developer, a member of the Liberal Party, Labor Party, the Greens or any other person, the rules apply to one and all and it is absolutely clear in that regard.

Ms OGILVIE - I want to make sure I am clear in my understanding of the process of name proposal and how it works. My understanding currently is that when it comes to a new suburb or a new development, that will naturally be going through the local government processes and however those processes end up, a name would be proposed. When clause 9 says a person may propose or put forward a name, does a local government officer put that recommendation forward, or is it still open to individuals to propose names without going through the local government process? Is there a possibility of a dual process pathway there?

Mr BARNETT - The arrangements will be the same as the current arrangements that are in place. If there was to be a change of a location, it must come from the local council and there must

be consultation. I referred to and answered this a few moments ago. The council must consider that, there must be consultation, they get that feedback and the council comes to a considered position. They then put that to the Place Names Advisory Panel for consideration.

Ms OGILVIE - To labour the point to make sure, given we have so many councils with different sets of rules, they are under the same legislative framework and decision-making around that, so they have to comply with that and there is no way that an individual could, without going through those processes, put forward a proposed name?

Mr BARNETT - Correct.

Clause 9 agreed to.

Clause 10 -
Approval of certain place names

Mr BARNETT - We have a Government amendment to this clause and I understand it has been circulated. It is a technical amendment that resolves a minor drafting technicality in clause 10(4)(a). The amendment is needed to reflect the range of potential recommendations from the Place Names Advisory Panel. The bill specifies the potential elements of the panel's recommendations, namely that the panel is recommending either to approve the name, alter a name, revoke a name, or clarify the extent of a name.

The clarifying amendment is that in accordance with the recommendation of the panel the minister may refuse to approve the name or names for a place. This amendment is necessary because if the panel should recommend not to approve the name of a place, in accepting the recommendation the minister requires the ability to refuse to approve the name in accordance with the panel's recommendation. This is a technicality that has been identified in the drafting process and is now addressed with this amendment. I move -

> That clause 10(4)(a) be amended after subparagraph (i) by inserting the following subparagraph -
>
> (ii) refuse to approve the name, or names, for the place; or

Dr BROAD - I want to point out that the minister may be glad this bill received some scrutiny from the media and so on, so that we could go back and correct this oversight in a timely manner instead of that issue standing as part of the bill. That is one of the benefits of scrutiny and certainly in making alterations before the bill is enacted.

Ms O'CONNOR - We are fortunate this legislation was tabled in the last session. Unfortunately, it has become standard practice for Government to table legislation on the Tuesday and then bring it on for debate on the Thursday. I know this is provided for in the Standing Orders but it is a manifestly inadequate amount of time to go through legislation, review it, test it, be briefed and seek feedback from our stakeholders, and often in the last five and a half years it has been frustrating for the Greens as people who take our responsibility as legislators very seriously to have significant bills dumped on the table on a Tuesday and then brought on for debate on a Thursday.

There are potentially two reasons for this. One of them is contempt for good legislative testing process, and the other is laziness and the lack of a legislative agenda. We are seeing that. Each

morning in parliament when the moment comes for the Speaker to call for the introduction of bills, invariably we hear crickets. That is the sign of a government with no coherent legislative agenda and why we are bunging legislation through this place in less than 48 hours and it is going upstairs to be fixed. If this legislation had been tabled on Tuesday, which is standard operating procedure under this Government, that drafting error would not have been picked up, the doubts removal clause would not have been drafted, and it would have been up to the other place to have the responsibility to make sure that legislation, once it leaves parliament and goes to the Governor, is in the best possible shape.

It is important to place that on the record because it is deeply frustrating to the Greens. I am sure I have heard other members in this place say, 'Oh my goodness, is that bill on already? I haven't had time for a briefing.' It feels deliberate.

Ms Haddad - Then they criticise us for no scrutiny when we have had a day to read through it.

Ms O'CONNOR - That is right. As Ms Haddad points out, we get smacked for not properly scrutinising some legislation when it is impossible, if you are serious about your role as a parliamentarian, to properly review and scrutinise legislation and be prepared when you come back in here and the bill is on for debate. We are always slightly braced in our offices for the blue on a Thursday when we know that legislation has been tabled on a Tuesday. Because this Government does not have a coherent legislative agenda, less and less often is their legislation being tabled on any day of the week. We seriously believe that the Standing Orders Committee should look at the amount of time legislation is laid on the table before it can be brought on for debate, because it is ridiculous. We would have sent a bill upstairs that had errors and risks in it if it had been tabled on Tuesday, which happens to us so often in this place under this administration.

Mr BARNETT - In response to Dr Broad and Ms O'Connor, well noted. You have made some points. I cannot agree with everything you have said but you have made those points.

The different purposes, the doubts removal clause, is to remove the doubt and ensure that everybody is on the same page and that is as good effect, based on feedback to improve the bill. Likewise, this is as technical amendment. It is based on advice from OPC and the department. It is somewhat hypothetical as to whether that would be picked up between the Tuesday and the Thursday but it is what it is. It has been introduced and it has been improved. We are all about improving the law in this place and that is what we are doing. I have noted the contributions of both Dr Broad and Ms O'Connor.

Ms O'CONNOR - I will conclude my observations on this section by pointing out that it is a structural amendment that is really significant to the legislation. It is not true to say it is simply a technical amendment, moving around an 'and', an 'or' or a 'semi-colon'. It is providing a clause that is structurally necessary for the process to be robust. It was a significant deficiency and failing in the drafting process. I am not having a crack at OPC or the bureaucrats who advise you because I know the process. The process is that this legislation goes through you and your office and the minister spends some time going through legislation with the agency and their advisers. You had plenty of opportunities to pick this up in your office. It is a significant structural and necessary amendment, so do not try to cover your carelessness with such a glib statement.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clauses 11 and 12 agreed to.

Clause 13 -
Person must not misrepresent name of place

Mr BARNETT - This is a Government amendment to clause 13. It has been circulated and I will just move the amendment -

Mr DEPUTY CHAIRMAN - Minister, Ms Ogilvie's amendment comes before yours so we will deal with that one first, please.

Ms OGILVIE - I thank the minister for taking the opportunity to seek some input from OPC and his advisers. He came back with the answer that I thought he would come back with. It is worth noting my reasoning for wanting to contain the definition of 'document' to those officially listed elements. It is a fairly benign area of law regarding legislative drafting and legislative interpretation. When, inevitably, this does go to court, that everybody understands exactly what is in and what is out of this clause. It is a bit of an old lawyers' thing to use the word 'includes' when you want to leave the door open for things that might happen at a later date. However, as a government, it is incumbent upon us to do that thinking as to exactly what it is that is included. Another way of addressing this is to do something through the regulatory process, which is more of a living process within which you can add and subtract things with more ease. I foreshadow that, by way of exchange through the Chamber, the minister has answered my question and there is no point now in me tabling it. I will not force you to vote on it, I have been well heard.

I would like to spend a couple of minutes explaining my reasoning because I think that this section will probably end in litigation at some point. I love a bit of old lawyers' Latin: we do not use it very much anymore; the phrase is '*expressio unius est exclusio alterius*', which means by including a list of elements, you have excluded everything outside that, and the way you defray that is by using the word 'including', so you then reopen that door. It is a principle of statutory construction regarding one or more things of a class; once they are expressly mentioned, other things of that same class are excluded. This will be judicially interpreted at some point and that process of statutory interpretation is important.

It is important we think about that in this House when we are passing legislation and give some indication of what we were thinking when we were putting this together. If there is some vagueness or ambiguity in clauses, smart lawyers will look to the parliamentary debate, they will look at the second reading speeches and if they want to go further they will look at the debates on these clauses. There is a variety of tools that judges will use to do that.

Statements from the legislature, which is us, will help with those interpretations but it is my personal view that we are old enough, smart enough and have enough resources at our disposal to nail down exactly what we are meaning by 'document', and that is why a personal preference would be to keep that tight and say what we mean and not leave that door open. I understand the counterargument, which is that by leaving the door open with the word 'includes', you do not have to come back and amend the legislation in that ongoing process. My preference would have been to use something in the regulatory mechanism and a subcommittee here works well in doing that kind of work from time to time.

I have an amendment. I have circulated it but we have heard from the minister, he has spoken with the Office of the Parliamentary Counsel and I accept his determination on this. It is not something to live and die on but I hope that we have been quite clear in what we are doing with that clause today.

Mr BARNETT - Thank you, Ms Ogilvie, for that contribution. It is a positive contribution and it is well intended. The amendment is not something that this Government could support but I can see where you are coming from. You have outlined your view very thoughtfully, sharing some Latin, so in response I would say, '*res ipsa loquitur*', which means, 'the facts speak for themselves'. Clause 13(1) is future-looking. It provides options for the future as to how our document is defined or that is apparently, currently, not common or not yet arisen. We are preparing for the future by using the word 'includes'. I am not sure if you are proceeding with that amendment.

Ms Ogilvie - No, I withdraw it.

[3.29 p.m.]

Mr BARNETT - Mr Deputy Chair, I move -

> That clause 13 be amended after subclause (4) by inserting the following subclause -
>
> (5) For the avoidance of doubt, nothing in this section prevents the use of a traditional, colloquial or comedic name for a place if such a name is used in good faith and in circumstances where the use of such a name is unlikely to mislead or deceive another person.

The amendment relates to the penalty provision for misrepresenting the name of a place. As has been stated on numerous occasions publicly and in this place, there is no intention for people to be sanctioned for the use of colloquial, Aboriginal or dual names or community names. I note that many members have provided feedback on this part of the bill. I acknowledge that and show my appreciation for that feedback, and it has been taken on board. Given that feedback, I am proposing that amendment to remove any doubt.

I am advised that the word 'traditional' is the appropriate term and broad enough to cover Aboriginal names, as it refers to names that have been in use for a period of time and have been handed down from generation to generation, especially by word of mouth or by practice. I want to make that very clear because when I received that advice, I asked, 'Are you sure?'. This advice is coming directly from the department. My and the Government's understanding is that the word 'traditional' is the appropriate term and broad enough to cover Aboriginal names. I want to affirm that because there would be members in this Chamber, particularly Ms Houston and perhaps others such as Ms O'Connor, who would have a special interest in that, so I am putting that on the record.

The use of colloquial or comedic names is based on common sense and no one would be sanctioned, as I indicated in my second reading speech, referring to 'Tassie' or the 'Valley of Love' and other words we have talked about such as the 'Bridgewater Jerry' earlier in a contribution, and things like that. Remember that the penalty relates to the deliberate misuse of place names to mislead or to deceive, and if those penalties were to be applied it would be done in a graduated way with a warning, an infringement notice and then the penalty applying. As I indicated, in South Australia it has never been applied, but the law has an educative role and it has worked effectively

in other states, and that is based on advice and feedback. This amendment aims to provide clarity and address any concerns raised on this particular matter.

Dr BROAD - For clarification, the Bridgewater Jerry is not a place. The 'jerry' actually refers to a weather phenomenon, which is cold air drainage down a valley and fog slowly moving down a river valley. You have a jerry in the Huon as well. The Bridgewater Jerry relates not to a place but to a weather phenomenon. I am not sure whether it is an official weather phenomenon but it certainly is at least colloquial in Tasmania and there are jerries in other places.

Straight off the bat, I really appreciated the briefing I received from Michael Giudici, the Surveyor-General, and Stuart Fletcher from the department, and it was remiss of me not to thank them for that briefing in my second reading contribution. During that contribution, most of that discussion was around clause 13 and the penalties and the way things were drafted rather than the intention. In that briefing it was made very clear to me, and I have every faith in the Surveyor-General and the department, that their intention was not to become the name police and issuing fines for minor infractions and so on.

However, the way the bill is or was drafted did create significant issues for the community and that was definitely put to the minister. That is probably one of the reasons we are debating it now rather than a few days after it was originally tabled. I am not sure of the Government's time lines, but there is no doubt there has been some significant push back.

There is no doubt that this amendment makes a significant improvement to clause 13. As I flagged in my second reading contribution, I am seeking some further clarification, not about the amendment but whether we actually need penalties, so I am trying to seek more information.

Could the minister clarify how many times the department has been contacted with specific reference to issues such as the examples in Rokeby, where people have been attempting to rename a district and that has ended up creating issues for potential purchasers and it seems like it has been picked up at the banking stage trying to get financial closure and banks have flagged an issue that potentially the location is not the location? How many times has this occurred? Is it once, five times or 10 times, so we can get a bit more of idea about the scale of the problem that is trying to be solved?

Ms O'CONNOR - We should thank the likes of Heather Sculthorpe and Theresa Sainty particularly for this amendment because it was following the tabling of the bill in the last sitting that a number of prominent Aboriginal people raised their concerns about the capacity of this legislation to further add pain and insult to the dispossession of their country, lutruwita/Tasmania. We are pleased that this doubts removal amendment has been drafted.

I also take the opportunity while I have my 10 minutes to talk about some of the comments that have been made about Aboriginal language. I recognise that at the time of settlement it is estimated there was somewhere between eight to 16 or more different Aboriginal languages spoken around lutruwita. It has always been my burning desire, even when I was minister for Aboriginal affairs, that Aboriginal language is taught to non-Aboriginal people and that we have here a culture like they do in New Zealand where the Maori language is taught to kids. Because we understand the connection between language and culture, it is important that we do whatever we can to be sure that this amazing culture and language, which is strong and intact today and has been revived and retrieved, is able to be taught to non-Aboriginal people and they are able to embrace learning Aboriginal language.

I completely understand TRACA's frustration with the original dual naming policy. We recognise that there are tensions between the Tasmania Aboriginal Centre and TRACA, but the reason at the time that we made the decision when I was the minister is because of the academic rigour that had gone into the retrieval of language to develop palawa kani. I do not want to see us as a community of non-Aboriginal and Aboriginal people take a step backwards in recognising and embracing Aboriginal language and requesting Aboriginal people share that language and use it. I am a non-Aboriginal Tasmanian, sadly, but I understand that this is not my language to promulgate or to assume that I have a right to speak, but I want our kids to learn Aboriginal languages.

Queensland has a terrible history with Aboriginal people. I remember I had an Aboriginal language dictionary as a kid at school. There was some learning of language. Going back to 1803, one of the obstacles to true reconciliation is that there is manifestly inadequate teaching of Aboriginal history in our schools. I have spoken with young people who have no idea what happened. No idea at all. I have spoken to Tasmanians who still will say that Truganini was the last Aborigine.

I do not want the development of a new Aboriginal dual-naming policy, and I know that this has happened, to undermine the work that has gone into palawa kani and to hold back -

Ms Houston - I do not think that is the intention at all.

Ms O'CONNOR - I am not saying it is the intention. I am saying it is a potential effect of it.

The TAC, as you know Ms Houston, has spent decades pulling together language to develop palawa kani. The academic rigour that is behind palawa kani is pretty hard to fault. I was offered a briefing some time back now, following the changes to the dual-naming policy. The briefing was almost two hours long. We were taken step-by-step through the painstaking process of retrieving language.

Ms Houston - I have read the whole process and I have followed it all the way through. Other people developing and undertaking the same sort of academic rigour and looking for the remnants of language in their own communities is not a risk to palawa kani. There has never been just one language, so there is no need for there to be just one language now.

Ms O'CONNOR - I understand there has never been just one language. I also understand that Aboriginal people for a long time have felt that their language had been lost, if you like. I want us to appreciate the amount of work and real academic rigour that went into retrieving language; the phonetic and linguistic work that went into it.

Ms Houston - I do not think anyone underestimates the amount of work and passion and commitment that has gone into developing that language. I do not know of one person who does.

Ms O'CONNOR - Yes, okay. Thank you, Ms Houston.

We have had some clarity from the minister about the process. An Aboriginal person or organisation can put forward a name and that name can be not palawa kani in the form that we have it now. That will be consulted and tested. I understand that. It concerns me that this change to the dual-naming policy potentially waters down, I think, a broader acceptance of palawa kani as a painstakingly retrieved Aboriginal language.

Ms Houston - I am inclined to think that in line with the tradition of languages and indigenous languages that it could add to it and grow because no language is static. If people have found names and they are rigorously tested and the research is done, I cannot see how a language stays static. So, if something else is found - the people working on palawa kani develop it. They are not being excluded from the process. They are at the table. There can be discussion about whether it fits in with what they have already have. If new words are found, or there were recovered things, or they have tested them against other words that are there and it is a variation or a dialect of something they already have, there is nothing to prevent that being added to the palawa kani word language if they are agreeable.

No one is trying to dominate the other here; it is just that there are more seats at the table. There are not fewer of them. It is just a more inclusive model with the same level of academic rigour.

Ms O'CONNOR - I totally accept that. I completely understand that there are Aboriginal people and communities who have been frustrated over the years and not just with the development of palawa kani and the dual-naming policy. I completely get that. My broader point is that the community has spent so much time on this. It is almost at the point where it could be taught in schools.

Ms Houston - And it still could. None of this will stop that. Every year we add more words to a dictionary. English is an established language but every year things take on new meaning and we add to that and we continue development. The development of palawa kani will never be over. Language is dynamic. It always has been.

Ms O'CONNOR - I completely agree with that, Ms Houston. In fact, a point made in *mina tunapri nina kani palawa kani Dictionary* is that it is an evolving body of work. I am simply making the point that we need to respect the work that has gone into this language and work really hard to make sure that non-Aboriginal Tasmanians have the capacity to learn and immerse in this wonderful retrieved language.

Time expired.

[3.46 p.m.]

Mr BARNETT - Mr Deputy Chair, I thank the members for their contributions and Ms O'Connor and Ms Houston too by interposing their valuable contributions, which I think advanced the cause.

I want to make it very clear that we have had communication from the Local Government Association of Tasmania supporting our efforts particularly in and around the benefits for local government. That communication was emailed to every member of parliament around when the bill was released. I appreciate that. Likewise, TRACA put out a media release as did Rodney Dillon. I appreciated the feedback and the expressions of confidence from TRACA.

Dr Broad asked how many times it has occurred in the last three years. The advice from the department is three or four. Over the last three years and as recently as two weeks ago, members of the public have contacted the department about situations where contracts have failed as result of this kind of misrepresentation. That is talking about deliberate attempts to mislead or deceive a person by the misrepresentation of a place name, such as when a property for sale was represented as being in one suburb and it was in another. Banks and insurance agencies have altered their

assessments of loan applications as a result of a revelation. I made those comments earlier in some of my contributions. At present there are no remedies in the act to deal with those sorts of situations.

I am also advised by the department that it has been made aware of several other cases of wrong street names and incorrect strata names. I bring that to the Chamber's attention.

The member for Clark made some important points about the importance of the Aboriginal community, the Aboriginal and dual-naming policy, and how it flows out, reflecting on history from the member's perspective and sharing that on the public record, which is appropriate and important.

As I said earlier, I appreciate the contributions that have been made by Ms Houston and others in this place who have particular and special interest with respect to and acknowledgement of and interest in the Aboriginal people in this state. I have made the Government's perspective very clear. The position and policy is that every Aboriginal name that is going to the Place Names Advisory Panel will be referred to the reference group established under the Aboriginal and dual-naming policy. There is a bit of work to do. They will have to get on and do it. No doubt there will be much consultation and feedback. I hope we get to a mutually agreeable position that is well supported.

Some members have been interested in the savings and transitional provisions of the bill. The savings and transitional provisions in the bill ensure approved names by the board carry over to the new register. The register also records when a name has been refused. This is publicly searchable in an open and transparent process.

Part 3 of the savings and transitional provisions stipulate that proposals in train under the former act are taken to be proposals under the new act, which is appropriate. I thank members for their feedback and suggestions. I commend the amendment to the Chamber.

Dr BROAD - Could the minister outline the places these instances occurred, or at least the example you discussed? Are we still talking about Rokeby and Howrah Gardens, or other parts of the state?

Mr BARNETT - It is an example regarding Rokeby and Howrah, according to information from the department. I cannot give you further advice than that.

Dr BROAD - It appears that these issues have been picked up during the conveyancing process. That was probably where the issues, with street names and so on, would be picked up. I am aware of other cases in which issues with misrepresentations, whether deliberate, have impacted on property purchases.

One example would be if the zoning or the ability to build a house is incorrectly advised. There are a lot of properties for sale on prime agricultural land. They are advertised as being able to build a house subject to council approval, which can have a significant impact on the purchaser's ability to build a house. The property then becomes valued as a building block rather than as farmland. There have been several instances of this, yet the remedy would have to be through the council advising the incorrect zoning. I am aware of at least one case of the council advising of incorrect zoning. The real estate agent or the vendor was misleading, yet I am not aware of a specific fine relating to that. Can you clarify your reasoning around that?

Mr BARNETT - It is very hard to go into particulars. In terms of Howrah and Rokeby, I am advised by the department that it was advertised online as one suburb when it was in the other. We would need more information and the rest of that information is not available. I imagine some of that would be commercial in-confidence but that was based on an online ad, and that is based on the feedback from the department.

You asked about zones, and that is to do with the planning laws and guidelines. Everybody must do their due diligence. Some people have a lawyer to represent them if there is a legal transaction. That is not unusual. Or they may have some sort of consultant or a conveyancer to assist in doing the research to ensure that property is in the said geographical location the vendor says it is. There are requirements under the Property Agents and Land Transactions Act in Tasmania that apply. You cannot mislead or deceive under that legislation, and consumer law protections also apply. You have legal and planning issues and people need to do their due diligence. We can throw in another Latin maxim, 'caveat emptor' - buyer beware. You have raised a number of issues, much broader than what this bill is about, but that is the response.

Dr BROAD - Is the minister aware of what the due diligence process has not picked up? We are hearing examples of somebody that has gone through an extended process and come to a point that the deal has fallen over during that due diligence period. Is that the case or has the purchase proceeded beyond due diligence and to financial close? Has the property changed hands and only then have they discovered that the property is not in the suburb advertised, or according to the understanding of where it was?

Mr BARNETT - The feedback from the Surveyor-General and the department is that if there is a deliberate misrepresentation, they want this bill to deal with that and to act as an educative role, and to be able act on that in accordance with the penalty provisions as set out in the bill, regardless of whether it is during the due diligence phase. Of the cases I have shared based on the advice of the department, the three or four cases in the last three years, some involved a contract failure and some did not. Each case is different but what we are trying to achieve in the Place Names Bill, focusing on place names, is to have the mechanisms in place to ensure that misrepresentation and the deliberate misrepresentation, which are unacceptable, can be acted upon.

Dr BROAD - There are people in Rokeby who like to separate themselves by claiming they live in Rokeby Heights. Could the minister clarify whether Rokeby Heights is a place name, or could a developer or somebody selling a house argue that Rokeby Heights is now a traditional name for an area in Rokeby that is slightly more elevated than the rest of Rokeby?

Ms O'Connor - That is a pretty good question, Dr Broad.

Mr BARNETT - We are now getting into the real nitty-gritty but that is okay.

Let us make it very clear if Rokeby Heights is a colloquial name - I understand it is; that is not confirmed - it is exempted. It is deemed a colloquial name and there will be no sanctions relevant thereto. That is the first thing.

I am responding to your first point. This is a response from Social Data and Products Manager in the department -

> I have just had a very timely conversation with a concerned member of the public who has recently purchased a house and land package that was advertised as being

> in Howrah when in fact it is situated in Rokeby. She was under the impression that she was purchasing the land in Howrah, as advertised, but now that the titles have been issued, they are in Rokeby. She is considering whether or not she wants to continue with the contract.

She attached the image of the property for purchase. That is a typical example of how we need those mechanisms in place to be able to act on things like that, specifically if it was deliberately misleading. That is an example that has been shared. I do not know exactly where that went and what happened. We cannot get into confidential personal and private matters but I hope that provides a little bit more information.

Ms O'CONNOR - It is unfair to target the people of Rokeby. I am definitely not accusing anyone in here of doing it. Rokeby is a strong little community but like many places in Tasmania, it has had its social problems and still has its social problems. I think it is a bit regrettable.

While I understand in that particular instance where you have a landowner who thought they were buying in Howrah and the title comes out and it transpires that they have bought a place in Rokeby, at some level there is an element of buyer beware. If the buyer liked the house without knowing whether it was in Rokeby or Howrah, it is a bit unfortunate that you would consider not buying a house even though you liked it because it did not have the right suburb attached to it.

Ms Ogilvie - I think it is to do with what the bank might lend you. I think that is the situation you get into.

Ms O'CONNOR - I do not know about that. I do not know that the bank would discriminate against you.

Mrs Rylah - Yes, they do, by postcode.

Dr BROAD - Whether a house is in one suburb or another, whether one suburb is better than another is always a debateable point.

Ms O'Connor - Perceived to be.

Dr BROAD - Perceived to be. We know that things do change over time. Once upon a time, Battery Point was the slum of Hobart. How could you ever want to live in Battery Point? A former partner of mine whose parents had the option to buy a house in Battery Point, where they were living, decided that they would build a new house in Rokeby. That is probably something that they have regretted for the rest of their lives because of the property values increasing in Battery Point, the former slum of Hobart. These things are all relative.

I am seeking clarification. It seems like we are talking quite a lot about a grey zone between Rokeby and Howrah. Can it be traced back to one vendor? Are we talking about one vendor or multiple vendors?

Mr BARNETT - It is not a question that can be answered. The department does not have that detail. As I say there are three or four examples in the last three years and one particular example has been shared with you.

The Leader of the Greens made a good point. We have to be really clear that life changes. We do not want to focus on specific suburbs. If a property is advertised in one suburb and it is geographically based in another suburb it could be seen to be misleading. If it is obviously in good faith, it is probably not an issue. It depends on the circumstances. People have to do their due diligence.

On the other hand, if it is deliberately misleading and they are trying to gain an advantage and there is misleading and deceptive conduct, as the independent member for Clark referred to earlier, you can take up your civil remedies, but you need money, a lawyer and time to do that. Clause 13 of this bill provides that option with penalties where the department and the government can act and rectify the situation.

I am trying to pull this into perspective. At the moment we are on clause 13, where a person must not misrepresent the name of a place. That is a really important objective; I think we all agree with that. We have removed any doubt over this amendment that I am seeking support for.

Ms OGILVIE - I will be very brief just to pick up on that final comment. It is obviously open for both of those remedies to occur. We do not need to traverse that. The Government could take action and the injured party could also take their own legal action. It is important to say we are not replacing one remedy with another.

Amendment agreed to.

Clause 13, as amended, agreed to.

Clauses 14 to 20 agreed to.

Schedule 1 -
Place Names Advisory Panel

Ms OGILVIE - This is an open question. I note that 4(2) says -

> A member is not entitled to remuneration or allowances, in his or her capacity as a member, other than reimbursements of actual, or reasonable, travel expenses incurred as a member.

I am wondering why we are preventing remuneration to members of the panel. My experience has been, and I have sat on a number of government advisory boards, that they generally comprise people who have incomes from other jobs, roles and responsibilities. I accept you do not want to be doubling up if someone is already being paid from the public purse. But when you have people who are contributing their time coming from the private sector, from the professions or running their own businesses, is the expectation that they do that work for free? Is this something that is consistently applied across government boards and advisory committees?

It seems to me that it would increase the pool of talent if those who do not come from roles in which they are already remunerated and take the time for these sorts of tasks, whether they are able to take some time out of their day jobs or their businesses or their professional associations or whatever else it is they do. We have limited it to the reimbursement of travel expenses or costs. I have come across this is in other areas. Certainly we have had to deal with it in football land where some people are very happy, financially secure and able to donate their time freely or come from

their day jobs, while for others it is actually a hit on the hourly rate. It is a very open-minded question and I would be interested to see the flavour.

Mr BARNETT - They are very fair and reasonable questions. The advice I have is that is continuing the current arrangements in terms of the Nomenclature Board that currently meets about four times a year. There are a number of government representatives on that board, as there will be on the panel going forward. It is likely there will be fewer meetings per year than the current four, according to the advice I have received. As to out-of-pocket expenses to get to and from those meetings, the position in the bill is remuneration. Sitting fees and so on are not relevant to this particular panel, but it is a point well noted for future reference and I appreciate the feedback. The position is continuing the arrangement with respect to the Nomenclature Board and that would apply to the Place Names Advisory Panel.

This may be the final opportunity for me to add to my earlier remarks in thanking members of the department for their contribution. Thank you to Stuart Fletcher who is here from Lands Titles Tasmania. I particularly say thank you to Michael Giudici, the Surveyor-General, who is doing an amazing job. It has been quite a long process. I put on record my thanks to him and his officers and likewise Stuart's officers who helped with this process. It has been going since 2015 so it has been a very long process but we have reached a landing point around the Chamber. I thank all members for their contributions and put on the record my thanks to Tom Jackson from my office, who has not been in the office that long but he has worked on this bill and very diligently worked with the members of the department and others to help progress the bill. I appreciate the positive support I have had. I thank members for their feedback and look forward to ongoing support for the bill.

Schedule 1 agreed to and bill taken through the remaining stages.

Bill read the third time.

Quorum formed.

MARINE-RELATED INCIDENTS (MARPOL IMPLEMENTATION) BILL 2019 (No. 37)

Second Reading

[4.15 p.m.]

Mr GUTWEIN (Bass - Minister for Environment, Parks and Heritage - 2R) - Mr Deputy Speaker, I move -

That the bill be now read the second time.

The purpose of the bill is to protect the state's waters from pollution and give effect to the International Convention for the Prevention of Pollution from Ships, otherwise referred to as the MARPOL Convention. Australia is a signatory to the convention and it is important that we play our part in maintaining a healthy marine environment.

The bill protects waters up to three nautical miles from our coastline, whether a pollution event occurs within that distance, or the pollutant has originated from outside state waters. The main strength of the bill is that it improves the Government's capacity to respond to and police any such

event. The bill is also consistent with the equivalent legislation in other jurisdictions and with the Commonwealth legislation that protects Australian waters.

Clean seas are important to Tasmania's economy, recreation and future prosperity. The bill, if enacted, will play a fundamental and vital role in protecting Tasmania's environment and interests. It will also help us to meet our broader national and international commitments and obligations.

The bill achieves its purpose of protecting our marine environment in five significant ways. First, it replaces the existing Pollution of Waters by Oil and Noxious Substances Act 1987, which is outdated and only gives partial effect to the MARPOL Convention. Second, the bill contains provisions to prohibit actions that could pollute our seawater with oil or oily mixtures, other noxious liquid substances, packaged harmful substances, sewage or garbage.

Third, the bill removes the possibility of a party to a pollution event evading the legal, financial and environmental consequences of their actions. This can be a major problem for regulators due to the complex and often obscure relationships between ship owners, operators and charterers. To deal with this issue, relevant offences under the bill will now apply to each of the ship's master, charterer and owner. Other responsible individuals are also captured by the bill's provisions. People whose reckless or negligent conduct leads to the discharge of a pollutant will be guilty of an offence, as will those who knowingly cause a discharge.

Fourth, the bill provides the power for courts to impose significant penalties on individual and corporate polluters. For example, for a very serious offence the court may impose a prison term of up to four years or an individual penalty of nearly $1 million, and a maximum corporate penalty of nearly $4 million. These serious penalties emphasise the Government's resolve to protect state waters and will make it clear to any irresponsible ship owners and operators that our seas are not a dumping ground for their waste. The penalties are also consistent with those applying in other states and at the Commonwealth level. Penalties for relatively minor offences are proposed to be dealt with in regulations prepared under the provisions of the bill. Marine pollution events can be very costly to manage and clean up. Therefore, the fifth key element of the bill is that it allows the state to recover these costs, instead of the community having to foot the bill.

Parts 2 to 6 of the bill provide the core provisions for preventing pollution from a wide range of liquid and other noxious substances. They also describe the main offences and related penalties. For example, Part 2 deals with the discharge of oil or oily mixtures into state waters, and its provisions are similar to those used elsewhere in the bill.

Oil-based pollutants are unfortunately one of the most common and also one of the most difficult problems to deal with in the marine environment. Their discharge into the sea is therefore banned unless required for ship safety or to save lives. Exclusions may apply subject to strict conditions, such as ship location, size and diluted oil concentration. Importantly, the bill establishes a duty to report actual or potential pollution incidents to a prescribed officer. Timely and truthful reporting from those involved is critical to the effective management of marine discharges, and it will be an offence not to do so.

Part 3 of the bill covers an important aspect of marine pollution risk by prohibiting the carriage of unevaluated substances into state waters. If a potential pollutant is brought into our waters there needs to be a record of what it is so that an appropriate response can be formulated in the event of an emergency. Marine pollution spills not only occur when a ship is travelling across the sea, they

can also happen when materials are being transferred from a ship to the shore, or vice versa. The Part 7 provisions make it an offence to discharge pollutants into state waters during such transfers.

I am pleased to advise that the State Marine Pollution Committee will continue its important administrative and oversight role under the new act. The committee's job will be to coordinate and support a quick response to any actual or threatened marine pollution incident. The Director of the EPA will continue to chair the committee and report to the responsible minister. Committee members will include representatives from all relevant government agencies, the Local Government Association of Tasmania, TasPorts, the Australian Marine Oil Spill Centre and the Australian Maritime Safety Authority.

An incident controller will take immediate responsibility for the management of operations on behalf of the committee. The incident controller will in turn mobilise trained and experienced staff from a range of agencies and other organisations to do whatever hands-on work is required.

In the unlikely but potentially catastrophic event of a marine spill, it may be necessary for the responsible minister to declare an emergency so that the incident can be dealt with quickly and efficiently. The bill therefore allows the minister to suspend any state law or part of a law relating to the state's physical environment for a period of up to two weeks. The minister must have reasonable and urgent grounds for doing so, including the requirement that the situation poses a grave and imminent threat to the state and its waters. An important safeguard is that the law to be suspended must be inconsistent with the urgent action, or would otherwise impede it.

For example, it may be necessary to suspend wildlife laws during an emergency to ensure regulators and response crews can protect and treat fauna without the required permits during oil spills or other imminent threats. During an emergency, it may also be necessary to provide a place where waste can be stored. The director is therefore empowered to direct the owner or occupier of a port, terminal or ship repair facility to store waste arising from ship repairs, or to offload waste from a ship involved in an emergency. This will strengthen existing administrative and practical arrangements for storing marine pollution waste at suitable locations around the state.

In addition, the bill also establishes the very important role of an inspector to undertake investigations, gather evidence and give appropriate directions to a ship's master or any relevant land occupier. An inspector may also take possession of relevant items or facilities if the situation demands it. The inspector may be a police officer, the director or a person appointed by the director, the Australian Maritime Safety Authority or a harbour master.

Importantly, the director may also detain an Australian or foreign ship in state waters if there are clear grounds for believing that the ship has been involved in a marine pollutant spill. The ship must be released if financial security has been provided or legal proceedings have been discontinued.

In addition, this bill empowers the director to take any practical preventative or clean-up action required to limit environmental damage during a critical event, or to safeguard human or animal and marine life. This is just one aspect in which the bill strengthens the role of the director in responding to and managing marine pollution events. This could involve the deployment of machinery or human resources. It may also mean restricting public access to affected areas so that the public is protected from any contamination and the response team can get on with their job.

Mr Deputy Speaker, I mentioned earlier that the bill allows for recovery of any costs associated with a marine pollution event in state waters. These costs can be very large and it is entirely appropriate that they be passed back to those responsible for the pollution. Therefore, it is vital that the Crown be able to recover any costs for preventing or cleaning up a spill. There may also be substantial legal costs if court action is required to deal with offenders, and these should also be recoverable. I am pleased to advise the House that the bill provides substantial powers to recover both types of cost. In addition, a port manager, government department or individual are not restricted by the bill in claiming or recovering damages arising from a marine pollutant spill in state waters.

In terms of consultation, the bill was released for a period of key stakeholder comment and the Australian Maritime Safety Authority, AMSA; the Local Government Association of Tasmania; TasPorts; Marine and Safety Tasmania, MAST; Huon Aquaculture; and the Department of Police, Fire and Emergency Management provided input. Their input helped to inform the finalisation of this bill.

In conclusion, it is important that the shipping industry has certainty about their rights and requirements when operating in Tasmanian waters. The legislative changes brought together in this bill leave no doubt as to the environmental requirements expected by this Government and the community.

The bill provides the legal foundation for a modern proactive approach to managing marine pollution, in line with our national legislation and international commitments. It will enable the Government to deal quickly and effectively with any significant marine pollution event, to recover the costs incurred and to make sure that offenders receive the appropriate penalties.

I commend the bill to the House.

[4.26 p.m.]

Ms STANDEN (Franklin) - Madam Deputy Speaker, I thank the minister for introducing the Marine-related Incidents (MARPOL Implementation) Bill 2019. I thank the minister's office for arranging a comprehensive briefing from the officers. I can see a number sitting in the gallery and I thank you very much for your patience as you helped me through what is a fairly comprehensive and technical bill and my first relationship to it. I indicate from the outset that Labor will be pleased to support the bill, but I want to take the opportunity to outline a couple of points.

My understanding is that MARPOL is a national and international standard and it binds the state to follow suit and advises us to act against pollution events, et cetera, within exclusion zones that are fairly prescribed. Nonetheless, it was explained to me that whilst it might have been possible to amend existing legislation, the advice received through the Office of Parliamentary Counsel was to develop a clean bill that is technical in nature but should set a good standard moving forward, I hope.

I noted with interest that there had been consultation with some stakeholders and in relation to the aquaculture industry, Huon Aquaculture, but not Petuna and Tassal or the Tasmanian Salmonid Growers Association, nor the Tasmanian Farmers and Graziers Association or the MUA. I took the opportunity to cast the net, if you will excuse the pun, a little bit wider to see what support there was for this bill. I am pleased to say that, although in doing the minister's job for him somewhat, it appears there is broad support for maintaining the continued health and protection of the marine environment from those industry players.

The main point I want to emphasise is the importance of the industry being a part of stakeholder consultations moving forward in the development of the associated regulations. In particular, what was raised with me was that although there was strong support for issuing of infringement notices, which is allowed for within this bill for minor offences related to marine spills, there was a consistent theme coming forward around the act not appearing to allow for the relative severity of a spill to be taken into account. I welcome the minister's comments in relation to that. I might have it wrong. As I have said, I am not a technical expert in this space, but it was pointed out to me that the quantity or volume as well as perhaps the location of this spill and therefore the receiving environment, if you like, in which a spill has occurred, may well nuance the approach to issuing on infringement notices.

There was a strong voice, as I said, from industry to be involved as part of stakeholder consultations, not least because they have a very strong stake in maintaining their part in brand, et cetera, around maintaining a healthy and protected marine environment.

It was raised also that they are very keen on ensuring that what appears in this act and follows through to the regulations allows for training of aquaculture staff and operations. It is good to see that sort of commitment from industry even at this stage and in particular acknowledgement that if there are changes that will impact operations it would be good to have that understanding to get straight onto it.

It appears to me that this bill, although technical, is relatively straightforward in terms of what it sets out. It clearly catches Tasmania up to the revisions made to MARPOL on the national if not international stage.

I was keen to explore things like marine farming debris and whether that was covered. I was advised by officers that that is separate and is captured under the Marine Farm Planning Act, so I do not consider that to be part of the scope of the debate on this bill.

I consulted the TFGA because it crossed my mind that they are a stakeholder in moving live animal exports and such. I consider that perhaps they are in the same sort of boat - again pardon the pun - as cruise ships and the like that are compelled to capture and properly deal with waste from those sorts of vessels. Again, I am not an expert in the agriculture space, as perhaps you are, Mr Deputy Speaker, but I know that when I follow a truck down the Midland Highway behind sheep and cattle and so on there ain't no containing some of that excrement. I wonder how it is in the marine environment and what provisions there are for ensuring that waste from live animals in particular is taken care of and whether that is captured under this act.

Mr Gutwein - A range of other stakeholders were consulted. What I noted are those that responded - Tassal, Petuna and the TFGA were as well. Briefings were also provided this week to the TFGA as a result of that contact and they have advised the department of their support.

Ms STANDEN - Thank you, minister, for that reassurance; that is good to hear. I noted that the MUA was not part of that list. I tried to contact the MUA on a couple of occasions and offered the opportunity to come back to me and no concerns were raised with me, so I hope that indicates some sort of broad support from the industry and members of the union.

With that, I congratulate the Government and officers involved in the drafting of a technical but nonetheless I am reassured fairly straightforward bill and look forward to hearing any comments in particular around that business of infringement notices for marine spills and the nuancing around

type and severity of spills and the environment in which those spills occur and whether that can be captured within the regulations.

[4.34 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, the Marine-related Incidents (MARPOL Implementation) Bill is a large amendment bill that will bring us into alignment with the Commonwealth requirements under the MARPOL Convention, the International Convention for the Prevention of Pollution from Ships. This bill will replace the outdated Pollution of Waters by Oil and Noxious Substances Act 1987, and give effect to the MARPOL Convention.

Notably in Tasmania, unlike other states, the Environment Protection Agency is the prescribed officer responsible for the implementation of the act. That is not the case in other states. In New South Wales, for example, the minister for Transport and Roads is jointly responsible with the minister for Regional Transport and Roads under the act as the prescribed officer.

In Tasmania, it does fit with the other responsibilities of the EPA but we have concerns that extra prescribed responsibilities will be extremely resource intensive. We have questions about resourcing of the EPA to be able to suitably enforce elements of the bill. Thank you to the director of the EPA and the other officers who provided us with that briefing, from which we understand that to adequately respond to a major oil or noxious substance bill, the EPA would effectively have to drop everything to adequately respond. If it was something major, of the order of the *Exxon Valdez*, everyone would understand why that would be the case. But we are a small state and this Government is mean and stingy in its resourcing for the environment. I expect that there will not be any extra resources made available. I will be interested to hear from the minister, who is also the Treasurer, about the EPA's funding and whether there have been cuts to the EPA and where they have come from. These are all germane to the question of the ability of the EPA to suitably enforce the prescriptions under this bill.

It is pretty clear from what has been happening with salmon farming in Tasmania that the EPA is either incapable or, for whatever other reason, does not effectively enforce conditions on salmon farming, the regulation of salmon farming. I have read and heard the report from Dr Christine Coughanowr about the discharge, the high nutrient level that is flowing from the Tasmanian salmon hatchery from Wayatinah into the upper part of the Derwent River. Very high levels of nutrients are flowing into that waterway that flows down into the Derwent Estuary and forms part of the Derwent water supply, which is the water supply for Hobart residents. Algal blooms, odour and visual issues with water have been problems in the past. It is pretty clear that the EPA is disinclined under this Government or underfunded in order be able to fulfil what ought to be its first priority of looking after the quality of the environment and, in this case, the marine environment.

We very much welcome the announcement of the reduction in sulphur content under the MARPOL convention, which will be introduced from January 2020. We have some really genuine concerns about the ability of Tasmania to enforce those conditions and whether, in this state, the mandated international reduction in sulphur content in shipping fuels will have any real effect on what we are able to police and ensure is coming into our harbours. There is a long-running jurisdictional argument between the Commonwealth and the states and the Commonwealth has reserved responsibility for enforcing the air quality under the MARPOL part 497 Annex VI, the part which deals with ships fuel and atmospheric emissions. That part is notably absent from this bill. For clarity, part 497 applies in state waters but the Commonwealth is responsible for enforcing that part. Go figure. How well is that going to work?

I asked the director of EPA during our briefing what monitoring of emissions in the Port of Hobart is conducted by the Commonwealth. His answer was 'none'. I also asked what air quality data collected by the EPA is passed onto the Commonwealth for enforcement, or what formal agreement is in place for the sharing of the information. Again, I understand that none is passed on and there is no formal mechanism for sharing that information. How would the Commonwealth be enabled to enforce the MARPOL Convention in Tasmanian waters if there is no data and there is no collection of air quality samples?

Were they going to have spot inspections, have Commonwealth officers turning up to cruise ships next summer to see what they are spewing out? It would be fantastic if they did. The cruise ships that come to Hobart and northern ports burn the most low-grade bunker fuel in the world. They do so right next to populated areas and in a state that trades on its brand of clean and green, particularly our air. I noticed in the latest Tourism Tasmania promotion, something about come and smell the air or the different air here. Well, do not come anywhere near the arts school precinct when there is a cruise ship in the port because they will be burning bunker fuel and that is stinking, toxic fuel with known negative health effects.

Bunker fuel is a thick sludge from crude oil barrels and it is what remains after petrol, kerosene, diesel and other petroleum products are removed. It is the worst of the worst fuel to burn. Guess what? It is incredibly cheap because it is rubbish and it contains concentrated sulphur, heavy metals and hydrocarbon compounds. It is much cheaper to burn than refined fuels and it saves cruise ship companies a fortune. Bunker fuel is not only used by cruise ships when they are out on the sea. A berthed cruiser is a floating city and it is run from the ship's auxiliary generators that can also use bunker fuel when it is at port. That is the point. It is not just the ship getting here across international or even state waters. When it is berthed in Hobart, in a densely populated area, it will still be burning bunker fuel. Those engines power hundreds of rooms, restaurants, pools, theatres and the other ship services. There is a substantial production of electricity generated from the bunker fuel-powered generators.

The *Carnival Spirit* was docked in Hobart a few years ago. It was 293 metres long, weighed 88 000 gross tonnes and it needed 150 tonnes of bunker fuel every day. That is an enormous amount of fuel - 150 tonnes a day.

In 2012, the World Health Organisation defined diesel exhaust as a class one carcinogen in a category with asbestos. Bunker fuel typically contains 3500 times more sulphur per litre than the diesel that people would have in a motor vehicle. Many cruise ships do not have particulate filters that are now standard on passenger cars and trucks. Large cruise ships, such as the *Carnival Spirit* and others that visit Hobart in their scores every summer, emit far more sulphur dioxide than millions of cars.

Many diseases and chronic conditions are connected to pollutants from burning bunker fuel. Tiny airborne particles lodge in people's lungs and move through to the bloodstream and those can cause heart and lung diseases, cancers and premature death.

The United States and Europe have recognised the very high health costs of international shipping and have, for at least five years now, restricted sulphur levels in cruise ship fuel to below 0.1 of 1 per cent. Most of Australia still allows cruise ships to use fuel with 3.5 per cent sulphur, including Tasmania, which is 35 times higher than is currently allowed in the United States and Europe.

We can do differently. This is something the Greens have been raising with this Government for years. The previous minister for the environment, Ms Archer, kicked the can down the road and said, 'Oh yes, we'll have conversations with the Commonwealth Government and wait until MARPOL comes in.' Well, here we are, MARPOL is about to come and it will enshrine a lower level, but that lower level is still greater than what is currently enshrined in other major countries around the world.

The concern here is we have this stuff that is nice on paper, but what are we going to do to make sure it actually happens? We could do, for example, what the New South Wales government has done; there are solutions here. The New South Wales government held a parliamentary inquiry in 2013 when there was public outrage because residents in Balmain were exposed to toxic fumes from a cruise ship terminal at White Bay. There was a large number of cruise ships there and a great amount of bunker fuel emitted. Residents reported headaches, bloodshot eyes, concentration problems, worsened asthma and other breathing difficulties. Young children, of course, were the most affected. The New South Wales government held a parliamentary inquiry and the port authority suspended overnight ship berthing at White Bay. The New South Wales government then brought in legislation to require cruise ships at White Bay to use 0.1 per cent sulphur fuel. I understand that has been in place since October 2015. I do not know whether that has changed, but subsequently the ban was extended to include the whole of Sydney Harbour.

We can see that there is definitely an opportunity here for Tasmania if we want to really market ourselves as having clean air. If we want to talk about a place that is special and different, we can do what New South Wales has done and enshrine a lower level ban of what will ultimately be introduced when the MARPOL Convention comes in in January next year. The level that will be mandated internationally, I understand, will be 0.5 per cent. At the moment, it is 3.5 per cent, so it will reduce to 0.5 per cent, but New South Wales, in line with the United States and European countries, has reduced that level, at least in the Sydney Harbour region, to 0.1 per cent. That is getting more to the area that epidemiological studies indicate would be not having the negative health effects that the higher level has been determined to have.

Sydney Harbour residents managed to change that and - guess what? - the tourism business in Sydney Harbour did not collapse and the sky did not fall in. What are we afraid of in Tasmania? Why do we not have the confidence in the beautiful state we have and sell it as something special and different? There will be plenty of cruise ships, more than enough, that want to come to Tasmania. They are going to the northern hemisphere, all the countries up there, and putting scrubbers into their ships or running different fuel. They are already doing that. It is not going to be a big step to insist that when they stop in Tasmania, they also do the same thing. The minister and the Government need to lobby their federal counterparts so that there is actually enforcement of these standards in Tasmania. Something like random ship by ship auditing could be one approach.

We also strongly think that Tasmania needs to adopt the 0.1 per cent sulphur fuel content limit as well and we need to be having proper data quality management. I know there is some data available on the EPA website. I have not been able to ascertain whether given different wind conditions that that would be a robust enough placement to collect data from the prevailing airstream. I do not know how it is being placed. There is always the potential of things being put in the wrong spot so that they will not be measuring the true emissions. It is tricky with wind. Wind moves, but when there are still days and cruise ships are berthed at Macquarie Point, there will be a build-up of very toxic emissions and people living in the surrounding areas on the eastern and western side of the Derwent are going to be more exposed than they ought to be. The fact is that

every month we are finding out more about the truly damaging effects to the human body of diesel particulates and burnt particulates.

We can do something about this and I encourage the minister to make his mark in this space and follow suit with New South Wales and make a great stand for Tasmania and the healthy state with clean air that we claim to be. We support the bill and will keep talking about the impacts of polluted air.

[4.52 p.m.]

Ms OGILVIE (Clark) - Mr Deputy Speaker, I rise to make some comments in relation to this bill which seeks to implement the MARPOL Convention and I understand is an update to our existing legislation. It is a quite complex and technical bill. I have read it and am still here to discuss it nonetheless. It covers the situations we are all concerned about, which is what happens if there is a big spill. One of the lenses through which I have been reading this bill is in relation to our industries that might be affected by such a spill or difficulty and how the regime of management of what happens in and near our waters protects their interests as well as state interests. I think we have those two elements at play.

I am particularly interested in the cost and damages issue. I see in the bill that we have some rights to claim costs as a state and there is a clause buried deep in the bowels of the act that relates to ensuring that no-one is prevented from claiming damages, but I wonder whether we have done as much as we can do to protect or at least enable those who may suffer commercial damage? Obviously aquaculture industries, marine industries, shipping, boat building and other various industries that we have that sit on and around our waters, that use our waters and rely on clean water could be affected in the case of a substantial spill.

I also have been quite interested in some of the exemptions that are listed in the bill and some of the definitions which are not immediately apparent to me, although others who are more expert in this area no doubt will know what they are. There is the definition of X, Y and Z polluters and specifically what they are. I suspect they sit within the convention but I was not able to find them in this bill.

I notice that it says in clause 8, that despite section 5 of this act, the act does not apply to ships of the Australian Defence Force. I am interested to know why there is that exemption. We love our Defence Forces and we want to protect them, but if we are setting a framework within which all shipping should comply, then it should be a relatively straightforward thing for our Defence Forces to comply with that framework.

I love the law of the sea because it is dealing with the movement of not just biological life in the water but the movement of people and the transit of goods. I will reflect a little on the types of pollutants that might accidently be released from ships, including those that are in packages. I assume this also includes containers. Much industrial-level shipping is done by containerisation. As somebody who has friends and relatives who are into sailing and have done the Sydney to Hobart Yacht Race many times, one of their concerns is an element, a package or a container, coming off a ship that nobody knows about that sits a little below water level - they get some air gaps in them - and if a yacht hits them it is in serious trouble. I am interested in that aspect as well.

The category 2 substance issue - there is an approval to discharge category Z substance. My question is: what exactly is that? It would be helpful for that to be made transparent to people. People are interested in this bill and what is allowed to be discharged in and around our waters.

Tidal movements mean that things can come into our waters even when they are discharged outside our territorial waters.

I mentioned the jettisoning of cargo and what that might be. Could we have examples of what may have had to be jettisoned in the past? There may have been a boat in some sort of crisis or major storm or there is a need to alleviate the load. There are different types of shipping and ways of moving goods about. Oil tankers are one way, containerisation is another and there is shipping where things are in much smaller containers so you have a spray of goods going out there.

Who ultimately bears the cost of cleaning up? The section that deals with those costs gives fairly plenary powers to the state to seek costs back from those who are fault. There are some exemptions to that relating to when a ship is in trouble. We can all see the fairness of that, yet at the end of the day, somebody has to pay.

International shipping is subject to a fairly robust regime of insurance arrangements. No doubt the insurance industry has looked at this carefully as well. I want to make sure that we, as a state, but also, we as people who run businesses that rely on clean and fresh water with access to particular areas, those in fisheries industries, recreational fishers, those who use our waterways, have the capacity to, if they have suffered loss or damage, are able to take action. Whilst I notice there is a provision that directly states 'a person may seek damages for loss or damage', does that go far enough and what sort of support is there for that? Fish farming for example, and would you expect a company to stand on its own two feet or would there be some support from the government if the government were seeking its own costs for remediating damage?

I have mentioned the terrible scenarios when a yacht hits - it could be a whale - containers and other debris because we do not know it is there. Is there some sort of technology overlay to that, particularly with containers, so you can track how many you have and where they are, GPS systems, et cetera? That probably is the case, but I do not know.

Turning to the clauses on sewage. We are all concerned that sewage can be released. I noticed there is a general prohibition on that, except there are a couple of caveats in Part 5. Clause 29(5) states -

> (a) if the sewage has been treated in a sewage treatment plant on the ship, being a plant that a prescribed officer has certified meets the prescribed requirements; and -

This is the slightly icky part -

> (b) if the discharge does not produce visible floating solids in the waters of the sea and does not cause discoloration of the waters of the sea; …

That, to me, seems like a fairly blunt instrument to understand whether if it is okay that some sewage is placed into the waters. It seems like a visual test rather than a chemical test. I am interested to know how that operates in practice. I suspect some of the big tourist vessels have onboard sewage treatment that is probably subject to some strict regime, or I hope it is. Perhaps we could hear a little more about that.

I am also interested in the state Marine Pollution Committee. It is a large committee. It is very heavy on the government side of things. I wonder whether there is the capacity, or whether there

is already deep engagement with industry, marine fisheries, those sorts of things and whether that is something that would make to sense to do, particularly if we find ourselves in a situation where there is a large disaster. An oil spill is the one we all worry about. I remember the Alaskan spills and the animals, all those terrible things and the great damage that was done, not just to the environment but to towns along that coast and the tourism and the brand damage to Alaska and other places. Doing everything we can do to make sure we have the most beautiful well-protected waters is a very good idea.

I spoke at length in my previous iteration as a member of this House about my desire to have the cleanest waters we can have, particularly in relation plastic pollution and microbeads. I understand and realise that that is not a fit with this bill. I raise it because it goes to how we deeply care about our waterways, oceans, beaches and how we look after this beautiful place we love.

In relation to emergency declaration, clause 49 gives appropriate power to the minister to immediately declare an emergency. There is a number of processes in how the declaration is then implemented. What I did not see was immediate engagement with commercial interests. I am sure the minister would pick up the phone straight away to the ports, or fish-farming enterprises and others and let them know what is going on and keep them in the loop. It does not seem to be spelled out in that process. I would be grateful to hear a little more about that.

When it comes to spills, the powers of the director to prevent or clean up marine pollution, in clause 52, the Marine Director has fairly broad powers to do that work, particularly in safeguarding human and animal life in the physical environment. We would all be very much on board with that, and the speed with which you need to do that. Sometimes a containment of a spill is the best way to go. I hope we have the appropriate equipment that we would need to do that.

We have a shipping industry just north of the Tasman Bridge. Substances from that could cause a problem. I suspect they have the appropriate equipment, the seaborne fallouts and containment in case they need to contain some sort of oil or other spill, something that sits on top of the ocean, but I would like to know how that engagement with those industries works in practical terms.

My favourite topic, which I have been speaking on during the Place Names Bill today, is the false and misleading statements section. It is good to have it in the bill, although it has a fairly substantial fine as well, 1000 penalty units. It was in the context of legal matters in this bill, so that a person must not, in a notice or a report given to a prescribed officer in accordance with this act, make a statement that is false or misleading. I have quite a bit of sympathy for the previous contributor, who pointed out that without the appropriate level of resourcing within the EPA, without good scrutiny, and audits are relevant here as well, which are hopefully underway, it is going to be very difficult to uncover somebody who is intentionally trying to do the wrong thing.

I have mentioned the recovery of costs. There are fairly strong powers in there, which also sit in other states and territories. There is a very small paragraph on the right to claim damages that is a bit light on. You can claim damages but you would probably have to litigate. I wonder how that section has worked in practise. Maybe there are a couple of examples from other states. By all means, as a state, you can get your costs of cleaning up back, but there is also mention of claiming damages, perhaps damage to the brand and brand reputation, such as did happen with Alaska. I am sorry to have peppered you with comments or questions, minister, but I thought best to do it now. Perhaps we will not have to go into committee because they are more broad brush. If you are able to address some of those, I would be very grateful.

[5.07 p.m.]

Mrs RYLAH (Braddon) - Mr Deputy Speaker, it is very pleasing to support of this bill. I commend the minister for bringing this bill before the House, and the department and agencies for their work in this important legislation. It brings long-awaited legislative changes that will ensure the state's waters are protected up to three nautical miles from our coastline. This bill will streamline processes that will ensure regulatory functions are efficient and contemporary.

The current legislation, Pollution of Waters by Oil and Noxious Substances Act 1987 - PWONSA - does not protect Tasmanian taxpayers' interests because it does not provide sufficient legislative powers. This bill before us today will create officers that will effectively strengthen the Government's capacity to respond and police any pollution event within our marine environment. The design of the bill includes a prescribed officer, the director of the EPA, for appropriate operational purposes. Further, this bill directs or validates the repurposing of resources to include inspectors who are prescribed and appointed under the bill, rather than authorised officers as under the old act, PWONSA. This is for the consistency with the Commonwealth act and to avoid confusion with authorised officers appointed under the Environmental Management and Pollution Control Act 1994, Tasmania's main pollution control act.

It also provides a new framework for the roles of the director of the EPA and the committee, whose job it will be to coordinate and support a quick response to any actual or threatened marine pollution incident. In regard to responding and policing a pollution event under the bill, an incident controller will take immediate responsibility for the management of operations on behalf of the committee. The incident controller will, in turn, mobilise trained and experienced staff from a range of agencies and other organisations to do whatever hands-on work is required.

The legislative changes within this bill will prohibit actions that could pollute our waters and will ensure that any party responsible for a pollution event will be held liable for the legal, financial and environmental consequences. Once the legislation has commenced it is expected to deliver efficiencies to the government to deal quickly and effectively with any significant marine pollution event, to recover the costs incurred and to make sure offenders receive the appropriate penalties. In addition, the commencement of the bill will result in a significant number of improvements that leave no doubt as to the environmental requirements expected by this government and the community.

This bill achieves legislative change and brings with it the opportunity for the shipping industry to have certainty about their rights and requirements when operating in Tasmanian waters. This is particularly significant when living in an island state for which 99 per cent of goods are transported by sea. With more than 2400 ship movements coming in and out of our ports annually, this bill will play a fundamental and vital role in protecting Tasmania's marine environmental interests.

In the most recent TasPorts Annual Report 2017-18, a total of 1650 ship visits were recorded, visiting the Braddon ports of Burnie, Devonport and King Island. This legislation is important to protect these ports and to enable rapid and effective action in the event of a marine-related incident.

I now turn to the subject of marine pollution. This bill includes provisions that regulate ship-to-shore and shore-to-ship transfer operations involving oil or noxious liquid substances. Currently, PWONSA has almost no provisions in relation to these matters, whereas other states have extensive provisions in their MARPOL legislation. This oversight, being rectified with this bill, seems quite bizarre as we are the only island state in the Commonwealth and highly dependent on shipping. Today's bill rectifies this need, which I fully support.

Operations involving ship-to-shore transfer of ships for fuel have been a source of pollution in Tasmania in the past. This bill includes provisions that address regulation of ship-to-shore and shore-to-ship transfer operations involving oil or noxious liquid substances. Ships must be refuelled and this brings with it risk, a risk we must manage. All our liquid fuels are imported.

The further revisions are to offence and penalty provisions, and incident notifications provisions have been specifically included. Record-keeping provisions have been omitted. The enforcement of such provisions would be resource intensive, and incidents involving ship-to-shore and shore-to-ship transfers are relatively easy to investigate without the benefit of records. The incident notification provisions, which are included, will also assist in this regard. Provisions on discharge from an 'apparatus' have been omitted. These appear to be anachronistic and unnecessary.

On Monday 10 July 1995, the 37 500 tonne BHP-chartered bulk carrier MV *Iron Baron* grounded on Hebe Reef in the approach to the Tamar River in northern Tasmania. The vessel lost in the region of 325 tonnes of heavy fuel oil, much of which affected the foreshores along the Tamar River Estuary and some beaches to the east of Hebe Reef. Oil also affected shorelines to the west as far as Port Sorell and the Rubicon River Estuary bordering on the Narawntapu National Park, and had significant impact on Tasmanian wildlife and migratory birds.

The response to the oil spill was one of the largest ever mounted under Australia's National Plan to Combat Pollution of the Sea by Oil and other Noxious and Hazardous Substances, and it highlighted the need to ensure we have in place a strong and efficient legislative framework for responding to such events. The review of the MV *Iron Baron* incident pointed to the need to have an unambiguous identification of powers between states and the Commonwealth, specifically that the Tasmanian Government and other states should review their future needs to exercise powers of intervention and response to such future events.

This bill, among other things, provides that contemporary framework. While the primary focus of the bill is to replace the outdated PWONSA, giving effect in state waters to the MARPOL International Convention on the Prevention of Limiting Pollution from Ships, being oils, chemicals, sewage, garbage and air pollutants, it also contains important provisions for our response to critical incidents. The bill introduces updated and contemporary powers and procedures for the minister, the Director of the EPA and inspectors to respond rapidly in the event of an incident and also collect evidence for any future investigations.

As we have heard, the State Marine Pollution Committee will continue its important administrative and oversight role under the new act. The committee's role will be to coordinate and support a quick response to any actual or threatened marine pollution incident. The Director of the EPA will continue to chair the committee and report to the responsible minister, and committee members will include representatives from all government agencies, the Local Government Association of Tasmania, TasPorts, the Australian Marine Oil Spill Centre and the Australian Maritime Safety Authority.

EPA Tasmania will continue to be responsible for taking a lead role in responding to marine pollution events and other emergency situations that could lead to a spill. The EPA's Tasmanian division provides resource and support during marine oil spill response operations in Tasmanian waters, including 24-hour on-call support for marine spills. It also provides training programs.

Another very important part of the EPA's work is assisting ports and industry to develop marine oil spill contingency plans in line with the Tasmanian Marine Oil Spill Contingency Plan, or

TasPlan. The new procedures in the case of a spill will now unfold differently. Notification of a marine pollution incident will normally be made from observation by government agencies, TasPorts, shipping or aircraft, by the public or by those responsible for the spill.

Under this bill, an incident controller will take immediate responsibility for the management of operations on behalf of the committee and will mobilise trained and experienced staff from a range of agencies and other organisations to do whatever hands-on work is required. Greater powers are provided under this bill to the EPA director to prevent and clean up pollution in relation to marine pollution spills. Such powers are not currently prescribed in PWONSA but are considered to be a significant deficiency currently that could impair cost recovery action in the event of response operations.

The EPA director is also vested with the powers of intervention and under the bill the director will be empowered to direct a ship's master, charterer, owner or salver to take critical action where appropriate. This is a critical power to avoid further impacts in an emergency situation.

The bill also provides inspectors with somewhat greater powers than those of authorised officers under PWONSA. The various powers apply to places on land and structures adjoining land, as well as onboard vessels, to enable compliance investigations in relation to ship-to-shore and shore-to-ship transfer operations such as fuel and oil transfers and other matters on land relevant to the bill. These powers are also critical to ensure that evidence needed during investigations of incidents is collected appropriately and without delay.

Importantly, the bill contains provisions on cost recovery that have been specifically linked to marine pollutant spill response activities. In the bill it has been clarified that such costs may include costs for actions taken by all persons that may be involved in the response, including salaries, et cetera, paid to a person. Provisions have also been included for the director to recover costs by notice to a person and to apply interest to unpaid costs. This latter power is particularly necessary to facilitate cost recovery in the case of vessels that do not come within the scope of MARPOL and uninsured vessels.

For smaller incidents, the bill also has provisions for the issuing of infringements notices, another deficiency of the current PWONSA. The provisions are similar to those in other legislation. The specific infringement offences and penalties may be prescribed in the forthcoming Marine-Related Incidents (MARPOL Implementation) Regulations.

An important aspect of marine pollution risk is prohibiting the carriage of unevaluated substances into state waters. If a potential pollutant is brought to our waters, there needs to be a record of what it is so that an appropriate response can be formulated in the event of an emergency.

I now turn to key operators and those in my electorate in particular. TasPorts is Tasmania's primary agency operating in our marine environment. TasPorts, as we know, is a state-owned company responsible for 11 Tasmanian ports and the Devonport Airport as well. TasPorts is the owner of the Bass Island Line, or BIL, and provides a safe and reliable shipping service to the King Island community. TasPorts is responsible for the management and maintenance of essential infrastructure in Tasmania, which includes the forestry terminal operations in Burnie and Bell Bay, as well as maintenance of port berths, channels, wharves, land-side assets, marine fleet and key navigational aids. It ensures the safe control and security of all major ports and delivers critical piloting services as well as the provisions of towage, slipway and refuelling facilities, supply of floating plant and equipment for marine engineering projects and construction and coastal haulage.

In addition, they maintain community-use waterfront assets in Sullivans Cove, Stanley, Inspection Head in Strahan, and King Island.

Hobart's towage fleet was boosted by the Bass Island Line also expanding its route, moving from a trans-shipment service between Devonport and Grassy to the weekly service linking Geelong in Victoria, Grassy on King Island and mainland Tasmania, the triangulated service. By renewing the fleet and sailing directly from mainland Australia for the first time it is really supporting the growth of King Island businesses.

Minerals and fuel volumes in the mineral sector increased by 10 per cent statewide over the year, with increases across Bell Bay, Devonport and Hobart. Fuel volumes exceeded 800 million litres in 2017-18, an increase of 14 per cent on the previous financial year, further evidence of the growth and strength of our economic situation here in Tasmania. The largest increase was in diesel imports with a modest increase in unleaded fuel. During the last year, TasPorts also started work on the request for a proposal to provide TasPorts' statewide fuel supply. TasPorts uses more than 8 million litres of fuel across its marine services and Bass Island Line shipping service.

TasPorts has a five-year integrated safety and environment strategy to introduce mechanisms to meet regulatory obligations and a best-practice standard, as well as to prioritise environmental sustainability and enhance communication and engagement related to safety and environmental sustainability to maintain their social licence to operate.

The Port of Burnie is significant for my electorate of Braddon, as of the 15-plus million tonnes of freight shipped through Tasmanian ports annually, more than 5.44 million tonnes are being moved through the port of Burnie, making it the largest handler in the state. The Port of Burnie plays a very important role in freight services, including fuel, minerals, cargo and forestry. This includes 500 000 tonnes of bulk export log trade and 1.4 million tonnes of woodchip product, making it crucial for our growing timber industry.

The Port of Burnie is also highly significant for our growing forest industry, as well as being Tasmania's home port for Toll Shipping, which has invested more than $200 million in larger, faster, lower-emissions vessels, and portside infrastructure, including berth deepening.

TasPorts is working closely with its forestry partners to improve ship handling and ship loading techniques.

The Hodgman Government's 10-year infrastructure pipeline, and with the assistance of the Morrison government, a further $40 million will be invested in the replacement of the critically important bulk minerals shiploader. Tasmania's Minerals, Manufacturing and Energy Council strongly support the new infrastructure as it provides the west coast with a reliable export supply chain. Approximately 25 million tonnes of high-value mineral ores and concentrates have been exported from the west coast mines in the last 50 years of operation. The port of Burnie is critical to Tasmania's growing mining industry with the vast majority of our mineral exports leaving from this port to markets around the world.

Furthermore, during the 2018-19 cruise season more than 278 000 passengers and crew and 106 vessels visited Tasmania. The 2019-20 cruise season is expected to welcome a total 130 cruise ship visits to Tasmania, of which 39 will be to Burnie. In 2017, the Hodgman Liberal Government invested $1.7 million on the mooring dolphin which enables cruise ships up to 315 metres in length to enter the port of Burnie.

As I have mentioned, in Burnie fuel is transferred ship to shore. The Port of Burnie has an exciting future and with the deepening and the lengthening of berth six there is more docking space and new berths on the horizon. With the new mineral loader, new crane and better access for cruise-ship passengers there is much to be excited about in TasPorts' plans for my region.

Great work continues to be undertaken by the state-owned company not only in Burnie but in King Island, Devonport, Stanley and Strahan, rebuilding, improving and making areas safer and up to modern standards while giving access to communities. With busy ports we also need robust regulations to protect us from the risks like in this very timely bill.

Tasmania's waterways and environments are one of our greatest assets. The Hodgman Liberal Government is committed to safeguarding them, preserving what makes our state so special and also protecting Tasmania's taxpayers' interests. The minister also touched upon the importance of this legislation, closely following the provisions of the Commonwealth act. This will standardise consistent and transparent processes across all jurisdictions, ensuring Tasmania plays its part but so do other jurisdictions in ensuring our nation meets its signatory obligations to the MARPOL Convention.

I strongly support the bill.

[5.27 p.m.]

Mr GUTWEIN (Bass - Minister for the Environment, Parks and Heritage) - Mr Deputy Speaker, I thank all members for their contributions and for their support for this very important legislation. Without doubt we are all very much on the same page in terms of what our intent is and what we would like to see out of this.

I am quite happy to take any questions by interjection if I do not cover completely what you were hoping to have answered. Obviously, if I do not have the information and our people do not, at some stage we will get back and deal with it then.

First, I will run through the questions. Ms Standen, you raised a number of issues. I will deal with animal effluent as a starting point. To be clear, animal effluent discharge from a vessel is subject to MARPOL under the definition of sewage. Animal effluent from a ship must be treated in the same way that human sewage would need to be treated.

In terms of the relativity of penalties, we will be developing regulations. This will enable regulators to issue smaller fines in appropriate circumstances, such as when liabilities admit or other situations where there has not been any reckless or negligent behaviour. Infringement notices issued under the regulations will be the first option in many cases, particularly at the lower end of the pollutant scale. The penalties for these will likely be set at around 10 per cent of the court penalties in the bill. I think we will find that, under the steady hand of the EPA, the infringement notice or penalty will fit the crime. The regulations will certainly provide the opportunity for that to be dealt with sensibly, pragmatically, but importantly to ensure the penalty is at a level that sends a clear deterrent.

Ms Standen - Severity in relation to volume, but also potentially impact.

Mr GUTWEIN - Volume, impact and the behaviour as well, whether it be reckless or negligent.

Ms Standen - As in intent and so on? That sounds good. Thank you.

Mr GUTWEIN - Marine farm debris is covered under the Marine Farm Planning Act. The cost recovery process reflects the Commonwealth act and the MARPOL Convention. I will say more about that in moment.

Dr Woodruff, I note the points you are making in terms of the 0.1 per cent of sulphur dioxide in fuel and your wish that we would mirror what occurs in Sydney Harbour. First, I know you are aware - you mentioned that you received this - we have been monitoring sulphur dioxide in the Hobart Port area since 2017. I think you have this report. It is available on the EPA website. The ambient concentration levels of SO_2 measured by the EPA Tasmania SO_2 monitoring system located on the CSIRO wharf area were usually well below relevant national and international ambient air quality standards. Some slightly elevated concentrations of SO_2 have been observed and reported. They appear to be associated with activities including shipping movement taking place in the vicinity of the monitoring station. The highest average concentration levels of SO_2 measured by the EPA Tasmania SO_2 monitoring station were only around 16 per cent of the national air quality standards and were reported, interestingly enough, outside the cruise ship season.

I make the point that Tasmania does not have the legislative authority to adopt a 0.1 per cent sulphur level. It could only be imposed by AMSA under the Commonwealth Navigation Act. The Commonwealth would require demonstrable evidence of high levels of emissions. At this stage it would be extraordinarily difficult to make that case.

Dr Woodruff - Why was New South Wales able to do that?

Mr GUTWEIN - They have a lot more cruise ships than we do.

Dr Woodruff - It could be done? The emission levels?

Mr GUTWEIN - They have a significantly higher volume of cruise ships, but they also have a proliferation of residences around the harbour. They were obviously able to make the case.

Dr Woodruff - It can be done? Tasmania can do it. We would have to make the case.

Mr GUTWEIN - If there were a demonstrable case. Based on our emissions monitoring at this point, we would not be able to make that case.

The other thing that is important is the change to bunker fuel and sulphur content that will come into contact effect on 1 January. You rightly said the current level is 3.5 per cent of sulphur content, reducing to 0.5 per cent. It is a new playing field from 1 January. Again, we will continue to monitor and if there are impacts, that pathway would be available to us if we could demonstrate that there was a need for it.

Dr Woodruff - By interjection, but that would not be able to ascertain an individual ship's emissions. That is just ambient level. If a ship comes in and it is clearly spewing black smoke, how can we do anything about that?

Mr GUTWEIN - The Director of the EPA said that in a complaint in a circumstance like that, he would immediately lodge that complaint with the Commonwealth, then we would work jointly with the Commonwealth to ensure that matter was dealt with as expeditiously as possible.

Dr Woodruff - Then, there is no evidence, the smoking gun has gone and the ship has left the port. Who is collecting the evidence?

Mr GUTWEIN - In terms of these ships, especially cruise ships, most of them are here for days. If we had a ship with emissions that clearly appeared to be in contravention of our or the Commonwealth's acts, we would report it and we would deal with it.

Dr Woodruff - We have over 100 coming over the summer season. That is every day, sometimes. Aren't we going to become known as international patsie's - you can drop in and stay for a couple of days and spew out whatever you want because no-one is checking.

Mr GUTWEIN - The new fuel standards come into play on 1 January, regardless. They set a significant reduction in the sulphur content of the fuel from 3.5 per cent down to 0.5 per cent. In terms of the controls once the new global limit takes effect, ships taking on fuel oil for use on board must obtain a bunker delivery note that states the sulphur content in the fuel oil supplied. Samples may be taken for verification. Ships must be issued with an International Air Pollution Prevention Certificate, an IAPP Certificate, issued by their flag state. This certificate includes a section stating that the ship uses fuel, oil with a sulphur content that does not exceed the applicable limit value, as documented by bunker delivery notes, or uses an approved equivalent arrangement. Port and coastal states can use port or state control that the ship is compliant.

Dr Woodruff - TasPorts will be responsible for checking that note; is that what would happen?

Mr GUTWEIN - If that were necessary, that is available for them to check.

Dr Woodruff - Don't they need to submit it? Is it not required?

Mr GUTWEIN - When requested.

Dr Woodruff - Maybe the EPA or TasPorts can request that from 1 January, so that we can check that this is happening. Why wouldn't we do that?

Mr GUTWEIN - We have been monitoring emissions on our port and they are extraordinarily low to begin with. Whilst I can understand your concern, we are well covered. We will continue to monitor. If there is an obvious breach and, as you say, something spewing out black smoke, then we can go through that process and the EPA would be involved. They would make a report to the Commonwealth and steps would be taken.

Dr Woodruff - Final question, if a person did make a complaint after 1 January because they had seen that, you would expect, given these changes, that the EPA or TasPorts would make an investigation.

Mr GUTWEIN - I would expect that after consultation with the Commonwealth, that someone appropriate would request that certificate, yes.

Dr Woodruff - You would advise the Commonwealth and they would make an investigation.

Mr GUTWEIN - They may do it in conjunction with the EPA, depending on how they might want to handle that. Conversely, it could be TasPorts. After a complaint is made, that option is there and the certificate would need to be produced.

Dr Woodruff - It could be produced retrospectively.

Mr GUTWEIN - When you say it could be produced retrospectively -

Dr Woodruff - If a person made a complaint and the ship had already sailed, that certificate could be sought from the ship's owner because they would still be in Commonwealth waters. They would berth in another city, if they were heading to Melbourne or Sydney, they could be advised in that potential situation, unlikely as it is, we hope.

Mr GUTWEIN - Yes. Under those circumstances, I am certain that certificates could be produced, would be requested to be produced and, if they were going to another Australian port, I am certain that a certificate would be requested after a report had been made.

Dr Woodruff - Thanks for illuminating me. That is helpful.

Mr GUTWEIN - You are welcome. Ms Ogilvie asked a variety of questions. Let me deal with defence force ships. They are not covered under the MARPOL Convention.

Ms Ogilvie - They're not captured.

Mr GUTWEIN - They are not captured under the MARPOL Convention and they are dealt with differently.

As to XYZ substances, I will cover the pollutants covered by the bill. What is an oily mixture? An oily mixture is a liquid with any petroleum content such as crude oil, fuel oil or other refined product. A noxious liquid substance is a liquid that would be hazardous to the marine environment or human health if it was discharged during tank cleaning or de-ballasting operations. These substances may be very harmful and we do not want them released. Noxious liquid substances are defined in Annex II of the MARPOL Convention.

There are three categories of noxious liquid substances, as we have discussed, in descending order. Category X would cover things like drilling grind, calcium bromide and creosote. Category X liquids represent a major hazard. Category Y liquids are a hazard and their discharge is also banned. They would capture things like cooking oils and vegetable oils. Category Z liquids are a minor hazard. There are controls but they are less stringent. That would be things like low-grade cleaning products, toilet cleaner and possibly bleach. They are captured under X, Y and Z.

You asked a question about jettisoning and under what circumstances. I am advised that a circumstance might arise, whereby for reasons of stability -

Ms Ogilvie - Balance in high seas.

Mr GUTWEIN - Yes, you might need to jettison under those circumstances. That would be the type of circumstance that jettisoning would occur.

You raised a question and I think you know the answer, who can take action? Any affected party can. More broadly, you asked whether a party would stand on their own or could they proceed with state support and that is a very good question. In effect, I am advised that in terms of a spill, the state would collect all interested parties. That certainly makes a great deal of sense.

Sewage release under Part 5, how does it operate in practice? MARPOL requires all sewage that is released to be treated. In terms of routine checks that would be carried out on equipment, vessels would check whether or not that treatment is working. For example, we had a cruise ship in the Derwent for MONA, maybe this year or year before. There are still rules as to where they can discharge. They had to leave the harbour and be one nautical mile out to sea to release.

Ms Ogilvie - By way of interjection, the oil rig being cleaned for a while in the Derwent -

Mr GUTWEIN - That was a biosecurity issue, the oil rig, as opposed to sewage.

The Tasmanian State Marine Pollution Committee: how do we engage community stakeholders when there is a major spill or if there is a marine emergency? The broad-based membership of that group is designed so that, as decisions are being made, they collectively are bringing to the table the view of the community, so it flows down. The notification in the bill says that if the minister makes an emergency declaration and it needs to be gazetted, whether it be me or another minister if there was an emergency declaration, that would certainly be widely communicated as well. Those affected would know and the broad membership of that committee would capture it.

Ms Ogilvie - That is something you would immediately gazette by communicating it had been gazetted in that moment. You wouldn't have to wait. There is no time lag between the event and your ability to gazette something.

Mr GUTWEIN - There is no time lag. I am advised that if I wanted to publish an emergency gazette I could it within 10 minutes. The system works. I did not realise I could do it so quickly.

There was a question about clause 52 and pollution response and clean-ups. We have a range of businesses that could or would be involved, such as Veolia. In an extreme event, large volumes of liquid waste would be temporarily stored onshore in a secure location and then be transferred to the mainland for disposal. Any contaminated soil or other solid material would be taken to a specially-engineered C-cell at the Copping waste disposal site.

Once the act has been approved, there will be an ongoing process of upgrading the process of handling, storing and processing marine waste. There is currently a deed of agreement between TasPorts, Marine and Safety Tasmania and the Environmental Protection Authority, which includes a pollution response. That deed will be updated to clarify the new responsibilities, and response equipment is held by TasPorts at all ports, the EPA, the salmon companies, there is a national stockpile in Devonport, and at the Selfs Point Sewage Treatment Plant.

Ms Ogilvie - A national stockpile, did you say?

Mr GUTWEIN - Yes, if there were an *Iron Baron* type of catastrophe. There is equipment in place for really big ships.

Ms Ogilvie - That is at Selfs Point.

Mr GUTWEIN - The stockpile is in Devonport.

Ms Ogilvie - Did you mention Selfs Point?

Mr GUTWEIN - There is also equipment at the Selfs Point facility.

The final point that you raised was the right to claim damages. There is an international framework and international insurers would come to the fore as well.

Ms Ogilvie - The reinsurers would get involved.

Mr GUTWEIN - Yes, everyone would. There is a process that would apply.

Ms Ogilvie - For example, if we had a huge tragedy or a huge spill like the Alaskan event in which the damage is not only to flora, fauna and business, but nobody wants to come because it is destroyed. Is that something that we would look at, by way of a damages claim, or could we?

Mr GUTWEIN - The answer is we can pursue it. The international insurance that they have broadly covers damage but I would make the point that it would be fought out in an international court.

Ms Ogilvie - Good.

Mr GUTWEIN - All of us here would hope that we never have to test that particular step.

Ms Ogilvie - We have some great lawyers at the university who could help.

Mr GUTWEIN - I thank members for their contributions. I think I have dealt with all the issues that were raised and I commend the bill to the House.

Bill read the second time

Bill read the third time.

NEIGHBOURHOOD DISPUTES ABOUT PLANTS AMENDMENT BILL 2019 (No. 35)

Second Reading

[5.52 p.m.]
Ms ARCHER (Clark - Minister for Justice - 2R) - Mr Deputy Speaker, I move -

That the bill be now read the second time.

On 1 December 2017 the Neighbourhood Disputes About Plants Act 2017 commenced operation. This important initiative of our former attorney-general, the late Dr Vanessa Goodwin, addressed a gap in legislation that existed at the time, specifically the lack of redress that was available for disputes about plants that relate to sunlight and views. It also provided for other neighbourhood disputes relating to plants to be dealt with under the same cost-effective, efficient and accessible statutory scheme.

Since the act commenced operation on 7 August 2019, 18 applications had been filed with the tribunal as at 1 September 2019. Of those, a significant proportion, 11 applications, have been withdrawn prior to hearing and no formal orders have been sought from the tribunal. In many cases

parties have engaged in negotiations between themselves or as a result of formal mediation processes, with action having been taken to resolve the matters in dispute.

I am pleased to say that this suggests that the mechanism in the act which encourages neighbours to attempt informal dispute resolution and mediation before going down the path of formal dispute resolution is working as intended.

Since the act commenced operation, it has become apparent that the act could be improved by making some minor technical and operational amendments to the act. The bill makes these minor amendments.

While the act contains provisions which enable the Resource Management and Planning Appeal Tribunal to make orders in respect of disputes, and it is also an offence under the contempt provisions of section 33 of the Resource Management and Planning Appeal Tribunal Act 1993 for a person to fail to comply with an order of the tribunal, the act does not have specific enforcement provisions for orders made under the act.

To address this deficiency, the bill inserts specific provisions to allow the tribunal to make an order if it is satisfied that the original order has not been complied with in the time specified in the order. This fresh order will allow the affected landholder or their employee, agent or contractor to carry out the work and to recover as a debt from the defaulting party the reasonable expenses incurred in carrying out the work and the costs of the application.

The bill also makes provision for the affected landholder to make the relevant application and for the tribunal chairperson to waive, reduce or refund all or part of the application fee if the chairperson is satisfied that paying it may cause financial hardship to that person.

In order to ensure that there is no incentive for defaulting parties to disregard an order made by the tribunal, the bill also inserts a specific offence and penalty provision for failing to comply with an order of the tribunal. These new enforcement provisions are similar to the enforcement provisions recommended in the Queensland Law Reform Commission's review of the Queensland Neighbourhood Disputes (Dividing Fences and Trees) Act 2011. The Tasmanian act is largely modelled on those laws.

The bill also clarifies that the current requirement to provide at least 7 days' notice of the intention to enter land to perform work under the act does not apply to a notice given under the branch removal notice provisions or where an interim order is made by the tribunal. This change is necessary because the branch removal notice provisions already require the person who intends to perform work on another person's property to provide at least 24 hours' notice to another person, and it is unclear whether the person is required to provide 7 days' notice or 24 hours' notice to the other person.

The bill also clarifies that the requirement to provide at least 7 days' notice of the intention to enter land to perform work, does not apply in circumstances where the tribunal makes an interim order. This exception is necessary as interim orders can only be made in situations where there is immediate risk of injury to persons or property.

The bill also provides that the tribunal may take into account any other matter that the tribunal considers relevant, when it is determining whether parties have made reasonable attempts to resolve disputes.

It should be noted that currently under the act, the tribunal is required to be satisfied that reasonable attempts to resolve the matter have been made by the parties before it may hear a matter, but in deciding this the tribunal may only take into account certain matters. This amendment is desirable because it will give the tribunal more flexibility in deciding what matters are relevant when determining whether parties have made reasonable attempts to resolve a dispute.

The act requires an independent review of the operation of the act to be carried out as soon as practicable after 1 December 2021. The independent review will ensure that all relevant issues, including the threshold test for redress, are more fully considered following consultation with a broad range of stakeholders.

This bill simply makes discrete amendments to improve the operation of the act which can be addressed quickly and prior to this fourth anniversary review being undertaken.

I commend the bill to the House.

[5.58 p.m.]

Ms HADDAD (Clark) - Mr Deputy Speaker, it is my pleasure to provide a contribution on behalf of the Labor Party to the Neighbourhood Disputes About Plants Amendment Bill 2019. I note that this is a simple procedural bill, making some much-needed small amendments to the existing scheme that commenced operation in December 2017, following the work of the late Dr Vanessa Goodwin as Attorney-General.

It is interesting to note that Dr Goodwin implemented this scheme as a result of some issues that had arisen in her constituency of Pembroke, where some constituents came to visit her to vent their frustration at the lack of available methods to deal with disputes around plants on boundaries of domestic properties. After Dr Goodwin started to raise those issues in the Legislative Council, a further 20 or so constituent matters came forward to her that were quite similar -

Debate adjourned.

ADJOURNMENT

Literacy and Numeracy

[6.00 p.m.]

Mr ROCKLIFF (Braddon - Minister for Education and Training) - Mr Deputy Speaker, I rise to talk about a very important issue tonight and that is literacy and numeracy. While Tasmania has seen a good and strong turnaround in economic performance and employment levels with more than 13 000 Tasmanians in work, there is more to do.

As members may know, Tasmania has some of the most challenging literacy and numeracy rates in Australia. Half our adult population lacks the literacy skills needed to participate fully in work and life and our collective goal should be as high as possible for 100 per cent literacy and numeracy for all Tasmanians.

26TEN is the tripartisan-supported program that is working to ensure all Tasmanians have the skills and confidence in literacy and numeracy to successfully participate in learning, life and work. Through 26TEN we seek to reduce the stigma and to build the skills of adult Tasmanians who

struggle with their reading, writing and maths. The strategy has three goals: that everyone knows about adult literacy and numeracy; everyone is supported to improve their skills and to help others; and everyone communicates clearly.

The 26TEN network has grown to 930 members and supporters and all are passionate about making a difference to the state's future. The 26TEN grants program has supported 90 employer-led and 55 community-led projects and last year we were pleased to issue grants of over $380 000 to businesses to help engage and upskill their workforce. This approach is indeed ground-breaking, as no other jurisdiction in Australia has a long-term plan for change such as this.

We are working across government agencies, local councils and community hubs and are the only jurisdiction to offer workplace literacy and numeracy support. Earlier this year we launched the 26TEN chat program. This program is a practical five-step guide to help us talk with a friend, a colleague or family member who is struggling with reading, writing and maths. Empowering all of the community to guide and support literacy and numeracy issues is a powerful tool and one we can help promote.

Next week is 26TEN Week where each year individuals, organisations and communities celebrate and promote adult literacy and numeracy. Organisations such as Bunnings, Metro Tasmania, Chigwell Child and Family Centre, Northgate Shopping Centre, the Salvation Army, Centrelink, Child & Family Centres, the Launceston Legal Centre, Service Tasmania, the West Tamar Council, Fonterra and Neighbourhood Houses across the state, just to name a few, are all engaged with this important.

To launch 26TEN Week we will be releasing another round of 26TEN employer and communities grants. Over $500 000 will be made available to business and community groups in support of literacy and numeracy projects right across our wonderful state and this is an ideal opportunity for members of the House to help raise awareness of the challenges we face as a community and be part of the change that Tasmania needs to see.

Violence Against Women

[6.03 p.m.]

Ms O'BYRNE (Bass) - Mr Deputy Speaker, I rise, as I do periodically, to update the House on the continued number of women who have died at the hands of partners, ex-partners and those who they should have been able to know and trust. The last time I spoke we had got up to 36 women who died in Australia. The thirty-seventh woman was an unnamed 36 year old from Nunawading. The thirty-eighth was an unnamed woman from Katherine who was 28. The thirty-ninth was a 32-year-old woman, Jessica Bairnsfather-Scott, from Nollamara in Western Australia. We then moved into a period where five women died in seven days in September and, quite frankly, it hardly rated a mention in the national media.

I raise these issues because we are in a process of wanting to know exactly what is happening with funding and support but I can now give you the information.

On Saturday 21 September, the beginning of this horror week, Mhelody Bruno, 25 years old, was found injured and unresponsive. She died shortly after on the Sunday afternoon. On Monday 23 September, Kim Chau, aged 39, was found by police at home because she failed to turn up for a function. She had been stabbed and her body was found in an upstairs living area. On 25 September

a 24-year old woman, Selma Adem Ibrahim, was found in her Crestmead home near Logan in Queensland. Her six-year old daughter called the ambulance. Her partner has been charged. On 26 September Trudy Deyer, 49, was found alongside her partner in what appears to be a murder-suicide. He killed Trudy before turning the gun on himself. She has two teenage children.

The final death in that week was a 32-year-old woman who died on the Saturday. Her name was Helena Broadbent. She died after falling from a moving car in Victoria after what police describe as an altercation. She was airlifted to hospital but died that afternoon. Her unborn baby was delivered by caesarean section and remains in hospital in a critical condition.

Once again we are reporting to the House that 44 women have now died this year and in the context of that we have a state government that is not funding the Family Violence Counselling Support Service and a federal government that is now having Pauline Hanson spearhead an investigation which is clearly tainted to suggest that somehow women do not tell the truth and are not at risk.

I want to read into the *Hansard* an anonymous letter that was published in the *Guardian*. It says:

> Dear prime minister,
>
> I am writing to express my deep concern about your recent announcement of a joint parliamentary inquiry into family law and child support.
>
> I write to you from a position of significant experience as a person who has lived through violence and who continues to suffer …
>
> I share parental responsibility and co-parent to the best of my ability with the man who tried to strangle me and who continues to expose our children to domestic violence. Not only has this man threatened murder-suicide on multiple occasions, he has the means to enact this threat through access to firearms that were confiscated by police and promptly released to another person for 'safe keeping'.
>
> I wake up each day wondering if this will be the day he decides to end my life as he promised. I have no lawful way to avoid regular contact with this man and I dutifully follow our parenting orders to the letter.
>
> As well as being a mother I am a public servant doing my utmost every day to keep people safe. My colleagues and I work with men and women who have experienced violence and we work with men and women who have perpetrated it.
>
> We rely every day on the work of experts on this complex social issue to guide us, and ask only that you do likewise. Please listen to those on the frontline who grapple with complexity, fear and risk every day and who understand what needs to be done.
>
> I do not need sympathy or hollow words, and nor do the other victims of domestic violence across our country. I need to know that my government cares enough

about my life and the lives of my children to act now to implement what you already know needs to be done.

It may very well be the case that the terms of reference of your new inquiry are important to many, but they should not undermine the safety of children and families who need you to act now.

My concern about the fact that this inquiry is amplified by the appointment of Senator Pauline Hanson as co-chair. Hanson has demonstrated through her own words that she is incapable of exercising impartiality in relation to these issues and is therefore an unsuitable choice to lead this piece of work.

She has made it clear that she believes that women like me routinely lie about domestic violence. I can assure you, prime minister, that I have not lied and I am genuinely distressed.

I am fearful that my abuser will take confidence from Hanson's rhetoric and that I will be even less safe that I was before she so publicly called me and other women like me a liar.

I assure you that I want nothing more or less than to feel and be safe.

Because I have so little faith in the current systemic responses to domestic violence I keep a small notebook that I have labelled 'For the Coroner'.

In it I have recorded each and every interaction I have had with government and government-funded systems and services in my quest for safety and a life free of fear and control. I have made it clear to my friends and family that this notebook is to be provided to the Women's Legal Service in the event of my death at the hands of my former husband.

I do not do this to be morbid, but because I want my voice to be heard at my inquest. If I have to make the ultimate sacrifice in the name of shared parental responsibility, I want Australia to know what happened and why.

If the worst were to happen, I want everyday people to understand how the systems our governments have built over many election cycles have conspired to cause my death and render my two young children motherless.

This is not a social issue that can be reduced to the sum of its parts. It is not a problem that political posturing and acquiescence to those with extreme and biased views can fix.

Do something that will make a difference. Call a royal commission if you must, but please, please listen to the experts.

Don't use this newly announced inquiry as an excuse to sit on your hands and do nothing to implement the recommendations of the Australia Law Reform Commission and the House of Representatives standing committee.

> Please engage with smart people with the capacity to sit with untold complexity and hear the stories of everyday Australians without being tempted to recommend simplistic, knee-jerk responses that will tip the precarious social balance backward and cause more death and devastation.
>
> By pursuing the course of action you have chosen you have emboldened those who choose to use violence against their partners and have rendered victims more fearful and more reluctant to come forward now than ever. How is this in the best interests of the country you lead?
>
> I understand that you need to keep Hanson on-side in the Senate but surely you have other skills in your leadership toolbox you can use to influence and collaborate without hanging vulnerable victims of family violence out to die.

I call on this Government to have our voice heard to ensure that this inquiry does not go ahead, or if it goes ahead it is not led by Pauline Hanson. I also use the opportunity to call on the Government to adequately fund the Family Violence Counselling Support Service in Tasmania.

Inspection of Youth Custodial Services Report - Redacted Information

[6.10 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Deputy Speaker, I rise to talk about one of the most extraordinary report tabling incidents in my 11 years in the Tasmanian parliament. This morning the custody inspection report, Inspection of Youth Custodial Services in Tasmania 2018, undertaken by the custodial inspector, Mr Richard Connock, who also happens to be the Ombudsman, was tabled in the Tasmanian parliament, but in a circumstance that I have not seen in a report that has been tabled in the parliament, multiple redactions are made to Mr Connock's report and also to his recommendations.

The minister, Mr Jaensch, needs to explain what has happened here. Unfortunately for the person who did the redactions, this is the story of two blacks. It is the story of words being highlighted in black basically, then printed where you can see the words underneath the redaction. What we know from this attempt to cover up is how disastrous the situation is at the Ashley Youth Detention Centre. When you read underneath the black, it says, for example, there is no metal detector or screening at the gate for contraband or weapons. The custodial inspector noted the ease with which it is possible to bring drugs into Ashley Youth Detention Centre; that systems to prevent young people from 'unlawfully leaving the centre undetected', that is escape, are inadequate; that there is inadequate security coverage of the facility; that there are multiple blind spots of cameras that are there to monitor the perimeter; and that young people there are unsafe, not secure.

For some reason things have been redacted - and I find this really hard to understand - such as 'the inspection team was advised that young people are - black box - searched'. When you go underneath the black box the word there is 'pat', so a decision has been made to redact the word 'pat' from this document. We really need an explanation from the minister. There has also been another recommendation made about how to make sure the centre is preventing contraband from entering and leaving the site. The report also notes that Ashley Youth Detention staff are not alcohol and drug tested.

As we know, in utter madness, middle managers at Hobart City Council are alcohol and drug-tested, yet this Government cannot get itself together to make sure that the people who are dealing with highly vulnerable, disadvantaged young people who find themselves in Ashley for a whole range of reasons, are drug and alcohol tested.

We also find, when we go underneath the black, that visitors to the centre are not searched. Contractors and vehicles are not searched. There are no background checks on contractors who go into Ashley Youth Detention Centre, where we are talking about children between the age of 10 and 18. The report notes the risk to the safety of staff and residents. It notes that there is no register of contraband and also that staff said no contraband had been found when it became clear that there had been no searches for contraband.

On and on it goes underneath the redactions, a damning indictment on the management of Ashley Youth Detention Centre. It sits on the head of this minister, and indeed, regrettably, the entire Government.

As we know, in 2016 a report was handed down into the options for the future of Ashley Youth Detention Centre, which is ineffective, does not have a proper therapeutic model, and is highly expensive. The preferred option, of course, was to close down Ashley and to develop a more therapeutic and responsive model for young people. What did the Government do? They ignored the report for two years and just before the last state election, to shore up those votes in northern Lyons and around Deloraine, decided to keep the Ashley Youth Detention Centre going.

There are a couple of issues that are raised by these redactions. Why has the Custodial Inspector's report been so heavily redacted? Who redacted that report? There is a question about the lawfulness of these redactions because the report is made possible through the Custodial Inspector Act 2016. Section 25 Offences Against Inspector, states -

> A person must not -
>
> (a) without reasonable excuse, wilfully obstruct, hinder, resist or threaten the Inspector, or an officer of the Inspector, in the performance of functions under this Act, ...

If you highlight the key words 'without reasonable excuse', 'wilfully hinder the inspector in the performance of functions under this act', there is a legitimate question about the decision-making matrix behind redacting this damning report.

There is no question, it is the same today as it was in 2016 and prior to that. The Ashley Youth Detention Centre must be closed. At any given time, there are eight to 10 young people in there. It costs the taxpayers around $8 million to $10 million a year. We are churning young people out of Ashley straight in to Risdon Prison. It is a bad model; it is a failed model.

We have a policy that we developed that we took to the last election. It is based on the evidence from the Missouri Model of Juvenile Rehabilitation which has a therapeutic approach to youth justice, so you make sure that you are giving those kids the best possible chance in life and you are keeping the community safer.

I do not understand why the minister has not come into parliament and explained why there has been such an attempt to cover up the real situation at Ashley Youth Detention Centre. I hear

on the news that the minister was unaware of the redactions in this report that he tabled this morning. I know how this stuff works. Sometimes there is a report sitting on your chair for tabling, but you should have looked at it. It is a damning indictment on the minister and, regrettably, on the agency because someone, somewhere, has tried to cover up the situation at Ashley.

Time expired.

St Helens Sailing Squadron

[6.17 p.m.]

Ms BUTLER (Lyons) - Mr Deputy Speaker, I rise on the adjournment to talk about the St Helens Sailing Squadron and how it is being compromised by the Government's backdown and promises.

The St Helens Sailing Squadron was established to provide young people living in an isolated rural community with positive activity options. The squadron currently has more than 50 members and associates. The St Helens Sailing Squadron and its affiliates operate from the old St Helens slipway located on Georges Bay. The Georges Bay dragon boat also operates from the old St Helens slipway.

The St Helens Sailing Squadron has gone from strength to strength recently. It has secured the Stonehaven Cup. It is in its 91st year. That is going to be on Georges Bay, St Helens, in January 2020. The only time the Stonehaven Cup has ever been cancelled was during World War II. At least 200 people from around Australia are attending in January. The Royal Brighton and Melbourne sailing clubs are also involved. The event runs for a week and will provide an economic stimulus to St Helens. Having the event on Georges Bay is an absolute coup. The *Spirit of Tasmania* is a sponsor.

The St Helens Sailing Squadron have also secured another tournament in March 2020, also on Georges Bay. The Government publicly agreed to financially support both events. Former member for Lyons, Rene Hidding, offered an open cheque book to support the event. He publicly declared the Government would provide financial support for the Stonehaven Cup up to $12 000.

The funding is for a roller door and racing buoys, and the rental of public toilets for the event. They were not greedy in what they asked for; they asked for the bare minimum required.

The former minister negotiated that $12 000 with the squadron. To date, only $3000 has been provided through the Premier's Discretionary Fund. I understand another $3000 has been provided through Events Tasmania. I also understand that Mr Tucker has been in negotiations with the group and funding is now precarious for the event. The group states the importance of the sailing squadron but the events have been largely misunderstood by Mr Tucker and also by the Premier's Office.

The squadron and the Georges Bay Dragon Boat Club run from the old slipway on Georges Bay, St Helens and the site is leased from Crown Land. This agreement has been in place for the past three years. The lease is renewed annually at the end of each year with Crown Land. There has never been an indication that the lease arrangements were in jeopardy until negotiations began with the promised funding.

To date, the squadron has been largely excluded from any information in relation to that lease and the long-term viability of the site to run the squadron and the Dragon Boat operations from. There are no other viable sites on Georges Bay for the St Helens squadron to host the event. The squadron has been unable to confirm with Crown Land that the lease will continue as it has for the past three years. Only six months has been suggested at this stage.

In an isolated rural community, the St Helens Sailing Squadron is important. The Georges Bay Dragon Boat Club also row from the St Helens Squadron. My parents set up the dragon boat club, so I do know what I am talking about here.

The loss of the site will mean the cancellation of both events. The promised financial support by Mr Hidding was vital to those events. I engaged with the Premier in relation to this issue two weeks ago. Members of the St Helens Sailing Squadron and community members have also tried to have their concerns raised over many months. They did not want to publicise the issue but the Stonehaven Cup and the world championships are at risk as well as the long-term outlook for that group. I am disappointed that the Government have treated the community of St Helens with such indifference and disrespect.

The St Helens Sailing Squadron is an excellent example of how to engage young people living in an isolated rural community. The group has gone from strength to strength over the past three years, winning the bid to hold the 91st Stonehaven Cup on St Georges Bay, St Helens and also the following tournament in March 2020. These are both big events. Both these events will attract significant economic and social benefits to the community. The Government must honour its promise and provide certainty to the two tournaments and also to the future of the St Helens Sailing Squadron.

This is another example of the disdain that I keep seeing being shown to regional communities by the Government. A promise is a promise. Organise it, fix it and give those people some certainty.

Music Education

[6.22 p.m.]

Ms OGILVIE (Clark) - Mr Deputy Speaker, I rise tonight to speak about the importance of music and music education and in particular to note the superb music teachers we have in our little island state and have had for many generations.

Music education is particularly important for students to enable them to connect on other levels with students in their classroom and also in the broader world. It also helps students who may be struggling with maths, English and other areas of learning to enhance those neural pathways and gives students a sense of belonging and engagement.

I am thinking of some examples of kids I know and also my family, who found their way forward through music. We do not do enough as a state to enhance this and to develop music education in our schools. Some schools do better than others.

It is my understanding that music education and the teaching of those specialist subjects - I include art in that - comes from consolidated revenue within the principal's control. It is difficult

for principals who need to put resources into those core subjects, perhaps sometimes to be able to extend the learning environment to music education.

Tasmania has a really unique opportunity because we are an arts state. We appreciate the value of music and education. Back in the 1980s, live music was enormously popular. Times have changed somewhat, but it is still there. There are opportunities for our kids to get together, whether it is through organisations, choral groups, singing groups, Tasmanian Youth Orchestra, of which I was a member many moons ago, and other areas that enable the participation of children in group music environments. Eisteddfods are also very important. We need to recognise and support that more.

One of the ways we can do that is by recognising the pivotal and important influence that music teachers have with our kids.

We have examples in Tasmania of great rock bands that have come out of this state and musicians who have come to Tasmania, play here and are reinvigorating this environment. My kids do music lessons privately and at their schools and we are very fortunate to be able to do that. I do speak to their teachers, the music teachers who, as a general rule, are not particularly bolshy about standing up for themselves but they have a passion for teaching and a passion for music. It is not the most well remunerated area. They are usually performing and teaching as well to make ends meet.

I would like to flag that this state, this parliament and I, are very grateful for the work that they do. I hope we are able to extend music education, the specialist areas, across and in a deeper and broader way for all of our kids, particularly into primary schools. Some schools do a great job and others need more resources. I hope to be able to work with music teachers and music educators to support what they do, so that every child in Tasmania has access to music education and knows what it is like to be part of that bigger picture of culture, music and the arts, and those elements we sometimes take for granted in this state.

Climate Action Protests

[6.27 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, I rise to show my very strong support, on behalf of the Tasmanian Greens, for the 16 people who were peacefully protesting outside Parliament House earlier this evening and who have been arrested by the Tasmanian Police. They are great defenders of this place. They are great defenders of the planet. They know what the real issues are and they are simply demanding one thing, for people in this place to tell the truth and to take action on climate now.

They are so brave. Peaceful resistance like this will continue to grow. It is growing across the planet. It started a short year ago and already, on a regular basis, we are seeing people putting their bodies and their lives on the line to defend the planet, to defend human survival, to defend the ecosystems, plants, animals and communities already experiencing climate breakdown and ecological breakdown.

Earlier this year, the United Nations told us that one million species are at risk of extinction. Only a few months ago, the IPCC Special Report on the Ocean and Cryosphere told us very grave things about the rising acid levels in the ocean and the inability of the ocean to absorb any more

carbon dioxide, the melting of ice caps and the melting of glaciers. These things are already having cascading effects. Communities around the world, Innuit, people of Tuvalu, people of Pacific Islands, people in Afghanistan, people in Dubbo, are all having to leave farmlands, leave their place and leave their community because they can no longer make a life and survive because of the changing environmental conditions.

These people who were arrested today are brave and I salute them on behalf of the Greens and everybody else in Tasmania who understands that people are increasingly taking these actions. We will see more of these because we, collectively in this place, are failing to take climate action. This is something the Premier can do something about. The Premier, this government, can make a statement for climate action, show the leadership that we need and can do what we need to do as a state to keep carbon in the ground. We have to stop logging forests. Native forests in Tasmania are being logged every day and your Government, Mr Deputy Speaker, is looking forward on to breaking into 356 000 hectares of beautiful, carbon-rich forest on 8 April next year, which was set aside for reserves and must stay in the ground.

It will stay in the ground. I am utterly confident of that because I know that people across Tasmania, around those communities, Bruny Island, Wielangta, the Tarkine, the south and people around the Douglas Apsley area in the north-east are ready. They are primed and ready and waiting to do what they must to defend these trees, the forests, the animals and plants that they support, for the integrity of those forests, the beautiful intrinsic value that they have, and for us as a planet.

We will not let this place be taken over like Bolsonaro is taking over the Amazon. We will not let Will Hodgman become Bolsonaro Will. This will not happen in our place because people care about it. For the people in the Tarkine, for the Bob Brown Foundation and all the brave people up there who have spent summer after summer defending that magical rainforest in the Sumac, who will not leave despite the fact that logging officials told them yesterday that they have to go because they want to put a road into -

Mrs Rylah - Vandalising.

Dr WOODRUFF - Yes, vandalising, exactly, vandalising that beautiful forest. Thank you, Mrs Rylah. That is what Forestry Tasmania wants to do, vandalise that beautiful forest and trash those values. Well, those people will not move. We have to come to terms with what we have to do in this place. It is not about providing succour to an industry that is trashing the planet and is a violation. It is a criminal act to continue to remove native forests like this Government is doing.

It is quite simple, no more thermal coal mining in Tasmania and no more native forest logging. Put the money we save from not trashing the environment, not propping up companies like Ta Ann, so-called Sustainable Timber Tasmania, Forestry Tasmania in reality, not propping those companies up with public subsidies, putting those monies instead into the restoration of the Midlands, into helping farmers like the Headlams, who were here yesterday hoping that the Liberal and Labor Parties would support our no new thermal coal mining motion.

No, it is pretty clear this Government is not going to stand up for farmers, either. What a surprise, Mr Tucker. You are a farmer, but you are not up against the pointy end of big salmon and you are not up against the pointy end of a coal mine proposal on your property, either. I wonder whether that exploration licence would be granted on Mr Tucker's property in the north-east. Perhaps not. Perhaps some people get special dispensations.

The Premier can talk about processes all he likes. The reality is that there does not need to be a good or a bad process when it comes to approving coal mines. There just should not be any and that is the end of the story. People will keep standing up and getting arrested because it seems that if they do not do that, nothing else will get through to this Government.

The House adjourned at 6.34 p.m.