

**Thursday 12 September 2019**

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

### **MEMBER SWORN**

#### **Madeleine Ruth Ogilvie - Member for Clark**

Madeleine Ruth Ogilvie, Member for the Division of Clark, was sworn and declared that she had read the subscribed code of ethical conduct and race ethics.

**Madam SPEAKER** - Welcome to parliament, Madeleine Ogilvie.

### **RECOGNITION OF VISITORS**

**Madam SPEAKER** - Honourable members, I recognise in our reserve a delegation of members and the Clerk from the Legislative Assembly of Samoa who are visiting as part of the Tasmanian Parliament's twinning relationship with the Parliament of Samoa.

Talofa, and welcome to our parliament. It is lovely to see you.

**Members** - Hear, hear.

### **QUESTIONS**

#### **Budget Cuts**

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

[10.04 a.m.]

May I first welcome Madeleine Ogilvie joining us in the Chamber.

Premier, despite your determined effort to keep members of your budget razor gang secret we know that it is you, Peter Gutwein, Jeremy Rockliff and Elise Archer calling the shots about where cuts will be made. We know that letters have been sent from Treasury to heads of agencies outlining how much they will need to cut now and over the next three years. We know from speaking to people on the frontline that the impact of these cuts will be crippling. You have promised to come clean on the true extent of your cuts in the first quarter of this financial year. We are now two weeks into September. When will you finally admit the true extent of your savage cuts?

### **ANSWER**

Madam Speaker, I thank the member for her question. I refer the member and the House to the previous statements, when part of the budget sub-committee of a Labor-Greens government Ms White talked about making cuts to our health system that were regrettable, were unfortunate,

but necessary to keep the budget in balance. She said that she managed to stop herself from going so far as to cut to the bone.

**Members** interjecting.

**Ms WHITE** - Point of order, Madam Speaker. It goes to standing order 45. This is a very serious question, \$450 million worth of cuts -

**Madam SPEAKER** - As you would appreciate it is not a point of order. I have to ask you to sit down. From here on in frivolous points of order will be given a warning.

**Mr HODGMAN** - I am pointing to the hypocrisy and the track record of members opposite including the member who asked the question. She said she had to stop herself from cutting to the bone when in government.

We will do no such thing. We will proceed with our commitment to ensure that this Government is efficient, that it lives within its means, and that makes savings where appropriate.

We know that Labor does not understand the economy. They do not get the Budget. They cannot produce an alternative budget. They do not understand how business works, nor how the state's finances should be properly managed. That is why when we inherited the budget from Labor and the Greens it was one that took the state back into deficit. It is under this Government that we have now delivered surpluses and we will continue to do so, so we can reinvest into essential services and into infrastructure. We will do that -

**Opposition members** interjecting.

**Madam SPEAKER** - Order. Mr O'Byrne, Ms White, Dr Broad and Ms O'Byrne all have a warning.

**Mr HODGMAN** - Most Tasmanians who are in touch, who understand things like how to run a business, or even a household budget, would understand that you have to live within your means and it is appropriate to make savings where necessary.

**Ms Butler** - There are 120 000 people living in poverty.

**Madam SPEAKER** - Order, Ms Butler, you have a warning.

**Mr HODGMAN** - We have given firm and clear commitments about protecting the frontline and essential services. We are investing more into those services to improve services for Tasmanians.

**Ms Houston** - Aren't nurses frontline staff?

**Madam SPEAKER** - Order, Ms Houston, you have a warning.

**Mr HODGMAN** - We will also ensure that where we can make savings to things that are not necessary to deliver those services to Tasmanians, we will.

**Ms Houston** interjecting.

**Madam SPEAKER** - Two warnings, Ms Houston.

**Mr HODGMAN** - That is what good governments do. I have to point out that even Labor governments in other states are similarly applying efficiency dividends because that is what governments do.

All-care, no-responsibility oppositions who promise the world, but cannot say how they will pay for it, who are not able to stand up and say what they would do differently from government do not have this challenge. We do as a government and it is one we are tackling head on. It will be a decision made by Cabinet, by whole-of-government. It will be appropriately and sensibly managed through all relevant agencies. It will help us keep our Budget on a strong foundation so that we can, as I say, continue to invest more into essential services.

If the Leader of the Opposition is serious about understanding how the economy works, how the Budget is managed then she should understand as well that the first thing any good government would do is make sure we can make efficiencies and savings where appropriate, without compromising frontline services, so we can invest into those services.

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### **Recognition of Visitors**

**Madam SPEAKER** - Honourable members, I acknowledge the presence in our gallery of grade 6 students from St. Mary's College. Welcome to parliament.

**Members** - Hear, hear.

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### **Budget Cuts - Department of Communities Tasmania**

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

[10.09 a.m.]

Every day the full impact of the Hodgman razor gang becomes clearer, despite your disgraceful attempts to keep it secret. Departments are scrambling to deal with the fallout of your Government's \$450 million in cuts. Will you confirm that the Department of Communities Tasmania has been told to cut \$4 million this financial year and \$34 million over the forward Estimates? Can you guarantee that these cuts will not undermine the child safety system that is already at breaking point?

### **ANSWER**

Madam Speaker, I thank the member from the former Labor-Greens razor gang for her question and note that the savage cuts that did in fact occur under that government, will not under this. We will not get ourselves into a situation where, as the Leader of the Opposition conceded, they were getting close to cutting to the bone of essential services. We are replacing the staff that were sacked by Labor and the Greens. We are building the hospitals and the wards that were closed by Labor and the Greens. We are investing more into our schools, schools that were under threat of closure by Labor and the Greens. We are investing more than ever before into the infrastructure that our growing state needs.

We can only do that because our Budget is in good shape. We were inheriting deficits from Labor and the Greens. That is what we inherited on coming into government. We turned that around quicker than expected and we are now delivering surpluses across the forward Estimates which is allowing those record investments into services, into infrastructure, into keeping our community safe.

**Ms WHITE** - Point of order, Madam Speaker, under standing order 45 the Premier has not yet denied there is \$34 million cut being made to the department of -

**Madam SPEAKER** - That is not a point of order, Ms White. As that is the second frivolous one you get a warning. You are on to two.

**Mr HODGMAN** - Thank you, Madam Speaker. An efficiency dividend that we will deliver of around 0.05 per cent - when you consider that in the context of the record levels of investment we are making into those essential -

**Members** interjecting.

**Madam SPEAKER** - Order. Can I have some quiet over here please?

**Mr HODGMAN** - services to which I refer, it is implausible that any political party that likes or wants to be taken seriously would think that that could not be done. It will be done and it will be done in a way that does not compromise frontline services. We are engaging all agencies across government, all ministers. Cabinet will make decisions as to how best to achieve these efficiencies and savings measures that we have outlined and that we will report on.

We will deliver because it is what Tasmanians expect us to do; be a responsible, sensible government that can run itself, run the state's budget and run the state's economy. The contrast of what we have seen over the last week or so, if anyone thinks you can take the Labor Party under Rebecca White's leadership seriously, just look at the farce that has unfolded over the last couple of weeks. After telling the party faithful they are going to focus on the things that matter, they have embroiled themselves -

**Ms O'Byrne** - Answer a question about your budget cuts.

**Madam SPEAKER** - Ms O'Byrne, warning number two.

**Mr HODGMAN** - in internal factional disputes. They are at war with each other and they are distracted from doing what they are paid to do noting they happily took that pay rise they criticised others about. I suggest that Tasmanian taxpayers are not getting their money's worth out of this opposition.

### **Gambling Policy - Changes**

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

[10.12 a.m.]

According to statements you have made, in around six months your Government's socially toxic changes to gambling policy will be introduced to parliament. In ending the Federal Group's

monopoly deed and moving to an individual licensing model which will claim lives and destroy livelihoods, operators and venues will be the beneficiaries of a \$250 million windfall gain.

The Federal Group itself, having profited from human misery for the past 40 years, has argued for a favourable tax deal in the new arrangement. As you know, Tasmania already has the lowest table gambling taxes in the country. In the interests of transparency are you able to update the House on the tax deal being negotiated with your corporate donor? Will they get the sweet deal they are demanding or an even better one as reward for their strong support during the last election campaign?

## **ANSWER**

Madam Speaker, I thank the member for that question. As she rightly suggested, we are working through the matters in terms of the introduction of our new gaming policy, a gaming policy which was resoundingly supported at the last election. It behoves me to put on the record some facts of the matter in terms of the alarmist language that the member uses.

Overall, the participation in gambling in Tasmania has declined. Real expenditure on electronic gaming machines in Tasmania has continued to trend downwards. There has been no increase in the adult population susceptible to problem gambling over the last three studies on the social and economic impact of gambling in Tasmania. These are the facts that the member seems to walk away from every time she brings this issue of gaming to the House. We firmly believe on this side of the House that Tasmanians are responsible enough to make their own choices and they should be allowed to make those choices. That is in contrast to the other side of the House.

**Ms O'Connor** - You do not understand addiction.

**Mr GUTWEIN** - The member continues to interject and it is of no surprise today, on a day when they have come closer together in a political sense and I doubt anybody could not notice that it was Labor and the Greens that took a similar gambling policy to the election, to remove choice from Tasmanians. It is of no surprise today that you would raise this issue in this House in an attempt to set yourself apart from Labor who have backflipped once again -

**Ms O'CONNOR** - Point of order, and I hope you do not regard this as a frivolous point of order. It is important, under standing order 45, that the Treasurer addresses the question which relates to tax negotiations with the Federal Group.

**Madam SPEAKER** - As you know, it is not a point of order. I am considering frivolous points of order, because everyone here is quite experienced, as a warning. So, I am afraid I have to give you a warning, Ms O'Connor.

**Ms O'CONNOR** - Can I get some clarification, Madam Speaker?

**Madam SPEAKER** - You may.

**Ms O'CONNOR** - Does that mean we are no longer able to raise standing order 45, which is our right in this place?

**Madam SPEAKER** - Yes, it is. Once you raise it and it is clearly out of order, it is out of order. It is just becoming a habit to distract and waste the taxpayers' money. I think everyone raising a point of order needs to -

**Ms O'Connor** - It is unprecedented.

**Madam SPEAKER** - I do not care. It is a new precedent. This is the thing: we have had nothing but frivolous points of order to distract from sensible debate, so it stops as of today. Please proceed, Treasurer.

**Ms O'CONNOR** - On the point of order, I state that it is not frivolous to ask the Treasurer to address his mind to the question.

**Madam SPEAKER** - That might be the case, but it is not going to get you the answer because I cannot put the words into the mouth of the minister, as you well know. Until someone is prepared to take standing order 45 back to the Standing Orders Committee and discuss it more broadly -

**Ms O'Connor** - I am not on the committee. We are not on the committee.

**Madam SPEAKER** - we are stuck with it. Thank you.

**Mr GUTWEIN** - Thank you, Madam Speaker. To be clear, I answered your question in the opening couple of sentences where I said that the process of the negotiation in terms of the introduction of our new gaming policy is underway, which, as I have clearly stated to the House, will be dealt with by legislation early next year.

This place and the upper House, and the public of Tasmania, will then have an opportunity to have a say on what is included in that particular policy.

I was pointing out again the political opportunism of the member in raising this today with a view to run on an issue where she thinks there was separation between herself and the Labor Party.

**Ms O'Connor** - You are so cynical.

**Mr GUTWEIN** - It is statement of fact as to why you have done that. You have been around long enough and so have I to understand your motivation.

**Members** interjecting.

**Madam SPEAKER** - Order, through the Chair please, Treasurer.

**Mr GUTWEIN** - It does bring me back to my point that was making that again the Labor Party stands for nothing. Regardless of the efforts of the member who has asked this question, the record of this House indicates that on more than nine out of 10 occasions Labor and the Greens have continued to vote together in this term of parliament. Nine out of 10 occasions. Only two weeks ago we saw the Labor Party make the claim that they would focus on the economy and on jobs. What we have watched is two weeks of absolute malfunction, dysfunction. Rebecca White's leadership in this place is on a very thin tightrope. The clock is ticking, make no mistake.

## **Hydrogen Industry**

### **Mr O'BYRNE question to PREMIER, Mr HODGMAN**

[10.19 a.m.]

Not only have you failed to stand up for the 250 direct jobs at TEMCO, you are letting the opportunity to develop a new industry in Bell Bay slip through your fumbling fingers. In true half-time Hodgman style, last week you admitted you did not have a hydrogen strategy and had no plans to develop one. This week the Queensland Government announced major developments in their hydrogen strategy. Hydrogen-powered fuel cell electric vehicles will be added to the Queensland Government's vehicle fleet. This week they have also appointed a highly-respected scientist, Professor Ian McKinnon, as a strategic hydrogen adviser. Tasmania has no hope under your leadership of competing for the 500 jobs that could be created by a hydrogen export facility whilst you sit on your hands. Why are you letting this prime opportunity for job creation pass us by?

### **ANSWER**

Madam Speaker, I thank the member for the question although I do not think I have had a question filled with so much rubbish as the one I just got from Mr O'Byrne. It is not true to state those things as he does. Because he will not listen and cannot come up with another question, I will repeat for the member's benefit the things we have done to ensure that we are not only engaging with TEMCO and South32, their owners, as to the process they are undertaking, but also to explore other opportunities for our state, its economy and that region and to ensure there is more job security for Tasmanians.

We are participating in the national context with respect to Tasmania's hydrogen opportunities. That is well stated and Hydro Tasmania is advancing those. As I have said previously, the minister has also been actively engaged, including with national agencies. It is not true to say the absolute rubbish again from the member who asked the question and thinks, because he says it over and over again, including in questions, that it makes it true. It simply does not.

Our Tasmania First energy policy sets out our vision and our strategy for large-scale energy developments. They are happening under this Government. We are not only progressing things in hydrogen but also in renewable energy with wind farm developments and pumped hydro schemes. The work that has been done with the Commonwealth Government to advance Project Marinus and the Battery of the Nation are great indications and they will create hundreds and thousands of jobs and invest millions of dollars into our economy. This is what we are doing in this space that the member who asked the question so dishonestly claims we are not. We will participate in the development of the National Hydrogen Strategy which is due later this year. We will engage with national agencies and we will work very closely not only with our own government agencies but the sector more broadly. We are getting on with it.

You talk about strategies and it is important to have one. You should have a plan, you should have an alternative budget, you should spell out what you stand for. We have done all those things and we did them in opposition. You should certainly have a strategy, I will agree with that, but the strategy has to work.

I went looking for something that was developed under former minister, David O'Byrne: the economic development plan. I went down to the Parliamentary Library to source this and they said it was around in the rare books section. Around we went and found it. I saw a lot of photos of the

then minister David O'Byrne talking about the opportunities for Tasmania's economic development, including the carbon tax. He saw that as one of Tasmania's great economic opportunities. The irony is after this was released by David O'Byrne, just a few months later Tasmania's economy slipped into recession. We have a strategy; we are delivering on it. Your strategy took us into recession.

**Ms O'BYRNE** - Point of order, Madam Speaker, under standing order 2, which says the member must not mislead parliament in public statements and must make sure that statements made in parliament are, to the best of their knowledge, accurate and honest. If the Premier has a hydrogen strategy he should table it.

**Madam SPEAKER** - That is not a point of order. It is frivolous and you get a warning.

**Mr HODGMAN** - I am happy to table this again, but it is the only copy they have and it needs to go back to rare books, I am told.

**Ms O'BYRNE** - Point of order, Madam Speaker. As a point of clarification, can you advise members, so that we do not get ourselves in trouble, whether we can make any points of order, or are all points of order frivolous now?

**Madam SPEAKER** - Points of order that are disruptive and disorderly and trying to do something on political point-scoring instead of asking a direct question or form an argument are out of order. So you are out of order.

**Mr HODGMAN** - Madam Speaker, the point is that under Labor we had consecutive quarters of decline in state final demand. Under this Government we have seen state final demand now double what is happening at a national level and far exceed what is happening in any other state. Tasmania's economy now is the strongest performing in the country and it is an environment that is more attractive to investment than ever before. We will of course work with all businesses to ensure the security of workers at those businesses and pursue other opportunities for them and other Tasmanians.

There are 13 000 more Tasmanians employed now than when we came into government. Business confidence is the highest now than it has ever been. It slipped to the lowest levels in the country under Labor so I will not accept this nonsense from the Labor Party about our lack of strategy when we have got one. How can they seriously explain why the hundreds and hundreds of pages of economic development plan delivered by David O'Byrne actually took us into recession? What was the benefit of that strategy?

### **Bushfires - Fuel Reduction Program**

**Mrs PETRUSMA question to PREMIER, Mr HODGMAN**

[10.25 a.m.]

Can you please provide an update on how the Hodgman majority Liberal Government is demonstrating leadership by delivering on our long-term plan to decrease the risk to Tasmanian lives and properties from bushfires through our fuel reduction program, and is he aware of any other approaches?



## ANSWER

Madam Speaker, at the election 18 months ago Tasmanians voted, a majority Liberal government was re-elected, and we were elected to continue to deliver our plan to keep our economy strong, the budget in good shape, give Tasmanian businesses the confidence they needed with stability and certainty, create more jobs and invest into essential services and infrastructure, as we are doing, and also to protect the Tasmanian way of life and Tasmanians in their communities.

As summer approaches, we watch with horror the impact of wildfires in Queensland and New South Wales. I have written to the premiers of those states to extend the support of our state to them during their difficulties. We are also preparing for another fire season here in Tasmania, having not that long ago successfully fought off the largest-scale bushfires in this state since 1967. The Government's fuel reduction program was acknowledged as leading the nation in strategically reducing bushfire risk in areas across our state to provide protection for our communities.

We made an unprecedented investment of \$55 million with an ongoing investment of \$9 million per year, and over the past five years the program has delivered 608 fuel reduction burns which were completed across the state. That has resulted in a huge reduction in the bushfire risk. While impacted by the extended summer fire season this year I have referred to, a significant number of burns were completed by the program during the autumn 2019 burn season, including 47 burns conducted across all agencies, so credit to Tasmania Fire Service, Parks and Wildlife Service and Sustainable Timbers Tasmania for reducing bushfire risk to community and wilderness areas.

Analysis work has shown that the statewide risk has reduced over the last four years, a notable increase of state scale, and it is at its lowest level in 15 years. The first spring burns have already commenced and we back the experts at the Tasmania Fire Service, Parks and Wildlife Service and Sustainable Timbers Tasmania to deliver. This has happened by the decisive leadership of this Government.

Labor and the Greens did not act when they were in government in the way that we now are. We are preparing for the upcoming fire season to ensure our state is ready and our agencies best placed to keep our community safe.

**Dr Woodruff** - Well, they're clearly not ready.

**Madam SPEAKER** - Order, Dr Woodruff.

**Mr HODGMAN** - While it did not happen under Labor and the Greens, it will not stop their incessant complaining and criticising and political sniping on this issue. It is another issue when we are asked about alternative approaches where you simply would not know where the Labor Party stands. We know the Greens have been long-term critics of fuel reduction burns, but Labor, as they so often do, have a bob each way when it suits their political purposes. They have no alternative budget so there is nothing in there about what they would do for fuel reduction. They still have no shadow treasurer, which is extraordinary, a farcical situation that again shows that you cannot take them seriously, certainly not on a matter as important as the economy, but now they are also a member down due to the lack of leadership by Rebecca White.

I note that not one of the three Labor candidates from the last election wanted to recontest the recount as a Labor Party member. That is a clear vote of no confidence in the Leader herself. This

is an opposition leader who has actually lost a seat for her own party - and then there were nine - and did not even fight for it. It shows they cannot be taken seriously. We have seen the almost natural magnetism that occurs with Labor and the Greens where they are now physically joined together as if to somehow bulk up their numbers, but they are nine, or perhaps 11, but they are out of touch. Ms White admitted that to her party members at the recent conference and they have shown it again. This was like a scene out of *Survivor* - what would happen? What has happened is that Labor actually voted off one of their own because she stands up for things they do not all believe in.

**Ms OGILVIE** - Point of order, Madam Speaker, that is completely inaccurate.

**Madam SPEAKER** - Are you asking for a retraction.

**Ms OGILVIE** - Yes, I have not been voted off anything. Yes, Madam Speaker, I am asking for a retraction.

**Madam SPEAKER** - I ask the Premier to please retract that statement.

**Mr HODGMAN** - I certainly will, Madam Speaker. What is true, is that they did not fight for that seat -

**Madam SPEAKER** - Did you retract that?

**Mr HODGMAN** - I did, Madam Speaker.

**Madam SPEAKER** - With sincerity?

**Mr HODGMAN** - Yes, I am sincere. I do retract. It is good they can laugh. This is a Labor Party who has lost a seat in Opposition. It proves you cannot trust what they say. Look at what they do. It is a party that is well and truly now a wholly owned subsidiary of the left faction.

**Madam SPEAKER** - We are on five minutes.

**Mr HODGMAN** - I simply ask: can you imagine what Labor Party members are saying today?

**Madam SPEAKER** - Premier, to avoid a point of order, you have gone over five minutes.

### **Energy Security**

**Mr O'BYRNE question to PREMIER, Mr HODGMAN**

[10.31 a.m.]

You have attempted to downplay the latest Bass Link outage, the second this year. You were quick to reassure Tasmanians that there is no risk to energy security, as did Mr Groom in 2016, when plunging the state into an energy crisis. Can you confirm that Hydro Tasmania has entered into agreements with major industrial customers including TEMCO at Bell Bay to restrict their energy supply? Similar load-shedding during the 2016 energy crisis, a crisis of your own making, cost Bell Bay Aluminium more than \$20 million in lost production. Why have you kept these plans

secret? How can you justify restricting power supply to TEMCO during the Bass Link outage when the company is already considering its future?

**ANSWER**

Madam Speaker, I thank the member for the question. Tasmania's energy security has never been as strong as it is now, thanks to this Government and the strong plan we delivered during what was an energy crisis that we saw the State through, by this Government's careful management of our energy asset, our water resources and utilising additional energy capacity for our state. We got the state through that energy crisis, through a fault not of our making but due to strong management of our asset.

I am not going to do as the member asks of me and recklessly engage in an exposure of what are commercial negotiations between a business and its clients. This is where you do not understand business and the economy, and you do not understand about giving confidence and stability to our business sector so that it will continue to invest.

**Mr O'Byrne** interjecting.

**Madam SPEAKER** - Order, Mr O'Byrne. I really do not want to throw you out, so please quieten down.

**Mr HODGMAN** - If we did things as you ask, we would have a situation where once again, Tasmanian businesses are the least confident in the country, are investing less than ever before. When they were asked they actually said that two-thirds of Tasmanian businesses thought that Labor and Greens economic policies were making it harder for them and holding them back.

**Mr O'BYRNE** - Point of order, Madam Speaker, it is on relevance. I am asking about the energy security issue for a major industry.

**Madam SPEAKER** - As you would know, it is not a point of order and therefore it is frivolous. Thank you.

**Mr HODGMAN** - Thank you, Madam Speaker, our energy security is firm. We have high storage levels and we have capacity to again endure a Bass Link outage.

I am not going to do as the member suggests on any occasion. Not only is he reckless, he the most consistent talker-down of Tasmania's economy, which actually damages confidence and investment and creates a sense of insecurity, a fear of instability that Tasmanian business does not want or need, while we are the best performing economy in the country.

I point to the track record of the member who asks the question, Mr O'Byrne, and his economic development plan. Under it 10 000 jobs were lost from Tasmania. The state slipped into recession; business confidence was the lowest in the country. It was absolutely pathetic.

**Devonport - Gaming Licence for Proposed Hotel**

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

[10.34 a.m.]

You may be aware that last year the people of Devonport lost more than \$10 million in the city's poker machines. You should also be aware that socio-economic disadvantage is entrenched

in the poorer parts of Devonport and that your policy, which will be enacted through legislation early next year, will ensure that enormous social and economic harm continues for the next two decades at least.

Residents who have long been concerned about the probity and costs surrounding the Devonport Living City project have been told that an approach or application has been made for a gaming licence for the yet-to-built hotel that forms part of the project. Has a proposed operator of the hotel made it a condition of the purchase or lease of the building after its completion that a gaming licence be granted?

#### **ANSWER**

Madam Speaker, I have no knowledge of the matter the member has raised. Licensing arrangements are a matter for the independent Tasmanian Liquor and Gaming Commission, not for the Treasurer and the member understands that.

**Ms O'CONNOR** - Point of order, Madam Speaker. The Treasurer is responsible for the Gaming Control Act and therefore for the operations of the commission. This is well within his purview. I ask you to draw his attention to the question.

**Madam SPEAKER** - That is not a point of order. I hope it was a point of clarification.

**Ms O'CONNOR** - He was about to sit down and not answer a question that has been asked.

**Madam SPEAKER** - You know the rules in the parliament. I cannot rule it as a point of order.

**Mr GUTWEIN** - Madam Speaker, I have answered that question. I have indicated that the independent Tasmanian Liquor and Gaming Commission is responsible for licensing, not the Treasurer of Tasmania.

I want to once again put on the record that in Tasmania overall participation in gambling has declined.

**Ms O'Connor** - You can tell yourself that but people are still dying.

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

**Mr GUTWEIN** - The real expenditure on electronic gaming machines in Tasmania has continued to trend steadily downwards. We have one of the strongest harm minimisation arrangements in the country. The member is aware of that but will continue to come into this place on this particular issue, largely as a result of politics and in attempting to position herself in the political debate. It behoves me to once again mention that on that side of the House they do not have a gaming policy. In fact they voted only -

**Ms O'CONNOR** - Point of order, Madam Speaker. I wanted to draw the Treasurer's attention before he gets himself into trouble in here that when the Dixon Group applied for a gambling licence in Glenorchy, as we recall, he intervened.

**Madam SPEAKER** - That is not a point of order and it is high disorderly.

**Mr FERGUSON** - Point of order, Madam Speaker. You have faithfully ruled on this. It is clear that the member is only seeking to disrupt the Treasurer's response to this question.

**Members** interjecting.

**Madam SPEAKER** - Order. End of point of orders that are not necessary.

**Mr GUTWEIN** - The point that I was making is that it was only a couple of weeks ago in this place that they voted with the Greens to explain and to announce to Tasmanians that they only have one policy. I do not think anybody in this place has ever witnessed that before. In their desperate attempt to win a political point they made the very clear point to Tasmanians that they only have one particular policy. They certainly do not have a gaming policy. They do not have a shadow treasurer yet.

**Ms O'CONNOR** - Point of order, Madam Speaker. You may well turf me out for this but on a point of principle standing order 45, Relevance. The question was about the Devonport Living City arrangements and now the Treasurer again is spending the entire answer attacking the Opposition. It is disrespectful to this parliament and the people of Tasmania.

**Madam SPEAKER** - I hear you loud and clear. You all know my frustrations with standing order 45. At the end of the day that is not a point of order. The minister is entitled to answer it as he sees fit. I am not allowed to put words in his mouth.

**Ms O'Connor** - But we get warnings for raising it.

**Madam SPEAKER** - When you continually raise issues when you know that the answer is going to be exactly the same, I cannot give it to you as a point of order. Please proceed, Treasurer. I remind you that you are well over four minutes.

**Mr GUTWEIN** - Madam Speaker, I will wind up.

**Ms O'Connor** - Sit down. You are just crapping on.

**Madam SPEAKER** - Order, Ms O'Connor. That is highly disorderly conduct and it is very unparliamentary.

**Mr GUTWEIN** - It speaks volumes for the member and the way that she conducts herself in this place more broadly. I have answered the question that the member asked. I will finish on the point I was making: that side of the House does not as yet even have a shadow treasurer. Whoops, walked past that one, did they? It beggars belief. We will wait with anticipation to see who they select for that role and wish them better luck than the last bloke.

### **National Parks - Visitor Infrastructure**

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

[10.40 a.m.]

Can you please update the House on the significant investment that the Hodgman majority Liberal Government is making to improve statewide visitor infrastructure in our national parks and

how this investment, supported by the Buy Local policy, is stimulating regional economies and local employment? Is the Treasurer aware of any alternative visions?

## **ANSWER**

Madam Speaker, I thank the member, Mrs Rylah, for that question and her interest in this important matter. It is an exciting time to be doing business in Tasmania. Every year our national parks make a very positive contribution to the Tasmanian economy, especially in our regions while supporting more than 200 regional tourism operators. With 1.32 million people visiting Tasmania last year, we are now one of the most talked about destinations in the world. The door is wide open.

We recognise that to sustain and provide world-class visitor experiences we must invest in our national parks and reserves to ensure they compete on the world stage and protect the values that people enjoy. That is why the Government announced a \$3.6 billion infrastructure spend this year of which \$150 million is going to be spent on tourism, recreation and culture, and \$56.8 million of that is being invested at Cradle Mountain. I say to members who have not had the opportunity to visit Cradle Mountain in recent times, they should take the opportunity, as I did, to have a look at the new visitor gateway that is being constructed. It is sensational. With stage 1 of these buildings expected to be completed by the end of the year, we will be well on our way to realising the vision of the Cradle Mountain Master Plan.

In addition to our major parks infrastructure projects, such as those being undertaken at Cradle Mountain, we have our \$20 million commitment to develop Tasmania's next iconic walk. The Government has also committed \$16 million to improve parks' infrastructure around the state through the improved statewide visitor infrastructure program. We continue to invest and local businesses are benefiting.

AJR Construct Pty Ltd recently completed works to the value of \$220 000 on the Government huts at Mt Field National Park, as well as new toilets at Cape Bruny lighthouse, one of several projects on Bruny Island made possible through overall funding of \$330 000. Gradco Pty Ltd recently completed works on a new visitor car park at Ben Lomond National Park, following our \$400 000 commitment through the program to improve statewide visitor infrastructure. These projects create jobs in regional Tasmania and ensure that our parks are safe and are well managed.

Contrast this with the Labor-Greens government that locked up Tasmania, locked people out of jobs, and had Tasmanian businesses leaving the state in droves. We were elected to keep our economy strong, our budget in good shape and to ensure we could invest more into essential services. That is our plan on this side of the House.

I was asked if there was any alternative vision. As has been said on numerous occasions in this place, Ms White's budget response this year was nothing short of embarrassing. No alternative budget was put forward. Rather she provided a ringing endorsement of the Government's budget, a ringing endorsement in not changing any single matter that was being funded, whether recurrent or capital in that budget. It behoves me once again to raise the issue of the next shadow treasurer. They have a duty to bring down an alternative budget so that Tasmanians can understand what they stand for but, importantly, how they will pay for things.

**Mr O'Byrne** - Like your plan -

**Mr GUTWEIN** - Again we heard mumbles there. I suspect that you may be the next shadow treasurer. I hope in that role and the time you spend in that role you do better than when you were the former economic development minister.

As has been pointed out this morning, the economic development plan now has pride of place in the library in the rare books section. What should be pointed out, when the member who I suspect will become shadow treasurer takes the role, people should not forget that when he was the economic development minister 10 000 jobs were lost. The economy went into recession. He inherited one of the better unemployment rates back in 2010 and by the end of his term he had taken us to the worst, to an unemployment rate with more than 8 per cent in front of it -

**Ms STANDEN** - Point of order, Madam Speaker.

**Madam SPEAKER** - Thank you. I know what the point of order is going to be, it is about the time, and the minister has been quite wordy today.

**Ms STANDEN** - Standing order 48.

**Madam SPEAKER** - Thank you. I would rather not take your point of order. I will point out myself that he is over time. Happy with that?

**Mr Tucker** - Get an alternative clock and an alternative budget.

**Madam SPEAKER** - No, it is a real clock. The minister has been on his feet for about -

**Members** interjecting.

**Mr GUTWEIN** - Madam Speaker, that was very funny that they have an alternative clock but they do not have an alternative budget. That is well worth providing to the House again.

**Madam SPEAKER** - Alright, thank you. I need to take a Liberal question, so we will have Mr Tucker.

### **Sea Fisheries - Management**

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

[10.47 a.m.]

Can you outline to the House how the Hodgman majority Liberal Government is protecting the Tasmanian way of life in ensuring the sensible management of our valuable sea fisheries?

### **ANSWER**

Madam Speaker, I thank the member for his question and strong support for sea fishing and the east coast community in particular. There is one thing that we know about the Hodgman majority Liberal Government and that is our resolute support for our fishers, for improving the lives and opportunities for regional Tasmania. Our seafood is prized throughout Tasmania and around the

world, and it supports small business. It supports jobs, right across our coastal communities in this beautiful island state of Tasmania.

Recreational fishing and boating is an important way of life for over 100 000 Tasmanians each year. I compare our support to that of the Opposition, the chaotic Labor Opposition. The heavyweights Mr Lennon and Dr Amos, what did they say? They counselled Labor on how they are city slickers, having an identity crisis and how they do not understand regional Tasmania. There is no better example of Labor being out of touch than on fishing. No plan for seafood, no plan for recreational fishing, no plans, no policies.

Our fisheries are managed responsibly with strict catch controls and rules so that we get the balance right. Decisions are made with world-class research based on IMOS and in consultation with the fisheries advisory committees and their key stakeholders.

Today, I am pleased to announce the next step in our plan to support both recreational sea fishing and our wild catch seafood sector. First, a new - and Tasmania's first - recreational sea fisheries strategy will be developed to guide the future development and management of our recreational sea fishing sector, including resource access and sustainability, modernising and improving compliance measures to fairly manage access to Tasmanians, and including the increasing numbers of fishing tourists. The social and economic value of the recreational fishery, improved education and awareness, particularly for our younger fishers -

**Ms O'Connor** - An evolved government would bring in no take marine protected areas.

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

**Mr BARNETT** - and research priorities to guide future policy and decision-making. This overarching strategy will be developed with fishing stakeholders to ensure that our fisheries can meet the needs of all Tasmanians well into the future while maintaining healthy fish populations.

**Ms O'Connor** - You are dreaming.

**Dr Woodruff** - Some 60 per cent of the east coast rocky reef has gone already in the north.

**Mr O'BYRNE** - Point of order 146, interruption is not allowed. In your judgment, in this question time and in previous question times, you have made it very clear that Labor members are barely able to even open their mouth in cross-chamber banter. There are other members of this House including the Greens and the Government, who we believe are not being picked up as such and treated consistently. We understand your judgments and we respect those, but we ask you to do it consistently.

**Madam SPEAKER** - Yes, that is very fair so you will all be getting a slap if that is the case. Thank you for pointing that one out.

**Mr BARNETT** - Thank you, Madam Speaker. Today I am also releasing details of the season dates and the rules for our popular rock lobster and abalone fisheries. This followed community consultation on draft amendments to the fisheries rules for each fishery. First, we are continuing to work to increase the rock lobster biomass through the east coast rock lobster rebuilding strategy. The east coast recreational rock lobster season dates will remain unchanged, opening in the first week of December and closing at the end of April.



**Dr Woodruff** - Great, just get rid of it all. We don't need the east coast rocky reef.

**Madam SPEAKER** - Dr Woodruff, that is two warnings in a row.

**Mr BARNETT** - Over the next three years, in addition to the new recreational strategy, a social and economic assessment of the east coast commercial rock lobster fishery will be undertaken, as will a fish-wise statewide rock lobster education and awareness campaign. Other rock lobster rule changes in the wider statewide fishery include an increase in the minimum size limits for female lobsters in the north-west region to help increase lobster recruitment and biomass, and a change in commercial pot numbers from 50 to 60 per boat in the west coast region to improve efficiency for our lobster fishers who venture afar to fish those remote waters.

We are also working in partnership with our recreational and commercial fishers to rebuild our abalone stocks, which are under pressure. Rather than closing the east coast abalone fishery, we are taking responsible action now so there will continue to be fish for everyone into the future. The commercial abalone total allowable catch has reduced by close to 50 per cent over the past 10 years. Commencing this season, recreational fishers will have access to a bag limit of five for abalone taken from the eastern region, with the current bag limit of 10 remaining unchanged for the western areas. A statewide possession limit of 10 abalone and a boat limit of 25 will apply for the eastern region.

Finally, ensuring the ongoing viability of our popular calamari and squid fisheries -

**Ms STANDEN** - Point of order, Madam Speaker, under standing order 48, answers terminated after sufficient time. I draw attention to the fact that the minister has been on his feet for more than five minutes on a Dorothy Dixier.

**Madam SPEAKER** - It is not a point of order but I will ask the minister to wind up.

**Mr BARNETT** - Thank you, Madam Speaker. I am very disappointed in the Labor Party trying to close down debate on this very important matter.

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**Member Suspended**  
**Member for Franklin - Dr Woodruff**

**Dr Woodruff** - Here, put out a media release.

**Madam SPEAKER** - Dr Woodruff, I have to ask you to respectfully leave the Chamber until the end of question time.

**Dr Woodruff withdrew.**

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**Mr BARNETT** - Madam Speaker, the calamari and squid fisheries will again be closed for the month of October this year to allow for spawning. These are examples of evidenced-based fisheries management in action, ensuring we have fish for the future. I particularly want to thank -

**Members interjecting.**

**Madam SPEAKER** - Can we have some order over here, please? Minister, I did ask you to wind up.

**Mr BARNETT** - I will wind up. I want to thank the fisheries advisory committees for their advice, TASFISH, Tasmanian Seafood Industry Council, Tasmanian Rock Lobster Fishermen's Association, Tasmanian Abalone Council and many others. We have listened and we have the balance right, unlike Labor. They are in crisis. Labor is at war with themselves, that is what is happening and now we have a Labor-Greens frontbench that is also in crisis -

**Madam SPEAKER** - Minister, you are testing my patience.

**Ms O'CONNOR** - Point of order, Madam Speaker. He is showing complete contempt for your ruling. I simply point that out.

**Madam SPEAKER** - Thank you for that gratuitous advice.

### **South32 - Disclosure by Mrs Rylah as a Shareholder**

**Dr BROAD question to PREMIER, Mr HODGMAN**

[10.53 a.m.]

We have heard in this place for over a month now how hands-off you are in terms of protecting more than 250 jobs at TEMCO. Now we have learned that your Parliamentary Secretary, Mrs Rylah, holds shares in TEMCO's parent company, South32. Your Government has a terrible history of scandal and chaos, but a potential case of insider trading may be the worst yet. As a member of your Government, what party room briefings and information has Mrs Rylah been provided, did Mrs Rylah absent herself from these conversations -

**Mrs Rylah** - What a disgrace.

**Ms WHITE** - Point of order, Madam Order. Under standing order 146, interruptions are not allowed, particularly when a question is being asked.

**Madam SPEAKER** - I accept that; I am just coming to terms with this question.

**Ms White** - But the interjections are still unparliamentary, surely?

**Madam SPEAKER** - I do not know. I am just stunned. I will not penalise you. I take on board what you say but I have to rule it out of order. We will wait and see if the member objects. She may not like it. She might take personal offence if it is wrong.

**Ms O'BYRNE** - Point of order, Madam Speaker. She can indeed take personal offence if she wishes. However, the issue that you have made very clear is that no-one on this side of the House can speak while someone is speaking. If members over there can yell and that does not apply to them because they do not like the question, that seems a little unfair.

**Madam SPEAKER** - I used the wrong words, as you well know. It is going to be anybody who interjects. Please proceed.

**Dr BROAD** - Thank you, Madam Speaker. As a member of your Government, what party room briefings and information has Mrs Rylah been provided? Did Mrs Rylah absent herself from these conversations? Furthermore, how can we trust you to make decisions in the best interests of Tasmania when a member of your Government has a personal financial stake in this matter?

**ANSWER**

Madam Speaker, I note the outrageous claims by the member who asked the question. It again evidences an opposition party that is devoid of substance. Mr Broad - sorry Dr Broad; I withdraw, I apologise. I do not want another five-minute dissertation on his qualifications so I sincerely apologise. Dr Broad has form for coming into this place when it comes to legal matters and matters of process suggesting the most outrageous of things. He is highly irresponsible and reckless.

Disclosures have been made by the member in accordance with our obligations to do so. I utterly reject and refute the assertions of the member in his question, which again points to an opposition party devoid of substance. They told their party faithful that they would come into this place, try to get back in touch with what matters to Tasmanians and talk about the economy.

**Ms O'BYRNE** - Point of order, Madam Speaker. This is a serious matter. If the member has been involved in confidential briefings she is obligated to remove herself from those conversations. That is the question before the Premier right now. It is a matter of governance.

**Madam SPEAKER** - That is not a point of order and you do have other forums to bring it up.

**Mr HODGMAN** - Thank you, Madam Speaker. It is classic Labor tactics. When under the pump they resort to the lowest common denominator. It is their standard course. If they were serious, as the Leader of the Opposition promised the Labor faithful, they would come back into this place and focus on what matters and get on to the economy, but they have not. Already they have sunk into the gutter again as a distraction. It begs the question - can the Leader of the Opposition be trusted on what she says? No, she has not asked a single question in this place on the economy. I have been goading them about a shadow treasurer. They do not have one. Who is going to be the next one? It is a fascinating spectacle; another insight into the chaotic and dysfunctional Labor Party.

**Ms White** - The Premier might not want to mislead the House.

**Madam SPEAKER** - Order, please.

**Mr HODGMAN** - But of course there is a shadow treasurer and an acting shadow treasurer and that is the Leader of the Opposition, Rebecca White, who said in the absence of Mr Bacon she would become the shadow treasurer. She has asked no questions on the economy, no questions on the budget but she has allowed Mr O'Byrne to do so.

**Ms WHITE** - Point of order, Madam Speaker. The Premier is misleading the House because the very first question I asked today was about the Budget.

**Madam SPEAKER** - Thank you. It is not a point of order.

**Mr HODGMAN** - It was a dishonest question about budget efficiencies but nothing about economic development or jobs for Tasmanians. Mr O'Byrne has at least, albeit asking the same

question over and over again, got onto questions of the economy. It shows who is really running the Labor Party. The Leader of the Opposition cannot be trusted. They are not serious about matters that are important to Tasmanians and they are still out of touch.

**Ms Haddad** - This very question is about jobs.

**Madam SPEAKER** - Order, Ms Haddad.

**Ms O'BYRNE** - Point of order, Madam Speaker. I am sorry but it is a point of order. I know you think that Standing Order 45 is something you cannot rule on, and I appreciate your frustration in this area, but previous speakers have been comfortable to draw the minister's attention to the question. You cannot predict what he will answer but you can draw him to the question, which is did Mrs Rylah absent herself from those discussions?

**Madam SPEAKER** - Ms O'Byrne, I have been extremely tolerant about this. I have allowed you to repeat that all onto *Hansard* but it is out of order.

**Mr HODGMAN** - I deny the assertions and the allegations made by the member who asks the question. I have acknowledged Mrs Rylah's disclosure of her interests, as is appropriate. I am sure that all members adhere to those. Whether they understand how they operate and what is appropriate is a matter for them. It demonstrates an opposition party that lacks substance because this is the best they can do when they have promised to get back in touch with what people care about. Honestly, Labor Party members must be wondering what on Earth is going on under your leadership.

### **South32 - Disclosure by Mrs Rylah as a Shareholder**

**Dr BROAD question to PREMIER, Mr HODGMAN**

[11.00 a.m.]

We have heard today that a member of your Government, indeed your own Parliamentary Secretary, holds shares in TEMCO's parent company South32. It appears that your own Parliamentary Secretary has potentially been studying in the Adam Brooks school of scandal. You have failed to tell the party how you have managed that conflict of interest.

**Mrs RYLAH** - Point of order, Madam Speaker.

**Madam SPEAKER** - Excuse me, Dr Broad the member has taken offence. I ask you to withdraw it.

**Ms O'BYRNE** - On that point of order, Madam Speaker, the member does have to identify what it is that she has taken offence against.

**Madam SPEAKER** - I think it was the opening phrase.

**Mrs Rylah** - It is.

**Dr BROAD** - I withdraw it.

You have failed to tell the parliament how you have managed this conflict of interest in your previous answer, Premier. You have also failed to detail exactly what briefings and what information has been provided to Mrs Rylah in her role as member for Braddon or as your Parliamentary Secretary. This secrecy stinks. Tasmanians will rightly be able ask whether a member of your government is obtaining financial advantage due to their position.

What will you do to ensure no laws have been broken? Will you order an investigation into the conduct of Mrs Rylah to ensure she has not made money from your failure to protect for TEMCO?

## **ANSWER**

Madam Speaker, in response to the question, I repeat that appropriate disclosures have been made. Mrs Rylah is not a minister and has not been involved in any meetings in relation to TEMCO's ongoing operations in our state. She has declared her interests as is required in an open and transparent way, as all members should do under the parliamentary disclosures legislation. I again refute these assertions of the member opposite.

I challenge him to repeat those outside of this place. Will you do so? If you stand by what you have said, will you be prepared to have the strength of your convictions and say those things outside? I doubt it; we know what will happen. It is so obvious. I know there will be referrals. There will be claims as have already been made by the Labor Party about all this. They will again resort to the lowest common denominator. I expect a stunt in this place at some stage today to distract from their own internal problems.

We will focus on what is really important to Tasmanians, including the employees at TEMCO whom you claim you care about. If you really cared, you would contribute something positive. You would not come in here and sling mud; you would not come in here and make up stuff. You would not come in here and frighten the people in those communities and try to dampen confidence in our economy. That is all you have offered. Labor Party members must be wondering what on earth is happening under Rebecca White's leadership.

**Madam SPEAKER** - I am going to give the newest member, Ms Ogilvie a question. I was saving it until last. Or I do have to save it until last?

**Mr FERGUSON** - Madam Speaker, may I please raise a point of order with you to ensure that Ms Ogilvie is able to ask a question. I recommend that it be permitted now before the hour expires while Labor is still protected.

**Ms O'CONNOR** - On the point of order, Madam Speaker, I am trying to understand what is happening here. No one else in the House has been informed as to what this is about.

**Madam SPEAKER** - My advice it that Ms Ogilvie is entitled to a question. I was going to give her the last question but the Leader of the Opposition makes a good point. Until we fix this, the time is protected if Labor goes with the last question.

**Ms OGILVIE** - On the point order, Madam Speaker, I am very happy to wait.

**Madam SPEAKER** - The minister's solution is an elegant one and it does solve the problem. We have one more question to go for the Government and one more question to go for Labor. I

will ask Dr Broad to go first. Then I will ask Ms Ogilvie and then I will ask the Liberals to close. No? What have I done wrong? I beg your pardon. I have to ask Ms Ogilvie now.

### **Glenorchy - Unemployment Rate**

#### **Ms OGILVIE question to PREMIER, Mr HODGMAN**

[11.05 a.m.]

I am pleased to be back. Thank you all for such a warm welcome; it is very nice.

Premier, you have said before that your Government's number one priority is jobs. Are you aware that according to the latest federal government data, the unemployment rate in Glenorchy has hit a staggering 13.2 per cent? This is the highest rate since September 2014. We know that jobs are desperately needed in Glenorchy and for the people of Glenorchy. What action are you taking to address this specific growing crisis? For your benefit, the information is contained in the Small Area Labour Markets data for March 2019, released by the federal Department of Employment, Skills, Small and Family Business.

#### **ANSWER**

Madam Speaker, I thank the member for the question. The question is important to the people in her community; a question that is something that Tasmanians care about - jobs for people in areas where our unemployment rate is still too high and more work needs to be done. This is a great example in just 30 seconds of a member coming into this place and asking questions of importance to their community and about things that matter to Tasmanians, about jobs.

We accept that whilst the unemployment rate is lower now than when we came into government, that it was as high as 8.6 per cent in a former Labor government. Off the back of that economic development plan, 10 000 jobs were lost to our state. There are 13 000 more than when we first came into government. A lot more needs to be done. That is why we are investing not only in policies that make our business environment the most competitive and most attractive in the country, which it is, with the most confident businesses more inclined to invest more as they are doing, and to employ more as they are doing, but also to ensure that young Tasmanians have the skills and the education they need under this government. Now you get more time in school getting those qualifications, including in areas where there has been social disadvantage -

**Ms Ogilvie** - Premier, it is 13.2 per cent in Glenorchy.

**Madam SPEAKER** - Ms Ogilvie, it is not appropriate to speak over the Premier.

**Mr HODGMAN** - and economic and education indicators have not been as good as they should be. But now young Tasmanians are getting the education they need due to our visionary reform of getting our high schools extended to years 11 and 12, supporting our TAFE system as we are doing and making sure that we have programs that continue to keep our economy as strong as it is, the best performing in the nation.

Because of our strong budget position and the strong economy, we also have a lot of work being done, building the infrastructure our state needs. It is not just roads and rail and bridges, that is an important part of it, but it is also into our schools, into our hospitals, into affordable housing,

into job creating infrastructure. Our Budget forecasts the employment of tens of thousands more Tasmanians off the back of the policies, the plan that we have delivered.

**Ms O'Connor** - Six thousand imported jobs.

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

**Mr HODGMAN** - Madam Speaker, I welcome, on the very first day, the most sensible question from the Opposition and cross benches from Ms Ogilvie. I welcome her back. The obvious question that everyone wants an answer to is, why did they not want her back?

### **Remote Area Firefighting - Safety Issues**

**Dr BROAD question to MINISTER for POLICE, FIRE AND EMERGENCY MANAGEMENT, Mr SHELTON**

[11.09 a.m.]

The fires raging across Queensland now provide a sobering reminder that our bushfire season is just around the corner. Last month it was revealed that all remote area firefighting activity has been suspended because of concerns about breaches to the Work Health and Safety Act. If a fire started in coming weeks from a lightning strike like we saw last summer, the Tasmania Fire Service would not be able to send a remote area firefighting team to control the fire before it gets out of hand. With the fire season only weeks away have you resolved the safety issues preventing career firefighters fighting fires in remote areas? Further, how many volunteer remote area team members have been recruited -

**Ms O'Connor** - This will not save you.

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

**Dr BROAD** - and trained as recommended by the AFAC independent operational review?

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### **Member Suspended Member for Clark - Ms O'Connor**

**Ms O'Connor** - This will not save you.

**Madam SPEAKER** - Ms O'Connor, I really do have to show consistency. I have to ask you to leave until the end of question time. It is only a few minutes.

**Ms O'Connor** - No Greens in the Chamber for the end of question time. Thank you, Madam Speaker, much appreciated.

**Ms O'Connor withdrew.**

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### **ANSWER**

Madam Speaker, as we have discussed as recently as yesterday the discussion was around the fire season of last year and the preparedness for this year's fire season. The first thing that has to

be noted is that throughout the summer, Tasmanian firefighters and emergency services personnel as well as volunteers and community organisations did an outstanding job in protecting and supporting our communities last year.

They protected our communities and our environment that were threatened by the bushfires. In March the Premier announced that there would be an AFAC review and that review was released only a few weeks ago. The report was published on 8 August and it contains nine recommendations. Those are keys and the Government accepts in principle those recommendations. Work has already begun on implementing the recommendations of the AFAC report.

The State Fire Commission is consulting with the Tasmania State Emergency Service and it will provide further advice to the Government regarding the priorities of the recommendations.

The recommendations -

**Dr BROAD** - Point of order, Madam Speaker. It is a very serious issue. It is about worker safety and also the safety of the community. I ask that under standing order 45 you ask the minister to address the specifics of the questions around the remote area firefighting teams in terms of the safety issue and the recruitment of volunteers.

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

**Mr SHELTON** - Again, I thank the member for his question. It is to do with the bushfire, the remote area firefighters and where the Government is going with the nine recommendations of the AFAC review.

The recommendations around the AFAC review as far as volunteer remote area firefighters is that the remote area firefighting is a specialist skill. Volunteer firefighters are not currently trained in this skill so following a recommendation from the AFAC review of the 2016 bushfire, the Hodgman Government provided the Tasmania Fire Service with funding to develop, sustain and grow the volunteer remote area firefighting team from the sustainable volunteer firefighters around the state.

A position has been created in order to further that work and to establish volunteer remote firefighting teams in the TFS. In the short term, including this summer, the intention is to continue to draw on our Parks and Wildlife Service remote area firefighting capability and should additional capability be required the national resource sharing arrangement will be enacted or activated just as they were last summer. This program will complement the Tasmania Fire Services' existing arrangements with other states and territories to share resources and to assist firefighting efforts where they are needed.

Our investment is in direct contrast to Labor who had no commitment to fund remote area firefighters at the last election and still has no policy on the topic. Apart from criticising and complaining, which is clearly not a policy, they are calling into question the fantastic efforts of our hardworking volunteer firefighters.

We are recruiting more firefighters. There is a recruiting course going through at the moment that takes the numbers to 323 or 325. We are putting more firefighters on the ground. I have been to the Cambridge establishment only a few weeks ago to have a look at their training program and the equipment they are building out there for our fire service.



We are building our fire capacity, day by day, and the AFAC review people are working on the AFAC review recommendations right now. Labor has no alternative plans -

**Dr BROAD** - Point of order, Madam Speaker, standing order 46. Maybe if we could address it as a supplementary question, minister, how many volunteers?

**Madam SPEAKER** - I think you can only do a supplementary with my permission.

**Ms O'Byrne** - At your discretion, Madam Speaker.

**Madam SPEAKER** - As you have had the minimum number, supplementaries have not been used. We both need an updated copy.

### **Tasmanian Aboriginal Communities - Improving Outcomes**

**Mrs RYLAH question to MINISTER for ABORIGINAL AFFAIRS, Mr JAENSCH**

[11.15 a.m.]

Can you please update the House on how the Hodgman majority Liberal Government is resetting our relationship with the Tasmanian Aboriginal people and improving outcomes for -

**Members** interjecting.

**Madam SPEAKER** - Order, this is very rude.

**Mrs RYLAH** - Aboriginal communities and are you aware of any alternatives?

### **ANSWER**

Madam Speaker, I thank Mrs Rylah, member for Braddon, for her question and her ongoing support for improving the social, cultural and economic outcomes for our Aboriginal communities. Since coming to government in 2014, the Hodgman majority Liberal Government has led the journey of reconciliation to reset the relationship with our Aboriginal communities and promote a greater understanding and respect for Aboriginal culture in our broader community.

Aboriginal people are now recognised in the Tasmanian Constitution as Tasmania's First Peoples. We have updated the Aboriginal and dual naming policy to be more inclusive. We have significantly strengthened the Aboriginal Heritage Act and have commenced a major review of the act. We are reviewing the model for returning land and we are committed to exploring more joint land management arrangements with Aboriginal and non-Aboriginal land managers working together.

Last year the Premier committed to deliver the next phase of Closing the Gap, guided by the principles of empowerment and self-determination to deliver a community-led, strengths-based strategy for Aboriginal and Torres Strait Islander peoples to thrive.

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**Member Suspended**  
**Member for Bass - Ms Houston**

**Ms Houston** - I think you will find the figures are not anything to brag about.

**Madam SPEAKER** - Ms Houston, that is warning number three. You can now leave until the end of Question Time.

**Mr JAENSCH** - That is a shame, Madam Speaker.

**Madam SPEAKER** - It is a shame. That is right. We do want to keep people in the room.

**Ms Houston** - Kicked out once for making comments -

**Madam SPEAKER** - Are you reflecting on the Chair, Ms Houston? You might go for an hour, I think. Thank you.

**Ms Houston withdrew.**

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**Mr JAENSCH** - Madam Speaker, it is my great honour to advise the House that Tasmania has now signed the partnership agreement between the coalition of Aboriginal and Torres Strait Islander peak bodies and the Council of Australian Governments. By signing the Closing the Gap Agreement we are demonstrating our commitment to deliver real change through the refreshed Closing the Gap framework and are working in genuine partnership with Tasmanian Aboriginal communities.

You may be surprised to learn that the Leader of the Opposition is my shadow, the shadow minister for Aboriginal Affairs, so my office did a little research to check out the Leaders' recent speech to her party faithful to see what plans Labor has for addressing the issues that are most important to Tasmania's First Peoples.

**Members** interjecting.

**Madam SPEAKER** - Order.

**Mr JAENSCH** - The speech mentioned a tree of knowledge. It talked a lot about never again, talking about the Greens and then talked a lot about Bob Brown. It even mentioned the guy from Master Chef but our search revealed no policy, no pledge -

**Mr O'Byrne** - Why don't you get back to trying to build some houses?

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

**Mr JAENSCH** - no plan for Closing the Gap for our Tasmanian Aboriginal people and the shared journey required to achieve this. This is typical of Labor, happy to shout from the sidelines, happy to interject; not willing to put in the work to deliver what matters to Tasmanians. At least they are consistent. They are happy to declare a housing crisis but they do not care quite enough to support the rezoning of land for housing at Huntingfield or even to publicly welcome the writing-off of our Commonwealth housing debt, which everybody else in Tasmania knows is great news for Tasmania.

They want us to believe they are all about jobs in the economy but they still do not have an alternative budget or an alternative treasurer and they have made a big show of distancing

themselves from the Greens, but only by trying to avoid being caught voting with them, which is not quite the same as having a different policy position from them.

**Ms Standen** - This is supposed to be about resetting the -

**Madam SPEAKER** - Order, Ms Standen, warning one.

**Mr JAENSCH** - It is clear again. Labor has no policies of its own; no plan and no leadership for themselves or for Tasmania. Under the Hodgman majority Liberal Government, however, we are building more houses. We are leading the nation on economic growth and we are closing the gap. We know there is more work to do towards true reconciliation with Tasmania's First Peoples and we will work closely with all Tasmanian Aboriginal communities to ensure everyone can participate and have their say as we deliver with a shared purpose a refreshed Closing the Gap and a brighter future for our First Peoples.

**Time expired.**

### **LITTER AMENDMENT BILL 2018 (No. 60)**

Bill returned from the Legislative Council without amendment.

### **SITTING DATES**

[11.22 a.m.]

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

That the House at its rising adjourn till Tuesday 24 September next at 10 a.m.

[11.22 a.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Madam Speaker, on the motion, I want to address the utter contempt for parliament that has been shown by the Leader of Government Business and his colleagues today. When we come into question time and there are sessional orders which set out the rules, and then a question is granted to a new member to this place which has not been flagged with the Greens and I presume with other members, it is disrespectful to this place. We also have not seen any sessional orders that accommodate a new independent member in this House. While I recognise that we are under your guidance in here, I want to implore the Leader of Government Business and his colleagues to be more respectful of other members in this place and not drop on us a question which has come out of nowhere and which apparently is not provided for in the sessional orders. We are in new territory here. On behalf of the Greens, I express our extreme disappointment in the way the new member's arrival in this place has been dealt with by the Government.

**Madam SPEAKER** - I am sorry but I have to pull you up because it is not addressing the motion before the House, and I have that on advice. I understand your frustration and have allowed you as much time as I possibly can to get your feelings out. But I am afraid I have to pull you up because the advice is you are not addressing the motion before the House.

**Ms O'CONNOR** - Thank you, then I will go to the motion, Madam Speaker. The motion relates to the sitting hours which are provided for in the Standing and Sessional Orders and we are now apparently in territory in this parliament where there are questions being granted outside those sessional orders without -

**Mr Ferguson** - That is not right.

**Ms O'CONNOR** - There has been no conversation with other members in this place and then suddenly it arrives on us towards the end of question time. That is disrespectful to other members in this place. I want that placed on the record.

**Madam SPEAKER** - Okay, thank you very much. We will move on.

**Motion agreed to.**

## **MATTER OF PUBLIC IMPORTANCE**

### **Gambling Harm**

[11.25 a.m.]

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

That the House take note of the following matter: gambling harm.

It is patently obvious to any observer of Tasmanian politics that in this place it is the Greens who raise the issues of the harm caused by poker machines in our community. I want to note for the *Hansard* that as we begin this matter of public importance debate in this House, members from the Liberal and Labor parties are fleeing the Chamber. As I rose to raise the issue of the harm caused by poker machines in pubs and clubs around Tasmania we saw members from both the major parties in this place evaporate out of the room. It is not surprising, of course, because as soon as you start talking about the human cost of the proliferation of gambling machines in our community, neither the Liberal Party nor the Labor Party want to talk about it or be held to account because they are complicit in the misery caused by poker machines in pubs and clubs across Tasmania.

These are the facts, even according to the Government's own social and economic impact study. The facts are that the human cost of poker machines in pubs and clubs in Tasmania is extraordinarily, unforgivably high. The Productivity Commission has also highlighted the harms that arise from problem and at-risk gambling, and they include suicide - and I note today is R U OK? Day - depression, anxiety, relationship breakdown, lowered work productivity, job loss, bankruptcy and crime. We will add to that list child abuse and neglect. There was once an outstanding data set called Kids Come First, which overlayed the location of poker machines in pubs and clubs in Tasmania with incidents of reported child abuse and neglect and they were like a mirror image of each other, so poker machines in our communities also harm children, who are unarguably the most vulnerable people in our society.

We have a situation in this place where there is legislation coming into parliament early next year that is intended to entrench the harm in our communities until 2043, moving away from the monopoly deed to an individual licensing model which will deliver a windfall gain to venues of

around \$250 million, and worse, will ensure the misery caused by poker machines in Tasmania continues until 2043. The Liberal policy, which is now apparently supported by the Labor Party, will lead to suicide, child abuse and neglect, poverty, homelessness, addiction, family violence and breakdown. That will be the social consequence of the changes to the monopoly deed which will come into this parliament early next year.

All the talk we get about harm minimisation cannot take away from the fact that the business model of these venues and these machines is based on addiction and that these machines that we have in our venues in Tasmania are the most addictive anywhere in the world. It is Liberal government policy to entrench the most addictive machines in the world in our most socially and economically disadvantaged areas and cause human misery which we cannot even really begin to foresee from here.

As for harm minimisation like the gambling exclusion scheme, on our research there are currently about 392 exclusions under the scheme, 295 of which are self-exclusions rather than specific venue exclusions. Tasmania has a population of around 520 000 people and a moderate risk and problem gambling rate of around 2.4 per cent. According to the SACES social and economic impact study and to Professor Charles Livingstone in his paper, this equates to 12 500 at-risk people, which means that just over 2 per cent of moderate risk and problem gamblers are excluded from gambling at all venues, which makes a complete lie of the Treasurer's claim that the harm caused by poker machines in our communities is diminishing. The concentration of harm has remained static.

There is a range of people out there who do not have the money to be pouring into these machines, but because there is a poker machine venue on the corner in their town, they are going there. I have had family members do this; on pension day you go down to the club, desperate, depressed and anxious and put every cent you have into a machine in the hope that you will hit the jackpot today. As we know, the house always wins; that is how these machines are designed.

It was, once upon a time, Liberal Party policy to have a \$1 bet limit in place, which would have substantially reduced the social and economic harm caused by poker machines.

**Dr Woodruff** - They were the days.

**Ms O'CONNOR** - They were the days, Dr Woodruff, when the Liberal Party apparently stood for something other than the making of money.

In between 2010 and 2014 when we brought on a debate to introduce a \$1 bet limit in Tasmania, neither the Liberal nor the Labor parties supported that reform. That would have saved lives. I do not know how often Mr Gutwein gets out into the community and talks to people who are harmed by poker machines. You cannot stand there and listen to a man quivering and in tears, desperate, not knowing what he is going to do, because he has gambled the house away, and come back into this place and tell yourself that you are doing a good job on public policy.

We know the social harm that will be the consequence of the changes to the monopoly deed will be profound. There is no justification from a public policy point of view for allowing that harm knowingly to continue in our community. We have had no transparency from the Treasurer about what sweet deals are being negotiated with the Federal Group but we are certain it will be sweet deal indeed, payback for the last state election.

**Time expired.**

[11.32 a.m.]

**Mr GUTWEIN** (Bass - Treasurer) - Madam Deputy Speaker, gaming and the future of gaming in Tasmania is an important matter. It is quite obvious from the comments of the previous speaker that we have different views in respect of gaming in Tasmania. Their focus on gaming machines has been something they have been consistent about for a long time. Unlike Labor, who seem to swing in the breeze depending on how their political fortunes are at a particular moment, at least one thing the Greens have been is relatively consistent.

I put on the record, we have the strongest harm minimisation framework in the country in Tasmania.

**Ms O'Connor** - That is not true. I have read you your own numbers from SEIS.

**Mr GUTWEIN** - The overall participation rate in gambling has declined.

**Ms O'Connor** - You can tell yourself this, but people are still going to die.

**Madam DEPUTY SPEAKER** - Order.

**Mr GUTWEIN** - The emotive language used through interjection; once again, she walks away from the facts. There are fewer people participating in gambling. Real expenditure on electronic gaming machines in Tasmania is continuing to trend downwards. If you consider the overall adult gambling participation rate in Tasmania, which has been progressively declining since the first prevalent study in 2008 when more than 70 per cent of Tasmanians gambled; now it is less than 60 per cent - 58.5 per cent of adults in Tasmania were estimated to gamble at the last prevalent study when that was conducted. We have fewer people gambling and we have people spending less. That clearly demonstrates that our harm minimisation framework is working.

Importantly, the policy that we are working through at the moment - I acknowledge the Greens have a policy and this side of the House has a policy. I am not certain what the Labor Party's policy position is. I am not sure if they are certain as to what their policy position is. Our policy was very clearly designed to facilitate a sustainable industry that supports freedom of choice, minimises harm and supports jobs as well. As part of that, we are going to double the community support levy fund to improve harm minimisation. I make no apologies -

**Ms O'Connor** - That is your problem. You never apologise for anything and you should.

**Mr GUTWEIN** - I make no apologies for the policy position that we have.

**Ms O'Connor** - People will die.

**Mr GUTWEIN** - The member incessantly interjects through this contribution. Once again, her contribution completely fails to recognise that the increase in gambling is occurring on mobile phones -

**Members** interjecting.

**Madam DEPUTY SPEAKER** - Order, Ms O'Connor. Dr Woodruff, you can have an opportunity soon.

**Mr GUTWEIN** - The point should be made that in question time today, if the member had wanted to, she could have lost her house on her own phone while sitting in this place -

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

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

**GUTWEIN** - With no harm minimisation framework wrapped around those activities -

**Ms O'Connor** - You can turn aside at this but your political legacy will be harm.

**Madam DEPUTY SPEAKER** - Order. Ms O'Connor, this is your first warning. I do not think you want to leave the House during your own MPI.

**Mr GUTWEIN** - We know that that is where the growth is. But the Greens have been consistent. They have a policy on this matter and they will use the most emotional language that they can in this place about their position.

I will come back to the facts. In terms of our harm minimisation framework, the overall participation in gambling in Tasmania is declining. The expenditure on electronic gaming machines in Tasmania is trending downwards. You only have to look at the state Budget to understand that less is being spent. None of that makes a difference to the member. I think that she understands that compared to a mobile phone that people can use, our pubs and clubs are the safest locations that people can gamble in. There are no protections in this Chamber. There are no protections in someone's home.

**Ms O'Connor** - There is no protection from the Federal Group.

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

**Mr GUTWEIN** - There are no protections if someone is sitting at a bar in a pub playing on their mobile phone. That is where the growth is occurring.

I am pleased that we are closely working with the federal government on the broader harm minimisation framework to ensure that mechanisms are introduced that can in some way limit and protect those who would gamble on a mobile platform. That is where the growth is occurring.

In finishing my contribution today -

**Dr Woodruff** - Have you ever spoken to someone who has lost their house from gambling?

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

**Mr GUTWEIN** - To make the point again that we believe in a sustainable industry, an industry that supports freedom of choice.

**Ms O'Connor** - How many suicides do you think is sustainable?

**Madam DEPUTY SPEAKER** - Order, Ms O'Connor, that is your second warning.

**Mr GUTWEIN** - We believe that Tasmanians should be allowed to make their own choices about where they gamble and what form their gambling takes, but it is incumbent upon us to ensure that there is a harm minimisation framework in place. There is a very strong harm minimisation framework in place.

**Time expired.**

[11.39 a.m.]

**Ms WHITE** (Lyons - Leader of the Opposition) - Madam Deputy Speaker, I welcome the opportunity to be able to talk about harm minimisation in this place.

Like all members, we are all waiting anxiously to see what the Gaming Control Act changes will look like when they are introduced into parliament next year and how that will intersect with the mandatory code. That is currently where a lot of the harm minimisation frameworks can be found. I am interested to understand whether the Government will codify any of those in the Gaming Control Act and improve upon those. They need to be improved.

Whilst the argument might be made by the Government that the mandatory codes currently provide the strongest framework for harm minimisation of any jurisdiction in Australia, it does not make it the best. There are certainly other improvements that could have been made to protect people from the risks that people who are addicted to poker machines can encounter.

The Labor Party had a very different policy that we took to the election compared to both the Liberals and the Greens. Our policy framework was around protecting the workers and helping them with any transition and improving protections for people who suffer from gambling addiction. The dynamic we face now is a government that has a different policy position that they will bring to this place. We have said all along that we will assess that legislation and make improvements to protect the community because the government has a responsibility as a regulator to reduce harm and reduce the risk of harm for its citizens.

I have many questions about the proposed Government legislation and I am hopeful that the Government now understands its own policy. I had a debate with the Premier for Sky News in the lead-up to the last election where he could not articulate the value of the licence that would be tendered out or given away under the Government's policy. In fact, he could not differentiate between whether it would be tendered out or given away and comments he made to the media later had to be corrected by a spokesperson because he did not understand what the value of the licence was under their policy.

The Labor Party will always support workers. We are the strongest supporters of workers, but we will also stand up for the welfare of vulnerable people and make sure their rights are protected. We will ensure that harm-minimisation measures are debated around the legislation when we see it, and codified where possible because it is important that we understand these machines cause harm to people who have addictions. Addiction is a health issue that needs to be treated properly by government and managed in that way, and the Government has a role as a regulator there.

We have never supported a ban on poker machines. That was not our policy and there have been mistruths peddled through the media that that was the case. Our policy position was to restrict access because the deed was coming up and had expired. The Treasurer has already sent letters in



relation to that to the Federal Group; he started the ball rolling and there is legislation that will come to this House next year. It is my hope that we can have a sensible debate on that bill and establish a framework that reduces harm for players and supports workers and makes sure the industry can make any necessary transitions that might be required as a result of that legislation, whilst also protecting those who are most vulnerable.

The SEIS, the Government's own report, does not paint as rosy a picture as the Treasurer might like to think. There is a lot of truth to the arguments that the member for Clark made in her contribution around some of the statistics that demonstrate those who are most at most risk are losing the most, and there is an uptake of people under the age of 24 playing poker machines. That was a surprise to me; I thought there would have been an uptake perhaps in the older demographic, but it is not the case. They are facts from the Government's own SEIS report that cannot be ignored. We need to make sure that we protect against the risk of people becoming addicted to poker machines but also, as the Treasurer stated, risks from other gaming products that have become more prominent in the market and are emerging online, on platforms and on phone-based gaming products, as was demonstrated in the SEIS to be causing more of a problem.

These policies should be based on evidence and we should be using the research provided through Treasury to base our decisions on. We should be making sure that we reduce harm where possible. I do not support a ban on poker machines. The only thing we have always argued for is restricted access for those people who are most vulnerable. There was an opportunity to have a different approach.

The Government won the election and we will deal with that legislation when it comes to this House. By March next year, perhaps the Government might know what their policy is when it comes to the value of the licence that will be tendered, or not tendered, because there are differing statements from the Government about that too, and whether they will change licensing arrangements for the casino providers in this state.

I know the Government is going to want to play politics on this issue and so will the Greens. The fact is that vulnerable people need to be at the forefront of our minds when we are making decisions about the Gaming Control Act and any changes that are brought to this place next year, as too should be the jobs of people who work in the industry. That has always been the position of Labor. We are the strongest supporters of workers and we will always stand up for vulnerable people. That has not changed and that will be our approach to any debate around the bill once the Government tables it.

[11.45 a.m.]

**Dr WOODRUFF** (Franklin) - Madam Deputy Speaker, the Greens spoke to thousands of people during our campaigning over the last election, including people who signed petitions on this issue. We doorknocked extensively on the issue of getting pokies out of pubs and clubs before the 2018 state election and it was a principal concern for the people we spoke to. Every single person who signed a petition or answered a door and spoke about their concerns about gambling will be looking at what the Treasurer and the Government does when this legislation is introduced next year. They will also be looking at the Labor Party and will not forget, and we will not let them forget, that Labor walked away from a commitment to getting pokies out of pubs and clubs. It was a commitment that was based, as was the Greens, on rock-solid evidence about the harm that is done on a daily basis to thousands of people in Tasmania - their children and their families, the ripple effect across the poorest communities in Tasmania.

The Government has an opportunity to move away from the monopoly deed, a special deal that was never supported by people in Tasmania. People never wanted this situation to move out of the casinos and into pubs and clubs. It was campaigned most strongly against when it was first discussed and the Federal Group first made their move on Tasmania as a business interest for them to invest in and to milk, as they have done for the last decade. We cannot move towards individual venue licensing until 2043 and that will give an extra 23 years to a predatory company to milk Tasmanians who are the most disadvantaged and desperate.

The business model for electronic gaming machines is based on addiction and has been meticulously designed by large companies in the United States and other countries, where thousands of people put their everyday effort into designing gaming machines to make them as addictive as possible. They openly admit that their technological advancements are designed to increase player participation and therefore increase the losses to the individual and the gains to the company that owns the machines. In a patent filed in 2016 a company openly stated that a significant technical challenge is to improve the operation of gaming apparatus by making them yield a negative return on investment in the long run and yet random and volatile enough to make players feel they can get lucky and win in the short run. They do this by a series of ploys, including progressive jackpots, bonus games and free spins, all designed to mislead people, such as using symbols that appear on reels more times than they are likely to occur and shamelessly employing opportunities to use multimedia displays that give people an opportunity to multitask by watching movies or using other gambling streams at the same time. It is frightening: the techniques that are being investigated by companies that are part of the new surveillance industry that we are all exposed to through our mobile devices. The Treasurer is right when he says there is deep concern about the availability of gambling on electronic devices on phones, on laptops, in places ubiquitous in society.

That is not what we are here about. That is not what Tasmanians want. They want to end electronic gaming machines which are actively placed in pubs and clubs in the poorest communities in Tasmania. These are the communities where there are higher concentrations of people who are disproportionately at risk; people with a childhood history of physical and sexual abuse; people with mental health issues, such as anxiety and depression.

Isn't that frightening? There are galloping rates of anxiety and depression, increasing rates in young people. It is truly frightening to think that young people might employ an electronic gaming machine in times of desperation as a way to remove themselves from the emotions and emptiness they are feeling and their anxiety in their life.

People with mental health disorders, particularly anti-social personality disorder and attention deficit disorder, are so vulnerable. PTSD-affected veterans are also vulnerable and the shame of RSL clubs that use electronic gaming machines: they are addicted to the supply of income that comes from their own people, the people they are ostensibly there to represent, but instead they are using them as a vehicle to keep a club open. To what end?

If we pull back and look at the situation, these machines are designed to addict, to take money from the poorest people, to drive people to the brink of despair and then over the edge. With them as they fall down and lose their house, lose their job and lose their relationship, they take all the people who love them and who they love, with them.

This results in suicide, in family violence and it results in extreme mental health issues. The irony is that there are members in the Government who are deeply concerned and advocate about

these issues. Why, if we pull back, would we not take this opportunity to remove a scourge on this island which we can do something about.

**Time expired.**

[11.53 a.m.]

**Mrs RYLAH** (Braddon) - Madam Deputy Speaker, this side of the House has a consistent and considered set of policies with regard to gambling, which takes into account, the entire community. Gaming is a legitimate form of entertainment for many Tasmanians, the vast majority of whom gamble responsibly.

The Hodgman Liberal Government has the strongest harm minimisation in the country and we will continue to work to reduce harm as much as possible for vulnerable people. This work continues and we are seeing positive results. The Social and Economic Impact Study of Gambling in Tasmania (SEIS) report describes the gambling industry in Tasmania and includes a 5000-person survey to better understand gambling harm in Tasmania.

Of particular note, overall participation in gambling in Tasmania has declined. That is good news. Real expenditure on electronic gaming machines in Tasmania has continued to decline steadily, and that is good news. The adult population susceptible to problem gambling is comparable to the previous study. The growth is in online and mobile platforms and it is a real concern, and it is in this area, that significant work by the Treasurer has been undertaken, as he has mentioned today, with the federal government because it is this area where we need to strengthen our harm minimisation and do as much as possible as we can for vulnerable people. This work continues. We are seeing positive results.

Let us go back to the survey. The overall adult gambling participation rate in Tasmania has been progressively declining since the first prevalence study, falling from 71.7 per cent in 2008 to 58.5 per cent in 2017, a very significant decline. An estimated 0.6 per cent of Tasmanian adults were classified as problem gamblers, 1.4 per cent were considered moderate risk gamblers, and 4.8 per cent were considered low risk gamblers. All of these estimates are comparable to surveys in 2011.

Tasmanian gamblers' expenditure on all gambling activities has decreased. I will say that again: Tasmania's gambling expenditure on all gambling activities has decreased since the 2011 study from an average of \$1054 to \$950 in 2017. Fewer people spending less.

**Dr Woodruff** - It is still 12 500.

**Madam DEPUTY SPEAKER** - Dr Woodruff, order.

**Mrs RYLAH** - While electronic gaming machines accounted for the largest share of gambling expenditure, 58.6 per cent, real expenditure on EGMs has trended downwards, falling from \$263 million in 2008-09 to \$191 million in 2015-16. The proportion of total EGM expenditure contributed by problem and moderate risk gamblers has fallen from 36 per cent in 2013 to 27.7 per cent in 2015.

**Dr Woodruff** - You know you are talking about machines that kill people? They kill people.

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

**Mrs RYLAH** - Real gambling expenditure since 2012-19 has been relatively stable, which stakeholders attributed to harm minimisation measures and movement of some gambling activity to online, as I mentioned before, which is not captured as expenditure. Other possible reasons include changing consumer preferences and economic conditions.

With respect to Tasmania's harm minimisation framework it is regarded as one of the leading in Australia, and includes the Responsible Gambling Mandatory Code of Practice for Tasmania which has been in place since 2012. The Tasmanian Liquor and Gaming Commission reviewed the code in 2017 as required under the Gaming Control Act, and identified enhancements which were phased in during 2018. The Government also strengthened the harm minimisation framework by introducing community interest test legislation, which was effective, from September 2017 to ensure that community opinion is taken into account when assessing new applications to operate electronic gaming machines.

Tasmania's harm minimisation framework is regarded as one of the leading in Australia. Key elements include, prohibiting automatic teller machines in hotels and clubs with gaming facilities and in casino gaming areas, a maximum bet limit of \$5, and a maximum of a 30 possible lines of electronic gaming machines, the Responsible Gambling Mandatory Code of Practice for Tasmania, a community test for new applications to operate EGMs, and player exclusion systems under the Tasmanian Gambling Exclusion Scheme.

In 2018, the Commission undertook a two-phased implementation of the revised code. Key changes included prohibiting licence holders from providing incentives or benefits to other licence holders, including staff to encourage patrons to gamble. This was a very important change. EFTPOS cash withdrawal transactions processed by all venues, excluding casinos, per customer, have been limited to a maximum of \$200 for payment of accommodation and \$200 for the payment of main meals served in the dining, restaurant and bistro area of the venue, and \$100 a day for any other purpose. This is a strengthened requirement.

It is also now required that prior activity statements be provided to players every six months and prohibiting alcohol from being served at any time to customers, playing, seated or standing at a gaming machine in hotels and clubs. This is a strengthened requirement. Cheques cannot be cashed by the venue unless the customer is an international visitor, or an exemption has been approved by the Commission to allow cheques to be cashed. This is a new requirement.

Limiting gaming machine jackpot prize amounts in hotels and clubs - a new requirement. Requiring that coin change machines be located in the line of sight of the premises' main staffed area and in a position approved by the Commission - another new requirement.

In 2019, the Commission approved an amendment replacing the Eftpos limits above with a new requirement restricting EFTPOS cash withdrawals in hotels and clubs to one transaction per customer per day up to a maximum of \$200 for any purpose, effective 1 June 2019. The amendment was informed by industry concerns of unintended impacts on tourists and patrons unable to withdraw more than \$100 cash for non-gambling purposes. The requirement does not apply -

**Time expired.**

**Matter noted.**

## LEGAL PROFESSION AMENDMENT (VALIDATION) BILL 2019 (No. 34)

### Second Reading

#### Resumed from 11 September 2019 (Page 44)

[12.01 p.m.]

**Ms HADDAD** (Clark) - Madam Deputy Speaker, as I was saying yesterday, the wording in the act currently that allows the minister to invite people to make application for funding for various projects when there is an excess in the Solicitors' Guarantee Fund is:

- (a) the Legal Aid Commission of Tasmania or such other legal assistance scheme as the minister may approve;
- (b) the Law Foundation of Tasmania; or
- (c) any other person.

Paragraph (c) is the one that has been used as a bit of a catch-all to award funding for research and other legal-related projects to a range of organisations by successive governments. I personally believe that the way in which the funding of that excess in the Solicitors' Guarantee Fund has been used in the past is a good one. It has contributed to some really important and valuable pieces of research as well as work and publications and so on across the state.

I also agree that from time to time legislation needs to be updated to codify current practice. I support the revised wording as proposed in the bill that a relevant person is now to be defined as a government agency, a court, tribunal or similar person or body acting judicially; a person or body, however constituted, that provides legal services or other law-related assistance or services and/or advice or opinions, recommendations or reviews on legal or law-related matters affecting the state; and, finally such other persons or bodies as may be prescribed. We still will have a catch-all type component of the decision-making capacity of the minister, which is appropriate.

It is important also to note the minister's words around this change not being intended to broaden the range of persons or organisations who are able to apply or be invited to apply for funding out of the Solicitors' Guarantee Fund. The reason that is important is that it is a finite and sometimes unpredictable amount of money because it is not the primary purpose of the fund to fund this kind of research but it is as happy side-effect of having that funding set aside to compensate people for malpractice by their lawyers that there ends up being a pool of money that is available for different kinds of legal research.

Because it is potentially a volatile or unpredictable amount of money I believe it should not be something that is relied on consistently as a steady source of funds to fund any particular service, be it legal representation, legal research or otherwise. I know that some stakeholders have argued otherwise, including the Community Legal Centres of Tasmania, who would prefer to see the act limit applications for funding just to bodies that provide legal representation. Reluctantly I disagree with that argument because often I find myself agreeing with a lot of what the community legal centres stand up for in terms of policy, but it is my firm view that bodies, including Legal Aid Commission and the various community legal centres that operate around Tasmania, and there are five of those, should be funded adequately to provide the legal representation that their clients need

and should not need to rely on grants of funding from a pool of money that is unpredictable in terms of its balance.

For that reason, I support the clarification of the current practice of how grants are currently administered under the fund and the changes in the act which will in fact reflect current practice, which is that instruments of the Crown are able to be invited to apply for money and to receive funding for various projects at the minister's discretion out of the Solicitors' Guarantee Fund.

Yesterday I spoke about some of the recent examples of work that has been funded out of the SGF and one I did not have the chance to cover in the few minutes I had prior to adjourning yesterday was Tasmanian Women Lawyers, who were successful in receiving a grant in recent years to develop a new website called Find a Female Lawyer, which has been a really good addition to the various search engines and directories available to Tasmanian clients needing legal representation and for those who might prefer to have a female lawyer representing them in any area of the law. It has been a very welcome addition to the directories of legal assistance in Tasmania and I commend the work of Tasmanian Women Lawyers in establishing that website directory and in the other work they do in bringing members of the legal profession together and promoting the importance of women pursuing careers in the law.

From a personal perspective, what has been really welcome in recent years is that Tasmanian Women Lawyers focus on broadening their scope of interactions amongst people who are legally trained but do not necessarily practise law privately, which is the category that I fall into. Prior to entering parliament, I had various policy and research jobs across the public sector and the community sector, all of which had a legal element to them but I did not formerly practice law in the sense of working for a law firm. While I was serving in those jobs it did not occur to me to engage with any law society organisations, including Tasmanian Women Lawyers who were around at the time, or Young Lawyers when I was young. I probably would not qualify for that one anymore. It did not occur to me to engage with them because I did not consider myself a real lawyer because I did not have a shingle on the outside of a private practice law firm.

Under recent administration the Tasmanian Women Lawyers group has really tried to broaden their membership base and also organise professional development opportunities and other speaking opportunities for women in the legal profession more broadly to engage, including women in the public sector in legal research jobs. Their new patron who was announced last year is a reflection of that intention. Professor Margaret Otłowski from the law school here at UTAS, one of the best-respected law schools in the country, is their patron now and broadening that base of the work of Tasmanian Women Lawyers is reflected in selecting Professor Otłowski because legal academics should be involved in the work of Tasmanian Women Lawyers. I am pleased that they received a grant in recent years for establishing that website and continuing their work.

Some other interesting work has been pursued over several years and over several successive governments and I thought it was worth putting onto the public record because often people do not necessarily hear the results of where those grant funds have gone to, or if they are accessing a service or product that has been funded through a solicitor's guarantee fund grant they may not be aware that that is how that piece of work came about.

Some recent examples that might interest members include that the Tenants Union of Tasmania received a grant for specialist legal advice on tenancy issues in the north and the north-west, so that allowed them to extend that service to the north and north-west of the state which otherwise would not have been able to receive that valuable advice. It also allowed the Tasmanian Association of

Community Legal Centres to employ a policy officer and pursue a policy function. That is the regional community legal centres, north, north west and south, along with Women's Legal Service Tasmania, the Tenants' Union, the Refugee Legal Service, I think - I might be forgetting one or two.

There is a group of community legal service providers who are now able to pursue a policy function, which includes things like making submissions to acts of parliament, both state and federal, and advocate for the needs, funding and otherwise of the community legal services as a group. This is almost a peak body type of function, which they are now able to pursue, rather than each individual legal service having to make those arguments on their own.

I note that in previous governments, the Environmental Defenders Office received funding under the Solicitors' Guarantee Fund. It was recognised as a community legal centre, along with those I have named. It is notable that the EDO has missed out on funding year after year, which is a shame. A lot of the work they do is legally related and is of benefit to the Tasmanian community and Tasmanian consumers.

The Law Reform Institute based at UTAS has received funding for a range of research projects over the years under the Solicitors' Guarantee Fund. Much of the work that is done at the Tasmanian Law Reform Institute is so important in our legal discourse and in the work that parliament pursues, without which we would not be as informed as we sometimes are about public opinion and public sentiment. I know that, as many research institutes are, the Law Reform Institute is running on the smell of an oily rag. Often they are struggling to fund the research that we all benefit from. It is important to maintain an ability for research institutes like the Law Reform Institute to be able to seek and apply and receive funds under this fund.

The Legal Aid Commission of Tasmania has received grants of money over many years for things including the north west duty lawyer in Devonport, duty lawyers in Hobart for the Youth Justice Court Pilot, when it was a pilot, also for representation in tribunals, including the Forensic Mental Health Tribunal, the Anti-Discrimination Tribunal and others. The Sentencing Advisory Council, the work of which parliament has relied upon many times, has received money for establishment costs as well as money from the fund over the year to pursue projects and policy work. The Women's Legal Service has also received funding a number of times for policy and other starting functions, as well as professional development activities for people who work in the community legal services.

Sadly, when it comes to budget cuts, often professional development activities are the first to go when organisations need to find savings in their bottom line. It is a real shame that professional development is often seen as a luxury. Through broadening the mind and through attending professional development activities professional practice improves, which improves the access to advice that clients are receiving from lawyers working in our legal system in Tasmania.

In 2013 there was a grant to the Legal Aid Commission of Tasmania for a Schools Outreach program, which was about ensuring that senior students in high schools and colleges had a good understanding of their legal rights and obligations in issues such as relationships and use of technology. When we come to thinking about the changing face of education and technology for young people today, we realise just how different it is for a young person to be going through school now as opposed to a decade or more ago. There are such different challenges to be navigated by young people in terms of technology and its impact on our daily lives, as well as for teachers, principals, and parents, who deal with the issues that these changes in technology present for our young people. That is another function that has been funded under a previous grant out of this fund

that would have been of great benefit to those students who received education under the Schools Outreach program.

On the topic of community education, the Office of the Anti-Discrimination Commissioner as it was then known, also received grants in that same year to develop information resources for use in community education as well as running a schools' diversity education project and training and development to support improved access to the built environment. Those are some of the core functions of that office, which have received grants and received the benefit of some of the funding issued in the past under this fund. It is a professional development opportunity that the Office of the Anti-Discrimination Commissioner provides in community education. Any organisation who receives an exemption under the Anti-Discrimination Commission is required to receive training from the office of the Commissioner to understand their obligations under the Anti-Discrimination Act, to understand the boundaries of their exemption and to make sure that there is a good understanding of that at board and staff level. Being able to be funded to develop information resources for that type of work is another important function that has been funded from the Solicitors' Guarantee Fund.

I spoke yesterday about the Law Handbook, which has also been funded in the past from the Solicitors' Guarantee Fund. The Tenants' Union of Tasmania also received funding for a reprint of their Don't Panic booklet. I am not sure if they still produce that booklet. In the past, it has been a very useful publication for people who are in private or public tenancies to understand their rights as tenants.

The final grant I will highlight for the House was granted in 2013. It was an existing scholarship at the time but there was some augmentation funding to ensure perpetuity of the Tim Hawkins Memorial Scholarship. The Tim Hawkins Memorial Scholarship is a UTAS Law School Scholarship awarded to an outstanding student who is interested in studying international law. It allows the student to study for six to nine months at The Hague. It is an enormous opportunity for students who receive that very sought after and prestigious academic scholarship to pursue their interest in international criminal law.

The reason I name the funding that was received to keep that scholarship going is that I studied at university with Tim Hawkins. He was also a professional rower. He was in the circle of friends of my colleague, Dr Broad, when he was a professional rower. Tim competed for Australia in rowing. He was in my year at Law School. I did not know him terribly well, but he was a bit of a larrikin, warm, friendly and an easy-going person who would get along with anybody in the class. He was recognised as a very motivated and hardworking student. He had returned to Law School, at a mature age, not terribly much older than the rest of us. He had done an apprenticeship and worked as a builder before deciding on a career change, returning to university to study law.

His life was cut horribly short, only one year after he graduated, when he was killed in 2002 in the Bali bombings. People would remember well; it does not feel all that long ago, there were 202 killed in those terrorist attacks - Australians, Indonesians and people of all other nationalities. Immense physical and emotional damage was caused. The physical damage to the neighbourhood was in the densely populated residential and commercial district of Kuta, and the physical devastation that was wrought upon that suburb was felt for years to come. Of course, the emotional effect of something as horrible as a terrorist bombing that kills hundreds of people are held in people's hearts and minds for decades and years - and lifetimes - to come.



The fact that the Tim Hawkins Memorial Scholarship has existed and has continued to be awarded to students every year since its inception is a very touching and meaningful way to make sure that his life being cut short as it was, I think he was only 28 or 29 when he passed away, is remembered. It is a touching memorial to him and to the work that he would presumably have gone on to pursue had his life not been cut short in 2002. Indeed, the fact that the scholarship is specifically to study international law is also very fitting considering the horrific circumstances of his passing away.

I will finish by saying a little bit about the 2019 winner of the Tim Hawkins Memorial Scholarship. Her name is Siobhain Galea and she is an outstanding student. She graduated as Bachelor of Arts and Laws with first class honours. She was increasingly drawn to the study of international humanitarian law from the start of her law degree. The more she learned the greater her concern grew for the victims of armed conflict and the fragility of the legal framework aiming to protect them. Strengthening the protective and preventative mechanisms of humanitarian law and ensuring that justice can be consistently served on those at fault is vital to the maintenance of human dignity, according to Siobhain.

Siobhain's interest in humanitarian law is also reflected in her extracurricular academic and voluntary pursuits which include achieving national success in international law moot competitions, such as the 2018 Red Cross International Humanitarian Law Moot and the 2018 Philip Jessup International Law Moot competition.

The annual Tim Hawkins Memorial Scholarship gave Siobhain the opportunity to take up a research assistant position in the Prosecutor's Office at the International Criminal Court in the Hague for six to nine months. At the time that this piece was written she was looking forward to continuing the work of the previous recipients of the Memorial Scholarship at the International Court and to making a strong contribution to this important legacy.

To my knowledge I think Siobhain is still in the Hague. She may have recently returned but I know how excited she was and how honoured she felt to receive the Tim Hawkins Memorial Scholarship for 2019. Siobhain is an outstanding student and I know that she will do great honour and great justice to the scholarship, to the memory of Tim and to the ongoing work that UTAS students are now able to be exposed to through the awarding of the Tim Hawkins Memorial Scholarship.

I have gone a little bit off topic there but it jumped out at me when I saw that the Tim Hawkins Memorial Scholarship was one of many worthy recipients of some funding in the past under the Solicitors' Guarantee Fund. It would be a shame not to codify current practice which allows research institutes such as universities, law reform institutes and others, as I have outlined in my contribution today, to be able to continue to receive vital funds for research and other legal assistance and legal related work under the fund.

With those comments I will conclude my remarks and reiterate that Labor will be supporting this bill.

[12.24 p.m.]

**Dr WOODRUFF** (Franklin) - Madam Deputy Speaker, on behalf of the Greens I am happy to say that we support this Legal Profession Amendment (Validation) Bill before us today. I will focus my comments on how we respond as a community from the point of view of this particular Solicitors' Guarantee Fund to the increasing lack of proper representation for people in the

community to legal representatives and the support that they need to plead their case in court when their times comes, if their time comes to be in that place.

It is deeply concerning that there has been an erosion of funding now for many years from the federal government for all aspects of the community legal centre system, the Legal Aid Commission and the many other pillars of legal support that have been available for people who are too poor to be able to fund their own private legal representation. This has been a steady erosion and we are now in a situation where there is an increasing number of people who are too poor to be able to pay themselves, as well as a decreasing pool of government money to pay for that legal representation. We are in a really critical space where people are desperately needing help - more people, more poor people, more people who are incapable of raising the money to employ a legal representative to make their case. There are more of these people and it is a basic tenet of our system of democracy and enshrined in our Westminster system that people should have access to legal representation so that they can put their best case to the court.

I want to spend a bit of time on the comments that were made in the submission process by Benedict Bartl who works at Community Legal Centres Tasmania and he lays this out in some detail. Ms Haddad has mentioned some of the things that he said and I want to go into them with a bit more detail.

Benedict Bartl makes the point, and it is correct, that the act is silent on the criteria for grants. In the past people have been advised that priority would be given to applications that address the following outcomes: an increase in the number of people receiving free or low cost legal services; an improvement in the quality of legal services provided to the public; an improvement in the range of legal services provided to the public; an improvement in the operation of the justice system; and an increase in community awareness of the law, legal services, or the justice system, including the provision of education and training. This has been not prescribed but has been a matter of historic tendency, I suppose, and the discretion has been left to the minister to decide on a particular case. These are guidelines around which people can base their application.

I submit that we need to find some way of prioritising amongst that list. I listened to the examples that Ms Haddad, the member for Clark, made about what has been funded in recent years, including things like the School Outreach Program and work from the anti-discrimination commissioner, work from the Tasmanian Law Reform Institute, taking their expertise and the findings of their research and making that publicly available, particularly a community awareness about how the legal system works.

They are all manifestly important and good bodies of work that were funded. I have no problem with that. The problem is that there is just not enough money in the piggy bank under the Solicitors' Guarantee Fund to keep centres like the community legal centres -

**Ms Archer** - It is not the purpose of the fund to keep them going.

**Dr WOODRUFF** - I hear what the minister says, but if she can hear me out, I totally agree.

**Ms Archer** - I am just clarifying. I don't want that put on the record incorrectly because the SGF has a specific purpose.

**Dr WOODRUFF** - I will leave it to the minister when she is winding-up to make her comments about what I am saying.

It is important to recognise that community legal centres such as the Environmental Defenders Office have not missed out on funding. I have to correct Ms Haddad's comment when she said that the EDO had missed out on funding. They were not missed out. They were actively excluded and the federal government actively removed the Environmental Defenders Offices around Australia from the definition of community legal centres so that they were incapable of applying for funding within that bucket of money. There has been an active decision by federal governments to remove the opportunity for government funding for legal representation on matters to do with the defence of the environment.

Here we are in a climate emergency. Extinctions are occurring across the planet - maybe 1 million species, according to the International Panel on Climate Change report from the United Nations last October. We are facing global extinctions that we have never seen before and we are facing rampant disastrous changes in the environment. We have to have legal representation to mount a defence against predatory international corporations like Adani and other oil and gas companies and mining companies who will seek to exploit the last of these resources until they are not there any longer. If we the people do not stand up and mount a case against them, what do we have left for our defence? We do not want to move to a space of revolution. That is the pathway to disaster for societies. We do not want to move to a space of authoritarianism where governments are unchecked and their behaviour feeds the egos of authoritarian-minded politicians who take the easy road of surveillance of their citizens and locking them up without proper trial.

We see in Queensland Annastacia Palaszczuk and her response to protesters from extinction rebellion who have put their bodies on the streets because it is the last form of defence when you have governments that are failing to listen, when you have governments that are siding with corporations, when you have political parties like the Labor and the Liberal parties siding with Adani, doing everything they can. The Labor Party in Queensland revoked native title for the Aboriginal community who own the land of the Carmichael mine. This is what governments are prepared to do. If we do not have the courts to stand and mount a defence, there is only one other option. We see people in Hong Kong taking that option now with people on the streets. That is not the Australia we want. We want an Australia that is democratic and gives everybody a fair go, gives everybody their day in court, gives everybody a proper hearing and holds governments and political parties in check.

The community legal centres do that work on behalf of the poorest people in Tasmania and it is a matter of deep concern that there are simply not enough lawyers who are able to be funded to work in those places for the number of cases that they have. It is simply a matter of fact that the Environmental Defenders Office survives with the excellent work they do on the gifts of good-minded Tasmanians, philanthropists, because this Government will not give them more than postage stamp money. Last time I talked in budget Estimates it was in the order of \$10 000 or \$15 000. The minister can correct the record when she stands up if she cares to but it is a pathetically small amount of money and clearly nothing like the finances needed to support the legal representatives who work there and do excellent work on behalf of Tasmanians.

These are people who want to have information about planning scheme developments, planning scheme-related issues, people like the Rosny Hill community who get advice about this Government flogging off Crown land and what they can do to stand up for their local place, what they can do for the development in Bellerive, which has not happened and may never happen, but the Kangaroo Bay development was a dodgy secretive corrupted process. We had the Office of the Coordinator-General going off and having background conversations that were never made public to the community, sucking up to an international petrochemical company, Shandong Chambroad, and

making arrangements that end up with a development approved that was twice the height of what had been agreed was the appropriate development height by the Tasmanian Planning Commission and the people of the Clarence City Council community. This is the sort of legal representation that the EDO does. They speak up for people who have no capacity to spend the money and who are speaking for the environment. They are speaking for Tasmania, the place we love.

Mr Bartl makes a good point that government departments and judicial bodies such as courts and tribunals should not be able to access funds through the Solicitors' Guarantee Fund because funding requests from those bodies ought to be available and sought through the usual budgetary process. He also contends that the Tasmanian Law Reform Institute and the Sentencing Advisory Council both undertake very important law reform work and that is highly beneficial to the clients who access the community legal centres of Tasmania, but he also believes their funding should come from the current funding and be allocated as part of the budget. That is especially the case with the TLRI and the SAC, who get the majority of their referrals from the Government. That is the bulk of their work and the educative materials they provide from that come from work that has been undertaken on behalf of the Tasmanian Government.

We have no truck with this work being funded. We think it should be funded. We just believe that the Government's priorities are not where they should be and that there is a miniscule amount of money available in the SGF relative to the need. There has to be a capacity to prioritise the most important issues and there is surely a very strong moral case to be made to ensure that at the most basic level, people have access to legal representation first. All the extra material, educative work and community awareness which is so important must sit below that first premise in terms of priority.

It is difficult. I am sure the minister will respond by talking about all the good works that have been funded under the SGF and I am not for a moment doubting their worth and importance to the community, but it is simply a matter of fact that there is not enough money and there has to be a commitment by this Government to prioritising legal representation for everybody who needs it.

What we can see coming down the line is that Solicitors' Guarantee Funds are likely to be reduced in future years because more of the transactions are being completed electronically. That will therefore result in less interest being accrued in legal practitioners' trust funds.

**Ms Archer** - Sorry, I do not understand what you mean by that.

**Dr WOODRUFF** - This is a concern that I have heard expressed for a number of years now. I do not know whether it is true, but because transactions are completed electronically, there is no waiting time for cheques to be cleared, so there is actually less money going into the Solicitors' Guarantee Fund that has accrued from interest. There is less interest in the money that is sitting there.

**Ms Archer** - It must be the time period.

**Dr WOODRUFF** - Yes, it is. Electronic transfer occurs within one day so it would be clear within one day. I am guessing cheques or some other mechanism for how money has been transferred in the past has enabled interest to be accrued. That will disappear. I have heard this expressed by a few different people in the legal community.

**Ms Archer** - The law is getting faster, do you think?

**Dr WOODRUFF** - Yes, it is getting faster.

I note that the Law Society had no changes to make to this amendment bill. They feel that they have a strong proprietorial role in accessing the fund, is how I read it. The excess that may accrue is a direct result of the large amount of transactional work that is undertaken by people they represent, the legal profession, so they feel keen to be a beneficiary and understandably so.

The Sentencing Advisory Council supports the bill. Emeritus Professor Arie Freiberg had no other changes to make.

I conclude by asking the minister to consider undertaking a prioritisation of the application criteria.

**Ms Archer** - I do.

**Dr WOODRUFF** - Correct. You would always do that minister but it would be good to have some principles guiding that prioritisation process: principles that would put first and foremost the need to ensure that people have legal representation as a basic starting point to considering the proposals for applications to the Solicitors' Guarantee Fund.

[12.43 p.m.]

**Mrs RYLAH** (Braddon) - Mr Deputy Speaker, the Solicitors' Guarantee Fund serves an important purpose. Its primary purpose is to compensate clients in respect to defaults and funding the disciplining of legal practitioners. This fund has a long history.

The principal purpose of the fund is to compensate clients who suffered losses due to misbehaviour of lawyers. The 2001 the collapse of Solicitors' Contributory Mortgage Scheme was a very clear example. Since that time, the fund has come a long way. When the fund is in surplus as it has now been for many years despite the low interest rates and further to the comments of the member for Franklin, we now have cleared funds coming in much faster as well as cleared funds going out much faster. Electronic transfers do not change the interest that the fund can accrue very much.

When the fund is in surplus the Attorney-General may award grants to organisations that provide legal services, undertake legal research, and/or raise community awareness of the law in Tasmania. The grant recipients represent a broad scope of projects to ensure all Tasmanians have better access to justice. It also fulfils our commitment to improving our justice system and protecting Tasmania's most vulnerable people. As the minister outlined, this bill seeks to clarify the range and type of persons or organisations that the Minister for Justice can invite to make applications for grants of money from the excess funds in the fund.

The minister also outlined that the bill is not intended to broaden the range of persons or organisations from those who are traditionally invited to apply; rather it seeks to amend the act to clarify that the persons and organisations who can make applications for grants are those that provide legal or legal-related assistance, services or advice, and includes instrumentalities of the Crown.

In particular, this bill clarifies that the person or organisation who can make applications for grants are those that provide these services. Specifically, the bill amends section 361 to provide that the Minister for Justice may invite applications and/or approve grants to relevant persons.

Project recipients include the community legal centres, the Legal Aid Commission of Tasmania, the Refugee Legal Service and the Law Foundation of Tasmania.

Examples of grants have been the funding of the award-winning Legal Literacy Volunteer Program, updates to the Tasmanian Law Handbook, scholarships for a female or Aboriginal lawyer to commence practice at the Tasmanian Bar, monthly advisory clinics at Risdon Prison to assist prisoners with their parole applications, a pilot witness assistance service project for vulnerable people in the Magistrates Court, and the provision of legal services for tenants in the north and north west of the state.

However, and relevantly for the present purpose, when there are excess funds available they can be used for a variety of purposes. The Government recognises and values the important goal that legal assistance and other organisations play in our community. This funding will expand on our commitment to protect Tasmania's most vulnerable citizens. Since coming to government, we have been able to make use of excess funds from the Solicitors' Guarantee Fund to provide grants in excess of \$7.5 million.

I wish to talk about the good works this fund's surplus has enabled. In 2015 almost \$1.6 million in legal grants were awarded, including to the Tenants' Union, \$37 323 for legal services for tenants in the north and north west; \$33 965 for quality training and skills for legal volunteers; \$71 935 for community legal education activities; \$4000 to the Community Engagement Society (COMET) to provide training for law student volunteers who run workshops for young women in women's shelters; \$16 842 to the Tasmanian Law Reform Institute for a project examining the feasibility of an expert intermediary scheme for the reception of evidence from children and witnesses with cognitive impairments; to the Community Legal Aid Centres Tasmania.

Filling out government and legal forms can be complicated; a Launceston Community Legal Centre program assists northern Tasmanians through this arduous process. The Legal Literacy Volunteer program has been running since 2011 with demand on the service almost quadrupling since the first year. It was established to complement the other free legal services by using highly trained volunteers to support community members with complicated forms. Legal literacy volunteers are trained to help community members understand their rights, strengths and limitations, as well as recognising when an issue needs to be referred to a lawyer, financial advisor or other relevant expert. Volunteers are based across the state's north and north east with many located in Centrelinks and Neighbourhood Houses throughout the region. The intervention often results in clients obtaining timely legal advice and assistance and often a de-escalation in the matter. We are all grateful for that.

The Community Legal Centre program often reduces unnecessary escalations in legal settings, such as people going to see a lawyer for assistance with filling out forms, making applications or drafting notices. This will improve access to justice for the most vulnerable in our community ensuring that children, victims of crime, witnesses and defendants with complex communication needs are supported from the time of complaint, summons or charge through to the trial process.

A total of \$35 415 was awarded to continue to fund the policy officer position with a statewide focus. The projects that were funded in the 2016 year from the Solicitors' Guarantee Fund was \$2.6 million in grants to ensure better access to justice. These grant recipients represented a broad scope of projects to ensure all Tasmanians had better access. The recipients were the Community Legal Centre, the Legal Aid Commission of Tasmania, the Refugee Legal Service and the Law Foundation of Tasmania. Some examples of the grants include, updates to the Tasmanian Law

Handbook; a scholarship for a female or Aboriginal lawyer to commence practice at the Tasmanian Bar and advisory clinics at the Risdon Prison to assist parole; the pilot witness assistance Project for vulnerable people in the Magistrates Court and the provision of legal services to tenants in the north and north-west.

In 2017, \$1.89 million in grants from the fund was given to 14 legal assistance or related organisations including Tasmanian Women Lawyers to develop a new website; the Tasmanian Bar to provide financial assistance to junior barristers to attend continuing professional development activities, with a particular focus on Australian Bar Association courses; the Refugee Legal Service to employ a migration officer and administrative support to conduct ongoing case work for clients.

In 2018-19, grants totalling \$1.36 million were awarded from the SGF including a grant to the Tenants' Union of Tasmania to support the delivery of legal assistance services and community legal education to tenants statewide. The Tenants' Union of Tasmania has begun offering services in Launceston as part of a pilot program in response to greater demand for face-to-face assistance in northern Tasmania. A solicitor is now based at the Migrant Resource Centre in Launceston three days a week and duty solicitor services are offered for tenancy matters in the Magistrates Court. Support was provided to the Prisoners Legal Service to assist prisoners including specific funding for prisoners in the forensic mental health area and the Womens Legal Service Tasmania to establish a client disbursement fund.

Recent academic studies funded by the SGF need to be commented on as it was only last week that the Tasmanian Law Reform Institute handed down a final report that was funded by a grant from the SGF. That report was on the question of whether or not notional estate laws should be introduced in Tasmania. It is a technical area of law, I am told, but it is apparent from the report that it excited a variety of different views from a range of stakeholders. The recommendations provided by the TLRI in their final report will inform the Government's position on this subject and as I have said, it is thanks to the SGF that the TLRI were able to complete the report.

Likewise, the Sentencing Advisory Council funded from the Solicitors' Guarantee Fund has produced a range of reports. Most recently it conducted a study of how the appeals court was operating in Tasmania, motivated in part by comments from the bench that it would be a useful exercise. This report that resulted from that study will provide a valuable resource for the legal profession in considering whether or not to appeal individual matters in the future.

Another important project that is funded out of the SGF is the duty solicitor service operating out of the Magistrates Court here in Hobart. This service, still in its early years, is run jointly between the Centre for Legal Studies, the Law Society of Tasmania and the Hobart Community Legal Service. This service provides support and mentoring for recent graduates as they provide advice and minor assistance to parties who otherwise would be unrepresented before the Magistrates Court. The service can provide assistance to clients in the Magistrates Court who would otherwise be unrepresented. In addition to the assistance, this project significantly contributes to the efficiency and effectiveness of the Magistrates Court. It also provides support for recent graduates themselves who learn important real-world skills that will benefit them as they move forward with their careers. I have had direct feedback on that from current undergraduates at the law school.

A major beneficiary of the SGF in Tasmania is Tasmania's legal assistance sector. The Hodgman Liberal Government is a strong supporter of Tasmania's legal assistance sector. Since 2017, this Government has committed more than \$3.7 million to the legal assistance sector

that has fully offset reductions in Commonwealth funding under the national partnership agreement. The Government's 2019-20 Budget provides a total of \$8.9 million for legal aid and community legal centres including \$1.2 million to address a shortfall in national partnership agreement funding.

Our Government welcomes the federal government's recent announcement that it will be increasing total legal assistance funding from 2020. The Government is working with the Commonwealth on the development of future national funding mechanisms to ensure that Tasmanians, particularly disadvantaged Tasmanians, can access legal assistance when faced with legal problems. Given the important work that is funded out of the SGF, it is important that there is clarity in the operation of the provisions of the Legal Profession Act 2007 that governs the fund's operation.

It is always of the utmost importance that we have certainty on how our laws operate. This bill ensures that this is the case with regard to the provisions of the Legal Professions Act 2007 which governs SGF.

I support the bill.

[12.57 p.m.]

**Mrs PETRUSMA** (Franklin) - Mr Deputy Speaker, it is with pleasure that I rise to speak on the Legal Profession Amendment (Validation) Bill 2019. I note that this bill amends the act so as to clarify the range and type of persons or organisations that the Minister for Justice can invite to make applications for grants of money from the excess funds in the Solicitors' Guarantee Fund. In particular, it clarifies that the persons or organisations who can make application for grants are those that provide legal or legal related services and includes instrumentalities of the Crown.

The bill also contains an amendment that validates certain past decisions to invite and/or approve grants from the excess funds in the Solicitors' Guarantee Fund, so long as they would have been valid if made under the new amended version of section 361, and there is the need to also validate decisions from at least 2011.

I note that the bill was released for public consultation back in August and that key stakeholders were invited to provide comment, and I commend the Attorney-General as Minister for Justice. The proposed amendments will ensure that services and pilot programs provided by government agencies and instrumentalities of the Crown can be funded from the surplus of the SGF by making clear that the minister can invite such organisations or bodies to make applications for grants from the SGF. It will also ensure that grants which have already been approved this year will also be able to be paid.

The amendments will also validate prior payments made under the belief that these bodies did come within the scope of section 361(2)(c). In effect, the proposed amendments confirm and validate past practices in relation to grants under this Government but also under all previous governments as well.

I have to say that over the years, I have really appreciated what the Solicitors' Guarantee Fund does fund and acknowledge that while its primary existence and purpose is to compensate clients who suffer losses due to the misbehaviour of their lawyer, if the fund is in surplus, the Attorney-General may award grants to organisations that provide legal services, undertake legal research and/or raise community awareness.

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



## LEGAL PROFESSION AMENDMENT (VALIDATION) BILL 2019 (No. 34)

### Second Reading

**Resumed from above.**

**Mrs PETRUSMA** (Franklin) - Madam Speaker, while the Solicitors' Guarantee Fund's primary existence and purpose is to compensate clients who suffer losses due to the misbehaviour of their lawyer, if the fund is in surplus the Attorney-General may award grants to organisations that provide legal services, undertake legal research and/or raise community awareness of the law in Tasmania.

That happened under both the current and former governments and they have both used the fund to provide grants for a wide variety of important projects, pilots and law reform initiatives. It is great that since coming into government, both our current Attorney-General and our previous Attorney-General have been able to use excess funds from the SGF to provide grants in excess of \$7.5 million.

The speakers on the bill have outlined some of the initiatives and I will outline some too.

In 2018-19, grants totalling \$1.636 million have so far been awarded from the SGF, including to people who often do not receive the grants, but who are very worthy recipients. The Prisoner Legal Service and the Women's Legal Service Tasmania both received grants, which confirmed that this Government is committed to improving our justice system and protecting Tasmania's most vulnerable people.

The Legal Aid Commission of Tasmania received funding for important projects. The Government recognises and values the important role that Legal Aid plays in our community, which is why the Legal Aid Commission of Tasmania received almost \$600 000 to support ongoing services, including their statewide duty lawyer services and representation services for youth justice, mental health and drug diversion matters. This funding has given Legal Aid even greater ability to assist vulnerable Tasmanians with essential legal services when they most need it.

Other grants to note include a grant to the Tenants' Union of Tasmania to support the work they do in delivering legal assistance services and community legal education to tenants statewide. The Solicitors' Guarantee Fund has helped Tasmania's valuable volunteers with a grant to the Launceston Community Legal Centre to continue its Legal Literacy Volunteer Program.

Under my previous portfolio as minister for community development, it was great to work with volunteering organisations. I pay tribute to the volunteers across Tasmania because they play a crucial role in Tasmania each and every day, giving up their time to help others in their community. I was delighted that the Hodgman Liberal Government would provide the Legal Literacy Volunteer Program with this grant. Legal literacy volunteers work within their local communities across northern Tasmania and fulfil an important role by advising many people each and every year on where to seek professional help on a variety of legal matters. These include court appearances, how to fill in legally binding forms for Centrelink, or simply to provide a plain English explanation of what can be, at times for all of us who are not lawyers in this place, confusing bureaucratic processes. The Hodgman Government is very proud of the thousands of volunteers who go above

and beyond each day. This funding means that the Legal Literacy Volunteer Program can continue to help the community.

In May there was a great article in one of the local Tasmanian newspapers that talked about the program. I will quote from it -

Filling out government and legal forms can be complicated, but a Launceston Community Legal Centre program assists Northern Tasmanians through the arduous process.

The Legal Literacy Volunteer Program has been running since 2011, with demand on the service almost quadrupling since its first year.

It was established to complement other free legal services by using highly trained volunteers to support community members with complicated forms.

Tasmania has some of the highest rates of poor literacy in the nation, leading to unnecessary escalations in legal settings such as people going to see a lawyer for assistance with filling out forms, making applications or drafting notices.

Legal literacy volunteers are trained to help community members understand their rights, strengths and limitations, as well as recognising when an issue needs to be referred to a lawyer, financial advisor or any other relevant expert.

The Chief Executive of the Launceston Community Legal Centre is Nicki Snare. She said that -

... the intervention often resulted in clients obtaining timely legal advice and assistance and often a de-escalation in the matter.

'We don't do the stuff that hits the headlines, but we do stuff that assists vulnerable people like the elderly,' she said.

Volunteers are based across the state's North and North-East, with many located at Centrelinks and Neighbourhood Houses throughout the region.

More than 220 volunteers have undergone training through the program and there were about 65 volunteers who were active in the program at any one time.

Training sessions for volunteers run regularly, but the sessions are also available free to the public and there is no obligation to become a volunteer if people attend.

'What we've found is people need to know where to go to access information to know what their rights are,' Ms Snare said.

...

Checking for conflicts of interest was extremely important for volunteers as many work in the regional communities they reside in.

...

'Confidentiality is forever, and self-care is being aware of the impact tricky situations have on the volunteer,' Ms Snare said.

The training modules have a strong focus on the responsibility of being a volunteer, but each session also has a particular learning outcome.

Ms Snare said they have experts from the tenants union, lawyers and other agencies who run training sessions for the volunteers.

Successful volunteers are not only armed with knowledge from the training, they're also given a binder of information and resources about services and organisations potentially relevant to their future clients.

'For our volunteers, one of the drawcards is the kudos of being a legal literacy volunteer,' Ms Snare said.

In May,

... Kristy Fawdry was recognised for seeing more than 500 people through the program in the past five years.

A community support worker at George Town Neighbourhood House, Ms Fawdry has assisted hundreds of people in her community through her legal literacy role.

Her outstanding work and service to the community was celebrated by the legal centre and Treasurer Peter Gutwein at an event on Thursday morning.

Ms Fawdry said the legal literacy work was very rewarding. 'I'm happy to help where I can,' she said.

A large portion of clients who seek Ms Fawdry's help need assistance with Centrelink forms and setting up MyGov accounts.

...

Community members finally getting payments after months of waiting was a highlight for Ms Fawdry.

George Town Neighbourhood House community support manager Simone Lowe said having a literacy volunteer at the facility who could see clients without an appointment was key to the success of the program.

'It is really good because when people come in and get the support from the LLV program we speak to them about other services at the Neighbourhood House,' she said. 'It is a really good linking tool: people come in, have their needs met and then have some community engagement afterwards.'

...a lot of community members who seek assistance from the Legal Literacy Volunteers end up returning to take part in one of the Neighbourhood House's programs, Ms Lowe said.

Although majority of support required is with Centrelink forms, a number of people come in for advice about neighbour disputes, property ownership, aged-pension requirements and divorce.

'It is that instant access to specialised advice,' Ms Lowe said.

The Community Legal Centre received funding through the 2019 Solicitors' Guarantee Fund grants for the volunteer program. Each year the Legal Literacy Volunteers provide nearly 17 300 hours of work to the community. The Legal Centre is a not-for-profit organisation that provides free legal advice and assistance to the northern community with an after-hours legal clinic running at the centre every Wednesday from 5.30 to 7.00 p.m. The clinic is not means tested and is run by experienced volunteer lawyers from private firms in Launceston.

In 2017, a total of \$1.89 million in grants from the fund was administered to 14 legal assistance or related organisations including the Tasmanian Refugee Legal Service to employ a migration office and administrative support to conduct ongoing case work for clients. In my previous role as a minister with the responsibility for multicultural affairs I became very aware of the work that the Tasmanian Refugee Legal Service was offering to many of our people seeking asylum and other humanitarian entrants. I acknowledge the great work that they were doing. They are a legal service dedicated to providing advice to people of refugee backgrounds, people seeking asylum and other humanitarian entrants. Their team of lawyers and volunteers aims to assist people of refugee background with all aspects of migration law. It is also a not-for-profit whose primary purpose is to relieve the necessitous circumstances of people of refugee background, humanitarian entrants and people seeking asylum who reside in Tasmania, through the provision of free and confidential legal services.

The TRLS is a member of Community Legal Centres Tasmania, the National Association of Community Legal Centres and is a registered charity. They harness the volunteer support of lawyers, law students, migration agents and other interested volunteers, where possible, to operate a casework service for people of refugee background, humanitarian entrants and people seeking asylum in Tasmania and to carry out research into relevant legal and procedural issues relating to people of refugee background, humanitarian entrants and people seeking asylum. They also provide education to legal and welfare workers, law students and the public on current immigration and citizenship issues and refugee law policy and procedures. In addition, the TLRS promotes and protects human rights and raises funds through public donations and other means to further the objects and purposes of this association and to cooperate with other entities having similar objectives.

In 2016, I note \$2.6 million in grants from the SGF were awarded to ensure better access to justice and the grant recipients again represented a broad scope of projects to ensure that all Tasmanians had better access to justice. Project recipients included a scholarship for a female or Aboriginal lawyer to commence practice at the Tasmanian Bar.

Back in 2017, Mr Chris Gunson SC, who is President of the Tasmanian Bar, sent an email and a letter to me because they were about to award the scholarship to the person who was the recipient of this grant, Jessica Sawyer. He thought that I might be interested in knowing a bit about her

application and why it was so important. I know some members who have been speaking on this bill today referred to the need for more female lawyers and while I am here just acknowledge the great female lawyers we do have in parliament. It is wonderful that we have fantastic female lawyers here whether it is our Attorney-General, Ms Archer or opposition spokesperson, Ms Haddad, and we have had Vanessa Goodwin as well.

**Mr Barnett** - What about the boys?

**Mrs PETRUSMA** - No, no, I am going to read out the reasons. This is why it is so important that we read out the reasons why this scholarship was so important in the first place. As Mr Gunson wrote in his application in regards to a scholarship for a female or indigenous barrister or lawyer. He said:

Attracting women to the Bar is a significant aim of the Tasmanian Bar. Nationally, women make up only about 20% of the Bar and only approximately 10% of senior counsel are women. In Tasmania the statistics are similar, however, subsequent to the appointment of Ms Tamara Jago SC as a magistrate there are no female senior counsel in Tasmania.

The gender imbalance at the Bar, both nationally and in Tasmania, is something that is being actively addressed by the Australian Bar Association, the Law Council of Australia and the Tasmanian Bar. The inequality of the gender imbalance is made very clear when it is considered that universities across Australia, including the University of Tasmania, graduate more women lawyers each year than males. It is also the case that women barristers receive less briefs than their male counterparts and the average amount paid per brief is likewise less than for males.

The New South Wales Bar Association recently conducted a survey of barristers in that state. The survey results showed that the average gross fees for male barristers in New South Wales were \$437,450 while the average gross fees for female barristers was only \$269,958. 24% of male barristers earn gross fees of less than \$200,000 while the figure for female barristers was 41%.

Similar statistics are not available for the Tasmanian Bar, however, the Bar Council believes that whilst the gross fee figures would be substantially lower in Tasmania similar disparities exist.

The Law Council of Australia *National Attrition and Re-engagement Study Report* identified that the set up costs of commencing practice at the Bar is an inhibiting factor for women. At page 80 the authors noted:

Barristers are self-employed and this presents challenges for both men and women, including set-up and ongoing cost of chambers and ensuring a steady pipeline of work. These challenges, however, appear to be exacerbated for women for two reasons. Firstly, there is a preference among some clients and legal practitioners to brief male barristers thereby reducing the pool and/or type of work available for female barristers. Secondly, female barristers wanting to take maternity leave have to cover the ongoing cost of chambers while on leave or make other arrangements (e.g. sub-leasing arrangements).

The structure of the Tasmanian Bar is such that we need to attract junior barristers so that in the future there will be senior barristers who are appropriately skilled to conduct the more complex trials and the like and thereby provide an appropriate level of legal services to the Tasmanian community. The Bar considers that it is important to actively encourage junior female lawyers to join the Bar and thereby increase the diversity of the Bar with a view to eventually making the Bar more reflective of the broader community.

Similar issues arise in relation to indigenous lawyers although the statistics are much more dramatic. There are no indigenous barristers currently at the Tasmanian Bar. It was not until 1972 when Mr Lloyd McDermott (Mullenjaiwakka) was admitted to the New South Wales Bar that an indigenous Australian became a barrister. It took until 2015 for the first indigenous barrister to be appointed senior counsel when Mr Anthony McAvoy SC was appointed senior counsel in New South Wales.

The Tasmanian Bar seeks a grant to provide a scholarship for either a female or indigenous lawyer with less than 7 years post-admission experience to commence practice at the Tasmanian Bar with the intent that the scholarship would defer many of the initial set-up costs associated with a barrister's practice.

I have missed out some sections, but it is submitted that the proposed scholarship will achieve the following outcomes by encouraging greater diversity of the Tasmanian Bar, an improvement in the quality of legal services provided to the public, and an improvement in the operation of the justice system in a requirement to attend the Australian Bar Association Essential Trial Advocacy Course which involves the provision of legal education.

Attracting junior female indigenous barristers to the Bar is an important component of addressing the very significant gender and cultural imbalances and will contribute to transforming the Bar into a body that is more reflective of the broader community in the longer term. I congratulate Jessica Sawyer on being awarded this scholarship and I put that on the record to show how important SGF funding is to also addressing other inequalities in Tasmania as well.

In 2015 almost \$1.6 million in legal grants was awarded, including \$16 842 to the Tasmanian Law Reform Institute for a project examining the feasibility of an expert intermediary scheme for the reception of evidence from children and witnesses with cognitive impairments. In June 2015 the institute received a reference from our much-missed and beloved attorney-general, Dr Vanessa Goodwin MLC, to examine the feasibility of instituting an expert intermediary scheme as a special measure to facilitate the reception of evidence in criminal trials from child witnesses and witnesses with cognitive impairments in Tasmania. The reference examined the special measures currently available in Tasmania to support people with communication needs throughout the criminal trial process. It considered the approaches in other Australian jurisdictions and overseas, concentrating on communication assistance schemes but also noted the range of special measures available to ensure victims, witnesses and accused persons with communication difficulties have equal access to justice.

In preparing the issues paper in this reference, the institute conducted a number of discussions with key stakeholders and subsequently co-hosted with the then attorney-general, Dr Vanessa Goodwin, a ministerial roundtable attended by over 35 key stakeholders to obtain advice about key issues to be addressed in the issues paper. The issues paper, along with an easy-read summary, was released in May 2016, followed by a comprehensive program of consultation meetings and a

community conversation on access to justice. Approximately 20 written submissions and over 300 oral responses to the issues paper were received and after consideration of the submissions and comments, the final report and easy-read summary were released in January 2018.

The institute's recommendations correspond with those made by the Royal Commission into Institutional Responses to Child Sexual Abuse that intermediary schemes should be implemented in all Australian jurisdictions and also to ensure our laws are consistent with international human rights obligations.

Just as an aside, I spoke about what Dr Vanessa Goodwin did then as attorney-general and I know that she was equally as passionate as former attorney-general as Ms Elise Archer is that the disbursement of surplus funds from the SGF go to improve our justice system and protect Tasmania's most vulnerable. I want to refer to the fact that at the moment there is currently a special scholarship in honour of Vanessa open right now at the University of Tasmania and for any of us who know students entering year four or five of a Bachelor of Law or combined law degree, or final year of a criminology major in semester one 2020, they are very much encouraged to apply for that scholarship before the closing date of 31 October.

As we all know, Vanessa was very passionate in advocating for and helping others, whether in the prison, for her constituents, for animals, especially dogs, horse and cats, as well the arts and sport, so it is fantastic that we now have this scholarship which is targeted at students with a demonstrated interest in law reform. As we have heard, we need more women and more Tasmanian Aboriginal people to be encouraged to do law and especially those in these final years of study. I acknowledge that this is a partnership between the Tasmanian Government and the University of Tasmania.

Vanessa was an exceptional student herself, with a doctorate in criminology. She was highly respected by the legal profession and the broader community for her dedication to law reform, particularly prisoner rehabilitation and it is her passion for law reform and social justice which underpins the focus of this scholarship, which includes a research internship with the Tasmanian Law Reform Institute. That is wonderful and it is a fitting tribute to her legacy, so I commend the Attorney-General and the Hodgman majority Liberal Government who are supporting this scholarship with a \$60 000 contribution because it will help to nurture the next generation of legal minds in Tasmania.

Madam Speaker, given the work that is in the SGF I believe that this bill is very important so that there is clarity in the operation of the provisions of the Legal Profession Act 2007, because it is important that we have certainty in how our laws operate. The bill ensures that this is the case with regard to the provisions of the Legal Profession Act 2007 that governs the SGF, so I commend the Attorney-General and thank all members of the department who are here today for their work. I also commend all of the initiatives and projects that have been awarded out of the SGF because they are transforming lives.

[2.56 p.m.]

**Ms ARCHER** (Clark - Minister for Justice) - Madam Speaker, I thank members for their thoughtful contributions as always and the last contribution from former minister, Mrs Petrusma, in relation to covering some of the benefits of the funding of these grants. It is always nice to hear how these grants and other types of community grants can impact. The SGF is no different in that regard. Of course it is focused on legal services and improving legal services, but that is of community benefit as well for obvious reasons such as providing access to justice, as the member for Franklin just said.

I thank Ms Haddad, Dr Woodruff and Mrs Rylah for their contributions. There has been a bit of focus on the legal assistance sector so I will address those few matters and how the Government has stepped in over the last few years and, moving forward, welcoming the federal government assistance that has been announced as well in that regard. I will pick up on a few comments that were made because I do not necessarily have any questions to answer but there were some things that were said that either require comment or clarification.

I will remind the House of the changes this bill will achieve. It seeks to clarify the range and types of persons or organisations that the Minister for Justice, at any given time, can invite to make application for grants of money from the excess funds in the Solicitors' Guarantee Fund. As I said in my second reading speech, the bill is not intended to broaden the range of persons and organisations from those who are or have been traditionally invited to apply, so it is a clarification and validation bill, if you like. Whenever we clarify something in terms of meaning under the law, we always like to have a validation clause to ensure that all prior decisions are not null and void and that none of that funding has been inappropriately provided. It is always well intentioned and it was just a simple case of someone picking up that for the purpose of a definition of 'natural persons'. It is strictly speaking not adequately covering some of the organisations that are benefiting from receiving grants under the Solicitors' Guarantee Fund.

The bill necessarily includes the validating provision that provides the past applications made in respect of, or approvals of, a grant of money and not invalid only because they related to persons or bodies who provide legal services or other law related assistance or services other than as part of a legal assistance scheme. They were a relevant person and/or the body was not a person.

With respect to the types of organisations that are covered, the bill amends the Legal Profession Act to provide that the minister may invite applications from and/or approve grants to a relevant person from the excess funds in the Solicitors' Guarantee Fund. The 'relevant person' will still be defined as:

- (a) a Government Agency; and
- (b) a court, tribunal or a similar person or body acting judicially; and
- (c) a person or body, however constituted, that provides either or both of the following:
  - (i) legal services or other law related assistance or services;
  - (ii) advice, or opinions, recommendations or reviews, on legal or law related matters affecting the State; and
- (d) such other persons or bodies as may be prescribed.

The reason I am going through this is because a 'relevant person' also includes the Legal Aid Commission Tasmania and the Law Foundation of Tasmania. I will get to the submission that was made by Mr Bartl so that I can address what funding has been provided in the past to community legal services. Also, they are not prevented from applying under any of the new definitions.

'Government Agency' is defined in the bill as any of the following:

- (a) a Government department within the meaning of the *State Service Act 2000*;



- (b) an incorporated or unincorporated body that:
  - (i) is established, constituted or continued by or under an Act or under the royal prerogative; and
  - (ii) is, or has a governing authority that is, wholly or partly comprised of a person or persons appointed by the Governor, a Minister of the Crown or other such body;

This definition is identical to the definition that is the same term found in the Children, Young Persons and their Families Act 1997.

The amendments do not name each possible organisation by name. The use of a broad category of relevant person allows flexibility regarding the persons and organisations that can apply for and receive grants while making the general nature of persons and organisations clear. That is important and that is the essence as to why we have not specifically named organisations and also risk leaving some out. It provides for greater flexibility.

I note Ms Haddad is nodding. Certainly, in her contribution she disagreed with that submission as well.

The Legal Aid and Law Foundation are specifically named in the current Legal Profession Act because historically grants from excess funds in the Solicitors' Guarantee Fund were focused on the provision of legal aid services. Since the 2007 act was introduced, the focus has broadened to include legal assistance and legal related programs and services.

Overall, the submissions received on the draft bill were supportive but there was one that was not supporting the proposed amendments. Community Legal Centres Tasmania proposed changes to the bill to expressly name Community Legal Centres along with the Law Society of Tasmania and the Law Foundation. They wanted to be named alongside them. The Community Legal Centres Tasmania also proposed that the Solicitors' Guarantee Fund funding should be restricted to the legal assistance sector and that the act should be amended to make specific reference to formal guidelines for the SGF grants process.

I cannot agree with that. When I go through some of the beneficiaries in receipt of funds from the Solicitors' Guarantee Fund, and I see the organisations that have benefited who do not come within that legal assistance sector, it would be a shame that those types of programs, pilot programs and research projects could not proceed unless they had found some other source of funding other than applying under the Solicitors' Guarantee Fund.

These changes that have been proposed by the Community Legal Centres Tasmania are not supported and are contrary to the purpose of the amendments contained in the bill. It is the Government's position that a specific reference to Community Legal Centres is not required in the act as the wording of the amended provision allows for them to apply, along with a range of other persons or organisations. If a change was made to specifically name Community Legal Centres this would be an inconsistent approach compared with other persons and organisations who might apply for such funding.

In relation to the comment from Community Legal Centres Tasmania around formal guidelines for the Solicitors' Guarantee Fund grants, and I note that a few members also mentioned that; I think

specifically Dr Woodruff did mention that. As to formal guidelines for SGF grants process, this is a matter for policy and operational response and a change to the act is not required to allow for such guidelines to be prepared. I can list what specific guidelines we already have in that regard and, most recently, I did write to applicants as well.

In relation to the legal assistance sector, a broader review of funding for the sector has been completed, as members are aware. The Government is separately considering its response to that review, including under the national partnership agreement review through the Council of Attorneys-General, which I attend, between the state and territory Attorneys-General and also the federal Attorney-General and the New Zealand Minister for Justice.

I will come back to that point in a minute, but I also want to note that the organisations most frequently funded through the excess funds in the Solicitors' Guarantee Fund over the past eight years have been the Legal Aid Commission of Tasmania; community legal centres themselves including, Community Legal Centres Tasmania; the Tasmanian Law Reform Institute; the Sentencing Advisory Council and also the Law Society of Tasmania.

Grants to Government agencies and instrumentalities have also been provided for other pilot programs such as the Witness Assistance Service in the office of the Director of Public Prosecutions. That has been enormously successful in my view and just because that office is a Government agency - although very independent and separate - and I do not interfere with that process at all because of the separation between those statutory office holders and the separation that we have between the courts and the executive, generally speaking. Those types of pilot programs serve as a reminder of the value of the funding and the type of funding that can be approved under the Solicitors' Guarantee Fund.

Before I address some of the other comments on the legal assistance sector funding review and whether or not this bill will affect it, the evaluation itself was released publicly in April 2019. It made 21 recommendations to the Tasmanian legal assistance sector. The level of priority for actioning the recommendations varies, as does the resource implications associated with each. In relation to the Solicitors' Guarantee Fund, the evaluation recommended that Solicitors' Guarantee Fund grants should not be used to fund the core business of legal service providers. The formal guidelines and public communications of the purpose of the Solicitors' Fund Grants should be established to provide greater transparency around the process: an independent panel be established to assess applications and provide recommendations to the minister. Solicitors' Guarantee Fund grants should not be utilised for recurrent projects other than those which provide significant value across the legal assistance sector. Currently they are often recurrent projects so that is something that might need to be a bit of a work in progress in terms of implementing some of these recommendations.

Moving to another point it made: the recipients of the SGF funding use a specific reporting format which includes appropriate key performance indicators to improve the consistency of reports and guide recipients to the key issues that need to be addressed.

The Government is considering the recommendations and any possible policy reform that needs to come out of that. This bill will not affect the implementation of any of the recommendations arising out the evaluation, either in relation to funding the Tasmanian legal assistance sector or in relation to policy reform as to the process of granting funds through the Solicitors' Guarantee Fund or the types of projects that are funded. I wanted to provide that comfort to people.

Some members have touched on this in clarifying what the Solicitors' Guarantee Fund is and what it was created and maintained for. It is specifically interest that has been generated by money standing to the credit of legal practitioners' trust funds. Therefore, it does not hold government funds. In accordance with the act the Solicitors Guarantee Fund is used to compensate clients of legal practitioners who have defaulted on their fiduciary responsibilities. That is a nice way of saying what other members have been saying today. It is also to cover the costs of the operation of the Legal Profession Board and the Legal Professional Disciplinary Tribunal and to issue grants for the purposes approved by the Minister for Justice. It has multiple purposes and surplus funds exceeding the minimum threshold, which is \$8.7 million, can be distributed by the minister.

Many other jurisdictions have similar funds; however, they all operate differently. Some of them have independent bodies, such as the Law Society. Given the Law Society is often a beneficiary of the Solicitors' Guarantee Fund funding in our state, it is probably not the most independent. Obviously it is an independent body from government. I accept that totally but in providing that type of advice it may not be the best body for it. Again that is something that needs to be considered in the context of further work.

The final approval of the grants are made by the minister. The Law Library received funds through grants from the Solicitors' Guarantee Fund. That has been a long-standing grant. The bill will not affect how the Law Library is funded or prevent the Law Society from applying for grants from the Solicitors' Guarantee Fund to fund the Law Library service itself. Quite a substantial amount of money is allocated for that. It is something that has been ongoing. As I said, a broader review of funding of the legal assistance sector has been completed and we, as a government, are separately considering our response to that review, including recommendations made in relation to the operation of the Solicitors' Guarantee Fund.

In my second reading speech, I mentioned some examples of Crown instrumentalities that had received funding under the grant of the Solicitors' Guarantee Fund since 2011. I did not go further back because I would be here listing things for hours if I did. Beneficiaries since 2011 have been the Sentencing Advisory Council for the ongoing employment of the project officer and research. That was \$250 000 so these types of grants can be quite substantial at times.

In 2012, the Sentencing Council got funding for data collection segment of sentencing of sexual assault offenders, a very useful compilation of information. That was \$19 501.50. Do not ask me how we get 50 cents. That is what it is reconciled at the end, I presume.

There were four different allocations in the 2013 round to the Office of the Anti-Discrimination Commissioner as it then was. Things like: alternative dispute resolution, skills development, \$20 305; for development of information resources for youth and community education, \$29 960; to schools' diversity education project aimed at high schools, \$72 855; and training development and supporting approved access to the built environment, \$16 500. That was all to that office.

The Department of Justice received \$30 000 for the UTAS Linkage Project and also \$98 160 for the improved accessibility website; the Sentencing Advisory Council for the establishment and projects, \$223 354. That is a substantial amount to the Sentencing Advisory Council in a separate year.

The Magistrates Court of Tasmania for the funding of editing and printing services for the Hobart Specialised Youth Justice Court Pilot Evaluation Court, \$8000. We know what came out of that pilot.

Since then, there have also been numerous grants to community legal services, beneficiaries of which have been the Launceston Community Legal Service in 2015: \$101 686 for an employment law service that provides legal advice and representation to employees in northern Tasmania. That has become a really successful project and is something that has been receiving some recurrent funding from the SGF. As I read out earlier, one of the recommendations from the evaluation of the legal assistance sector has been that it should not be for recurrent funding, so there is some work to do on community legal services and how we better connect them and their services to achieve those aims.

The Women's Legal Service has quite substantially benefited over the years. In 2015 it received \$150 490 for administrative support. The Tenants' Union received three separate types of grants. The Community Legal Centres Tasmania - I could really go on as there is a lot in that, rearranging for the Prisoners Legal Service to Refugee Legal Service, in quite substantial amounts too.

I have the full list here of the things that we funded since we came to government in 2014. It is very broad. You start to see that the organisations we invite to apply, all invariably do. Most, if not all, on some occasions, receive some funding. They often put in multiple applications for different types of projects that they may want to do; some are new, some are for ongoing purposes, either to complete a project or even to keep employing people. Obviously, the consequences of not receiving that funding can be quite significant at times.

I have found that it is a very difficult job assessing these applications at times. There are some fabulous ideas and applications and, indeed, pilot programs. There never seems to be enough, but what I can say about the funding from the SGF is that since 2015, our Government has allocated grants in excess of \$7.5 million out of the Solicitors' Guarantee Fund to a range of organisations. In that time, \$4 million of this has gone to the legal assistance sector. The Legal Aid Commission of Tasmania has received \$2 453 757 in total in that time; the Hobart Community Legal Service, \$110 500; the Launceston Community Legal Centre, \$688 797; Women's Legal Service Tasmania \$321 671, and the Tenants' Union of Tasmania, \$586 202. These are significant sums.

I am sure Dr Woodruff did not mean to downplay it when she said that it was a 'miniscule' amount coming out of the Solicitors' Guarantee Fund - I think that was the word Dr Woodruff used. I want to confirm that there has been substantial allocations out of the fund in the last few years and more than half of it has gone to the legal assistance sector. That is in addition to what I am about to address now. In our actions and our budgets, our Government has recognised the important role of the community legal aid sector. This is evidenced by record state funding provided to the sector by our Government.

**Dr Woodruff** - Except for the Environmental Defenders Office.

**Ms ARCHER** - I can address the EDO in a moment. This has ensured that there has been no shortfall in funding the legal assistance sector under the current national partnership agreement. To be clear, the 2019-20 Budget provides a total of \$8.9 million for legal aid, including \$1.2 million to community legal centres and the Legal Aid Commission to address the shortfall in the national partnership agreement funding. Since 2017, successive state budgets have provided a total of more than \$3.7 million to legal assistance services to ensure that there has been no reduction in core funding either for Legal Aid or any of the Tasmanian community legal centres subject to the national partnership agreement.

**Dr Woodruff** - But that's the point, that it was a biased document.

**Madam SPEAKER** - Order, through the Chair.

**Ms ARCHER** - I am going to address that, Dr Woodruff. If you could be patient, I would love to get through what I have to say.

**Dr Woodruff** - Through you, Madam Speaker, the minuscule amount was in reference to the EDO funding, not the whole funding that goes to community legal centres.

**Ms ARCHER** - I stand to be corrected but I am pretty sure it was made in the context of the minuscule amount out of the SGF.

**Dr Woodruff** - Yes, that went to EDO.

**Ms ARCHER** - I can get to the EDO. I want to address the national partnership agreement as it is currently defined. It is very important for us to note that what we have done as a government is pick up the shortfall from that funding that was withdrawn federally.

**Dr Woodruff** - But you will accept that it was done with the purpose to exclude environmental lawyers.

**Ms ARCHER** - What I will accept, Dr Woodruff, is that when there was a Labor-Greens government there was no increase in funding to the Environment Defenders Office either.

**Dr Woodruff** - That was because it hadn't been touched.

**Ms ARCHER** - No. The Government has continued the existing agreement that sees the EDO receive a total of \$8750 -

**Dr Woodruff** - It's \$8000.

**Ms ARCHER** - from the Department of Justice and the Department of Primary Industries, Parks, Water and Environment. Dr Woodruff likes to throw these stones at the current Government, but when they had two Greens ministers, nothing was done about the EDO funding. This is departmental funding and it has not changed.

**Dr WOODRUFF** - At that time, the national partnership agreement hadn't written them out.

**Madam SPEAKER** - Order, through the Chair, please.

**Ms ARCHER** - What happened was that the federal government changed the definition under the national partnership agreement as to what was to be defined as legal assistance and it did not cover the environment. That was a federal decision.

**Dr Woodruff** - What year was that, minister?

**Ms ARCHER** - What the state has done in relation to the community legal assistance sector is pick up that shortfall. That has been a massive amount out of a state budget and a small state.

**Dr Woodruff** - What, \$8000?

**Madam SPEAKER** - Honestly, Dr Woodruff, this is appalling behaviour. Could you please stop interjecting?

**Ms ARCHER** - The massive amount to which I was referring is \$8.9 million out of our budget which funds the legal assistance sector which otherwise would have been funded under the national partnership agreement. This Government has provided significant finances to those in need, particularly those who are facing incarceration. We have to look at the types of services the community legal centres provide, including family violence and child abuse matters, and these are matters on which the state Government has stepped in and provided funding for.

**Dr Woodruff** - Through you, Madam Speaker, the Government values the environment as 0.0001 per cent.

**Madam SPEAKER** - Dr Woodruff, you can raise this, take it to a committee, or do whatever you like, but you cannot keep interrupting. This is warning number one.

**Ms ARCHER** - Thank you, Madam Speaker, and for the record, I did not interject on Dr Woodruff once, apart from to be helpful when there was something I needed to correct.

**Dr Woodruff** - Well, good for you.

**Ms ARCHER** - Most other members in the House can remain respectful throughout a debate but it is constant interruptions from Dr Woodruff. There are other members who deserve to have their comments and questions answered or clarified.

**Dr Woodruff** - Someone has to speak for the environment.

**Madam SPEAKER** - Order. Warning two, Dr Woodruff.

**Ms ARCHER** - I have responded to those issues. It is very easy to lose your train of thought when someone keeps interrupting.

One of the issues that was raised was how the priorities could be better communicated. Currently in inviting applications for grants from the Solicitors' Guarantee Fund I have told applicants that priority will be given to applications that will achieve any of the following outcomes. As I said at the outset, this bill does not need to state any of this. This is based on a policy of my being able to advise applicants. Priority will be given to applications that will achieve the following: an increase in the number of people receiving free or low-cost legal services; an improvement in the quality of legal services provided to the public; an improvement in the range of legal services provided to the public; an improvement in the operation of the justice system; and an increase in community awareness of the law, legal services or the justice system, including the provision of education and training.

In addition, in inviting applications for the most recent round of funding, I advised potential applicants in writing that priority consideration would also be given to applications that present an opportunity to reduce the backlog of criminal cases currently being experienced by the courts in Tasmania, as I felt that any project or program that looked at reducing pressure on our courts and creating greater efficiencies was worthy of merit and would be seen as a priority if anything of that nature was put forward.

I believe I have addressed the CLC issues. I have already spoken about the amount of funding provided in successive state budgets to the legal assistance sector aside from the Solicitors' Guarantee funding. They have benefitted under the SGF on top of that \$8.6 million that I mentioned in the last Budget. In addition to that general funding in 2017-18, \$400 000 was provided to the Women's Legal Service Tasmania for a period of two years until 31 December 2019 to continue to deliver additional legal services to women experiencing family violence in the north and north-east of the state. I am sure members know the benefits of that program extending statewide. Legal Aid received a grant of \$100 000 to continue to deliver additional legal services to people experiencing family violence in 2019, including to provide outreach services at Safe Choices sites. The same amount was provided to the Legal Aid Commission of Tasmania in 2016, 2017 and 2018, so again we are seeing a bit of recurrent funding but it is in that space of family violence which is so needed.

The Government remains committed to supporting the continuation of the current Safe Homes, Safe Families actions. The Women's Legal Service Tasmania and Legal Aid Commission of Tasmania will continue to receive funding for the delivery of legal assistance to people experiencing family violence for an additional three years until 30 June 2022. I thought I would highlight those few things.

I thank members for highlighting some of the other grant recipients and particularly the work of Tasmanian Women Lawyers, for example, that Ms Haddad mentioned. I was a member when I was practising, I was about to say since its inception but I do not know when they started but certainly since it was revived in the early 1990s, and I remember thinking at the time if I should be part of it. Is it isolating women? Then I went along to one of those things where you could back up professional points for attending a seminar and they had a seminar on the mentoring women can provide each other, and support, and that sort of thing. I got the sense that if we all share our stories and tell each other about what goes on in various sectors of the legal profession it can only be a good thing to try to get that sort of collegiality going. Sometimes women can be their own worst enemies amongst themselves, and I thought it was a really nice approach, so I joined. I have been supportive of them and attending their functions ever since, and certainly since I have become Attorney-General and even in my prior role I attended as well.

The Women's Legal Service also provides an incredible service to our community in terms of women needing assistance, fleeing from family violence and also other legal problems and needing assistance financially. Often in cases they have had to flee situations where they may have experienced abuse, and we all know that can be financial abuse as well as physical violence. That service in that regard is of great value to them.

I have captured everything I wanted to say and commented on in relation to matters raised by members. I am not sure about what Dr Woodruff said, and I note that she was not sure of whether it was the case or not in relation to the interest over the years that might be less now because of electronic transactions and time saved. I have not come across that in terms of any real evidence but I will have a look at that.

What I can say from identifying the types of grants that have been made out of the Solicitors' Guarantee Fund is that they are substantial and it has been a substantial figure of \$7.5 million over the last few years, since 2015. That takes us to 2018 because 2019 has not yet been fully allocated so we can monitor that amount that is available.

**Dr Woodruff** - That would be great. Through you, Madam Speaker, I do not understand whether there is any basis in it but it has been of concern. Two separate people have raised those concerns with me.

**Ms ARCHER** - I have not had that said to me before. I have a husband in finance so I might run it by him, but not rely on it for the purpose of my job, of course. That being said, I believe I have covered all matters.

**Bill read the second time.**

**Bill read the third time.**

## **RECOGNITION OF VISITORS**

**Madam SPEAKER** - Honourable members, I draw your attention to the presence in the gallery of grade 6 students from Somerset Primary School. Welcome to parliament. Thank you for coming such a long way.

## **PUBLIC WORKS COMMITTEE AMENDMENT BILL 2019 (No. 32)**

### **Second Reading**

[3.34 p.m.]

**Mr GUTWEIN** (Bass - Treasurer - 2R) - Madam Speaker, I move -

That the bill be now read the second time.

The Public Works Committee Amendment Bill 2019 seeks to amend the Public Works Committee Act 1914. Currently, public works valued over \$5 million must be referred to the Parliamentary Standing Committee on Public Works for its consideration. This bill proposes increases to the threshold above which works must be considered by the committee to enable the design and construction of infrastructure projects that are valued below the new thresholds to proceed without unnecessary delay. The proposed thresholds are \$8 million for building or construction works; and \$20 million for road or bridges works.

The thresholds have not been reviewed for a decade, with the last increase being in 2009. At this time the threshold was increased from \$2 million to \$5 million to enable the timely delivery of infrastructure investment funded by the economic stimulus package by the then Australian Government. Noting that the thresholds have not been increased over this period, now is the opportune time to review and lift the current threshold.

In the 10 years since the threshold was last reviewed, the building and construction industry in Tasmania has undergone rapid expansion. We are investing in new roads and bridges, hospitals, police stations, affordable housing and schools needed for the twenty-first century. This bill will assist in ensuring that we are able to build the infrastructure needed to support and cater for our growing state's needs into the future.



The Government's focus on delivering infrastructure projects to improve our way of life and underpin our economy has meant that there is an ever-increasing number of projects for review by the committee. If the current threshold is maintained, the 2019 Tasmanian Infrastructure Project Pipeline identifies 73 projects over the course of three years that would require referral to the committee. Should the thresholds proposed in this bill be effected, that number is expected to still be around 50 projects to be considered by the committee.

The role that the committee plays is an important one. It is important that significant expenditure of public funds is given proper and full consideration, especially in relation to larger, more complex and expensive projects. However, this is difficult if the committee lacks time to dedicate sufficient effort in this task for every project and lacks the opportunity to hear a full range of community views about major projects.

The reduction in the number of projects requiring referral proposed in the bill will mean full and proper consideration can be given to high-value, higher-risk projects. Importantly, the ability of the public to provide the committee with a full range of community views on high-value, generally more complex higher-risk projects is preserved.

The bill proposes two thresholds for the referral of works - one for building and construction at \$8 million and one for roads and bridges at \$20 million. This is designed to ensure the committee is considering projects at the right level, whilst less complex projects with lower risk are able to proceed in a timely way.

Roads and bridges projects are inherently expensive. Road and bridges projects under \$20 million, although costly, are not normally considered high risk and generally are routine works at this level. Streamlining process requirements for lower-risk projects means the public will receive the benefits of these investments as quickly as possible. To ensure that any project can be reviewed by the committee if deemed necessary, the current legislation allows for all projects regardless of their value, to be referred to the committee for review.

During the development of this bill the Government consulted with the committee and proposed increasing the thresholds to \$10 million for building and construction and \$30 million for roads and bridges. The committee informed me that \$20 million for proposed road and bridge construction works and \$8 million for all other proposed public works may be more appropriate and that these values be a starting point for debate in parliament. I thank the committee for its involvement and feedback and, as a result, the bill before the House contains these thresholds.

The ability to progress proposed works promptly will assist industry to plan and schedule works within key construction windows. Importantly, the bill strikes the right balance with the requirement for committee review whilst providing an opportunity for public input.

I commend the bill to the House.

[3.38 p.m.]

**Ms WHITE** (Lyons - Leader of the Opposition) - Madam Speaker, I thank the officials from Treasury and the minister's office who provided the briefing which gave us some further information on the drafting of this bill and the process that was undertaken. I respect that given it has been 10 years since its thresholds were reviewed it is timely to consider lifting them. I state at the outset we are supportive of lifting the threshold but also indicate that I will be seeking to move

an amendment to change the threshold level for roads and bridges, as we regard \$20 million to be too high, and I will explain why.

**Mr Gutwein** - What level are you looking for?

**Ms WHITE** - We are looking at \$8 million, the same as building and construction.

The Public Works Committee performs an important role. It was one of the first committees I sat on when I was elected to this place in 2010. It assesses projects currently over the value of \$5 million that are proposed to be spent using public funds and it enables the community and local government to have a say on a different range of projects that have been assessed by that committee over the years.

I understand from the briefing we had from your department, Treasurer, that the proposal to lift the threshold came about through conversations with the industry who were concerned about procurement practices and the timeliness of jobs being let out to the market. I can certainly understand their desire to have projects come on to the market more quickly so that they can get on and do the jobs that are necessary. They can also have a consistent workload so you do not have the peaks and troughs that sometimes plague the infrastructure and civil construction sector in Tasmania.

I fully respect the need to make improvements. However, I do not regard lifting the threshold to \$20 million to be necessary. There is a role for the Public Works Committee to play and it is the same role that it plays in a range of other jurisdictions but the community deserves to have a say when public monies are being expended.

There are other ways that the department could be working differently within agencies to make sure those projects are let out for tender in a more timely fashion. I point out the problems that State Growth has had in the past in letting contracts for road works, particularly doing so in the lead-up to Christmas when everything is already very busy, which is obviously the best time to be building roads too. The Government probably needs to think about its internal practices with planning and design capabilities within its department so that it can let these projects in a more timely manner. This would enable those civil construction companies to start building those roads and bridges projects before winter is upon them. That is a problem the Government can fix. It is not a problem of the Public Works Committee.

I have taken a look at what is happening around other jurisdictions in Australia but before I get on to that I will note that the second reading speech is different. There was a circulated second reading speech that was a draft and now there is the second reading speech that the Treasurer has just delivered. The only difference is the reference to the Public Works Committee and feedback that was provided to the Treasurer by the Public Works Committee. I can only assume that it was not correct to say, as it did in the draft speech, that the committee was satisfied because those words are no longer used in the second reading speech that the Treasurer just gave.

Given that the Public Works Committee is not satisfied - and we have members on the Public Works Committee, as does the Government - I am interested to understand what consultation took place. In the questions I asked of the department, I understand local government was not consulted and they are a key stakeholder that frequently make submissions or appear as witnesses before Public Works Committee meetings. The broader community was not consulted. I understand the

industry roundtable was consulted; that was held in 2018, which was an infrastructure industry roundtable. Different agencies were consulted but nobody outside of that was consulted.

What I see from looking at other jurisdictions around the country is that Tasmania's current threshold of \$5 million is not out of step with the thresholds that exist across other states. However, I already have stated that we accept there needs to be changes made to that to lift it given it has not been reviewed in 10 years but I will just provide some information to the House.

Tasmania has a threshold of \$5 million. South Australia has a threshold of \$4 million - their Public Works Committee considers and reports back on all public works that have a monetary value of \$4 million or more. That is actually a lower threshold than Tasmania and that is a larger state.

Queensland does not have a threshold. Their Transport and Public Works Committee examines areas of transport and main roads, housing, public works, digital technology and sport. They have discretion as to which works they consider and they are not limited by a threshold.

New South Wales has a threshold and that is \$10 million. That is a bigger jurisdiction than Tasmania so I respect that their threshold is larger than ours. Even still, the proposed change that the Treasurer has before the House is to increase the Tasmanian threshold to \$20 million for roads and bridges, which is twice the threshold for New South Wales, a much bigger state. Their committee has the ability to inquire into and report on any matter referred to the committee by a resolution of the House. The committee can also consider a self-reference and so that has quite large scope.

The ACT does not have a committee; Victoria does not have a committee; Western Australia does not have a committee; and the Northern Territory does not have a committee. The Commonwealth Government has a committee and its threshold is \$15 million. Again, a lower threshold than what is proposed by the Government of \$20 million for Tasmania.

My concern is that the proposed threshold increase by the Government from \$5 million to \$20 million is not only in and of itself a very large increase, it is also much greater than any other jurisdiction in the country. I ask the question as to why the Tasmanian Government is seeking to make such a significant change to the threshold to avoid the scrutiny of the Public Works Committee which, in my experience, has usually been quite a constructive committee. It has not blocked many, if any, projects to my knowledge. It has usually done its work -

**Mrs Rylah** - The Devonport Remand Centre.

**Ms WHITE** - The Devonport Remand Centre was one. In its time it has only knocked back one project that we can recall in this place. Traditionally speaking, it works constructively across parliament. It is a joint House committee, upper House members, lower House members, working together, understanding projects, listening to communities, getting feedback from stakeholders and then - in the main - approving projects. It also ensures that there is robust analysis of the expenditure of public funds which is appropriate I would argue.

I also asked the Parliamentary Library to do some work for me to take a look at what projects have been assessed by the Public Works Committee over the last five years going back to 2014. Applying the new threshold the Government has proposed of \$8 million for building and construction and \$20 million for roads and bridges over the last five years, 55 per cent of the projects the Public Works Committee examined would not have been examined by the Public

Works Committee. More than half of their work would not have been referred to them. In roads and bridges, 23 projects were considered in the last five years, and 11 of these would have met the proposed threshold the Government has before the House now. Twelve of them would not. The committee would have only done 47 per cent of the work that it has over the last five years.

In building and construction, 21 projects were assessed over the last five years. Nine of those would have met the \$8 million threshold, 12 of them would not have. The committee would have only assessed 42 per cent of the projects over the last five years if these threshold amounts that are before the House right now had been applied then. In total, only 20 of the 44 projects would have been assessed over the last five years if the current threshold amounts had been applied which means that more than half, 55 per cent, would not have been. That is evidence enough that the thresholds proposed by the Government are too high for roads and bridges.

As I indicated, I will be moving an amendment to paragraph 4 which will be to leave out the definition of 'relevant monetary threshold' and insert instead 'relevant monetary threshold means \$8 million' so that it is consistent for both building and construction and roads and bridges.

Madam Speaker, the parliamentary Public Works Committee is an important tenet of how the parliament operates. It means that public money to be spent by the Government is assessed by a parliamentary Joint House committee, which is important because it takes the politics out of it. Taking a look back at the projects that have been assessed over the time there are some important ones that would not have had scrutiny by the committee, which would mean that the community did not have a voice.

The Midland Highway upgrade is an example where projects that were assessed by the committee because they met the threshold received significant input from the community. Those voices were heard by the community. The Mangalore, Bagdad, Kempton and Melton Mowbray sections of highway would not have been at the threshold amount for assessment under the new \$20 million levels proposed by the Government. They were when the levels were \$5 million, which is the current threshold amount. That enabled the community to have a say. As we know, that piece of road has proven to be quite deadly and people have the right to have their views heard about that.

The Rokeby main road upgrade would not have met the threshold; the West Tamar Highway, if that had been assessed as broken up projects would not have met the threshold; and the Richmond Road would not have met the threshold.

This brings me to another point. The Public Works Committee assessment at the moment consider projects in parts. The Midland Highway is a case in point where it has been assessed as Stage 1 for Kempton to Melton Mowbray. As individual projects - for instance Mangalore to Bagdad Stage 1 is a \$10.5 million project; Kempton to Melton Mowbray Stage 1 is a \$13.3 million project. My concern is the Government could package those projects up and say they are dealing with the Midland Highway projects. That would be a \$23.8 million project if you combined those two and it would therefore not meet the threshold. I do not see any protection in the bill before the House today to restrict the Government from unpackaging sections of road that are adjacent to one another to avoid meeting the threshold.

**Mr Gutwein** - Through interjection, any project though can be referred by this place to the Public Works Committee. If there ever was a view that that was occurring then this place would make a recommendation.

**Ms WHITE** - You could. Section 17 allows any member to refer a matter to the committee, but that would require a majority of the parliament and, as you know, the Government has the numbers. If you already choose to package a project up, or to decouple packages so that they come under the threshold, Opposition members do not have the numbers to refer those matters to the Public Works Committee.

**Mr Gutwein** - In highlighting those issues, you would be making a point. If your concern is the Government was packaging, you would very clearly explain that to the general public that the work is being packaging. You would effectively have us on a sticky paper. Your argument does not make sense.

**Ms WHITE** - Madam Speaker, the Treasurer is right. Under section 17 -

**Mr Gutwein** - We want to get on and build things.

**Madam SPEAKER** - Order, Treasurer.

**Ms WHITE** - Under section 17 of the current act, it does allow any member to refer matters to the committee but it requires a majority vote of parliament. If the Government has already decided that it is going to try to avoid the scrutiny of the Public Works Committee by sneaking projects in under the threshold by decoupling them or setting them aside as project 1 and 2 of a bigger project, then it is very clear to me: how does a minority number of members in this House get a referral through?

Instead, we should not avoid scrutiny and allow for public input to enable the Public Works Committee to do its job as it has done well over a number of years. The point is made that other states do not have a threshold as high as you are proposing - \$20 million. No other state has a threshold that high. The closest state is New South Wales at \$10 million. What you are proposing is to double the threshold of New South Wales, which is a much larger jurisdiction with a much larger population and, arguably, a much larger infrastructure program and they are not complaining about workload.

We are in this place to do a job. Members sign up to that committee knowing full well that their job is to assess projects and make decisions about the spending of public money. The Public Works Committee should not be bypassed by this Government because they say they want to get on and build things. The problem is not the Public Works Committee. The Public Works Committee has approved nearly every single project that has ever come before it. In fact, the only problems the Public Works Committee has had this year is forming a quorum. That is because Government members do not show up for work. If the Government thinks the Public Works Committee is the problem, maybe they should look to their members who sit on that committee and ask why they are not turning up to do their job.

**Mr Ferguson** interjecting.

**Ms WHITE** - Madam Speaker, the other problem is the Government's own problem; the Department of State Growth simply does not have the resources it needs to do the design work -

**Mr Ferguson** - Sounds like somebody who claims to have a working knowledge of the committee.

**Madam SPEAKER** - Order, can we have a little bit of discipline here, Mr Ferguson? Thank you.

**Ms WHITE** - The Department of State Growth simply does not have the resources it needs to do the design work to get these projects out the door in a timely fashion, to avoid the lumps and bumps of the cycle so that civil construction companies can bid for work because it is sent out at a timely fashion, not only before Christmas, which has been your habit in the past.

The problem with this Government thinking it cannot build stuff is not the fault of the Public Works Committee. The Public Works Committee has an important function. It is a joint House committee; it has multi-party representation on it with independents too. Over the course of the last five years, it has assessed 44 projects and approved each of them.

**Ms O'Connor** - Has it ever not approved one, do you know?

**Ms WHITE** - There was the Devonport Remand Centre that Mrs Rylah informed me about, but that was prior to the last five years. In the last five years, all 44 projects referred to it have been approved.

The timeliness of approvals is a matter for the Government to talk to its own members who, this year, have failed to form a quorum for the Public Works Committee to meet. Maybe you want to have a look behind you. It is not the fault of the Public Works Committee.

We want to see jobs created in this state. We want these infrastructure projects to head out the door. The Government's procurement practices are not encumbered by the Public Works Committee. Its procurement practices are encumbered by the fact it has not resourced its department to do the design work to get these projects out the door and to get them to market. We are hearing that. That is what the building and construction industry is telling us. They want to make sure that there is actual funding for these projects and that they can be delivered on. They want to know that your 30-year infrastructure plan that you have promised for the last 12 months is going to be released at some point in the future so that they can have a consistent supply of work coming down the line, to make sure they can keep their workers on, and that they can do the work that we know Tasmania needs to improve infrastructure right across our state.

The Government argues in the second reading speech that the Public Works Committee probably will not be able to keep up with all 73 projects that are proposed over the course of the next three years, according to their project pipeline. I would be very interested to learn from the Treasurer what those 73 projects are, and the timing of them. I would appreciate it if he can provide some clarity to the House to give an evidence base for what those 73 projects are, the value of each of these projects, and the timing of when those projects are expected to come to the market. In your second reading speech, you say 'by changing the threshold to \$8 million and \$20 million, you expect that of that 73, some 50 will still be considered by the committee over the next three years'.

I am very interested to know what those projects are and what your evidence base is for pushing Tasmania to have the highest threshold of any state for projects to be considered by the Public Works Committee. It is a threshold that is greater than the Commonwealth of Australia sets at \$15 million. I am not sure if you heard the member for Clark, Ms O'Connor, earlier but Tasmania's threshold is currently \$5 million; South Australia is \$4 million; the Queensland Government does not have a threshold, they can assess any project; New South Wales is \$10 million; and the Commonwealth is \$15 million.

We understand that the threshold needs to be lifted. It has not been reviewed for 10 years. We support the lifting of the threshold to \$8 million for building and construction but we do not support the lifting of the threshold to \$20 million for roads and bridges. We will be moving to amend that to be consistent at \$8 million with building and construction, noting that no other state differentiates between project types. They only have a threshold. If project meets it, they are assessed; if they do not, they are not. It is as simple as that.

You are making this far too complicated. It need not be. What you should be spending the time on is supporting the staff in your department so they can do the design work to get these projects out the door. Stop blaming the Public Works Committee for holding projects up. They approved every single project that came before them in the last five years and the only time they have not been able to form a quorum this year is because your Government members have not shown up. Perhaps you should reflect on what your members are doing and how they are stopping these assessments occurring, and explain that as the reason to the civil construction and infrastructure sector and fix the problems that are well within your control to fix.

[4.00 p.m.]

**Mr FERGUSON** (Bass - Minister for Infrastructure and Transport) - Madam Speaker, I am pleased to speak to this bill, support it strongly and as minister -

**Ms O'CONNOR** - Point of order, Madam Speaker. It has been the convention on the rotation that on bills the minister speaks, the Opposition speaks and then the Greens speak. Is this a new convention that is being made again today?

**Madam SPEAKER** - No, it is not one I was aware of, so with your indulgence, Leader of House, is that okay?

**Ms O'CONNOR** - You cannot just keep rewriting the rules in here.

**Mr Ferguson** - I will do as you would prefer, Madam Speaker.

**Madam SPEAKER** - Thank you, it would make life easier. Please proceed, Ms O'Connor, and my apologies for not being aware of the convention.

[4.01 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Thank you, Madam Speaker. If there ever was an argument for restoring the numbers in the House of Assembly it is this legislation which has clearly come about for two reasons - one, because this Government has an allergy to transparent processes, and two, because it does not have the backbench to staff its committees including the Public Works Committee. We have not been members on that committee since 2014 but I take on board what the Leader of the Opposition has said about the failure of Government members to stock that committee so it can undertake its work. It is so transparent and obvious that this bill has been brought about because of a shortage of numbers and skills, I would argue, in the House to enable it to be properly staffed so it can undertake its important work examining projects that come before it.

Without reflecting on the proceedings of the parliamentary inquiry into the House of Assembly Restoration Bill 2018, overwhelmingly the theme of the evidence that has come before us makes a compelling argument to restore the numbers in the House. For any member who was not watching the other day when Michael Bailey, the chair of the Tasmanian Chamber of Commerce and Industry,

gave evidence on behalf of the entire business community, as he stated it, the TCCI and business in Tasmania want to see this parliament restored to ensure better governance, to ensure better representation of communities, a viable backbench that can staff committees and keep ministers of the day on their toes by feeding back what comes out of their constituencies, but also being ambitious to the extent that you let ministers of the day know that should they fail or fall, you as a talented backbencher will be there to fill that spot.

Unfortunately, my sense of what is happening on that committee is that we are dealing with a depressing lack of courage and conviction and a manifest unwillingness from both major parties to put good governance, stronger democracy and representation of communities first in Tasmania. The TCCI made a statement to the committee and answered questions in the strongest possible terms. Regarding the evidence that has come before the inquiry, the only argument made against restoration was by Labor's colleagues in the union movement, regrettably only last week. It was exactly the argument that the TCCI had flagged would be made by people, a lazy argument that the state of Tasmania cannot afford to restore the numbers while we have people waiting for days in the emergency department, not enough beds in our hospital, not enough homes for Tasmanians, and schools in a state of disrepair.

The investment, as the Chamber of Commerce and Industry stated, of somewhere between \$6 million and \$7 million a year to restore the numbers, will actually strengthen the functioning of the parliament, improve governance in Tasmania, lead to better outcomes for our constituents and ensure that we have the people in this place to sit on committees like the Public Works Committee.

Mr Deputy Speaker, as I said earlier, we are not currently on the Public Works Committee of the parliament but we recognise it undertakes significant and important work examining government projects that are expending public funds. As Ms White has made clear, this is an extraordinary extension of the threshold for the committee to examine works, particularly as they relate to roads and bridges. I do not know if this Treasurer is not interested in jurisdictional comparisons, has not done the work, or is still staggering drunk on power, but to have a threshold that is even higher than the Commonwealth threshold for an island that is the smallest of all states is arrogant and lazy.

We do not support a \$20 million threshold for roads and bridges. I am interested to hear that Labor will be tabling an amendment and I gather we will deal with this in the Committee of the House. I will have a chat to Dr Woodruff about it and we will make our position clear in the Committee stage of the bill.

I also noticed the difference between the two versions of the second reading speech that came out and place on the record that in my 11 years in parliament, it is only under this Government that we have second reading speeches provided that are drafts every time. I am not sure if I have forgotten the way it was before the dark ages descended on this place but draft second reading speeches are standard now. We have a minister then who apparently reads a draft second reading speech into the *Hansard* to lead on a bill. In the first draft - just another sign of the arrogance of this Government - the third-last paragraph read:

During the development of this bill the Government consulted with the committee, and whilst the committee noted it was appropriate for the parliament to express its view -



Well no, that is not what parliament does, we do not just express our view, we vote, we make decisions on legislation and, if necessary, we amend. We debate the content of the legislation and we, the parliament, do not just express our view, Mr Deputy Speaker, we cast our votes.

To me, this is indicative of the contempt or disregard for Westminster principles shown by this Government. It is not appropriate for the parliament to express its view on the increased thresholds. It is parliament's role to vote if those thresholds are going to be changed, and that is what we are going to do today.

As Ms White pointed out, there is dishonesty in this statement in the original draft second reading speech because clearly not every member of the Public Works Committee was satisfied, so why a minister of the day or whoever wrote this speech for him would think it was appropriate to make that assumption is mystifying. It is patently untrue, clearly.

We still do not have an answer to a question we put on notice some two months ago now about who was on the expenditure review committee of the Cabinet. Again, that demonstrates a lack of concern for public accountability and transparency of government. I have worked in the federal parliament in the Keating government, I have worked as an activist in the community with a lot of contact with state and federal parliaments, I have been a journalist and a member of parliament. Never in that time, 25 to 30 years, have I heard a government try to keep secret the membership of a Cabinet committee that makes decisions about where savings will be made on public funds in areas of public policy that affect the lives of Tasmanians.

It will be interesting to see if that question that we have put on notice following budget Estimates where we asked numerous ministers numerous times is, in fact, answered. There is no excuse for not being open with the parliament, a member of parliament, at the Estimates table or in this place. We have asked questions in Estimates and of the Premier and there is no excuse for being sneaky and secretive about which ministers are on the expenditure review committee of Cabinet unless you have something to hide, or unless just by default your position is to be sneaky and secretive. This Treasurer, in my experience, is the sneakiest and most dishonest Treasurer that Tasmania has seen in a very long time.

**Mr Jaensch** - Rubbish, complete rubbish.

**Ms O'CONNOR** - That cut me right down.

**Mr Ferguson** - The truth.

**Ms O'CONNOR** - The truth hurts. Remember Mr Ferguson, he is a results-based politician.

**Mr Ferguson** - You are dealing in exaggeration and falsehood.

**Ms O'CONNOR** - I really do not care what you think of me.

**Mr Ferguson** - I can tell.

**Ms O'CONNOR** - I do not care what you think of me. I could not care less what you think of me.

**Mr Ferguson** - I can see you are having a tough day.

**Mr Gutwein** - It sounds like you do.

**Ms O'CONNOR** - I went back, Mr Gutwein, and had a look at your contribution on the Matter of Public Importance debate today on the questions that we asked about pokies policy in Tasmania. You misrepresented the data.

**Mr Gutwein** - You walked out of your own debate. That is right I had forgotten.

**Ms O'CONNOR** - What?

**Mr Gutwein** - You walked out of your own debate, did you not. It was so important.

**Ms O'CONNOR** - I walked out of the debate because Mrs Rylah stood up and re-read the false statements that you had made and actually I wanted a cup of tea and I could listen to it somewhere else. I was at risk of being thrown out of this place if I did not leave, so it was a sensible move on my part.

**Mr Gutwein** - If you do not like what you hear you simply leave.

**Ms O'CONNOR** - No, what we do not like in this place is contempt for parliament, disregard for the wellbeing of people such as gambling addicts, and the tedious repetition that we have to tolerate in this place every day. We do not like the complete contempt for Question Time, Dorothy Dix answers that run for seven and half minutes, and inconsistent rulings in relation to the conduct of members in this place. They are the things that we do not like, Mr Gutwein.

There is a range of other actions that you have taken that we do not like and will never support and we believe we have strong public support for our concerns, including the exploitation of public protected areas and the privatisation and degradation of Tasmania's wilderness, the unbelievable number of game control permits that are issued in this place, the hundreds of thousands of native animals that are killed each year. They are the things that we do not like about this Government. The list is long. I do not have enough speaking rights to -

**Mr Gutwein** - Anything you give us a tick on? Just one.

**Ms O'CONNOR** - The work the Premier has done and continues to do on the prevention of family violence is very positive. The appointment of Her Excellency the Honourable Kate Warner as the Governor of Tasmania, the first female Governor of Tasmania, was an outstanding appointment, but I have run out of thoughts on anything else you are doing that is particularly positive.

I think Mr Jaensch genuinely wants to be a good Housing minister and deliver social and affordable housing but he is hamstrung by the fact that you as Treasurer for three years did not give any, and did not provide any, new funding for housing. For the state budgets of 2014-15, 2015-16, and 2016-17 there was no new money that went into increasing the supply of social and affordable housing. I am also disappointed in Mr Jaensch's lack of courage and inability to recognise what a significant problem soaring short-stay listings are having on access to affordable housing for Tasmanians and his unwillingness to take on short stay accommodation providers, like many jurisdictions around the world, and regulate Airbnb. I am disappointed in that.

I am extremely disappointed in this Government's apparent lack of commitment to, and regard for, Aboriginal people. It is all lip service. There was a promise to reset the relationship and then nothing: no return of lands, dividing a community, spending public funds wanting to re-open tracks through some of the most priceless archaeological, cultural sites in the world. I could go on forever but I am even boring myself.

We look forward to the debate in the Committee. I made note of the amendment that the Leader of the Opposition proposes to move. At face value it is something that the Greens would support. I am assuming that the Government will not because they are arrogant and they make no apologies for anything ever. I hope when this legislation makes its way into the other place that it is corrected and dealt with accordingly so we do not have such a bill, which is transparently overreach, not unlike the minister for Primary Industries' place names bill of 2019, which as we know, is as little bit on the North Korean side.

This bill is overreach. It was unnecessary to go so far and should this place not be able to improve it I do hope that members in the other place, on review of the legislation when it goes upstairs, are able to bring it back into line at least with other Australian states and to make sure that our threshold is not even higher than the Commonwealth for a state of a little over half a million people.

[4.17 p.m.]

**Mr FERGUSON** (Bass - Minister for Infrastructure and Transport) - Mr Deputy Speaker, I will not be speaking for a long time but it is important that as Minister for Infrastructure and Transport that I do. I appreciate the comments that have been made by previous speakers and agree with the Treasurer. Ms O'Connor, is having a bad day today; I do not understand her tone and temperament. This is a good bill that will help the Tasmanian Government and the Tasmanian community to get more and better infrastructure, safer and more efficient roads and bridges, just to begin with, and also to ensure that the level of red tape around the approval of projects is at the right level: not eliminating red tape but ensuring that it is the right amount of red tape.

Let us bear in mind we are talking about projects from a state-funded point of view that have already passed through one level of scrutiny having been approved through the business case process that occurs in agencies. They also have been approved through the budget process of executive government and having been approved through the budget Estimates process examination of projects and the 63 hours of scrutiny that it goes through there.

**Mr O'Byrne** - What rubbish. That is not scrutiny.

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

**Mr FERGUSON** - The Labor Party says 'rubbish'. Having been approved through the budget process, that is a parliamentary process which some members seem to have lost sight of. Let the record show the clamour on the other side. That is unnecessary. I am simply pointing out that there is a range of review and scrutiny that occurs even before a project is taken to the Public Works Committee. The discomfort that we are witnessing on the other side is that they have been rather exaggerating some of their claims.

If all bar one of the projects over recent years have been approved, then Ms White really is helping to make the argument that the Public Works Committee, having approved all bar one of the projects that have gone before it in the last say 10 years, really makes the case that maybe they do

not need to be looking at all of them. That is a point. The Labor Party is saying, 'No, we would rather roads and bridges be approved at the threshold or be sent to the committee at the threshold of \$8 million. However, Ms White and Mr O'Byrne have not made a case as to why it should be lifted from \$5 million.

Ms White has not made a case as to why it should be raised from \$5 million to \$8 million. Isn't that interesting, Mr Deputy Speaker?

**Ms White** - You were out of the Chamber at that stage.

**Mr DEPUTY SPEAKER** - Order.

**Mr FERGUSON** - Rather than actually being able to make a cogent case, all Ms White has been able to do so far is to argue that there are some projects that should still go to the Public Works Committee that we in the Government feel would not require reference to the Public Works Committee.

When this process commenced, the Treasurer, wanted to support getting projects moving, allowing public expenditure on important job-creating projects, including not only roads and bridges but schools and hospital infrastructure, to get out of the ground and generate outcomes for Tasmanians. We are not looking to dismiss the important work of the Public Works Committee but to ensure that the work that is pitched to it is work that is at the right level.

When this work began, a starting conversation was around \$10 million for building and construction works and \$30 million for roads and bridges. It might be useful for members of this House to be aware that this commenced -

**Ms Butler** - An 83 per cent increase in the threshold - how can that be okay?

**Mr DEPUTY SPEAKER** - Order.

**Mr FERGUSON** - The Treasurer has mentioned this. This idea came about as a result of roundtables that were conducted by the Department of State Growth, by this Government, last year, working with industry to identify opportunities to improve the way the Government procures and delivers capital projects in our state. It is important that the record reflects that. The proposal to increase the threshold was borne out of those discussions by stakeholders in the first of those two roundtables about the benefits to industry and measures to streamline government procurement.

I heard the Leader of the Opposition refer to Government improving its procurement processes. Here we are, this is part of that and that should be supported.

**Ms White** - We happily support a lift to the threshold to \$8 million.

**Mr DEPUTY SPEAKER** - Order.

**Mr FERGUSON** - Ms White is again saying that she supports the lifting of the threshold from \$5 million to \$8 million but she has not made an argument as to why that should be. Everything I heard was arguments for keeping the thresholds at a lower level in arguing why it should not be \$20 million but \$8 million.

The other comment I make is that it unfortunately appeared that the Leader of the Opposition seemed to possess some knowledge of the internal workings of the parliamentary committee, which was an interesting observation I wish to make.

I have been speaking to some industry people and they would like us to keep it at \$30 million for roads and bridges, not \$20 million. We have made the judgment that an appropriate level of threshold would be \$20 million for roads and bridges. I can understand why industry would like it to be higher, but the Treasurer, in his excellent work in consulting not only with industry but the Public Works Committee itself, while they are not in a position to make any particular recommendations, a view has emanated that the numbers that have settled on by the Government would be appropriate for us to be considering.

**Ms White** - Then why did you remove the fact that they were satisfied?

**Mr DEPUTY SPEAKER** - Order, Ms White.

**Mr FERGUSON** - I say those things, and also regardless of whether or not a project is taken through that formal parliamentary committee, I do not want sitting on the record a claim that the public are kept out of being consulted because that is not true. Who said that? It is not right because small projects still go through a process of public consultation. I want the record to reflect the facts, not the false claims that have been made.

I am aware that there are great people in our department and our civil construction sector who build the projects that this House, this parliament, has approved to be built using public expenditure. It offends me, on behalf of them, that the official leader of the Labor Party would condemn their work as 'deadly', which is what I heard in respect of one particular section of road on our highway.

**Ms WHITE** - Point of order, Mr Deputy Speaker, I did not say their work was deadly. I said it has proven to be a deadly section of highway. I take personal offence at that remark from the minister and I ask him to withdraw it.

**Mr FERGUSON** - I withdraw, but the Leader of the Opposition is very thin-skinned because the record is very clear and what she said is very clear, and I stand by that. Nobody should be declaring intersections or roads deadly when they know that it is currently going through a coroner's inquest. You should not prejudge that judicial work and you have.

It is also important to point out that this is a project that was built having been through the Public Works Committee, so perhaps you are also condemning the work of the committee.

**Ms White** - The point was they wouldn't have met the threshold for assessment.

**Mr DEPUTY SPEAKER** - Order, Ms White, second warning.

**Mr FERGUSON** - You are very thin-skinned if you need that to be withdrawn when it was you who said it. Mr Deputy Speaker, through you, I say that to the Leader of the Opposition who is now huffing and puffing, having not made an argument as to why the Labor Party is not supporting one of the elements of this bill. The civil construction sector wants to be partners with Government in the delivery of projects. They are supporting us and helping us to be more informed in purchases, for example, ensuring the timing of procurements are effective for industry. In fact,

the Government has already moved in that way. It was the case that up until last year, no Tasmanian government had ever delivered a 10-year infrastructure pipeline.

**Mr O'Byrne** - It's a list, mate.

**Mr DEPUTY SPEAKER** - Second warning, Mr O'Byrne.

**Mr FERGUSON** - It had not happened, and the member who is interjecting was a former minister in this area. This is not my innovation, it was an innovation of my predecessors Rene Hidding and Jeremy Rockliff - great work, hats off to them - in establishing Infrastructure Tasmania, which collates this work not just of government but also the private sector, government GBEs and local government. For projects over \$5 million, it is fantastic that we are able to get a greater visibility of investments that are going to come through over the next 10 years.

What does this mean? It means that it is not all about government work. It is about work in general that is going to help employ Tasmanians to do the work, build the infrastructure, the hotels or the roads, whatever it may be. The industry can be better informed and in a position to plan workforce development, its employment practices, and ensure it is prepared to tender when they come up.

It is the case, and I support the Leader of the Opposition in this respect, that if we can ever improve our procurement processes in the future we ought to do that. That is what a responsible government would do and it is what we are doing. In fact it is one of the reasons we are here today. Out of the first roundtable, industry said it would be helpful that we get the red tape on this right and \$5 million is too low. Maybe that is something we can agree on but the industry suggested the levels be even higher than we are currently debating of \$8 million and \$20 million.

I do not want this to be a squabble. I know the Treasurer also would not want a squabble over Labor quibbling with a particular dollar amount for roads and bridges, but that is unfortunately precisely what they are doing by wanting to move amendments to this legislation. I am not sure if I heard anything in the Leader of the Opposition's contribution that indicated how she had arrived at \$8 million for roads and bridges. I am not sure if there was any industry consultation there at all but perhaps if I am wrong about that she can correct me.

Mr Deputy Speaker, this bill is important to this side of the House because it supports the delivery of the Government's significant infrastructure agenda in a budget that this House supported because there was no alternative budget other than from Ms O'Connor.

**Ms O'Connor** - And Dr Woodruff.

**Mr FERGUSON** - And Dr Woodruff, your colleague.

**Mr Gutwein** - That is one thing that we give you a tick for.

**Mr DEPUTY SPEAKER** - Order.

**Mr FERGUSON** - We do, we give you a tick for that; you gave us two ticks and we will give you one.

**Mr FERGUSON** - The Labor Opposition was too lazy and preoccupied with its chaos and dysfunction to produce an alternative budget. The Greens, to their credit, with only one fifth of their members, nonetheless generated their alternative budget and were able to at least make claims on what the Government ought to be doing.

**Ms O'Connor** - Fully costed.

**Mr FERGUSON** - So you say.

**Ms O'Connor** - No, it is fully costed.

**Mr FERGUSON** - I commend you for doing the work of a parliamentarian.

**Ms O'Connor** - Do not say 'so you say'. You obviously have not read it.

**Mr DEPUTY SPEAKER** - Order, order.

**Mr FERGUSON** - I am not intimately familiar with every line of your alternative budget, Ms O'Connor.

**Ms O'Connor** - It is fully costed, I am telling you. I tell the truth in here.

**Mr FERGUSON** - I take you on trust that, that is the case. But it is a weird way to compliment the Greens because it points out that the official Opposition were too lazy and preoccupied to be bothered with it.

My point is a first point. This House has approved \$3.6 billion of investment into infrastructure, which is intergenerational, for our beautiful state. It is about supporting not just jobs during construction, it is about supporting future jobs. It is all about underpinning the future economic success of our state, which is growing economically.

**Ms O'Connor** - There is nothing in there for climate resilient infrastructure.

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

**Mr FERGUSON** - Employment wise, it is going ahead. To keep ahead of the economic growth, we have to make sure that we have that infrastructure in place.

**Ms O'Connor** - Do you know what is happening to the planet? Talking about more roads and bridges as intergenerational, through you, Mr Deputy Speaker -

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

**Mr FERGUSON** - I am aware. The point is that the infrastructure pipeline that indicates 73 projects over the course of the next three years would likely require submission to the committee that was asked about in the debate. I commend the Leader of the Opposition to the infrastructure pipeline document. Of those 73 projects, even without proposed adjustments to the threshold levels, around 50 of those would still require the committee to do its work. That is quite a lot of work for the committee, to be frank. I know Ms O'Connor agrees with this because she wants a bigger parliament. Fifty projects is a lot of work for the committee.

I want to defend the department and the industry itself; they build good infrastructure for us. The Parliamentary Public Works Committee provides an additional layer of oversight over a cost benefit analysis and sometimes design principles for individual large projects. That is as it should be. But some projects would be well and truly on the borderline as to whether they add value to the assessment of that project insofar as they may slow it down.

**Ms Butler** interjecting.

**Mr FERGUSON** - We are saying, and you are also saying, Ms Butler, because you are proposing to increase it from five to eight. Your party is proposing to increase it from five to eight, so there is a level of agreement. We are interested in supporting strong legislation. It is not cavalier; it is not adventurous - it is sensible. When you look at the roads and bridges investment, it is in the billions of dollars. It is appropriate that the Parliamentary Public Works Committee looks at those large projects and it always will. It is also about ensuring that the work that is pitched to that committee is of the right level.

I do not want to continue too much longer on the dollar amounts because, frankly, it is a waste of this House's time. The arguments have been made. I ask that the members opposite reconsider their opposition to what industry is looking for -

**Ms O'Connor** - Industry does not make the laws.

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

**Mr FERGUSON** - remembering that we make laws in trust for the people of Tasmania and industry are part of the people of Tasmania.

The significant upgrade to the Midland Highway is an example of massive infrastructure investment that has been occurring under this Government and which was neglected prior to the election of this Government. Mr O'Byrne, who is in the Chamber, knows this all too well. He was in my role in previous years. It was described by his colleagues as 'the goat track' in those days. Mr O'Byrne's response to this at the time was to try to implement blanket speed reductions on our highways and roads.

**Mr O'Byrne** interjecting.

**Mr Deputy SPEAKER** - Order, Mr O'Byrne. Your second warning.

**Mr FERGUSON** - That plan was thwarted by public opinion. When they found out about his plan they spoke up in quite large numbers. There is a place for ensuring that speed limits are safe and effective for the infrastructure in place at a point in time, but it is no replacement for genuine infrastructure improvement and upgrade.

In May 2015, the Australian and Tasmanian Liberal governments launched the Midland Highway 10-year Action Plan. The Treasurer, Mr Gutwein, was implicitly involved in that. It was a huge commitment made by the Australian Government and the Tasmanian Government over 10 years, which is somewhat unusual. Certainly at that time it was unusual to get 10-year guaranteed funding. The largest ever single investment in the Midland Highway will result, and is resulting, in a much safer highway for all road users.



The funding is provided on an 80:20 basis. We are using not my methodology, nor Ms White's methodology, but the AusRAP methodology, the International Road Safety Audit approach, which has been adopted around Australia, to underpin our investment strategy.

The objective is to raise the standard of the strategic highway to a minimum three star AusRAP rating. That is why I wish to defend the excellent people who work in engineering and design and in the construction sector who have already improved our roads, including the Midland Highway on those sections that have been completed. Far from allowing the Opposition to get away in the middle of a coronial inquest to declare sections of road as 'deadly', I need that to be challenged. We allow the Coroner to do their work and to advise Government accordingly.

The Tasmanian Government is committed to improving safety at high-risk crash sites by installing flexible safety barriers and a central median in high speed areas. On the Midland Highway Action Plan, 16 projects have already been completed since works commenced as part of that action plan. I will not go through them all, but they are winning. They are helping Tasmanians to get from A to B more safely and more efficiently. That is a good thing, particularly as we recognise that sections of the highway as it has been upgraded it has seen an increase in the AusRAP safety rating. I hope members will agree that is a good thing.

As part of that, there is an increase in the number of locations and distances where vehicles can overtake safely, nearly - not completely, you can never completely eliminate the risk - eliminating the risk of head-on crashes. As most people in this Chamber know, we have been all too familiar in our state over many decades with the trauma of head-on crashes on our Midland Highway.

We are now just over half-way through the 10-year action plan, and already we have seen significant distances on the highway where that risk of head-on crashes has been virtually eliminated. That is to be supported and for any members of this House who are on the Public Works Committee, great. Thank you for your support because you have enabled the works to go on.

**Ms Butler** - I do not support the wire down the middle. I never have.

**Mr FERGUSON** - You can speak for yourself, if you do not support the 10-year Midland Highway Action Plan.

**Ms Butler** - It is not optimum.

**Mr DEPUTY SPEAKER** - Order, Ms Butler.

**Mr FERGUSON** - That will be on your head if you do not support safety upgrades. I do not know if you have road safety qualifications.

**Ms Butler** - We could have done a lot better than wires.

**Mr DEPUTY SPEAKER** - You are on your second warning now, Ms Butler.

**Mr FERGUSON** - I do not, but I am prepared to take the advice of experts. I hope you would be as well.

I support this bill. I commend my colleague the Treasurer for his hard work on this, and particularly compliment him not just for the gumption to bring it to a policy effect, but to listen to

people. Again, this came out of the roundtable. This came out of a conversation with industry about how Government can procure better.

**Mr O'Byrne** - This is a sure fact he is not doing the job.

**Mr DEPUTY SPEAKER** - You will get your chance in a minute, Mr O'Byrne.

**Mr FERGUSON** - Industry said we would like you to look at this. I must also mention the Treasurer consulting with the Public Works Committee. People who are members of that committee from each House ought to be take feedback seriously. We should not be seeing political games played around projects that are going to not only create jobs now, during construction and into the future, underpinning economic success. They are projects that will help Tasmanians to live their productive lives more safely and, in some cases, arrive home alive, without compromising the essential role that parliamentary oversight will continue to have. I support this bill.

[4.39 p.m.]

**Ms BUTLER** (Lyons) - Mr Deputy Speaker, for the record, I want to make sure that the minister for Infrastructure understands that the reason why I do not support a wire in the middle of the road is because I do not believe it is the optimum safety. When we were meeting those rating standards we had three different alternatives. We could have gone for the Kia version of the optimum safety or we could have gone for the Rolls Royce version of the optimum safety. This is what you get in other states, where you have two lanes going one way and then you have a divide, a clear divide in the middle, often with a bit of bush on it, and then you get the other side, with two going that way. That is the Rolls Royce. That is what you want. We opted for the Kia and the Kia is the one with the wire down the middle. It is not the optimum safety standard. We chose the cheap version so we could fit the category so we could get the stars but we did choose the cheap version and it will cost a lot in the future to maintain those wires. Whilst I agree that it can prevent head-on collisions it is not the optimum safety that we could have had.

I am a member of the Public Works Committee and I think that increasing the threshold from \$5 million to \$8 million is an appropriate amendment to be made. I do not consider the increase to \$20 million to be appropriate and I will run through why.

There are a lot of demands on the Public Works Committee. We know there is an increase in projects that go before the committee so if it can make it more efficient to increase the threshold to a balanced level then \$8 million may be an appropriate level. However, I think \$20 million is excessive. Currently, public works with a value exceeding \$5 million must be referred to the Parliamentary Standing Committee on Public Works for its consideration. The Public Works Committee Amendment Bill 2019 proposes increases to the threshold above which works must be considered by the committee to enable the design and construction of infrastructure projects that are valued below the new thresholds to proceed without unnecessary delay. That was from a second reading speech.

The proposed thresholds are \$8 million for building or construction works and \$20 million for roads or bridges. The Treasurer's second reading speech points to the thresholds not being reviewed for a decade with the last increase being in 2009. I note that the threshold was increased from \$2 million to \$5 million to enable the very important economic stimulus plan by a federal Labor government to build the education revolution, which was by a former prime minister, Julia Gillard. She will be remembered in history for that fabulous investment into the people of Australia. I am a firm believer that education is the greatest equaliser.

When we are going through this debate, I am not exactly sure, and I would like it if the Treasurer could answer this for us, how many of those proposed projects are for roads and bridges and how many are for other construction? I would like to get a ballpark figure. If you are looking at increasing the threshold to \$20 million because there is such a demand, how many of those projects will be for roads and bridges? That would be an appropriate question and it might provide a bit more clarity.

On the record, I would also like to make it clear that as a member of the Public Works Committee I do not support the increase in the threshold for roads and bridges for works that exceed \$20 million. I understand that the proposed workload of the Public Works Committee is daunting and that a small increase in the threshold, as I have previously said, would be warranted. However, I will say again that \$20 million is excessive.

To increase the threshold from \$5 million to \$20 million represents a 75 per cent increase in the threshold for roads and bridges. The Infrastructure minister indicated that they would have liked to increase that threshold from \$5 million to \$30 million. That would have been an increase of 83 per cent. When you look at it like that, it is excessive.

We also know that our population is about 2.4 per cent of Australia's population; that is us in relative terms. For us to actually have the highest, by double, of the thresholds for public works is really out of whack with our scale and size and also for the scale of infrastructure which we build. I support the amendment which we will be submitting. It would be appropriate that the threshold be increased to \$8 million for roads and bridges, a more moderate amount of increase to the threshold. That would be about a 37 per cent increase which would be a better balance; we need to maintain a balance.

It is a logical solution which should not compromise the integrity or function of the Public Works Committee and should also assist the Department of State Growth in meeting the demands of proposed infrastructure projects. Without reflecting on decisions of the committee - because I know I am not allowed to do that - I can state that the information provided to the committee from State Growth, which manages the bridges and roads construction, can sometimes present proposals to the committee which are scant of budgetary information. This sometimes limits the committee's ability to effectively make a decision about whether that particular project provides value to the community or whether that is a good spend of public monies. I can make that comment on the Floor of the House. I have sought advice on this today. I am not reflecting on an actual decision but I can reflect on my own analysis. It is a trend and it is also a trend that has come through from previous Public Works Committee members where they say it is a trend of State Growth's proposals.

Education, Health and Corrections, in my experience, have produced comprehensive and detailed submissions to the committee where it is clear that the proposed project represents good value to the people of Tasmania. It is quite easy to do our job properly as committee members to say 'yes' or 'no' in those situations. It is very clear how much the project is going to cost and whether or not it provides value.

As a committee member, I have sometimes questioned the process of the Public Works Committee and I have also suggested a number of times that State Growth should not view the function of the Public Works Committee as a simple 'tick and flick'. It is so much more than a simple 'tick and flick'; it is a very important part of the process, that is public monies and it needs to be properly scrutinised. I have not had the same kind of issues with proposals coming from other departments. It is interesting that the area I have most issues with in trying to ascertain whether

you can get value from a proposal for the spend of public monies is in that area of bridges and roads and not the other areas. That is the area where you are seeking to excessively increase the threshold, not in a balanced fashion at all.

I also note that the department often changes the proposals after they have been put into the Public Works Committee. As a part of the process, the Public Works Committee will sit, meet with the community, go into committee and there will be a decision made. It has to be a 'yes' or 'no' but after that it is gone. The Public Works Committee does not have any further function and it goes on to the Public Accounts Committee for further scrutiny. Historically, many changes are made to that original document which gets ticked off with a 'yes' or a 'no'.

There is a process which is not being undertaken effectively at the moment. If we are looking at raising the level of scrutiny we really need to make sure that the effective scrutiny is in place and the role is being done correctly. Scrutiny is vital to our democratic system and I would not like to see the robust scrutiny of the Public Works Committee compromised by adding an excessive threshold with the 75 per cent increase.

I am probably shooting myself in the foot here, but we all know about the pink batts scheme. One of the problems with that scheme was that there was really limited scrutiny. It is so important to make sure we keep scrutiny in check, and especially as people who are elected by the public to assist with the function of releasing public monies, we need to make sure that scrutiny is compliant. The Commonwealth Auditor's report into the pink batts scheme found that 29 per cent of installations had deficiencies, ranging from minor quality issues to safety concerns, and the program was run in a way that was open to fraud, finding 4000 cases of potential fraud. One of the main failures, according to the auditor's report, was the scheme's administrators. There was scant scrutiny of that whole scheme and it was rushed through. We should listen to history and make sure that we have appropriate scrutiny in our processes, especially in light of these infrastructure projects with the amounts that are coming through.

It sounds like the Government is looking to rush through a heap of projects at the moment, because 'this is what business wants'. We should never lose the balance of proper scrutiny and making sure that we can meet the infrastructure demands of our state.

I had a look into the different amounts of money over the threshold in other states, which my colleague went through before. In South Australia they have a construction value in excess of \$4 million excluding GST. The Commonwealth Government estimates if it costs more than \$15 million it must be referred to a Public Works Committee, so if the Commonwealth Government has a cut-off of \$15 million and here in Tasmania we have a lot less infrastructure demand, \$20 million is excessive.

I am concerned that lifting the threshold to an excessive level of \$20 million may lead to State Growth, under the directive of the Government, chopping proposed road projects into smaller projects because that way you would be able to even further avoid the scrutiny of the Public Works Committee. The scrutiny is very important. We need to make sure that we maintain the control of public monies because it is our job to do that.

I have no evidence to suggest that is happening but these are laws that we put into place and this law could be in place for the next 50 years so we have to make sure it is prudent and appropriate. It is still highly excessive. There is a reason why public scrutiny is required and the use of public funds must have close scrutiny. Under section 17 of the act, a project can be referred to the

committee; however, we know the main reason to change the threshold is to push through projects without scrutiny. I agree we need to find a compromise, but \$20 million as a threshold is far too excessive.

[4.54 p.m.]

**Mr O'BYRNE** (Franklin) - Mr Deputy Speaker, I support the contribution by the Leader of the Opposition, Rebecca White, and the points that she has made, and foreshadow the amendments she will move.

Before I get into the substantive arguments, there are a couple of things which need to go on the record. The member who is no longer in the Chamber, the minister for Infrastructure and member for Bass, Michael Ferguson, waxed lyrical about the work of this state Government's infrastructure strategy. If it were true and bore any resemblance to what has - or has not happened, more importantly - then you would let it go, but you seriously cannot, particularly from a government that in opposition promised a four-lane Midland Highway which Tasmania is still waiting for. It is a lie that was perpetrated on the Tasmanian people and they are making a virtue out of what essentially was a Labor state and federal Midland Highway strategy as a fig-leaf defence for the lie that has been perpetrated on the Tasmanian community. It is an absolute disgrace.

We know that in infrastructure it takes time for projects to work their way through community consultation, budget consideration and government consideration. A whole range of factors bring governments of all tiers to a point where projects get up and get funded. Not in any way wanting to say our government was a standalone or a stand-out but when I was minister for infrastructure, you had to look at the projects that were happening around Tasmania and acknowledge there was a significant amount of work that was being done.

In the south there was the Kingston Bypass and the Brighton Hub. The creation and building of the Brighton Hub was a project that moved a significant amount of freight traffic out of the centre of Hobart, reducing congestion and pushing a whole range of freight traffic to that northern point of the southern region in terms of the capital city and integrating road and rail in that internodal facility at Brighton. The Brighton Bypass was a significant investment, as was the East Tamar Highway, so a significant amount of work under our government was done to invest in state road infrastructure across the state, combined with a range of community road projects on the West Tamar.

After six years in government, the best the minister could do was refer to his pipeline, which is not a strategy. It is a list of projects that may or may not get up. Some of the projects that are put in there are envisaged in some cases for potentially 10 years down the track, taking credit for other people's work, like the MONA redevelopment. We know the base politics that was played by the Liberal Party on that investment and the potential of the MONA hotel, so do not come up here and say a pipeline is a strategy. It is not, because we know you are exposed. After five years in government you promised the 30-year infrastructure strategy would be delivered by Christmas last year. You failed that. You then said you would release it by the end of the first quarter 2019. You failed that. We then heard whispers that you might want to head to the Budget but again, there was nothing in there about your 30-year infrastructure strategy.

Having a list is not a strategy. You make that out as a virtue when the only significant commitment you have made is a four-lane Midland Highway and you failed to deliver on that. The freight lines between north and south and across the north is the product of a number of Labor governments' work, both state and federal, over many years, to establish it as the primary freight

highway. As to the 10-year strategy which you claim as your own, the work was commenced by Labor, both state and federal, in 2011 in terms of the negotiations, which the state government led with every council up and down the Midland Highway to identify their safety work.

Congratulations for getting on with the job. The money was committed to under a Labor government and you have done it now. We commend it, unlike some of your other commitments, where you flip. Another prime example of this Government's inaction is the airport roundabout. In 2014 - and usually it is on an annual occasion - a gaggle of Liberal politicians stood together and said how great the airport roundabout is going to be and what a magnificent project it will be. Well, it is 2019 and there has been precious little activity out there. We hear from the previous infrastructure minister that work would commence by 2019. Then the Premier said 2020 and now we are still waiting for the work to come. You announced it in 2014. These are Liberal projects. These are your big signature moments and you fumble it every time.

In terms of this bill, this is another example of this Government's laziness and their inability to be open and transparent with the community. The Treasurer has history with refusing to release the advice from Treasury on the sale of the Tamar Valley power station. They are playing games with RTIs. There are responses from ministers saying, 'We cannot provide a response to your RTIs because we are a bit busy at the moment'.

In one respect it just continues their arrogance and their lack of understanding that they are not playing with their money. It is the state's money. It is Tasmanians' money and there has to be a level of transparency about how it is spent.

The minister for Infrastructure, on his feet, said this idea to go to \$30 million, the grab for \$30 million, came from a roundtable. I believe what has happened is that the civil construction industry is raising concerns with the incompetence of the Government in getting projects out the door. You have two choices as a government. You acknowledge the criticism and you commit to working on it to make it better, or you take a short cut and try to change the rules. Which decision was taken by this Government? Let us take the short cut. Let us not do the work in the department, resource the people, get the design work done, get the consultation with the consultants and with the civil construction industry. Let us do the hard work whilst also maintaining a level of transparency and oversight of this House and allowing the people of Tasmania to have their say on major projects with government money.

This is a system that has been well established in Tasmania. Very few projects get knocked back - we heard of one project that was knocked back. Instead of actually resourcing a process that is working and has worked historically, you cannot even get your members to turn up to these hearings. You cannot go through the entire process so you want to short cut it. You just want to go, 'this community consultation stuff, it does not matter'.

The logic of the second reading speech says we want to have more public consultation because we think it is appropriate that we do that. Yet, for the vast majority of the projects either single projects, or as the Leader of the Opposition has identified, grouped up or rolled up projects, you are reducing the amount of consultation with the community. The irony of that. There is a whole range of projects that will go through the Public Works Committee where people can have a say. If you lift the threshold there is a whole range of projects that will not be consulted on and people in this community will not have the opportunity to have their voices heard.

The irony and the contradiction in that argument is astounding. We want to have more consultation but we want to reduce the number of projects that will go out and be consulted on. It is laughable. They do not want to do the work. It is all a bit hard. Your first act of government was to get rid of the Department of Infrastructure, amalgamate it into a mega department and you cut all the good people. The staff all walked out the door in your first year of government. All these good public servants who had good experience - road engineers, road designers, good people who were committed to the work that they were doing. It was made very clear to them: you do not have a future in this government, so off you pop and we will put it out to the private sector. However, you cannot even do that.

Six years down the track you have yourself in a situation where your members will not turn up to meetings; you all find it too hard so you want to change the rules. It is embarrassing. We do not mind a conversation about assessing an appropriate level and the amendment that has been alluded to will do that but to jump from \$5 million to \$20 million is a disgrace. Higher than the Commonwealth; higher than other states. Their annual infrastructure budgets are bigger than our four-year forward Estimates.

Bigger states have worked this out. The Commonwealth has worked this out. There is a level of transparency and oversight that needs to happen from this House and allowing public community consultation. To make a virtue out of wanting to have more public consultation by having fewer projects assessed just does not make sense.

In our view of the working of the committee, the committee works when people turn up to do their work. If you are not able to get your people to turn up to do the work, to get a quorum to allow consultation, then that is a matter for the Government. It is not a matter for us to change the rules to make up for the fact that you cannot be bothered turning up.

**Mrs Petrusma** - You need to turn around and look at your own, too. I have turned up to every single one and I know that there are other members who have not turned up.

**Mr O'BYRNE** - You will have your chance. Again, this is this government writ large. When presented with a problem of their own making, they either acknowledge it - this Government will never acknowledge that they have done anything wrong, that is the arrogance of it.

The choice they have in front of them is either respond by resourcing the department and resourcing the work that allows proper scrutiny and appropriate oversight. The answer is not to change the rules to avoid it. This is a disgraceful piece of work, to dump it and then to put the civil construction industry in it and say, we are only doing their bidding; putting them in a political situation where they are apolitical. They do the work. Dragging them in is a justification to say, we are only doing this because the industry has asked us.

Let us be clear, the industry is saying the Government is not good at getting the work out. We know that in some projects, there is a level of community angst about either a design or the proposal itself. Without a hearing where people can feel they have their voices heard, you are putting civil construction companies, potentially, in the line of protest, disagreement and disharmony within the community. This is a way to resolve these issues, making sure that these projects are assessed. The amendment as put forward by the Leader of the Opposition, Rebecca White, will ensure that will occur.

[5.07 p.m.]

**Mrs RYLAH** (Braddon) - Mr Deputy Speaker, today we are discussing getting the balance right for the formal examination of the Public Works Committee's work. This is only one type of scrutiny that occurs on projects and there are many other methods where people have a voice and are heard.

Before I begin the formal part of my speech, I want to commend the quality of works that comes before the committee. We see amazing quality, outstanding quality of works for schools, hospitals, roads and bridges. We see amazing work and I commend the departments for their work in that space.

The Tasmanian economy is the strongest growing in the nation and today Tasmania is a better, prouder and more confident place than ever before. We have come a long way in five and a half years. Last week's state final demand data, released by the ABS, confirmed that Tasmania is the fastest growing in the nation. It also showed that private investment grew the fastest in the nation. This is important because the civil construction industry is part of the private investment sector. This is where and when businesses invest and they create jobs, and it is working. Under the Hodgman Liberal Government, 13 000 jobs have been created since March 2014.

Clearly, the private sector is stepping up and investing and that is exactly what the Government is doing. However, we know and we recognise that there are external economic headwinds and in our 2019-20 Budget, we responded with the scenario. We are seeing the reality of those headwinds affecting us both nationally and internationally since our budget was brought down.

The 2019-20 Budget in Tasmania outlines a record-breaking \$3.6 billion investment into intergenerational infrastructure. This means business activity, jobs and opportunities for Tasmanian people, businesses and communities.

This is a large task for the small state of Tasmania. It is unprecedented in Tasmania and it is important that the infrastructure procurement in this state is not met with undue delay.

The bill before the House is a simple one. It looks to streamline infrastructure procurement for lower-value, low-risk infrastructure to allow the Public Works Committee to focus on the higher-value, higher-risk infrastructure where its focus is required. Currently, public works valued at over \$5 million must be referred to the Parliamentary Standing Committee on Public Works for its consideration. In terms of the \$3.6 billion spend, this would result in approximately 82 projects over the next four years. In analysing the Public Works report since 2010, I find that the committee has reported on 78 projects over nine and a half years, or on average, just under nine reported projects per annum.

With the 73 projects forecast in the next four years, the threshold of \$5 million to the committee is a clear roadblock. It is too low and catches far too many projects that would need to be delivered sooner. It would delay delivery of the key economic stimulus in providing schools, roads, hospitals, bridges and so forth that is needed by the Tasmanian people.

The proposed thresholds are appropriate and reasonable, \$8 million for building and construction and \$20 million for roads and bridges. I note these thresholds have been significantly reduced from the threshold recommended to the Public Works Committee by the Treasurer and I am pleased the committee's views have been considered.



This bill means that more projects will need Public Works Committee review, with approximately 60 per cent of the 82 projects going before the Public Works Committee. The thresholds provide the committee with an ability to focus on those higher-value, higher-risk projects, while allowing the lower-value, lower-risk projects to proceed without unnecessary delay.

The bill will assist in ensuring that we are able to build the infrastructure needed to support and cater for our growing state's needs into the future, with investments into new schools, bridges, hospitals, police stations and affordable housing needed for the twenty-first century.

The bill's passage will mean that the Government can streamline low-value, low-risk projects for the benefits of Tasmanians sooner, but I note that all projects are still required to comply with state planning provisions, which means that the community will have opportunity to voice their support or concerns in relation to those public works projects.

This bill reduces red tape and provides the community with sufficient opportunity to voice their support or concerns in relation to the proposed public works. The Government's infrastructure investment is a major step-up. The 2019-20 budget outlines an unprecedented record breaking \$3.6 billion worth of investment. This is intergenerational infrastructure for the twenty-first century that will lay the foundation for our future. This includes agency investment into infrastructure of \$2.8 billion over the next four years, including roads and bridges with \$1.6 billion, hospital and health with \$352.6 million, human services and housing with \$212.5 million, schools and education with \$194 million and law and order with \$17.6 million.

Of all this investment, this bill allows the committee to focus on the public works that matter the most, where greater scrutiny and review of the spending of large amounts of taxpayer funds is of value and the spending is checked to be sure that it is made in the state's best interests.

When it comes to roads and bridges, the threshold is proposed to be set at \$20 million because roads and bridges, by their very nature, are large high-cost projects, even for relatively simple projects. For example, this could mean that projects like the duplication of the Evandale Road from the airport to Breadalbane could be delivered sooner rather than later, or simple edge widening, resurfacing and safety works on the Batman Highway could be delivered sooner rather than later. Similarly, works on the Parattah Straight on the Midland Highway would not require referral to the executive council, convening of the committee, calling for submissions by advertisements, hearings, writing reports, approval of reports and tabling in parliament.

Let us go to a particular project, the Batman Highway works. The Batman Highway is a state-managed road built in 1980 as a two-lane rural link between East Tamar and the West Tamar Highway via the Batman Bridge. It currently provides the only crossing of the Tamar River north of the city of Launceston. The highway is used extensively by light vehicles and heavy freight traffic between West Tamar and the Bell Bay port and surrounds a heavy industrial zone on the East Tamar. The highway is also an important link for primary producers on either side of the Tamar, particularly wine growers, livestock producers, orchardists and crop producers. It is also an important link for our growing tourism visitors.

The Batman Highway is showing significant signs of wear due to heavy transport use and requires investment to improve safety and efficiency. The Government is getting on with its commitment to address this, with an investment of \$6 million in edge widening, resurfacing and safety works. This is not a complex project and is one that should be delivered sooner rather than later.

The Department of Treasury and Finance is responsible for the act insofar as it relates to the conditions precedent to commencing public works. This legislation is also reflected in the requirements of the Treasurer's Instruction 1205, the pre-procurement procedures for major works procurement building and construction.

The Standing Committee on Public Works has an important role in ensuring that significant expenditure of public funds is given proper and full consideration, especially in relation to large, more complex and expensive projects. The role of the committee is to ensure a high level of accountability and transparency in relation to the expenditure of public funds by considering the necessity or the advisability of proposed works and the public value of the work.

When a project is put to the Public Works Committee, the committee is provided with plans, specifications and other related material from the relevant department, and may also summon witnesses. Noting this, it is vital that the committee has the capacity to focus on strategic high-value or high-risk matters, and to deliver its reports in an efficient and timely manner.

The threshold for submissions of projects to the committee was increased, as noted earlier, from \$1 million to \$2 million, a 100 per cent increase, in December 2001, and from \$2 million to \$5 million, more than a 100 per cent increase, in June 2009. The 2009 increase facilitated the delivery, as noted earlier, of the nation-building economic stimulus package, a 150 per cent increase. Given that it is nearly 10 years since the threshold has been reviewed, combined with the significant increase in the number and value of infrastructure projects in the pipeline, it is considered timely to revisit this matter. In particular, the impact of the significant increase in the volume of works projects that will need to be considered by the committee over the next four years needs to be addressed.

The Government's planned infrastructure program presents a significant forward pipeline of infrastructure investment that can be relied upon by Tasmanian businesses and industry. It will continue to support economic activity and jobs growth across the state. This will be enhanced by the release of the state's first 30-year infrastructure strategy this year. The Government will continue to work with agencies, government businesses and industry to manage the rollout of this record level of infrastructure investment.

Under the proposed thresholds, larger projects such as the Sidling upgrade, Illawarra Main Road and the Bass Highway between Cooeee and Wynyard, will still be referred to the committee. These are larger important projects and it is right that the committee devote its time to their appropriate scrutiny. Building projects recently put to the public works committee like the King Island hospital stage two project and the Southern Accommodation Project will still be above the minimum thresholds and therefore will be scrutinised and approved just like they have been.

The increased thresholds will allow the committee to continue to maintain a high level of scrutiny by giving due consideration to high-risk, high-value projects, while significantly improving delivery times for a number of projects and reducing the risk of missing key construction windows. The bill would allow the committee to focus its time and effort on projects such as these while allowing smaller, lower-value and lower-risk projects to proceed without this step.

The state final demand data from last week, which showed Tasmania to have the fastest growing economy in the nation, was underpinned by the highest growth in private investment. In the 2018-19 financial year private investment grew by a nation-leading 7 per cent, and 2 per cent in the June 2019 quarter in real trend terms. The Hodgman Liberal Government knows that it too

needs to step up and invest into intergenerational infrastructure to support our growing economy. That is what this bill provides for.

This Government has outlined its ambitious infrastructure plan in 2019-20 Budget. This infrastructure will lay the foundation for even more growth but it needs to proceed without delay. This bill looks to do just that, to streamline the Government's investments but ensure community input is received so that it can proceed without unnecessary delay.

I commend the Treasurer for the many actions he has taken to facilitate the delivery of a safer, better, more modern quality infrastructure for Tasmanians and Tasmanian communities. I support the bill.

[5.22 p.m.]

**Mrs PETRUSMA** (Franklin) - Mr Deputy Speaker, this bill proposes to amend the Public Works Committee Act 1914 so as to increase the thresholds for submission of public works to the committee from \$5 million for all works to \$8 million for building or construction works and \$20 million for road or bridge works.

Currently under the act, public works valued over \$5 million must be referred to the parliamentary standing committee on public works and a report prepared by the committee prior to the commencement of the works. These proposed increased thresholds for the referral of public works was one measure that was identified following a review undertaken by the Department of Treasury and Finance of the procurement treasurer's instructions and policies to identify strategies to provide greater flexibility to deliver infrastructure projects. Based on the projects identified in the second annual Tasmania Infrastructure Project Pipeline, which was released by Infrastructure Tasmania in August 2019, an increase in the thresholds is expected to result in a reduction in the number of projects to be considered by the committee from 73 to 50 over the next three years.

The increased thresholds, I am informed, are likely to result in only eight building and construction projects and 15 road and bridge projects not being referred to the committee. The increased thresholds will therefore allow the committee to continue to maintain a high level of scrutiny by giving due consideration to high-risk, high-value projects whilst significantly improving delivery times for a number of projects and reducing the risk of missing key construction windows.

In Tasmania these are vitally important. We know that there are seasons when our roads and bridges can be constructed. In our civil construction industry a lot of effort is being put into ensuring that work is rolled out in an appropriate, staged way to ensure there is no boom and bust. It is smooth so that we can keep people in this state employed. We do not want people to be leaving this state because projects are being held up unnecessarily because they are not being reviewed in a timely manner.

The fact sheet states that this bill includes a transitional provision to make it explicit that 'any public work that is referred to the committee, prior to the commencement of the amending act, and has not before been reported on, is to be considered and reported by the committee based on the previous threshold of \$5 million for all public works.' Other projects can still be referred to the committee.

I have been a member of the committee since July and I have enjoyed it. It has been great. It has been fun. It has been wonderful to go to different locations around Tasmania to see some of the proposed public works. Today two members of the Opposition alleged - and this is where I

have taken offence - that Government members are not attending meetings. I have not missed a single meeting since I have been on that committee, nor have I turned up late. The Opposition needs to look in its own backyard before it starts throwing stones saying that members of the Government are not turning up or there have not been quorums. I take great offence that it was asserted that was because of Government members that some of these committee meetings have not occurred. People in glass houses should not throw stones.

In regard to the increases in the thresholds, under Labor governments in the past the thresholds were increased twice, in 2001 and in 2009. When it suits Labor, when they are in government, they are all happy to increase the thresholds. It is only when they are in opposition that they try to obstruct sensible thresholds. In 2001 it was increased, in 2009 it was increased to facilitate the delivery of the National Building Economic Stimulus Package. They knew they had to get those projects through in a timely manner.

Because of this Government's excellent economic management, we have a huge number of projects that do need to get through in a timely manner. This is why this Government is proposing a sensible increase. Costs have dramatically increased over the last 10 years since the thresholds were reviewed. The last threshold review was in 2009. It is now 2019. Costs of projects have gone up. It is an important consideration here.

With regard to other states and territories, four other states and territories do not even have a public works committee. Some jurisdictions are ceasing their committees. The ACT ceased theirs in 2016. Victoria, a Labor state, ceased theirs in 2018. States are ceasing their committees. Western Australia and the Northern Territory have no committees. In fact, they are all Labor - ACT, Victoria, Western Australia, and the Northern Territory do not have committees but Labor in Tasmania want to keep the thresholds down low when other Labor jurisdictions are getting rid of thresholds altogether. This Government is proposing an increase that will facilitate more development in this state. They are sensible thresholds. That is why I support these thresholds.

What will happen is that the committee will go from 73 to 50 projects to consider. This means it is only likely to result in eight building and construction projects not coming before the committee and 15 roads and bridges projects not being referred to the committee. There will still be 50 over the next three years.

The bill also refers to the 2019 Infrastructure Tasmanian Project Pipeline, a document that was released in August 2019, and I commend the recently promoted Minister for Infrastructure and Transport and the Government for this great document and the fact that there is such a huge pipeline of projects coming on line in Tasmania.

As the minister states, the Hodgman majority Liberal Government's ambitious jobs and growth targets for Tasmania require a commitment to provide the infrastructure that supports economic opportunity and enhanced productivity. This is why this strategic investment in our public infrastructure including our roads, bridges, ports, airports, rail lines and ferries enables our businesses to invest and to grow jobs. We must also invest in our essential services and community infrastructure such as our schools, hospitals, public housing, prisons, courts and sporting and cultural facilities.

Our economy remains one of the fastest growing in Australia. We know that the Opposition does not want to hear that fact but it is the truth. Tourism is booming, our construction industry continues to lead the country and business confidence remains at nation-leading levels. That is why

our 2019-20 Budget included a record \$3.6 billion investment into intergenerational infrastructure which supports future growth. This bill is important today because it leads to investment attraction and job creation.

I also want to acknowledge the investment in our program by the federal Morrison Government as well because it is this exceptional partnership which is creating jobs in Tasmania and leading to significant economic and community outcomes. I put on the record that it is was fantastic that we had the housing debt forgiven this week. That extra \$230 million is going to be fantastic up to 2042 and lead to even more building and houses being developed in this state and better economic outcomes.

The Tasmanian Infrastructure Project Pipeline demonstrates continued very strong levels of investment, with a spend of almost \$1.6 billion expected into 2019-20, up on the prior period. An additional \$300 million investment is planned for roads and bridges in the coming year. This follows the almost \$290 million expended last year and amongst the significant projects is the \$30 million Tasman Highway airport interchange, which is due to commence construction in early 2020, and the suite of projects comprising the Greater Hobart Traffic Solution.

There is also the \$120 million redevelopment of Devonport east port, which is expected to begin this year, along with the second tranche of investment under the Tasmanian Freight Rail Revitalisation Program. More than \$1 billion in social infrastructure spending was announced in the 2019-20 state Budget, including an additional \$63 million for Royal Hobart Hospital upgrades, the commencement of the new Penguin School, procurement of the Southern Remand Centre and Risdon Prison shared facilities upgrade, and a new \$10 million indoor multisports facility in southern Tasmania.

The response from the civil construction sector to Tasmania's growing infrastructure demand was very positive following the release of the initial pipeline. The industry roundtables that followed the release of the pipeline resulted in a compact between industry and the state Government to work together on the development of a workforce development plan to deliver our record forward program of infrastructure projects. This work has driven a culture of engagement in training and workforce planning in the sector to not only meet existing challenges but to be prepared for new skills and technological advancements required for the future.

The Hodgman majority Liberal Government's second infrastructure project pipeline tells a positive story of growth that will ensure that future generations benefit from infrastructure investments that are made today.

I want to touch on a few more comments throughout this document because as a CEO states, infrastructure investment is a key facilitator of economic activity. Not only does it directly create jobs, it is the fabric that allows our economy to function, ensuring people are able to travel where they need for work and recreation and that the essential services we rely on in our everyday life are available and in working order.

Our pipeline covers both economic and social infrastructure. Economic infrastructure includes roads, rail, energy, water and sewerage, irrigation, stormwater, ports, airports and communications and is the key focus of the pipeline. Social infrastructure includes public housing, schools, hospitals, prisons, courts and police and emergency management infrastructure which provides both safety nets for vulnerable community members and important building blocks to the early years of

the population. Also included in this category is expenditure associated with recreation and visitor economy infrastructure.

The latest Tasmanian infrastructure project pipeline provides a consolidated list of the key projects that are underway or planned across all economic and social infrastructure sectors over the 10-years. In seeking projects for inclusion in the pipeline, Infrastructure Tasmania gave the following guidelines to asset owners as to which projects should be submitted. The projects are to be of strategic importance to Tasmania in that they play an important role in meeting one of the Tasmanian Government's key strategies, be planned to occur within the next 10 years, be highly likely that they are funded or partially funded and be significant in cost, indicatively greater than \$5 million or part of a program of projects that collectively meet this threshold.

Initially the pipeline was conceived to provide greater visibility to the market at an earlier stage, but there are multiple benefits. An earlier understanding of upcoming design and build requirements will allow better planning of workforce needs to match future work and provides the ability for training organisations to appropriate programs to meet demand.

The Civil Contractors Federation in partnership with Skills Tasmania prepared a workforce development plan on the back of the 2018 pipeline. The pipeline will help identify if there are any likely constraints to delivery of priority projects in the short to medium term, for instance if there are overlapping timeframes for key projects which may be to the detriment of timely or cost-efficient delivery.

The pipeline will also provide private sector developers and investors with better information to inform decision-making around where they may locate or further develop, and it will provide the opportunity for infrastructure providers to better understand each other's intended works and if appropriate, coordinate effort in terms of scheduling overlapping geographic rollouts or jointly planning contingent projects which may ultimately lead to cost savings.

The forecast 10-year expenditure for the 2019-20 to 2028-29 pipeline period is \$15.2 billion. That may be boring to some members of this House but I think it is a fantastic number and one that the Government is to be commended on. What this shows, as was evident in last year's pipeline, is that there remains very strong planned levels of capital investment across most economic and social infrastructure providers, with around a 1 per cent increase in expenditure forecast for 2019-20.

The data collected for the following years suggest in excess of a 10 per cent increase in roads and rail, the water sectors and expenditure at Hobart International Airport. This will push infrastructure expenditure over \$1.7 billion for 2020-21, an increase of around \$400 million from the 2016-17 historical data presented in last year's pipeline. There is a substantial amount of work that needs to happen.

This bill is bringing in sensible thresholds which will allow a program of works to go through in a timely manner which will keep those employed in the civil construction industry living in this state and still employed and making sure these projects can be delivered when they need to be, when the weather is better.

This House has an obligation to support the increases so that the projects that need it get the scrutiny they deserve but not the ones that are of a lower level, keeping in mind that there has not been an increase for over a decade in the thresholds. This bill is about bringing in sensible threshold levels to enable these projects to go through far quicker.

[5.40 p.m.]

**Mr GUTWEIN** (Bass - Treasurer) - Madam Speaker, I thank members for their contributions to the debate, some more than others. I note that all members who have wanted to have a say have been able to speak to the bill. A range of matters has been brought forward from members on the other side. I know that Ms O'Connor through interjection is either bored with this bill or does not think that it is important.

**Ms O'Connor** - I did not say it was not important I just said -

**Madam SPEAKER** - Ms O'Connor, through the Chair please.

**Mr GUTWEIN** - This is a very important bill. It will enable us to ensure that we can invest in projects, create jobs and provide more opportunity and better services for Tasmanians. The project list that is before us is in the infrastructure pipeline. These projects will be picked up and may benefit from the levels that are being proposed in this bill. Being able to be constructed in a more timely fashion will benefit Tasmanians all around the state. That should not be lost sight of here.

I will deal with a range of issues that have been raised today. Many of them were raised by several members in their contributions. I will not run through each member's contribution individually but I will touch on the main issues. If a member believes that I have not touched on an issue that they raised, I am happy to circle back to it.

First, I want to explain the process that we went through to arrive here today. We began with the roundtables last year. The roundtables included the Local Government Association of Tasmania, the Civil Contractors Federation, Engineers Australia, the Australia Water Association, the Housing Industry Association, Master Builders Tasmania, the Tasmanian Division of the Property Council, the University of Tasmania, representatives from our government businesses including TasPorts, TasRail, TasNetworks, Tas Irrigation, TasWater and Hydro Tasmania: the people who are involved in building stuff in this state came together. They worked with government to identify areas that could be worked upon to ensure that we could get projects to market sooner, but without increased risk. That is exactly what this bill seeks to do.

I will not, as other members have in this place, reflect on the committee. At the end of the day it is a job that the members of this House take on. It is an important role. I have had a good consultative process with the committee. The second reading speech delivered to this House today accurately reflects the committee's view on the bill before us. The \$8 million and the \$20 million levels we have placed in the bill were as a result of direct consultation with the committee.

I want to first touch on the issue of what is done in other jurisdictions. I will not go through chapter and verse here after members have raised this. My understanding is, as a starting point, that the ACT, Victoria, Western Australia, and the Northern Territory do not have an equivalent referral body. They have no limits at the moment. The point has been made very well by the previous speaker. They are Labor jurisdictions.

It seems strange to me that when we are talking about getting on with the job of ensuring that we can get our infrastructure program out the door and create jobs and deliver the services Labor wants to stand in the way in wanting lower thresholds. In South Australia they have a \$4 million level. I do not know if they have any view as to whether that is appropriate or how long that has been in place. I understand from speaking with members of the Public Works Committee that they

have a different machinery of government for the public works committee in South Australia. In effect, it acts almost as a small statutory authority in terms of its resources. Perhaps it has the capacity and capability to deal with smaller projects more regularly.

In Queensland and New South Wales works are considered when referred by the parliament itself or self-referred. In New South Wales, they have a \$10 million threshold as a starting point. Obviously, the Commonwealth Parliamentary Standing Committee on Public Works considers works valued in excess of \$15 million. The point is that in the vast majority of cases, the referrals that the Commonwealth could look at or the projects that they would roll out are generally large and chunky projects. They are not necessarily dealing with projects of the same size and scale as we do in Tasmania.

As I said, the four states and territories, ACT, Victoria, Western Australia, and the Northern Territory, as I understand it at the moment, have no levels at all. The other point about the thresholds that we are proposing is that if this House felt that a project that was below the thresholds needed to be referred, it could bring forward a motion and seek to have that it referred. That is a point that has been missed by members on opposition benches.

**Ms White** - I made that point.

**Mr GUTWEIN** - I am sorry if you made it. I missed it.

There is always that catchall provision. If there is a project that you are uncomfortable with or want to play politics with, then you can introduce a motion and have that referred by this House under the act as it stands at the moment. There is that safeguard currently built into the act.

A number of projects would no longer require submission to the committee. There was a request and I am happy to table it once I complete my contribution. If these changes are not made, the number of projects that would be going before the committee over the next three years is 73. There would be 28 projects that would fall under roads and bridges and 22 in building and construction, a total of 50 that would go before the committee. I will provide that list of 73 projects that are part of the infrastructure pipeline. I believe what I am providing here today is all available on the public record. It is available for anybody who wants to look through that information -

**Ms White** - Sorry, Treasurer, you are tabling that document, did you say?

**Mr GUTWEIN** - I will table it once I finish my contribution yes. There is a list there.

The bill defines different types of public works for the first time. Currently, we have them all bundled and anything above \$5 million is referred to the committee. Based on advice, we are seeking to split out the two different types of work. This is largely because the work related to roads and bridges is largely and often of a significantly higher value in most cases. Therefore we think it is important and reasonable to introduce separate thresholds.

Community consultation was also raised as well. My understanding of what occurs before the Public Works Committee, having never sat on it, is that once a project has been designed, an agency would then take it to the relevant planning authority, but at the same time, usually either concurrently or after it has been through planning, it would arrive at Public Works.



A high level of scrutiny is occurring through the planning system on all of these projects in the main. The vast majority of the projects, and I will not say 100 per cent of them do, but the vast majority of them will require a development application. Through that process there will be the opportunity for the public to have their say on these projects.

My understanding is, whether it is significant road works or whether it is a significant building project, that the public has that opportunity. What tends to happen, as I understand it, is that in many cases, we can have the two processes running concurrently. Under the process that we are proposing, for smaller value projects - those of lower risk - they will still have the opportunity and will, as a matter of law, be required to move through the planning process and be subject to public scrutiny, but they do not necessarily need to have the scrutiny of the Public Works Committee.

That makes a lot of sense. At the moment, in many cases, we are doubling up in terms of the level of public scrutiny that is occurring because the two processes are either running concurrently or consecutively.

Regarding other matters that were raised, and there was a range and some bore some resemblance to the bill; others did not. I need to clarify a couple of matters, especially from the new shadow treasurer. He made the point - and I think that this was a slight on State Growth as an agency - that in 2014-15 that all of the good people left. That is simply not true. We have a lot of very experienced, highly credentialed people who work within State Growth. That was a slight that he has landed on the people who are employed in State Growth. It was a very blunt way that he chose to make a political point. At some time in the future, he should correct the record because it was highly unfair and not required.

He also made the point about major projects that the previous government had been engaged in. In terms of the project, like the Royal Hobart Hospital, which was spoken about for 10 years by those on that side of the House, not one brick was laid.

I can see Ms Butler was hoping that I would bring the brick out of the box again and give it another run, but -

**Ms Butler** - I notice you still have your high-vis vest in your pigeonhole.

**Mr GUTWEIN** - I kept that there just in case. You never know when you might need a high-vis vest in this place.

In terms of the Royal Hobart Hospital, the new shadow treasurer, again was taking licence with trying to paint a much rosier picture of the history as it occurred under the previous government under the 16 years that they were engaged and what actually happened. He used the word 'fumble'. Well, you did not fumble the Royal Hobart Hospital. You actually never picked it up in the first place to do anything with it. It is the minister for Infrastructure, Mr Ferguson, who Mr O'Byrne was having shot at, who has taken that project forward to where, and I have to say, coming back across the bridge today from the Eastern Shore, the work that has been done looks magnificent. Everybody who has been engaged on that project should be congratulated.

He also mentioned roadworks, and I could not help but smile when he mentioned the East Tamar Highway and, again, having a shot at the minister for Infrastructure. It was the minister for Infrastructure when he was the then federal member for Bass, who actually secured the funding to do the upgrade of the East Tamar Highway. In fact, the sum was around \$50 million that was

provided, argued and lobbied for and then achieved by the former federal member for Bass, Mr Ferguson. So again, Mr O'Byrne in wanting to take an opportunity to paint a rosier picture of the past he took aim at the minister for Infrastructure, quite unfairly.

He spoke about this being a problem. I see an opportunity and that is the difference between this side of the House and that side of the House.

We have a significant pipeline of works in front of us: 73 projects that under the current threshold would need to be assessed by the Public Works Committee over the next three years. That is a fantastic position for the state to be in. What we are proposing under this bill by lifting the thresholds from \$5 million to \$8 million for built construction and to \$20 million for roads and bridges is that around 50 projects would still need to go through that process. In the main, the vast majority will also go through a process where the public will be able to have their say as well and that is the planning system.

A range of issues was raised by Ms O'Connor. I will not go to them. The vast majority did not go to the bill itself and she seems to be comfortable in once again joining with Labor in their proposed amendment.

**Ms O'Connor** - So childish. You cannot help it.

**Mr GUTWEIN** - I am not. I am just making a point.

**Ms O'Connor** - You are a great big baby.

**Madam SPEAKER** - Honest to goodness, please, it is Thursday night. I know it is the end of the week. We are all grumpy but I am asking you to please refrain.

**Ms O'CONNOR** - Point of order, Madam Speaker. Perhaps you could also ask ministers when they are on their feet not to provoke interjections by saying things which are false and insulting.

**Madam SPEAKER** - I think you would realise that is not a point of order. Please proceed, Treasurer.

**Mr GUTWEIN** - To be honest, I thought I was making a statement of fact. It appeared to me from the member's contribution that she was going to join with Labor and support their amendments.

**Ms O'Connor** - It is the way you said that. You big baby.

**Mr GUTWEIN** - Sorry, I was simply explaining a statement of fact that, once again, you will join with Labor to vote against the Government.

**Ms O'Connor** - Once again, they voted with you yesterday on resourcing for firefighting.

**Madam SPEAKER** - Come on, please. I am asking you. You have six minutes to adjournment.

**Mr GUTWEIN** - Do not start me once again. More than 91 per cent of the time in this House now, I understand, you have voted with Labor, or Labor has voted with you. You can determine the outcome of that.

In terms of the projects that we have in the infrastructure project pipeline, of the 73 projects -

**Ms White** - Did you go back to consult with local government? You mentioned they were on your infrastructure table.

**Madam SPEAKER** - Could the Leader of the Opposition please use the proper process.

**Ms WHITE** - On a point of order, Madam Speaker, in the past my experience is that when we have had a minister summing up if they have not gone to a question that was asked during the committee process - and the Treasurer did say at the outset of his summing up speech that if he had not covered anything then he would like it to be brought to his attention - so, I am just -

**Madam SPEAKER** - How about I take that as a point of clarification.

**Ms WHITE** - We usually do have this sort of exchange.

**Mr GUTWEIN** - In keeping with the forms of the House and what has been past protocol, what is the issue that you would like to raise?

**Ms White** - Local government consultation.

**Mr GUTWEIN** - You are as well aware as I am that when I mentioned this, they were at the roundtables and were part of the original consultation in terms of -

**Ms White** - I asked if you had gone back to them since that time? That was my question.

**Mr GUTWEIN** - To be honest, I have not, no. They were part of the roundtables. They helped initiate these processes and, as I have indicated, the view that was formed as a result of that consultation was that the threshold should be \$10 million and \$30 million, respectively, for built construction and roads and bridges.

**Debate adjourned.**

**The House adjourned at 6.00 p.m.**