



PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF DEBATES

Thursday 10 August 2023

REVISED EDITION

Contents

LEAVE OF ABSENCE	1
Ms ARCHER AND MR STREET	1
QUESTIONS	1
ACCESS TO POWER FOR BUSINESSES	1
ACCESS TO POWER FOR BUSINESSES	2
HOUSING - UNDERFUNDING OF SOCIAL AND AFFORDABLE HOME PLAN	3
GREYHOUND RACING - NEW CRUELTY FOOTAGE	4
EARLY LEARNING - UPDATE ON INITIATIVE FOR THREE-YEAR-OLDS	5
HYDRO TASMANIA - ROLE	6
METRO TASMANIA - CANCELLATION OF BUS SERVICES	7
HOMES TASMANIA - BUDGET REQUESTS	10
ENERGY STRATEGY	12
ACCESS TO POWER FOR BUSINESSES	13
<i>SPIRIT OF TASMANIA</i> - UPDATE ON NEW VESSELS	14
MEMBER SUSPENDED MEMBER FOR LYONS - MS BUTLER	16
MACQUARIE POINT SEWERAGE TREATMENT PLANT - ROUTE OF SEWER LINE	16
HYDROGEN ACTION PLAN	17
MEMBER SUSPENDED MEMBER FOR BRADDON - DR BROAD	18
TRAINING AND SKILLS INVESTMENT	19
CRIMINAL CODE AMENDMENT (CRIMINAL JURISDICTION OF THE ASSOCIATE JUDGE)	
BILL 2023 (NO. 16)	20
FIRST READING	20
MATTER OF PUBLIC IMPORTANCE	20
COMMUNITY SERVICES	20
MINISTERIAL STATEMENT	29
COMMISSION OF INQUIRY INTO THE TASMANIAN GOVERNMENT'S RESPONSE TO	29
CHILD SEXUAL ABUSE IN INSTITUTIONAL SETTINGS - UPDATE	29
MOTION	33
NOTE STATEMENT - COMMISSION OF INQUIRY INTO THE TASMANIAN GOVERNMENT'S RESPONSE TO CHILD SEXUAL ABUSE IN INSTITUTIONAL SETTINGS - UPDATE	33
STATE POLICIES AND PROJECTS AMENDMENT BILL 2023 (NO. 14)	39
IN COMMITTEE	39
STATE POLICIES AND PROJECTS AMENDMENT BILL 2023 (NO. 14)	46
IN COMMITTEE	46
VEHICLE AND TRAFFIC (REGULATORY REFORMS) AMENDMENT BILL 2023 (NO. 7)	51
SECOND READING	51
GUARDIANSHIP AND ADMINISTRATION AMENDMENT BILL 2023 (NO. 5)	62
SECOND READING	62
ANSWER TO QUESTION	89
MACQUARIE POINT SEWERAGE TREATMENT PLANT - ROUTE OF SEWER LINE	89

ADJOURNMENT	90
BEAKER STREET FESTIVAL	90
LOCAL GOVERNMENT REFORM	91
MAKE-A-WISH GALA FUNDRAISER	93
NORTH EAST ANIMAL SANCTUARY TASMANIA	94
ENERGY REBATES	96
ENERGY SUPPLY	96
ENERGY CRISIS.....	97

Thursday 10 August 2023

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

LEAVE OF ABSENCE

Ms Archer and Mr Street

[10.01 a.m.]

Mr ROCKLIFF (Braddon - Premier) - Mr Speaker, I inform the House that the Attorney-General and minister Street remain absent from question time today due to illness. As such, I will take the Attorney-General's questions for the ministerial portfolios of Justice; Corrections and Rehabilitation; Workplace Safety and Consumer Affairs; and the Arts; and minister Street's questions for the portfolios of Housing and Construction; Local Government; Sport and Recreation; and Stadia and Events.

QUESTIONS

Access to Power for Businesses

Ms WHITE question to PREMIER, Mr ROCKLIFF

[10.02 a.m.]

Yesterday, Norske Skog confirmed your failed energy policies are holding back their business. They said:

Hydro has advised they do not have any spare capacity but they would be willing to firm supply 'at a cost' if the mill could source the power from other generators such as wind or solar power from either Tasmania or the mainland.

How have things become so bad that major industrials are being told to build their own wind farms or import energy from the mainland if they want power for new projects?

ANSWER

Mr Speaker, I thank the member for her question. As I said yesterday, the Tasmanian Government recognises the significant contribution that Norske Skog, as well as other major industrials, make to the state as a major manufacturing employer and general driver of economic activity. The Tasmanian Government maintains an ongoing working relationship with Norske Skog to support operations at the Boyer Mill site. Indeed, in 2022 our Government committed \$2 million to Norske Skog to support various projects aimed at reducing operating costs and supporting the long-term sustainability of the site.

This support is aimed at ensuring the Boyer Mill site remains an important employment and infrastructure hub for the region. I speak of southern Tasmania and more directly the Derwent Valley. However, the member, once again, is talking down Tasmania, playing into the fear of Tasmanians -

Ms White - I directly quoted Boyer Mill.

Mr SPEAKER - Order.

Mr ROCKLIFF - I want to be very clear that our energy security is not at risk. We have a very strong supply of energy for our current needs. The dams are at 45 per cent, which is the highest for this time of the year since 2019.

What we need is more energy for the future. We need more supply to meet the growing needs of a growing population and extra economic activity which we have generated. I appreciate the member does not understand a growing economy because the economy shrunk between 2010 and 2014. In fact, a recession happened under the last Labor-Greens government. That is why we are working hard to ensure that Marinus Link becomes a reality on terms that are right for Tasmania. The importance of Marinus Link was reinforced today by the CEO of the Tasmanian Chamber of Commerce and Industry. We are working hard to ensure that Marinus Link becomes a reality and we have a plan for getting on with the job.

I want to be very clear that our energy security is not at risk. We have dam capacity at 4 per cent. What Marinus Link will do is ensure that we can match that power supply with a growing economy in the future. However, what we have from those opposite is three different positions: one, they want to walk away; two, no position; and three, they are not too sure. This Government has a power plan. That lot has a power struggle.

Members interjecting.

Mr SPEAKER - Order. The House will come to order before I ask the Leader of the Opposition to ask the next question.

Access to Power for Businesses

Ms WHITE question to PREMIER, Mr ROCKLIFF

[10.06 a.m.]

Yesterday the CEO of the Tasmanian Chamber of Commerce and Industry, Michael Bailey, said the revelations that Tasmania has run out of power on your watch has 'confirmed the business community's worst fears'. He said this was the definition of a crisis and explained:

We have businesses asking the Government for more power to expand and create more jobs, yet today we've heard that the Government is turning them away because we simply do not have enough generation to meet demand.

Do you agree with Mr Bailey that Tasmania is in an energy crisis?

ANSWER

Mr Speaker, the Labor Party is not putting Tasmania's best interests first. That is clearly evident by their scaremongering. Mr Bailey and I agree on the importance of Marinus Link and working positively with the federal government to secure the future of Marinus Link.

I want to be very clear that our energy security is not at risk. We have a very strong supply of energy for our current needs and our dam supplies are at 45 per cent, the highest for this time of year since 2019.

Mr Bailey and I agree very much on the future and the importance of Marinus Link. I believe we also agree on the power price cap of the Labor Party policy. I am not sure that Mr Bailey agrees with them and their price caps on power. We need new generation for the future and price caps will not deliver it. That is why Labor's damaging price cap is a dangerous threat to our energy security.

Opposition members interjecting.

Mr SPEAKER - Order.

Mr ROCKLIFF - It is. Price caps will ruin the potential of new supply, that is clear. That is why the Tasmanian Chamber of Commerce and Industry does not support you on power price caps. What Labor is proposing would destroy competition in Tasmania's retail energy market, cost jobs and drive potential investors from the state. Between 2010 and 2014, investors fled the state along with all our young people. Since 2014 we have been sticking to our long-term plan where our population has grown by around 50 000 people. Our economy is growing. Yes, that has presented challenges but we are up for the challenges by sticking to our long-term plan. That is why it is important with a growing economy that we can secure our energy future.

What Labor's policy will do is destroy the retail sector. It will severely damage business confidence to make investments. New wind farms will not come online and new investments will not happen if prices are capped. It would be a disaster for Tasmania. It is irresponsible policy. It would be a disaster in terms of Tasmania's capacity to grow supply and would drive up prices.

We have a clear plan for Marinus Link, working positively with the federal government. We have a far better relationship with the federal government than you lot seem to have. You are in a power struggle. We have a plan for power and Michael Bailey of the TCCI and I both agree on the future of Marinus Link.

Housing - Underfunding of Social and Affordable Home Plan

Dr WOODRUFF question to **PREMIER**, **Mr ROCKLIFF**

[10.11 a.m.]

You have been happy to write a blank cheque to the AFL for a stadium that is not wanted, not needed and would be loss-making. You treat taxpayer dollars like Monopoly money for your pet projects. When it comes to funding the critical needs of the community, your purse strings are pulled tight. The Government has committed to building 10 000 homes by 2032, which is welcome, but we understand you have massively underfunded this plan.

Can you confirm that Homes Tasmania has advised you that the \$1.5 billion you have committed to your housing strategy is entirely inadequate and that delivering on your commitment will require at least \$5 billion, if not \$6 billion, of investment?

ANSWER

Mr Speaker, I thank the member for Franklin for question. I reject the premise of your question that we do not invest in critical areas of need within our community. Of course, we do. We have invested \$12 billion in our health system - on average \$8 million a day. In comparison with our investment in the stadium, for example, we spend over \$375 million every 45 days on health, and our \$1.5 billion investment in housing - 10 000 homes by 2032.

I am very proud of our previous minister, Mr Barnett, for the reform for Homes Tasmania, which you opposed. You are not prepared to make any tough decisions. You come in here and are not prepared to make the tough calls. You are all about politics. We are about not only reforming and innovation in health, education and housing but also investing.

Dr WOODRUFF - Mr Speaker, point of order, Standing Order 45, relevance. The Premier is going off on a tangent. Can he please tell the House whether it is true that Homes Tasmania has advised that?

Mr SPEAKER - I will accept the point of order on Standing Order 45, relevance. I remind the Premier of that. However, it is not an opportunity to re-ask the question or interject.

Mr ROCKLIFF - We have over 980 homes in our pipeline of work being rolled out and our long-term plan is to deliver 10 000 new social and affordable homes by 2032. This is the most ambitious housing program in Tasmania's history. A record number of homes were delivered in June this year - over 300. This is backed up by CommSec: we are once again leading the nation on dwelling approvals and the economy.

You can chuckle all you like, Dr Broad, the meaningless chuckle that it was. You might want to remember what your party did when you were last in power between 2010 and 2014, when young people fled the state and we were in recession. We have turned Tasmania around, we are proud of it and we have more to do.

Greyhound Racing - New Cruelty Footage

Ms JOHNSTON question to MINISTER for RACING, Mr ELLIS

[10.15 a.m.]

This morning we have seen new, deeply disturbing footage released by Animal Liberation Tasmania, showing Ulverstone greyhound trainer Gary Johnson's property, where countless dogs are forced to live in squalor and filth with animal carcasses strewn across the property. The vision includes dogs living in tiny cages where they can barely turn around, with little or no bedding, and others housed in tin sheds with no protection from the elements. In a desperate attempt to try to keep warm, many are forced to dig holes in the dirt to make their own beds. This is all occurring right next to Mr Johnson's slaughterhouse, where he kills wastage from the racing industry. These dogs can hear, see and smell death in the air. Anthony Bullock might be the industry's bad apple but he is not the only bad apple.

On Tuesday you said that the racing industry was a way of life in Tasmania but what is happening to these dogs is nothing but cruel. Is this the Tasmanian way of life that you speak

of? How much more evidence do you need before you admit that nothing short of a full independent inquiry will save these dogs from the life of hell they are currently living?

ANSWER

Mr Speaker, I thank the member for the question. The Government and the Tasmanian community take animal welfare matters very seriously. I am aware of the footage posted on social media this morning. This has been referred to the Office of Racing Integrity for review and there is an investigation under way. We will also engage with the RSPCA as part of this process. If any breaches are identified as part of the investigation, Tasmanians can be assured that appropriate action will be taken.

Early Learning - Update on Initiative for Three-Year-Olds

Mr WOOD - question to PREMIER, Mr ROCKLIFF

[10.17 a.m.]

Can you update the House on the Government's commitment to providing access to early learning for every child in the year before kindergarten to give them a great start in life and their learning?

ANSWER

Mr Speaker, I thank Mr Wood for his question. I know his considerable interest in this matter, especially universal education. As I have said many times before, the foundation of a strong economy and a caring community is education. We know that early learning gives our children the best possible start in life. Improving access to early education, regardless of where you live or your family circumstances, has been a long priority of mine and our Government's, and the priority of our Education minister, Mr Jaensch. We both know education is the most powerful driver for improving economic and social outcomes in Tasmania, including health, life expectancy, happiness and productivity.

The Tasmanian Government invests in a range of high-quality evidence-based programs to support young children and their families. To achieve our ambition for universal access to early learning in the year before kindergarten, the Government is working in partnership with early childhood education care providers, families and the community to co-design the Early Learning for Three-Year-Olds initiative. Our Government engaged with families, service providers and community members across Tasmania in March and April this year to gain community views on what early learning for three-year-olds could look like where they live.

There were 32 workshops held in 26 towns and cities across Tasmania, as well as an online survey. As a result, five communities across Tasmania have been selected to establish trial early learning services for three-year-olds in 2024 to meet local community needs. The Government has previously announced the West Coast local government area would be one of these. Today I am delighted to announce four more locations across Tasmania. These are: the east coast, covering the Break O'Day and Glamorgan-Spring Bay local government areas; Flinders Island and Cape Barren Island; Bruny Island; and East Devonport. The Government will continue to work in partnership with families, community members, early childhood

education care providers and other key early years services to establish the trial sites and tailor each one to community needs.

There will also be community engagement and research across Hobart and Launceston to better understand the supports and actions needed for a future expansion of early learning for three-year-olds in these areas. Our Government is providing access to early learning in Tasmania that is responsive to community needs and I look forward to providing updates as we progress towards universal access to early learning for three-year-old Tasmanians.

We have a proven track record of delivering ambitious transformations to education in Tasmania. Every child has that fundamental right to learn to read, write and spell. Learning these skills is critical to future success and learning in life, and should be guaranteed in every school and every classroom. I am proud that we have ensured greater universal access for education at years 11 and 12 by extending all high schools, as well as greater access in the earlier years, to support that fundamental right of every Tasmanian to access quality learning and education - in this case, early learning - and improve the universality of the education system in Tasmania.

We are investing in trauma-informed practice and investing in supporting students with disability to be able to break down those barriers to education. The Labor party has opposed every reform that this Government has put in place. They should be ashamed - calling themselves a Labor party and voting time and time again against greater universal access to quality learning.

Hydro Tasmania - Role

Ms WHITE question to PREMIER, Mr ROCKLIFF

[10.21 a.m.]

Manufacturing industry insiders yesterday told *The Australian* that you have overseen 'the effective transformation of Hydro from an energy supply utility into a power trading company'. In other words, on your watch, Hydro has abandoned its 100-year role as a strategic asset to provide clean, cheap power to households and support growth in the Tasmanian economy. Instead, Hydro is now being used as a cash cow to prop up your broken Budget and focused on maximising profits by trading energy on the national market.

Have you ripped up 100 years of history and economic policy at the expense of households and businesses and jeopardised one of Tasmania's biggest advantages in a low carbon future?

Members interjecting.

Mr SPEAKER - On a lighter side, I can appreciate the interjections. However, during the next four minutes I will not.

ANSWER

Mr Speaker, I thank the member for the question. It is a serious question, made light of by those who raised it. I reject the premise of the question.

The Hydro has been built for Tasmanians, by Tasmanians, and will always be there for Tasmanians. That is very clear. I am proud of all the people who work with the Hydro - not just now, but for generations. My grandfather was an engineer at the Hydro until he retired in 1975.

I have a strong understanding of the importance of the Hydro and its capacity in supporting other developments such as Marinus Link, which brings in that renewable energy such as wind and solar investment and complementing our storages - which currently are at 45 per cent. There is some irony in the question because when you were in power you drained the dams and you were the ones who used Hydro as a cash cow. I am amazed that you have asked that question.

We have recently seen new generation, with Cattle Hill and Granville Harbour coming online in the last few years, adding 250 megawatts to the system. We are working with a pipeline of new onshore and offshore wind investors to bring these projects to fruition and thousands more megawatts to help grow industry, support jobs and electrify our households and businesses - a very strong plan for our future energy capacity in Tasmania.

I am proud of the fact that we are 100 per cent renewable, doubling our capacity to 2040. I am proud of that and proud of all the people who, over generations, have made this possible.

Hydro will always be a crucial part of Tasmania's energy plan. Hydro and Marinus Link will secure Tasmania's future when it comes to our energy needs, which is why we are working positively with the federal government to ensure the project comes online. Those opposite, though, are not prepared to state what they believe in.

I did not hear the interview today -

Mr Winter interjecting.

Mr SPEAKER - Order. Member for Franklin, you will not read anything in.

Mr ROCKLIFF - You are wishy-washy again today, Mr Winter. You would not answer a question about your views on Marinus, as I understand it. Wishy-washy again. The Labor Party is in a power struggle. We have a plan for power, and it involves Hydro being front and centre.

Metro Tasmania - Cancellation of Bus Services

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

[10.27 a.m.]

Your management of Tasmania's public transport has gone from bad to worse. Metro daily bus cancellations are now systemic, with at least 130 bus services cancelled today which will, again, leave hundreds of frustrated commuters stranded by the side of the road. Metro's route cancellations have been deliberately and disproportionately impacting lower

socioeconomic areas on Hobart's eastern shore, which is unfairly burdening some of the most vulnerable Tasmanians.

Metro has been caught out pulling an industrial relations trick that would leave their already low paid apprentices up to \$15 000 worse off over their apprenticeships, amid record low morale and a high turnover of staff. The respected Chair of Metro Board is resigning; so is a director; and there have been at least five senior management vacancies that are, or have recently, been advertised.

Metro is in crisis. When are you going to take responsibility and intervene?

ANSWER

Mr Speaker, I thank the member, who is getting ready to flex his muscles at the national conference on the weekend after this. He is going to take on Ms White for the heart and soul, as he will speak to his comrades to take back control of the Tasmanian Labor Party.

Meanwhile, as Mr O'Byrne faithfully - and, I think accidentally - recited to Mr Compton on ABC radio on Monday, this is all about 'scoring punches'. It is not punches on Metro or the Government; it is to embarrass his Leader who never asks questions about public transport. The subliminal message here from the O'Byrnes - who are coming - is that he can do a much better job than the current Leader.

Mr SPEAKER - To the question, minister.

Mr FERGUSON - We are facing challenges in Metro. I own that. I made that clear earlier this week. We are working closely with our company, Metro. They do a good job, but they are experiencing hard times with their workforce. Why are they having troubles with their workforce? Like every other transport business, and indeed outside transport with a record low unemployment rate of 3.8 per cent - which is a number you could only dream about, Mr O'Byrne. You helped lead this state into recession by working with Rebecca White to shut down the forest industry and we saw the great export of businesses and young Tasmanians leaving our state desperately in search of work. Your unemployment rate was at between 7 per cent and 8 per cent - numbers you could dare to dream about with record employment in our state.

However, there is a consequence for Metro. It is hard for them to get drivers, much as their efforts at recruiting more drivers have been supported by me -

Mr O'Byrne - What about their apprentices? Why are they cutting apprentices' wages?

Mr SPEAKER - Member for Franklin, order.

Mr FERGUSON - it is a very competitive industry right now. I have asked my department to support Metro, as I said to you yesterday, Mr O'Byrne, as much as they are able to.

I pick up the point about fairness on community when there are dropped trips. I have instructed that we do work hard to make sure it is equitably managed, including rejecting your claim that in any way one suburb might be targeted. That is rubbish, it is offensive and you

are wrong about it. I have, nonetheless, asked for extra effort to ensure that we look after people as much as we possibly can and that they be managed equitably and, in particular, if Metro does need to reduce the number of trips on a given day because of availability of workers, that it be done in a way that has the least possible impact on the travelling public. That is an ongoing process. I am offering as much support as we can to Metro through the department as well.

In respect of support, we are going for maximum network reliability. There are decisions that have to be made by that business on a daily basis. Rather than rubbishing them to score your political hits, Mr O'Byrne, you ought to encourage them and support them. There is more to come.

In respect of the many other issues that you raise in your question, I can touch on those now. I thank Mr Gardner, the outgoing chair of Metro Tasmania. He has seen out his term and it is quite proper that that role be recruited for the future. Rather than bringing his name into a public debate in the way you just did to score your punches, you should be commending him for his work. The recruitment process will be done in a proper and prudent fashion.

In respect of public transport in general, we are improving public transport in this state and we have reduced bus fares across the state. I look forward to seeing what that reduction in bus fares, particularly in the country and regional areas, will do to encourage more people to use public transport through not just Metro but other non-government-owned public transport general access providers.

Green Tax on Petrol and Diesel Vehicles - Proposal

Mr TUCKER question to PREMIER, Mr ROCKLIFF

[10.32 a.m.]

You will be aware that the cost of living is the biggest concern facing Tasmanians today. In its budget briefing, TasCOSS reported:

- The cost of essentials - food, housing, energy, petrol, education have all increased by more than wages.
- One in four Tasmanians cannot afford the cost of living.
- 91 per cent of Tasmanians are moderately to extremely concerned about the impact of cost-of-living increases.
- One in five households regularly skip meals and go hungry, a figure which has tripled in two years.
- 26 000 Tasmanian children have not had enough to eat in the last year.
- There has been a 22 per cent increase in the number of households in energy debt in the past year.
- 47 000 households living in energy poverty.

In view of this unrelenting daily struggle with living costs faced by families across the state, will you specifically and categorically rule out the outrageous proposal from the

University of Tasmania for a new \$45 million green tax on buyers of petrol and diesel vehicles to subsidise the comparably comfortable Tasmanians who choose to buy an electric vehicle?

ANSWER

Mr Speaker, I thank the member, Mr Tucker, for his question. I agree with him and all Tasmanians when it comes to the concerns of Tasmanians around cost of living. There are many issues on the minds of Tasmanians and cost of living will be at the forefront of that and no doubt our health system as well. In all of those areas we are ensuring that we are continuing to invest. In the cost-of-living circumstance, we are also ensuring that we are providing concessions, particularly for the more vulnerable Tasmanians. In fact, our Budget and forward Estimates provide \$34 million in concessions to help vulnerable Tasmanians with day-to-day living expenses.

Of course, you can add the additional \$45 million to that for the state's contribution to the national energy bill relief package. We are proud to partner with the federal government and that is a \$90 million energy bill relief package in total, but our contribution is \$45 million. This means that over the next four years we will provide nearly \$400 million in government supports, which is an increase of more than 28 per cent compared to the 2022-23 budget. This includes \$88.9 million for council rate remissions, \$40.6 million for water and sewerage concessions and \$261.5 million for electricity concessions and the national energy bill relief.

More broadly to your question, Mr Tucker, we are a state with a growing economy. We have the lowest debt but also the second-lowest net debt per capita when it comes to government performance and indeed among the lowest taxes as well. I will seek to get some more information of what is behind your question but I can say that we have no plans, to my knowledge, to introduce any new tax of the nature you refer to.

Homes Tasmania - Budget Requests

Mr BAYLEY question to TREASURER, Mr FERGUSON

[10.36 a.m.]

While the Government has been happy to deliver two rounds of land tax cuts to wealthy property owners it has been reluctant to provide the necessary funding for critical services Tasmanians desperately need. As you are well aware, the community sector's request for funding support in the state Budget was not met. Can you confirm you received explicit budget requests from Homes Tasmania to deliver its recommended level of crisis accommodation and another for funding for 22 full-time equivalent staff and neither were delivered in full in this year's Budget?

ANSWER

Mr Speaker, I welcome Mr Bayley to the Chamber as the new member. I do not discuss budget deliberations and submissions that are made through the Cabinet process. I need to respect that process to enable any agency to put forward their budget requests. I think I can honestly say that every agency always asks for more than the budget can deliver. I am prepared to say that much to you, Mr Bayley - and there are no surprises there, but even though you are a new member there is no excuse for making up numbers as your Leader has earlier done.

I think \$5 billion was the figure that was repeated by Dr Woodruff, who frankly just goes around making numbers.

Dr Woodruff - I said \$5 billion to \$6 billion.

Mr SPEAKER - Order.

Mr ROCKLIFF - Oh, \$5 billion to \$6 billion? That of course is two-thirds of the state Budget. Quite honestly, the Greens cannot be taken seriously here.

What I can confirm is that we have provided additional funds for Homes Tasmania in the hundreds of millions of dollars to assist it with its next tranche of support, not just for the 2000 additional homes to 2027 and the necessary wherewithal to provide for that, particularly given that the funding through Homes Tasmania is for borrowings to build and to partner with community housing organisations. It shows how little the Greens understand about the model that they so vigorously opposed through this parliament through our very significant reforms. Further to that, we provided additional funds to Homes Tasmania for additional wraparound supports and, in particular, to expand the Private Rental Incentives scheme and to provide more supports in what has been a very tight rental market.

Unfortunately, I have to say through you, Mr Speaker, to Mr Bayley, the member for Clark, that I invite him to have a look at the Budget and examine the numbers that show new appropriations for additional supports for Homes Tasmania for people who are doing it tough and additional support to our new organisation that has only been in existence since November to allow it to really double down on the new builds that will be required at a rate never before seen.

We have shown as a government that we can deliver and we are delivering significant reforms that have been opposed by that side of the Chamber, I should at least say by Labor and the Greens, who claim to support people who are doing it tough, who claim to want to see more housing developments, who claim to want to see more shelters and dwellings being constructed, but when they are asked for a vote to support the processes that will enable that, they go running. They go for landing punches. They are actually standing in the way of decent Tasmanians getting that roof over their heads that they so richly deserve as fellow Tasmanians.

I invite you, Mr Bayley, to have another look at the Budget and you will see hundreds of millions of dollars of additional support for Homes Tasmania to allow it to achieve its next tranche of delivery.

Energy Bill Relief

Mr YOUNG question to MINISTER for ENERGY and RENEWABLES, Mr BARNETT

[10.40 a.m.]

Can you update the House on how the Rockliff Liberal Government is providing energy bill relief for Tasmanians while securing our energy future? Are you aware of any alternatives?

ANSWER

Mr Speaker, I thank the member for Franklin for his question and his special interest in this matter. The Government understands the importance of energy security and building Tasmania's future. We are acutely aware of the impact of electricity costs on the cost of living for families and the cost of doing business for business. That is why we are providing record short-term targeted relief while also delivering the Tasmania First Energy Guarantee to put long-term downward pressure on electricity prices, as we have done since 2014. We have an ambition to deliver among the lowest regulated electricity prices in Australia. That is where we are now and we intend to continue with that. We are delivering on that policy.

We know there are vulnerable Tasmanians doing it tough in terms of cost of living. The Independent member for Lyons has just made reference to the cost of living. That is why we have one of the most generous electricity concessions in the country and why we have increased electricity concessions by 9.51 per cent in recent weeks. We have partnered with the Australian Government, as the Premier said in question time today: \$45 million in the Budget. This is \$250 for eligible households this year. That is six out of 10 households, some 140 000 households, and \$650 for small business. I know how important small business is to this side of the House.

In terms of that, for concession customers, it has increased from \$575 to \$880 this financial year. It is up \$305 from 2022-23. The energy bill relief payments for concession customers are now flowing. They are going out this week and they will continue to go out. This is real rebates, real money, putting prices down on electricity bills. They are not fake bills. They are not scams that state Labor has been promoting and not denied by state Labor. It is real support.

In addition, eligible customers who pay their electricity bills through embedded networks, such as through retirement villages, caravan parks and the like, will also receive the energy bill relief. The application process for this is now open.

On top of this, the Tasmania First Energy Guarantee announced by the Premier on the weekend is the new renewable energy dividend. As the Hydro does well and increases its dividend, Tasmanians pay less on their power bill. When Hydro makes money Tasmanians will save money. We are supporting that.

We are getting on with the job. We heard the word 'Marinus Link'. We support it. We still do not know the position of state Labor after all this time. It has been year in, year out and they will not declare their position with respect to Marinus Link. Do they want to walk away? There is a wishy-washy White. We do not know what position they have. It is so tough on that barbed-wire fence over there. It is so tricky at the moment. They do not know what their position is. They are into populist politics and scare tactics. You should be ashamed.

Energy Strategy

Ms WHITE to PREMIER, Mr ROCKLIFF

[10.44 a.m.]

Power bills have gone up by nearly \$500 since you became Premier because of your broken promises. Yesterday you tried to pretend there was no problem at Boyer and you were wrong. You refused to admit there were problems for energy users elsewhere but we know

there are. You said that the gas plant at Bell Bay was not operating when it was. It was not until you went on leave that your Treasurer stepped in to finally admit Tasmanians could not afford the Marinus deal you signed up to less than nine months ago.

Renewable energy has been the centrepiece of Tasmania's economic strategy for 100 years and will be essential for our future growth too. Should Tasmanians be concerned that you appear to have no idea what is going on? Do you even agree with the contents of the letter sent to the Prime Minister in your absence by the Treasurer, as acting Premier, about Marinus Link that says the project may not remain in a long-term interest of Tasmanian consumers or the state?

ANSWER

Mr Speaker, I thank the member for the question. Yes, I back the letter 100 per cent.

Access to Power for Businesses

Ms WHITE question to PREMIER, Mr ROCKLIFF

[10.46 a.m.]

Your Government and your Energy minister told some of Australia's biggest companies they could come to Tasmania and invest in new hydrogen facilities. The Energy minister said:

Access to low-cost and reliable Tasmanian renewable energy makes us the perfect location for renewable green hydrogen production for export and for use in Tasmania. Importantly, with our existing renewable energy, this can commence now.

The problem is that this was not true then and it is not true now. There is simply no power available at any price. Have you and the Energy minister humiliated Tasmania on the national stage and damaged our reputation as an investment destination because what you said was not true?

ANSWER

Mr Speaker, they are getting very desperate for questions now, talking Tasmania down. I will again be clear: Tasmania's energy security is not at risk. We have a very strong supply. The dams are at 45 per cent, the highest since 2019.

What we do need for the future is more energy because our economy is growing. I know you do not understand that. When Ms White was in power and part of the front bench of the Labor-Greens government, albeit for three weeks or so, but still very much an integral part of the government for four years, they did not understand what a growing economy was. Why? Because they were in recession. We had 10 000 people lose their jobs, we had young people fleeing the state looking for opportunity elsewhere. Now people are coming to Tasmania, the population growing. That brings with it the need for better investment in housing, schools, road infrastructure and the social services sector, which is a good challenge to have and we are responding to it, just like our health system.

Also, a growing economy requires future energy supply, which is where it is important that we can build on the gains we have made over generations through hydro-industrialisation with that investment of Marinus and bringing wind and solar energy to Tasmania: not the simplistic power price cap that would cripple investment in those key areas.

I reject the members' negativity when it comes to Tasmania. What Tasmanians want is a government that responds to their needs, grows the economy, supports the creation of jobs and funds essential services.

***Spirit of Tasmania* - Update on New Vessels**

Mr YOUNG question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr FERGUSON

[10.49 a.m.]

Can you update the House on the building progress on the new *Spirits of Tasmania* and the growing list of local businesses involved in this long-term investment?

ANSWER

Mr Speaker, I appreciate this question because it is a very exciting time for our *Spirits of Tasmania*.

Ms White - The first ship is only two years overdue. Yes, that is right. What is the cost to Tasmanians for that?

Mr FERGUSON - I encourage the negative Labor Party not to knock our business. *Spirits of Tasmania* and TT-Line are doing a fine job and Rauma Marine Constructions (RMC) has a live web view. You can check the progress of the delivery of our new ships, right now.

Opposition members interjecting.

Mr FERGUSON - Stop fighting amongst yourselves; just look at your phones and have a look at that, rather than be negative with your power struggle over there, okay?

Mr Speaker, I want to be positive about our businesses and the way they are progressing. We know that many tourists cannot get enough of what our beautiful state has to offer. They are coming here in droves, as our tourism industry is roaring to life post-COVID-19. I am pleased to advise the House of the continuing demand for travel to Tasmania. We want more people to be able to experience -

Ms White - Energy constrained, ships constrained. What has been the impact on tourism of the delay of the ships? Your Government is a massive handbrake on the economy.

Mr SPEAKER - Order.

Mr FERGUSON - Look, Ms White, just save your nastiness for Mr O'Byrne.

Ms White - Says the nastiest person in the parliament.

Mr FERGUSON - We want more people to experience the beauty of our environment and the kindness of our state and our tourism providers. That is why we need to continue to foster development and planning for the future. We need to ensure that Tasmania is a place where businesses and investors can do business and have confidence in the long-term output for our state. That has been occurring. We have seen business growth here. Major industries, medium-sized businesses, small businesses and families have been moving here.

That is why we have a long-range, 30-year view of the future of TT-Line and our two new *Spirits* and the new port developments at both sides of Bass Strait at Geelong and at Devonport. We know the best way to provide extra capacity for more travel is to build bigger ships. That is exactly what is occurring. As part of the new ships' build we made the bold decision to secure up to \$100 million of local content for the new ships, in an effort to further boost Tasmanian advanced manufacturing and our economy, supporting local jobs.

Opposition members interjecting.

Mr FERGUSON - Yes, Labor did oppose it, because they were rubbishing our builder RMC -

Dr Broad - You said you were going to build them here, that is what you said - and you lied.

Mr FERGUSON - and Dr Broad was rubbishing that, saying it had never built ships like this before so do not do business with them.

Dr Broad - Well, they had not at that stage. That was a fact.

Mr FERGUSON - We want our Tasmanian businesses to be able to get involved in the supply of local goods and services. It is paying off.

Dr Broad - That absolutely was a fact. I remember you fools over there delaying your contract, costing us hundreds of millions of dollars.

Mr SPEAKER - Order, Dr Broad. If you wish to stay, stop interjecting. Shrug your shoulders and I will take that as serious issue.

Mr FERGUSON - RMC and TT-Line are locking in a number of Tasmanian based contractors. Today I will be joining with another Tasmanian business that secured a contract - in this case, to supply carpets for all passenger and crew cabins on the new *Spirit of Tasmania* vessels currently under construction. Benchmark Agencies joins an extensive list of Tasmanian companies now involved in providing goods and services.

With up to \$100 million in local content being secured for our new *Spirits*, there can be no doubting they will have a uniquely Tasmanian flavour. The list of Tasmanian firms involved keeps growing. It now includes Haywoods Steel; Norfolk Blinds; Tas Independent Brewing Services; Handmark Gallery; Challis Water Systems; Vanquad Vending; Tasmanian Shipping Supplies; and CBG Systems. I expect further contracts with Tasmanian companies will be secured as the build progresses, because - unlike members opposite who are relentlessly negative -

Ms Butler - How late are those ships?

Member Suspended

Member for Lyons - Ms Butler

Mr SPEAKER - Member for Lyons, you can leave the Chamber. Minister, if you could hold that thought. Member for Lyons, I am sick of people constantly interjecting. I have warned members on my left a number of times. The member for Lyons can leave the Chamber until 12 p.m.

Ms Butler withdrew.

Mr FERGUSON - Thank you, Mr Speaker. It has been a great result, and I encourage members to be positive about the great positive future for our *Spirits of Tasmania*.

Macquarie Point Sewerage Treatment Plant - Route of Sewer Line

Mrs ALEXANDER question to PREMIER, Mr ROCKLIFF

[10.55 a.m.]

State development is a funding partner, together with TasWater, in the decommissioning of the existing Macquarie Point Sewerage Treatment Plant. The project involves the construction of a more compact pump station at Macquarie Point, to pump the sewage up to the new plant at Selfs Point.

Can you confirm that this project has recently been modified to create a new sewer line away from the existing route through Macquarie Point? Can you confirm that this new sewer line will now have to be built under and through the Cenotaph? Is this rerouting required because of the scale and weight of the proposed stadium which may not be compatible with a sewer line running underneath it? What is the additional cost of this rerouting sewer line project, and will this be covered by the state Government or borne by TasWater?

ANSWER

Mr Speaker, I thank the member for her question. With respect to the Macquarie Point Waste Water Treatment Plant, on 1 May 2018 the Government, TasWater and the chief owner's representative of TasWater signed a MOU to progress critical reforms for the water and sewerage industry, including the acceleration of water and sewerage infrastructure treatment. This includes a range of measures, including working cooperatively to progress projects of special economic importance to Tasmania. It specifically highlights the works needed to allow the Macquarie Point site to be developed.

The Government has entered into a deed of arrangement in which the Tasmanian Government committed \$100 million towards the relocation of the Macquarie Point Sewerage Treatment Plant to Selfs Point and TasWater committed \$40 million. This funding will support

the expansion of the Selfs Point plant; the construction of a new pump station; and the removal of the existing Macquarie Point plant.

It is publicly understood that the expected cost of the relocation will exceed the estimate made five years ago in 2018. This is not unexpected, as you would appreciate. The original estimate was preliminary and was not market-tested for this reason. The deed specifically provides for a sharing of increased costs and the risk of an increased project cost is recognised in the 2023-24 Budget.

In terms of your direct question about the detail of the pipeline, I will seek advice on that and get back to you and update the House as soon as I can.

Hydrogen Action Plan

Mr WINTER question to PREMIER, Mr ROCKLIFF

[10.57 a.m.]

Your Government's Hydrogen Action Plan says Tasmania will be exporting hydrogen on an industrial scale as early as 2025. Given there is no additional power for our existing major industrial employers to expand their current operations, how will this be possible? Will you be prioritising these hydrogen companies over some of the state's biggest and longest-serving employers, or will you admit your Hydrogen Action Plan is, effectively, dead?

Dr Broad - What happened last time?

ANSWER

You are so negative. It is unbelievable, really. I set my mind to how negative you were about the two ships, as the member for Braddon. You were against building local content because you do not believe in Tasmania or Tasmanians and our capacity, particularly in the advanced manufacturing sector or any sector across the state - including agriculture; horticulture; advanced manufacturing; mining; and forestry, of course.

Mr Speaker, we have lots to be proud of across our industry sectors including renewable energy investment and hydrogen. We have an ambitious plan for growing our economy and creating more jobs through the development of a world-class green hydrogen sector. Our green hydrogen vision, set out in our Tasmanian Renewable Hydrogen Action Plan, is for Tasmania to be a global leader in the large-scale green hydrogen production by 2030. We are on track, including to begin hydrogen production in 2024, I am advised, through our partnership with the Blue Economy CRC.

Opposition members interjecting.

Mr SPEAKER - Order.

Mr ROCKLIFF - The CRC's electrolyser will produce some 260 kilograms of hydrogen per day -

Member Suspended

Member for Braddon - Dr Broad

Dr Broad - Oh, come on; 260 kilograms.

Mr SPEAKER - Dr Broad, you can also leave the Chamber until 12 p.m.

Dr Broad withdrew.

Mr ROCKLIFF - and there are plans to use this in a zero emissions trial.

We are also aware there are challenges in developing a whole new industry and that there is a global race for capital and technology. The centrepiece of the Tasmanian Renewable Hydrogen Action Plan is the Tasmanian Government's \$50 million investment into the Renewable Hydrogen Development Funding Program which we are very excited about: another opportunity, another positive development, another positive vision for Tasmania and another opportunity for the Labor Party to be incessantly negative about Tasmania and talk Tasmania down.

We will have none of it. We believe in this state and we believe in the capacity of our people in Tasmania who have worked so hard with the Government in the last nine years to turn around the basket case of the Labor-Greens government into one of the strongest economies in the nation.

Minister Ogilvie - Alleged Misleading of Parliament

Mr WINTER question to PREMIER, Mr ROCKLIFF

[11.01 a.m.]

Your former failed Racing minister, Madeleine Ogilvie, has previously been caught repeatedly being dishonest about the reasons for the departure of the Tasracing CEO. This was the most blatant case of misleading parliament since the infamous Adam Brookes email exchange. The minister was then caught being deliberately dishonest about her attendance at harness racing events and her engagement with key racing stakeholders.

Now the minister has been caught in her own trap again. During Estimates, minister Ogilvie claimed on three occasions she had never been briefed about the north-west track cost overruns and therefore could not answer any questions about it. Here is a document, a briefing we received under RTI, that shows that in fact she had been briefed on 29 May. Given this incident and the other incidents and her appalling track record, how can you possibly continue to possibly have her in your Cabinet?

ANSWER

Mr Speaker, I thank the member for his question. That is being very well-mannered about it - I have to say that - because the rubbish that you come in with day in, day out honestly is breathtaking and the personal attacks are breathtaking as well. We will have none of that.

We have a very strong and capable team, not just in Cabinet but within our entire team and our members in the lower House and the Legislative Council as well. I am very proud of them and very proud of the job they are doing for Tasmania.

Training and Skills Investment

Mr WOOD question to MINISTER for SKILLS, TRAINING and WORKFORCE GROWTH, Mr ELLIS

[11.03 a.m.]

The Rockliff Liberal Government has been making huge investments in training and skills. Can you provide an update on the latest data for Tassie apprentices and trainees? What programs does the Government have under way to deliver more training for Tasmanians?

ANSWER

Mr Speaker, I thank my colleague, the member for Bass, for his question. I know he backs our apprentices and trainees and our teachers so that we can have a bright future in Tasmania. Our Government is building the training system for a state that puts the learner at the centre. We are focused on making sure that Tasmanians can access the training they need to get a job.

The latest National Centre for Vocational Education Research (NCVER) statistics show that the Government is delivering. The update shows that just over 7400 Tasmanian apprentices and trainees got their start in the 12 months to December last year. This is up from just over 4900 at the same point in 2018, so nearly 2500 more Tasmanians who commenced their training. That is a 50 per cent increase on a 12-month basis. This is massive; it is extraordinary. Tasmanians simply cannot believe Labor's cherry-picking spin we have seen in the last week.

The NCVER report also recently released its annual report into government-funded vocational education and training for the last year. In 2022 there were 30 450 government-funded program enrolments in Tasmania. Once again, we are up and we are delivering. That was over 2000 more students in 2022 compared to the previous year while enrolments nationally were down 3 per cent. That means Tasmania is punching above its weight under this Rockliff Liberal Government.

We want people to have a job, to be able to get an opportunity, and we are providing those opportunities for learning. That is why I am excited that more Tasmanians will now be helped to train or gain employment through the Training and Work Pathways Program. Fourteen projects have been approved for funding that will deliver opportunities for more than 600 Tasmanians facing disadvantage to training and employment. This round will see up to \$1.95 million going to projects right around state in a range of industries and areas.

For example, the Migrant Resource Centre Northern Tasmania is progressing its Steps into Training and Employment Pathways program which will help people of cultural and linguistically diverse backgrounds. The Tasmanian Wool Harvesting Training Advisory Group, Southcentral Workforce Network and Australian Wool Innovation will be supported to come together with a pilot program looking at improving employment pathways for the wool

harvesting industry, and I know, Mr Speaker, that you are very passionate about this. We will be working with National Disability Services, Work & Training and the Brighton Council. These are just some of the organisations we will be supporting to drive better outcomes and deliver more opportunities for Tasmanians from all walks of life.

Finally, last week I launched the Industry Partnerships Program, where we are offering grants for nationally recognised training-related equipment and resources. We are offering grants of up to \$50 000 in our small grants category and \$250 000 for large grants. That will ensure that training facilities, resources and technology are up to date to deliver the training that we need for the next generation of Tasmanian workers. We are focused on building a strong economy by supporting thousands of Tasmanians every year to do the training they need to take up opportunities in our growing economy.

What do we see from Labour on vocational education? I have not seen much other than cherry-picking spin. I do not even get questions from the real Labor Party. The only one who tries to have a swing and a miss is potentially their future leader, Mr O'Byrne. TasTAFE and apprentices and trainees are simply not a priority for Labor; it was not even in their little red booklet.

Time expired.

CRIMINAL CODE AMENDMENT (CRIMINAL JURISDICTION OF THE ASSOCIATE JUDGE) BILL 2023 (No. 16)

First Reading

Bill presented by Mr Ferguson and read the first time.

MATTER OF PUBLIC IMPORTANCE

Community Services

[11.10.a.m.]

Mrs ALEXANDER (Bass) - Mr Speaker, I move -

That the House take note of the following matter: Community Services

I am here today on this Matter of Public Importance to talk about community services. On 23 July, only a few weeks ago, the Premier announced another Cabinet reshuffle. In the process, two critical portfolios were allocated to new ministers. I am talking about the Housing portfolio and the Community Services portfolio. Housing and Community Services are extremely important in addressing critical issues for community members impacted by the housing shortage and the cost of living. Having worked in recent years in a community services organisation myself, I can only imagine how my previous colleagues in the sector have felt about the news they have yet another new minister.

The fact that these two important portfolios, Community Services and Housing, were shuffled on to new ministers at a time when everyone is talking about cost of living and lack

of accommodation is a clear indication that the Premier did not rate how important it is to offer stability and continuity at times of uncertainty. The Government has often talked about the importance of support services but, unfortunately, I do not believe they have understood that community services organisations work so closely, hand-in-hand, with housing organisations. One organisation often delivers in both areas.

Community Services acquired a new minister. Community organisations that receive funding from the state Government to deliver support services such as financial counselling, emergency support, food relief, assisting victims of domestic violence and youth issues, and who applied for grants or connected with the previous minister on important issues are now waiting for an answer and are probably extremely frustrated today. They will have to wait until the new minister finds time to familiarise with their issues and understand the priorities of the sector and the complex problems they are dealing with.

This week is Homelessness Week and, yes, we are talking about people who do not have a roof over their head. What the Government and the new Community Services minister need to recognise is that this is not simply a bricks-and-mortar issue. Many of the community service organisations funded by the state Government are working very hard to prevent people falling through the cracks and becoming homeless, or are helping people out of shelters and into permanent housing, ensuring that they are able to build the necessary resilience to maintain a roof over their head. It was disappointing and very telling to see the new minister failing to recognise the importance of this week and how homelessness is at the centre of activity for many community organisations that she is expected to engage with. I will help the minister here as it appears that her advisers may not necessarily have the knowledge.

Homelessness is not just housing; it is about the many essential services that support people impacted by homelessness or at risk of becoming homeless. Minister, you know the people living in tents around the cities, including in your own home town, Launceston. Here is a fact: they are actually receiving support services from organisations that fall under your new portfolio. Also, the women's shelters that you failed to visit while you were minister for Women - guess what? They are not just a Housing Tasmania issue. These shelters are also delivering services that require funding under your new portfolio.

I believe the Premier has failed to understand how crucial community services are. The last thing these services need is new ministers. I would not be wrong in saying that in reshuffling his Cabinet, the Premier probably spent more time setting up the new portfolio of Minister for Stadiums and Events than considering the adequacy of appointing new ministers to the Community Services and Housing portfolios.

TasCOSS, in an advocacy piece titled *Fear Funding for an Essential Industry*, identified the following:

Over the last two decades, in particular, community service funding has fallen behind the real cost to community service organisations of doing their vital work. This places people at risk of not having their essential needs met. The scope of the industry's work provides significant economic returns to Tasmania. It is part of one of the largest and fastest-growing industries in the state, employing just over 15 per cent of Tasmania's total workforce and contributing 13.1 per cent of Tasmania's Gross State Product in 2021.

On 11 July this year a Senate committee looking at cost-of-living pressures heard from a number of Tasmanian charities. Foodbank Tasmania's Stuart Clutterbuck told the Senate committee examining increasing financial pressures facing Australians that there was 'a massive gap between supply and demand of meals; the shortfall in Tasmania is around 10.5 million meals, a rough number'. I will repeat that: a shortfall of around 10.5 million meals. A University of Tasmania survey last year found more than half of Tasmanian households had experienced some level of food insecurity in the month before the survey.

Here is another sobering fact from UTAS. In their *Island of Ideas* public talks series, held in March this year, they identified that hidden behind Tasmania's gourmet food image are some horrific contrasts. Recent studies report that one in two Tasmanians are food-insecure. This means half of our community struggles to source enough healthy food. One in five households are regularly skipping meals and going hungry. This figure has nearly tripled since May 2021. Let that sink in. Many families struggle to put food on the table. While Tasmania produces world-class edibles, we are simultaneously producing some of Australia's worst health outcomes. Why is this? What would it take to put food on the table for all Tasmanians?

Unfortunately, a great economy does not automatically mean improved outcomes for those on struggle street. More money does not necessarily resolve the fundamental social issues in our community. What brings positive change is good policy and a desire to effectively improve things, not just talk about improving things. It requires a real passion from our leaders to learn about what is going on and not hide away behind political spin.

I know the Premier has repeatedly said that he and his Government can walk and chew gum at the same time. However, I would caution the new minister against attempting to walk, chew gum and hand out 'Yes, stadium' stickers all at the same time, as doing everything at once may cause a trip hazard.

In conclusion, I am sure community organisations across the state will be looking forward to the minister bringing herself up to speed as soon as possible and engaging in meaningful conversation around fixing indexation and also about a respectful dialogue.

[11.17 a.m.]

Ms OGILVIE (Clark - Minister for Women and the Prevention of Family Violence) - Mr Speaker, this is an important topic and I thank the member for bringing it on today. There is so much on which we agree about the necessity to do everything we can for Tasmanian families, mums and dads, women in particular, so I am assisting with this response today. I have a particular interest in the Women's portfolio so I will talk a little bit about that as Mrs Alexander touched on some of those issues.

Our Government is a strong supporter of our community services sector and we value the vital role that our services undertake in every region and community across Tasmania. I have been in this House for about a decade and I have seen some incredibly good work happen from all parts. Good ideas can come from anywhere in this Chamber and we like to take those up when we can.

We started the week up at the Domain, thank you to St Vincent de Paul, and I was chatting with some of my friends from Bethlehem House with whom I have had a connection over many years, particularly in relation to housing people who are coming out of prison, how we do that and the sort of services we are out to offer them. It is something that is dear to my

heart, both as a local member but also now as a minister who has an interest in housing and homelessness. We are particularly interested, as we all would be in this Chamber, about housing assistance for vulnerable cohorts. We understand the barriers and challenges that people can face in securing that safe accommodation.

This has even touched me and my family as I had a couple of students who found themselves all of a sudden homeless. I have had a journey with these young people over the last eight weeks to assist them. These grade 12 kids, through no fault of their own, found themselves in a difficult situation and so I have been working with providers to assist these young people. It really brings it home when it touches you like that. I even had them stay with me for a while, which was a joy because I do love a full household.

These issues are ones where we are all in it together. While the Government can fund and take the lead, and show that leadership, I agree with Mrs Alexander that it is something for all of us to do at an individual level, a family level, a society level and a community level. That is where I come to this conversation from.

In our Budget we are providing significant cost-of-living relief over the next four years, straight into the pockets of Tasmanians who need it most. Of course cost-of-living impacts come from both the state and federal level and we will be looking to the federal government also to play their part. We think they can do more. We have a range of programs directed at providing financial and other assistance to Tasmanians in need, including the family assistance program, the Energy Hardship Fund and food relief funding.

One of the areas that I have a particular passion for, as people would know over the last decade - I think we have spoken on this before - is the digital divide and how we can ensure that people who cannot afford the data and technology get the access they need. Students in particular who might be from lower socioeconomic groups can be brought to the table in this information age to make sure that everybody has fairness and equity in participation in our great knowledge economy. We have a range of programs. I am certainly doing some work on that issue with TasCOSS and others within our departments and it is a bit of a new frontier, but I think we will get there in the end. Our telecommunications providers are stepping up to the plate as well. This goes to my point that it is a whole-of-community response to these issues.

I will give just a bit of statistics and information on the ways in which we support Tasmanians in need through our concessions and discount guide. I am sure you all have them in the electorate offices but if you do not, let us know and we can provide them. The 2023 guide can also be accessed online at www.concessions.tas.gov.au. The Seniors Card program is also very important to enable increased participation for older Tasmanians. The Veteran Wellbeing Voucher Program enables veterans to participate in healthy activities to support their health, wellbeing and to assist in developing social networks. We heard about the Men's Sheds yesterday and that is obviously very important work as well.

In my first iteration as Minister for Women I visited the Women's Shelter. There is so much more that we need to do. Women, particularly with children, who for reasons of safety need to leave their homes, deserve our greatest love and care. I listened very intently to Ms O'Byrne's contribution last night on the adjournment in relation to family violence. There has been a good level of bipartisanship on that work. There is a draft national approach to the prevention of family violence that we will see soon from a federal level. I look forward to genuinely working across the Chamber, on all of the benches, with everybody who has an

interest in making sure that we have the most contemporary approach and are doing all we can in that area, including family violence.

I also point to the family assistance program that funds emergency relief services to provide direct relief to families experiencing financial hardship. Tasmanians can access this program through the Salvation Army, St Vincent De Paul Society Tasmania, Anglicare, Hobart City Mission and Launceston City Mission. For the years 2021 to 2024, our Government has committed almost \$2 million. Those funds and the work we are doing at that state level are important and we will continue to do those.

Our Energy Hardship Fund assists Tasmanians who are struggling with their energy bills and is accessible through the Salvation Army. Additionally, more than 90 000 Tasmanian concession customers will receive \$880 in bill relief with annual electricity concessions and the energy bill relief rebate. Due to the expanded eligibility criteria for the joint Commonwealth-funded electricity bill relief rebate another 50 000 Tasmanians will benefit.

Time expired.

[11.24 a.m.]

Ms HADDAD (Clark) - Mr Speaker, I welcome this matter of public importance and thank the Independent member for Bass for bringing it on. I start by recognising the member for Bass' long history in the community services sector and it is very refreshing to hear some very well-put home truths put on the record about the way the sector has been treated by this Government. They are concerns that I share.

I will start by putting on the record the Labor Party's appreciation for the work that is done in the community sector across a range of different areas of service provision. The community services sector is not a bunch of well-meaning volunteers volunteering their time, although there are amazing volunteers across the community services sector as well. The point I am making is that this is a professional workforce of people providing services and clinical services that they have years of university training to provide across a range of different parts of the sector.

The sector contributes nearly \$2 billion to the state economy, about 13 per cent of the GSP, and employs 15 per cent of Tasmania's total workforce. It is a significant workforce across our state employing thousands of Tasmanians in housing, homelessness services, mental health and alcohol and drug clinical and community support services, public health services, including sexual health services, family violence services - which the minister mentioned as well - community services including Neighbourhood Houses, emergency relief services, disability services and so much more.

They are the lifeblood of our community and what they are finding now overwhelmingly is that demand is increasing day by day but without a commensurate increase in funding from the Government to meet that demand. You cannot keep asking for more while funding less in real terms. TasCOSS, the peak body for the community services sector, along with all the other service-providing organisations, have made that very clear in their response to the state Budget and their campaign for fair funding and indexation. TasCOSS CEO, Adrienne Piccone, said this about the state Budget:

Disappointingly, the Government failed to secure the provision of essential services to Tasmanians in need in the latest Budget, instead electing to provide one-off top-up funding to selected organisations, at an effective rate of 4%.

TasCOSS and the broader industry acted in good faith in discussions with the Government ...

So to be presented on Budget day with what one member referred to as an 'insulting outcome' was incredibly disheartening ...

...

The question has to be asked whether the Government truly values the work our industry does, often [doing work on the Government's] behalf, in delivering essential services and supports to Tasmanians at all stages of life. It certainly seems at odds with the Premier's commitment to leading a government with heart.

It also makes little economic sense to consciously underfund community services - inadequate funding for the often preventive work our industry does, ultimately means more people will be presenting to Emergency Departments and living on the streets because they can't get the help they need.

That is a fundamental point. When you fund early intervention, when you fund community sector-based preventative supports, when you fund community supports that the sector provides across the state, not only do you get better social outcomes because individuals and families and community are getting support they need when they need it, you are actually getting better financial outcomes as well. The pressure on the acute health system is less when people get the preventative health services they need, like mental health and alcohol and drug community support. The pressure on the state budget across the board would be lower if the community sector was appreciated and funded by this Government in a way that recognises the work they do supporting Tasmanians every day.

The Labor Party backed in the fair funding campaign being led by TasCOSS and run by all of the community sector peak bodies. We recognise that with a continuing gap between income and growth in costs and demand, something has to give. Community sector organisations, just like any organisation, need to pay their staff, insurance, rent, electricity, all the outgoings it takes to run an organisation, but without funding that meets that increase in demand they are going to have to cut services or cut staff, or both. That is the message very clearly being given to the Government by the sector.

The ATDC, the Alcohol, Tobacco and other Drugs Council, described the Budget as 'death by a thousand cuts', because people are really suffering. It is the people working in our community services sector who not only see that absolutely desperate need in our community, they are feeling it too. They cannot keep up with the demand because you cannot do more with less. Without indexation, secure funding contracts, long-term funding contracts and outcomes-based purchasing approaches, the sector cannot do the work that it needs to do to support the Tasmanians who need that service. It is simply not economically viable to do more with less. Without indexation, when costs increase something has to give - and that is what the sector has

been making very clear to the Government. They are going to have to either cut services, or staff, or both.

What does that mean for the Tasmanians who rely on those services? What we know is that one in four Tasmanians cannot afford the rising cost of living. We have the least affordable rental market in the state. We have had a 45 per cent increase in homelessness in five years - nine times the national average and the fastest growing rate of homelessness in the country. I remind members that it is Homelessness Week right now, speaking about these important issues.

One in two Tasmanians are food insecure. One in five households regularly skip meals because they cannot afford to put food on the table. A staggering 26 000 young people and children are severely food insecure, which means that they have not had enough to eat in the last year. It is deplorable that we have people living in those conditions in Tasmania.

Mr Speaker, the cost of living keeps biting Tasmanian households and as a result we are seeing people lean on community services who have never had to do that before - working people sometimes with two incomes who are seeking food relief, who are seeking community support for the first time in their life and the organisations providing those supports are finding it harder and harder to do so.

Time expired.

[11.31 a.m.]

Mr WOOD (Bass) - Mr Speaker, the Rockliff Liberal Government acknowledges that our community service organisations are feeling the effects of rising costs on many aspects of their operations due to increased inflation and demand. Our Government has a consistent record in supporting the community sector. When we came into Government in 2014, we provided the sector with a \$9 million package to boost support to the sector following the slashing of the indexation rate in 2011 by the Labor-Greens government, and at the last state election we were the only Government to back in a community sector industry plan with a multi-million-dollar investment to build workforce and leadership capability and capacity across this sector.

We strongly supported the sector during COVID-19 with significant funding so they could keep delivering services and support to Tasmanians in need, such as emergency food relief. When organisations were not able to deliver face-to-face service during the pandemic, we supported them with technology grants to move services online. Our Government is also providing a further \$2.1 million in community support funding to organisations which we support with funding to help ease these pressures of rising costs to service delivery. This amounts to a total indexation of four per cent this year for community service organisations receiving indexation funding. This one-off assistance package will allow organisations to meet their current operational demands, together with rising costs.

Through negotiations with the Australian Government, we have ensured that community sector organisations are eligible to access the National Energy Relief Fund - of which we are providing \$45 million. Many organisations will be eligible to access the \$650 energy relief from this particular fund. Further, our Government will provide long-term certainty in funding to community service organisations by moving to five-year funding agreements by the end of 2024.

Alongside this, the Tasmanian Government is completing a comprehensive review of funding models for community service organisations to ensure that funding provides long-term certainty and deliverables and outcomes that are clear, with service provision that can be flexible and adaptable. There are multiple components to this work which requires detailed analysis and also alignment with national policy, such as a stand-alone index for the community sector. One aspect of this work is indexation; another is peak body funding and also, an outcomes framework.

Our Government wants to ensure that there is equitable outcome for all community sector organisations through this body of work.

Mr Speaker, we are committed to getting this right and working closely with the sector to ensure the suitable, efficient and effective delivery of community services in Tasmania into the future. The community services industry is a major employer in this state, and one of the fastest growing sectors, with more than 17 800 paid workers currently, supported by about 35 000 volunteers. The Community Services Industry Plan 2021-2031 continues this Government's strong working relationship with TasCOSS to deliver a stronger future workforce and community services industry. With the implementation of the industry plan now well under way, and overseen by a cross-sector advisory council, an industry development steering community and the workforce coalition, our Government is collaborating with these members to ensure the growth of the industry.

The Tasmanian Government knows how important volunteering is to the wellbeing of our communities. Since 2020, the Tasmanian Government has committed over \$2.3 million to Volunteering Tasmania for practical initiatives, designed to support and increase the number of volunteers including: operating as the peak body for Tasmania's volunteering sector, representing the interests of volunteers to the Tasmanian Government; delivering the Safeguarding Volunteers initiative; and building a youth volunteer army to encourage a new generation of lifelong volunteers by working with community groups and schools to showcase the importance and benefits of volunteering to young Tasmanians. As well as the Tasmanian Volunteering Awards, we are also investing in our volunteer's project to improve volunteer engagement in Tasmania, and supporting EV CREW to mobilise volunteers in the event of a natural disaster or emergency.

The Tasmanian Government is committed in ensuring all Tasmanians have access to sufficient quality and nutritious food. Since 2018, we have committed over \$9 million towards the delivery of food relief across the state. The Rockliff Liberal Government is also addressing the rising cost of food through the Tasmanian Government Food Relief to Food Resilience Strategy 2021-2024, and the Food Relief to Food Resilience Action Plan 2023-2025, which includes an additional investment of \$2 million towards food security activities. Just last month, we announced \$300 000 to 35 community organisations to ensure increased provision of direct food relief for those in need.

In March this year, over \$90 000 was announced for 21 Neighbourhood Houses to buy community garden equipment, supplies and infrastructure so Tasmania's Neighbourhood Houses can strengthen and build their infrastructure to provide fresh food for local communities.

[11.38 a.m.]

Mr BAYLEY (Clark) - Mr Speaker, I thank the member for Bass for bringing on this important matter of public importance today. To state the obvious, I am new to this portfolio

and I look forward to meeting with stakeholders and everybody in the community sector, and working across this Chamber to deliver good outcomes and to continue the Greens' strong legacy of support and delivery in this space. The community sector services is a broad reaching portfolio and touches on many aspects of Tasmanians' lives.

It is important to take this opportunity to point out the ministerial mea culpa delivered just post-Budget, that the community sector's needs and aspirations and requests for funding were not met in this current Budget. To deliver, the community sector needs proper funding and it needs to be indexed to keep up with inflation and other increasing costs. Given it is Homelessness Week, it seems timely to focus on what can be done to prevent homelessness. In particular, I want to discuss a HousingFirst approach to homelessness. The Housing First approach is both an obvious policy approach and a transformative one. In a Housing First approach, the first thing you do is give a person stable, permanent accommodation, then you provide a range of personalised services. These supports are service and engagement. Engagement with these supports is in no way a requirement to continue to be provided with housing.

The exposure draft of the Tasmanian Housing Strategy makes much of the Government's purported adoption of Housing First. It is a laudable goal and in fact it is Greens policy. Unfortunately, it is not a simple policy proposition. There are currently 4598 applications on the Housing Register and the rolling average to house priority applicants has now reached 80 weeks. Both of these statistics have undeniably been on a steep upward trend under this Government.

It is an undeniable fact that we need a significantly different approach to housing to implement a Housing First approach. What is this Government committing to that is different? Nothing. One of the repeated themes in this draft strategy is planning reform. Planning reform, it seems, is the only approach to addressing the housing crisis that is ideologically palatable to the Liberals. Unfortunately the reality does not match this Government's palate. The draft strategy makes much of balancing access to affordable housing with the profits of property investors. It is this sort of attitude that has firmly entrenched a trajectory that makes Housing First impossible to achieve.

The Government's attitude towards housing and homelessness needs to change to achieve this policy objective. Part of what the Government needs to change is actually caring about resolving the housing crisis. It seems that all they care about is spinning away from the problem and using it as a stalking horse for planning reform. It is the Government's proudly claimed policy to invest \$1.5 billion over 10 years to build 10 000 homes that I take umbrage with. This would be an average of \$150 million a year, yet despite this the latest Budget has only allocated \$87 million this year, escalating to \$98 million in the last year of the forward Estimates.

In addition, in excess of \$10 million per year of this money is for initiatives that are not for construction of new housing as well as funding to cover off debt services of between \$10 million and \$20 million per year that Homes Tasmania will have to pay for thanks to the restructure. All summed up, the Government will be funding less than half of the annual requirements of their \$1.5 billion plan each year. This is all assuming that each home can have land secured, construction funded and all associated services and costs funded for an average of \$150 000. We have all heard big promises of the number of homes this Government has, will, and are building. The facts are that according to the Productivity Commission there are only 303 more social houses than there were in 2013.

This is not the track record of a government that has earned the benefit of the doubt. In short, to adopt a Housing First policy this Government needs to put housing first, not short-stay deregulation, not investment properly tax breaks, not making an expensive bells-and-whistles stadium in their policy. As it stands, Tasmanians can have no confidence that this Government has any intention at all of adopting a Housing First approach to homelessness and they have no intention of building 10 000 social and affordable homes.

All of these promises are hollow and the Government is using them to avoid dealing with the housing crisis so they can focus on distorted priorities like a shiny new stadium. On behalf of the Greens, I call on the Government to put their money where their mouth is and genuinely deliver on a Housing First policy approach to homelessness.

Dr Woodruff - Hear, hear.

Matter noted.

MINISTERIAL STATEMENT

Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings - Update

[11.43 a.m.]

Mr ROCKLIFF (Braddon - Premier) - Mr Speaker, in March 2021 our Government established the Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings. We took this action so that we learn from the past and ensure that our mistakes and failings are never repeated and to better protect Tasmania's children and young people into the future.

Today, as the commission of inquiry nears its conclusion, I rise to update the House on the processes that will take place once the commission concludes its inquiry and hands down its final report. I want to outline how our Government will continue vital work to safeguard Tasmania's children once the findings of the commission are known.

On 8 November last year, our Government, together with the parliament, apologised unreservedly to victims/survivors of child sexual abuse in Tasmanian Government institutions. At that time I stated that this parliament will be defined by the actions we take to ensure that the injustices committed by Tasmanian government institutions can never happen again. Today I reiterate those statements, along with our Government's commitment to implementing the recommendations of the commission's final report once they are available.

I would like to outline the process relating to the commission of inquiry's final report and the role of the Governor, the parliament and the Government once it has been delivered. The commission is to deliver its report to Her Excellency on 31 August 2023 in accordance with section 10(2) of the Commission of Inquiry Act. A copy of the report is then to be tabled in each of the Houses of the parliament within 10 sitting days after the day on which it is received by the Government. That would mean the report would be tabled no later than 28 September 2023.

I appreciate that there are victims/survivors and their supporters who are waiting on these recommendations. Therefore, I will table the final report in the House of Assembly on the next available sitting day once the Governor's review is complete. Acting on the advice of the Executive Council, the Governor may decide to omit part of the report if the public interest in disclosure is outweighed by another consideration, including public security, privacy of personal financial affairs, or the right of any person to a fair trial. Any omission will be clearly marked in the report. This process is similar to processes for redacting sensitive information from reports of royal commissions and commissions of inquiry in other Australian jurisdictions. The report will also be publicly available and will be published on the commission of inquiry's website.

The Government will provide an initial response to the recommendations. A more detailed government response will be released before the end of the year, including details on how we will implement, monitor and report to the public on the commission's recommendations. Our Government is committed to being open, transparent and accountable in the delivery of the response to the commission of inquiry. The Government's response will include ensuring that we work with victims/survivors and that there are appropriate, independent and multipartisan arrangements for tracking and monitoring our commitments.

I want to acknowledge that the release of the commission's final report will evoke strong emotions, questions and concerns for many in our community. We are acutely aware of the need for a coordinated, trauma-informed and meaningful offer of support to individuals impacted by child sexual abuse in our institutions. It is vital that victims/survivors, State Service employees and members of the Tasmanian community are supported, safe and able to report concerns following the release of the report.

Over the course of the commission of inquiry, the Tasmanian Government has provided additional resources to local support services to support those affected. We will ensure those services continue once the commission concludes. A dedicated team has been established to work across government agencies to ensure that appropriate supports are in place for impacted individuals and institutions in the first instance when the final report is released. For anyone requiring support now, a list of support services is available via the commission of inquiry's website.

As we await the final recommendations of the commission of inquiry, we remain steadfast in our commitment to keep our Tasmanian children and young people safe. We are continuing to take strong action now to make our system and services safer for our most vulnerable. On 24 May last year I made a ministerial statement outlining response actions our Government is taking now to keep children and young people safer. Over the course of 2022 I announced a total of 30 interim actions and I am pleased to say that 14 of these actions are now complete and work is underway on the remaining actions.

In terms of completed actions, we have strengthened the accountability of heads of agencies through revised performance agreements as part of our commitment to make widespread cultural change across the Tasmanian State Service. We are rolling out trauma-informed practice training across the State Service, starting with those in leadership positions including heads of agents. We have made significant amendments to legislation to improve the prosecution of sexual offences; to hold people to account for failing to protect children; and to provide better access to justice for those who are affected by sexual violence.

Our Government has also taken significant steps to establish the Child and Youth Safe Organisations Framework to improve the safety and wellbeing of children and young people in institutional settings.

On 22 February this year, I announced the critical steps being taken to strengthen child safety in our hospitals and health settings. Our Government continues to implement the recommendations from the Child Safe Governance Review of the Launceston General Hospital. The Department of Health has completed 30 of the 92 recommendations, with strong progress being made on the remaining recommendations including: the delivery of mandatory child safety training to more than 15 500 people; the recruitment of child safeguarding officers for each region of the state; and the implementation of a new, statewide complaints management framework to ensure a consistent approach to complaints management.

Through the commission of inquiry, victims/survivors have highlighted the complexities around seeking their own information from government institutions, in particular, a lack of consistency in process and decision-making. Our Government is undertaking reform to improve our Right to Information capability and practice. Public consultation is now open, and feedback is being sought via the DPAC website on applicants' experiences with applying for Government information.

We are also investigating any barriers to timely and appropriate information sharing for the purposes of protecting children in Tasmania. Our schools play a vital role in keeping our children safe and well. They are the cornerstone in our commitment to safeguard the rights of children and young people to have an education, to have a voice and be heard, and to be kept safe from harm. We have increased professional support staff in our government schools to increase support for children and young people affected by harmful sexual behaviours or child sexual abuse.

Compulsory mandatory reporting training has been rolled out to all staff, and training in understanding, preventing and responding to child sexual abuse will commence for all departmental staff in the second half of 2023. From the beginning of the 2023 school year there is a safeguarding lead in every state Government school. Safeguarding leads act as champions and contacts in relation to all school safeguarding matters, to foster a child-centred culture where safeguarding our children is everyone's responsibility.

Our Government is committed to being open, transparent and accountable in the delivery of the interim response to the commission of inquiry. Progress against these interim response actions is publicly reported on the Department of Premier and Cabinet website.

Mr Speaker, our Government is also acutely aware of the need to ensure there is adequate resourcing to support the reforms that will be required. Responding to the commission's final report will require widespread and fundamental changes across Government agencies and systems. We have not waited to ensure agencies have the funding they need to ensure current systems and processes are safe.

The 2023-24 Budget provided an initial \$30 million to fund priority action areas to keep children safer, with further funding allocations to be made once the commission's final recommendations are known.

The first round of funding has allocated \$20 million to areas of greatest need across the State Service. \$1.5 million will be allocated for immediate support to victims/survivors and others affected by the release of the final report, as part of the transition from the supports that were previously provided through the commission of inquiry. \$11.2 million is being provided to the Department for Education, Children and Young People. The funds will be used to employ additional child safety officers and increased funding to the Child Advocate Service to enhance protections for children and young people under guardianship or in custody.

We will increase funding to the Intensive Restoration Service to support children in out-of-home care to be safely returned to their families. Youth Justice Reform will also receive increased funding, which will see improved clinical services, diversion and support programs and initiatives under the Keeping Kids Safe Plan.

We will continue to build a shared capability for responding to serious breaches of the Tasmanian State Service Code of Conduct by establishing a dedicated team in our State Service Management Office to manage serious code of conduct allegations likely to lead to termination. We will appoint an independent regulator with oversight of the Child and Youth Safe Organisations Framework to create an environment of accountability. Additional child safeguarding training and resources will be created, and additional multidisciplinary resourcing in the north-west will ensure enhanced child-safe facilities are available in our regional areas.

The Department of Health will also receive approximately \$2.6 million in funding to strengthen child safeguarding across our health institutions. We will increase resourcing of child safety governance and models of care in our health settings to oversee, monitor and investigate child safeguarding concerns and support shared understanding of child safety and ensure children's voices are heard. Key learnings and agreed principles will be developed and shared across the Tasmanian Shared Service for our agencies to tailor and operationalise appropriately.

A second funding round will be conducted once the commission's final recommendations are known. If further funding is needed this financial year, beyond the allocation in the 2023-24 State Budget, we will look to introduce a supplementary appropriation bill no later than the end of October this year. Ongoing funding requirements will then be considered through future Budget processes.

I conclude by acknowledging all those whose lives have been significantly affected by sexual abuse in Tasmanian institutions. Through the commission, we have heard harrowing stories but also stories of strength and resilience in the face of immeasurable suffering and adversity. I want all Tasmanians to know this Government is listening and acting. We will leave no stone unturned to ensure our children and young people are safe and protected, now and into the future.

MOTION

Note Statement - Commission of Inquiry into the Tasmanian Government's Response To Child Sexual Abuse in Institutional Settings - Update

[11.57 a.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Speaker, I move -

That the statement be noted.

Mr Speaker, the update from the Premier today is very welcome. I know there are many victims/survivors and others who provided evidence to the commission of inquiry who are very pleased to receive an update from the Government about the next steps and some clarity around what can be expected once the commission of inquiry finalises its report and hands that to the Governor.

I welcome the commitment from the Premier that he will seek to table that in this House at the earliest opportunity, once the Governor has completed her work. I know that will be very welcome.

There are a number of commitments that this House has made to victims/survivors. I reiterate the Labor Party's commitment to support the implementation of all the recommendations that are made by the commission of inquiry. It is vital that we as a parliament work together to make sure that we have child safe organisations and institutions in this state; that where there have been failings of our children that we work to address them quickly and together. We all want our children to be safe in our state. I can think of no more important thing that each of us strives to do.

The commission of inquiry's work has been very important but it has also been incredibly hard for many people who have either provided evidence or have been witnesses in that process. I want to recognise that traumatisation that has occurred for many people who have participated and to thank them for their bravery and their courage. Without that, we would not be in a place where we have a commission of inquiry that will help us to strengthen our government institutions. It is important to acknowledge that.

I also recognise the work of some whistleblowers and victims/survivors, Alysha and Jack, and to note a press release they made on 9 August 2023 where some of the questions they raised in that have been answered by the Premier's ministerial statement today. There are some other matters I believe require further attention from the Premier. Before I go to those, I will share with the House a quote from Alysha and Jack in their press statement which helps to explain the gravity of the matters that are before us here today and that the commission of inquiry has been grappling with:

Victim Survivors, Whistleblowers and others affected are bracing themselves for information that will be retraumatising and deeply distressing. The evidence we have heard and read over the past couple of years has exposed some of the most catastrophic failures one could imagine in Government departments. These failures have quite literally destroyed lives. We believe the very least the Government could do at this time is to ensure everyone affected is informed, supported and offered the opportunity to be present for

the Commissioners closing address on 30 August, as well as for the tabling of the report to Parliament.

The Premier did not address those matters directly in the ministerial statement but comments on the commission of inquiry's website indicate that people can be present for the report's conclusion and the commissioner's final remarks. Also, it will not be a live broadcast but it will be recorded and people will be able to access that through the commissioner's website. I ask the Premier to consider how people might be able to join us in the parliament for the tabling of the report, which is something that has been raised by whistleblowers, victims/survivors and others who provided evidence to the commission of inquiry.

Further to that, the same statement released by Jack and Alysha on 9 August asked whether the Government was planning to provide financial assistance to victims/survivors, whistleblowers and others investigated in this process so they can be present, should they wish to, for both the commission of inquiry closing address and for when the commission of inquiry report is tabled in the parliament, and how this assistance can be accessed. I ask the Premier to think about what the Government could do to help facilitate, noting that there has been an allocation of funding in the Budget and the Premier has detailed that some of that may be used - whether there is ability for that to be extended to support people to be present for both of those important times.

There are many who work across Tasmania's government institutions who have provided evidence through the commission of inquiry, who may have been witnesses through that process, who are also in need of support at this time. The Premier's Ministerial Statement makes reference to that, particularly to government institutions, but we would like that support to be made freely available to staff and employees of the State Service. There are some working in our government facilities, particularly the Ashley Youth Detention Centre, who have been very much in focus in some of the evidence made to the commission of inquiry and the staff there require our support at this time. In particular, they need to have consultation from the Government about what the transition plan is for the new youth justice arrangements. I understand that has not occurred to date.

It is important that we support the good people who are at Ashley Youth Detention Centre, supporting some of our most vulnerable young people, so that they do not feel victimised or further marginalised through the evidence that has already been provided. Unfortunately, I think they have all been cast in the same way and that is unfair. We need to make sure they are supported and that the Government is doing the best it can to communicate and consult with them openly so that those good workers can feel the Government is there for them in what can be a very distressing time.

The Premier's Ministerial Statement also makes reference to the improvements that the Government is seeking to make with respect to ED5s - that it is welcome - and to make sure that there is centralised understanding of how ED5s are brought up across different department agencies. I also urge there to be quick resolution to those matters because we know that a drawn-out nature for ED5 complaints is not only harrowing for the people who make the complaint but also the subjects of those complaints.

Thank you, for the update today, Premier.

[12.04 p.m.]

Dr WOODRUFF (Franklin - Leader of the Greens) - Mr Speaker, I acknowledge the victims/survivors who are watching this broadcast or who will read our words in *Hansard*. We want you to take care and to know that the Tasmanian Greens are taking this matter very seriously. We are committed to following the commission of inquiry process through all the way into the future to make sure that the abuses uncovered can never happen again.

The commission of inquiry was called by the Tasmanian Liberals in good faith to shine light into the darkest spaces of Tasmanian life. Unfortunately, the culture of secrecy that allowed these atrocious acts to occur is yet to be addressed in society and the halls of power. Looking after victims/survivors is your responsibility, Premier. The Tasmanian Government called for the commission of inquiry, you will fund the support services, and you will draft the legislation to make sure this can never happen again. Uncertainty and fear is rife among many victims/survivors and we fear that the secrecy and hiding of information will continue. This fear has been publicly expressed by many victims/survivors, and it is a fear they live with every day. We desperately hope that it does not exist in the Government's dealings with the commission of inquiry and the release of the report.

I also wish to recognise the great risks whistleblowers from within the State Service took to come forward and expose the abuse they had witnessed, and the cover-ups and complicity of people in power in the public service. They resisted the culture of fear and secrecy, often to their own great personal detriment. We all owe you a great debt of gratitude.

There is a yearning among victims/survivors for justice and for consequences for abusers and people who have covered up abuse so I am very concerned to read in your statement that the Governor may decide to omit parts of the report on the advice of the executive council, that is, Cabinet, if the public interest in its disclosure is outweighed by other considerations that the Cabinet considers would outweigh it. You say that the process is similar to processes for redacting sensitive information from reports of royal commissions and commissions of inquiry in other jurisdictions. I point you to the royal commission into Robodebt. The decisions about redactions in that report were properly made by the royal commission itself. They were not made by politicians. However you talk about it, if it is not the commission of inquiry itself that has chosen to have a sealed section of the report, there will be a widespread perception that redactions of the report have been made within a political space to sanitise the truth and avoid holding people to power.

We hope the Government's legal team will be taking advice from the commission of inquiry's legal team, working together about what is sensitive, and what is potentially compromising to future legal actions. It is appropriate for the commission of inquiry's legal team to advise the Government and its legal team on the appropriate way of withholding information should it be the case that it might compromise some other legal consequences. We hope that you will carefully consider the implications of any redactions made to this report because it has profound consequences for you and your Government as we go into the future.

Unfortunately, the dealings of your Government to date have been defined by a lack of transparency and a spin on reality. Yesterday's attempt to redefine the term 'ambulance ramping' to save face is the most recent example. We will be watching and making sure that the voices of victim/survivors and whistleblowers are not in vain, that their courageous attempts to change the culture of power and secrecy which has meant that predators have continued to work with young people in institutions. This must change. Ultimately, history

will judge you, Premier, and your Government for how this response rolls out in the days and weeks and months ahead. You know that Tasmanians are watching. You know that victims/survivors are watching. You know that whistleblowers are watching. We plead with you to work in good faith with the commission of inquiry and their legal team. We plead with you to table the report in full and at the first available opportunity. We plead with you to give every resource to all of the victims/survivors.

The commission of inquiry is their voice, and it is your responsibility to amplify it, to celebrate their courage and to make sure that our Tasmanian Government institutions are safe for all children into the future.

[12.11 p.m.]

Mr JAENSCH (Braddon - Minister for Education, Children and Youth) - Mr Speaker, I rise to respond to the Premier's Ministerial Statement on the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings.

There is nothing more important than the safety and wellbeing of our children and young people. Today, I acknowledge the victims/survivors who are listening to and watching this statement; the state service employees and other workers who work with vulnerable children and young people; and children and young people themselves -especially those in out of home care, in detention and in our community. We expect that the commission's findings and recommendations will be difficult to listen to and may raise issues for many of you. Hopefully, they will also bring to you a sense of being heard and listened to and responded to. I hope that that will be healing for you as well.

I echo the Premier's commitment to respond to the commission's final report, all of its recommendations - once they become available - but I also reiterate the Premier's message that while we await these recommendations from the commission, we are also taking action. Interim actions have been developed and deployed in response to known issues, as well as those we are learning about through the evidence from the hearings of the commission of inquiry.

We now have a comprehensive safeguarding framework that establishes the Department for Education, Children and Young People's overarching approach to safeguarding children and young people from abuse, with particular emphasis on the prevention of child sexual abuse. The framework directly aligns with, and will support the implementation of, Tasmania's new child and youth safe standards providing a clear structure for integrating and improving the department's safeguarding culture and policies and practices.

We consulted widely on the content and structure of the framework, with feedback from cohorts - including subject matter experts; people with lived experience of child sexual abuse; and senior representatives of other Tasmanian Government agencies - before it was publicly released in May of this year. The framework is a living document, that will be used to monitor and evaluate the department's progress against the benchmarks of the Child and Youth Safe Standards.

Work in schools has included the induction of safeguarding leads in every Tasmanian Government school. Safeguarding leads in every Government school were identified as a key recommendation of Professors Stephen Smallbone and Timothy McCormack in their report on the Independent Inquiry into the Tasmanian Department of Education's response to child sexual abuse, which predated the Commission of Inquiry. Four additional senior support staff have

been appointed, to provide further support for children and young people affected by harmful sexual behaviours or child sexual abuse. The department has also appointed two additional support response coordinators who are responsible for professional management of responses to incidents of child sexual abuse and harmful sexual behaviour, ensuring that the best interests of children and young people are the central consideration. Our Government has committed to employing eight full-time equivalent psychologists and eight full-time equivalent social workers across a four-year period to further support student wellbeing and safety. Four positions are being advertised each year from 2022 and will be filled, subject to availability and suitability of applicants. The statewide recruitment process for these eight professional support staff for 2022-23 has now been completed. Four social workers and four psychologists have undertaken induction and are working in our schools now.

Consistent with the objectives of the framework, the department introduced compulsory mandatory reporting training for all employees early this year. Under the framework all staff and volunteers are now required to undertake introductory and ongoing annual training in critical aspects of safeguarding, including the legislated requirement to report and respond to all concerns, suspicions, allegations, information and knowledge of child abuse. I am advised that over 12 000 workers have now successfully completed the department's new mandatory reporting training.

Our Government is committed to developing a youth justice system that achieves better outcomes for young people and their families and keeps our community safe. We are progressing our plan to close the Ashley Youth Detention Centre and transition to new youth justice facilities. New facilities form one part of our comprehensive reform of the entire youth justice system, which will also include raising the minimum age of detention to 14 years.

Since the Government first announced the closure of the Ashley Youth Detention Centre and a comprehensive reform of our youth justice system, three key priorities have been underway. The first has been a range of actions to ensure the safety and wellbeing of young people in custody at the Ashley Youth Detention Centre. Our Keeping Kids Safe Plan, which was provided to the commission, is underpinned by four key objectives - increasing safety and security for children and young people; maintaining an appropriate level of staff with the right experience and competencies; delivering a therapeutic service model; and implementing practice improvements.

In the eight months since the plan was provided to the commission, 10 of the 22 actions have been completed; 11 are underway; and one will be actioned in the coming weeks. I will be releasing the latest update on this important work shortly - the second-biggest development of our overarching blueprint for reform of the entire youth justice system, which will set the strategic directions over the next 10 years.

The third has been the development of our new approach to youth justice facilities that will replace Ashley Youth Detention Centre. We are proposing a youth justice facilities model comprised of one detention and remand centre located in the south; two assisted bail facilities; and two supported residential facilities - one in the north and north-west and one in the south.

We are now collating and assessing feedback from consultation on our preferred sites and conducting further onsite evaluations prior to finalising our selection.

We anticipate that the commission of inquiry will include recommendations that we will need to incorporate in our longer-term reforms, including those for our replacement facilities. We are absolutely committed to not only getting this done, but to getting it right.

Mr Speaker, I want all Tasmanians to know, and in particular victims/survivors, our workers and our young people, that this Government is listening and, more importantly, that we are acting in their best interests.

[12.19 p.m.]

Mr BARNETT (Lyons - Minister for Health) - Mr Speaker, as Minister for Health, I concur with the remarks of the Premier. I thank the Premier for his leadership in the establishment of the very important Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings. I specifically concur with his remarks that we took this action so that we could learn from the past and ensure that our mistakes and failings are never repeated, and to better protect Tasmania's children and young people into the future.

There is nothing more important to me as minister, and to my colleagues, than safeguarding our children and this has been made clear both in the lead-up to and during the commission of inquiry hearings.

I acknowledge the deep impact this has had in the community. I acknowledge the victims/survivors and the stories and experiences we have heard; they have been very challenging. We recognise this and are determined to do better for the whole community. However, we knew we could not wait for the commission of inquiry recommendations and our health system has continually reviewed workplace culture and ensured everything has been done to prevent, identify and respond to institutional child sexual abuse.

This includes the announcement that the Government's review of the Launceston General Hospital and human resources has now delivered its final report, making 92 recommendations. The Premier and former Health minister has accepted the report and recommendations on behalf of the Government and has committed to actioning all the recommendations as soon as possible.

The commitment of staff to actively respond and positively contribute to cultural change is heartening. We know it will take time, hard work and the dedication of all our staff, and I have had the pleasure of meeting so many of our health workers over the last two weeks as Minister for Health. As the Premier mentioned, the Department of Health mandatory child safety training has delivered more than 15 500 people having undertaken training.

We also acknowledge that child safeguarding can be a difficult topic for staff with personal experiences of abuse or neglect. This might occur when completing the training or when exposed to stories of abuse or neglect in the workplace. To support the wellbeing of employees personally impacted by child abuse and neglect to complete the department's mandatory child safeguarding training and continue to undertake their work duties safely, the department has developed a safety plan for employees impacted by child sexual abuse or neglect. We have also added a new module to the incident reporting system to support the Department of Health staff in raising concerns about children and young people's safety and wellbeing. Child safeguarding concerns will be sent directly to the Child Safety and Wellbeing Service, which will be handled confidentially.

A new secure tab has now been added to the digital medical record allowing only authorised clinicians to access the patient's sexual assault and family violence history when they present to one of the state's public hospitals. This will mean patients will not have to retell their stories unnecessarily and clinicians will have access to information they need to ensure signs of concern are not missed. The One Health culture management development program has commenced, with the first two pilot cohorts participating in the program. The management development program is designed to upskill managers in the non-clinical aspects of their roles and focuses on development in the areas of planning, delegating, financial and people management, governance, performance management, communication and human resources.

In early June it was announced that the children's ward in Tasmania's major hospitals will soon be known as the Wombat Ward. I had the pleasure of visiting the Wombat Ward and the great staff at the Launceston General Hospital just last week. The renaming process has been a collaborative effort guided by the valuable input of young Tasmanians aged eight to 18 years. The children and young people contributed their ideas during workshops held at the Royal Hobart Hospital, Launceston General Hospital and the North West General Hospital. These workshops were part of a broader initiative aimed at improving child safety and wellbeing in our health services by listening to their experiences of our services, what they felt was working well and what improvements they felt we could make to strengthen our services.

As part of the department's commitment to engaging with young Tasmanians about how we can improve our services, the Department of Health is establishing a new child and young people advisory group. Young Tasmanians aged 12 to 18 years are encouraged to apply. An expression of interest process is currently open with a closing date of 31 August 2023.

In conclusion, as Minister for Health I am committed to seeing improvements across our health system so all Tasmanians feel safe when they are in our hospitals and health facilities. This is a priority of mine and our Government's and I will be working closely with my department to ensure that we protect the safety and wellbeing of all the children in our care.

Statement noted.

STATE POLICIES AND PROJECTS AMENDMENT BILL 2023 (No. 14)

In Committee

Continued from 8 August 2023 (page 102).

Clause 4 -

Section 18 amended (Declaration of project of State significance)

[12.26 p.m.]

Dr WOODRUFF - Mr Chair, I believe I circulated the amendment I made to all members. I want to make a clarification to my contribution on Tuesday and, as a reminder, I was talking about the Greens amendment to clause 4. I want to clarify that our amendment would make the requirement that parliamentary approval would also be mandatory for non-government projects if those projects are on public land. The provisions in our proposed 3A(a) and 3A(b)(i) are the same as contained in the bill before us. The only new addition in our

amendment is 3A(b)(ii) which would require the mandatory parliamentary approval positions to be invoked when a project involves a proposed use or development on:

- (A) public land, within the meaning of the *Public Land (Administration and Forests) Act 1991*; or
- (B) land in the State vested in a council, within the meaning of the *Local Government Act 1993*.

Our definition of public land in proposed section 3A(b)(ii)(A) draws on the definition contained in the Public Land (Administration and Forests) Act 1991. That definition is also drawn on in other planning legislation, specifically the Land Use Planning and Approvals Act 1993 and the Major Infrastructure Development Approvals Act 1999. Our proposed section also includes council land.

Our amendment does not propose any changes for non-government projects that do not relate to public land. Our view is that this is broadly consistent with the intent of the amendment bill and what occurs in other planning legislation, and just as the public and the parliament have an interest in development proposals from the Government, they also have an interest in the use of public land.

I move that amendment now.

Mr ROCKLIFF - Thank you, Dr Woodruff, for bringing forward the amendment. The Government will not be supporting the amendment. I made some comments during the second reading debate that while the intention of requiring the additional vote for projects that involve large or significant portions of public land as it stood, there would be unintended consequences should the amendment pass as drafted and any private project that involves a small bit of crown land would be swept up, such as a road reserve or access. It is better to rely on a case-by-case determination which already exists in the bill.

If I may provide an example, in the event of a wholly private project that requires access to a state or council road without any other public land involved, this amendment would not allow parliament the flexibility or power to determine that the final approval need not be returned for a final vote. The Government's position is that the bill strikes the right balance by allowing parliament the ability to determine whether the amount of public land warrants bringing the final approval back.

Dr WOODRUFF - Thanks, Premier. One of the unintended consequences of our amendment that you are probably most seeking to avoid is public scrutiny about large-scale developments on public land. That is really our concern. Public land is owned by the people of Tasmania and we should have a right for a major project of state significance to also be within the purview of parliament for the reasons that we are here today, talking about changing this legislation in relation to the stadium. These are huge issues and we should all have a say. People crave to have a real say over what happens on public land. We are sorry that you are not supporting the amendment. It is a missed opportunity for some increased democracy.

Ms WHITE - The Labor Party will not be supporting the amendment either. I understand some of the reasons why the member has moved the amendment but the consequences would be that any project that had any contact with public land or council-owned land, which is also

captured in this definition, would be required to come to this parliament to be voted on twice. It would add an extra layer that would delay progress on developments. If they are significant projects on public land they might be captured by an act like this anyway. However, the way this is currently drafted, as the minister explained, it would pick up if the project was going to use Crown reserved land, a Crown road or council road as part of the development. The consequences are not proportionate with the intent.

Mr DEPUTY CHAIR - The question is that the amendment be agreed to.

The House divided -

AYES 3

Mr Bayley (Teller)
Ms Johnston
Dr Woodruff

NOES 17

Mrs Alexander
Mr Barnett
Ms Butler
Ms Dow
Mr Ellis
Mr Ferguson
Ms Finlay
Ms Haddad
Mr Jaensch
Mr O'Byrne
Ms Ogilvie
Mr Rockliff
Mr Shelton
Mr Tucker
Ms White
Mr Winter (Teller)
Mr Young

Amendment negatived.

Clause 4 agreed to.

Clause 5 agreed to.

Proposed new clause A -

Ms WHITE - Deputy Chair, I move -

That a new clause be inserted after clause 5 of the amendment act -

New clause A
A. Repeal of Act.

The clauses of this Act will be repealed and cease to have effect three years from the date on which the Act receives Royal Assent.

It became obvious to us when reading the matter before the House that there was no repeal clause, which is highly unusual. I just had a glance at some of the bills that have been tabled this year, including this week, in the parliament and they each contain a repeal clause; it is quite a standard function of any bill that is drafted. In the one that was tabled today, the Criminal Code Amendment (Criminal Jurisdiction of the Associate Judge) Bill 2023, under Repeal of Act it says:

This act is repealed on the first anniversary of the day on which this act commenced.

Just a cursory glance at a few other bills that have lodged on our desks over the course of this year, such as housing land Supply, victims of crime, occupational licensing and justice miscellaneous, shows that each of these bills have a repeal clause. It is highly unusual that any bill does not, so this amendment seeks to insert a repeal clause. It is done in a way that enables the Government's review which it says it will commence over the next 12 months to occur. From that, we expect further amendments to be drafted for the State Policies and Projects Amendment Bill that would mean this House deals with those matters before the repeal of these clauses we are dealing with under this bill expire. Given the highly unusual nature of the drafting of this bill that does not have a repeal clause, if the Government is unable to support this amendment I will be asking the minister to explain why there is not a repeal clause.

Mr ROCKLIFF - I thank the member for the amendment. I have a copy and I appreciate that and it was circulated very early on in this debate. I did make some comments, though, on my second reading summing up that we would not be supporting a repeal clause. This bill is designed around a government project. The Government considers that parliament should always have that oversight of a decision whenever the Government or a state agency is the proponent of a project which is of state significance and is subject to the type of integrated assessment that can result in trading off social, economic, community and environmental matters.

When the project of state significance process is for a government project, there should be a capacity for the parliament to consider what is, in effect, the social licence of the project, which is why we would not want to have a repeal clause. As a result, that amendment bill remains intact. These amendments should also be seen in the context of more recent additional assessment pathways which are open to proponents and provide for the independent assessment of major projects without any political influence of determination and of course I speak of the major projects legislation or process.

Ms WHITE - Can I seek clarification from the minister with respect to the explanation provided? Correct me if I am wrong but I understand your explanation is that the Government would never seek to have it otherwise that publicly funded projects coming through the POSS process are voted on both the commencement and the conclusion and therefore that is why you do not require there to be a repeal clause. That was my understanding of your argument.

That is a fair argument. However, if that is the case, why are there are repeal clauses in a whole range of other bills where I would expect the Government to maintain a commitment to deliver on the intent of those acts that are passed by parliament. The Victims of Crime Assistance Amendment Bill has a repeal clause. Does that mean we can conclude that the Government is not really committed to providing victims of crime assistance?

The argument you just made for why you do not support a repeal clause for this particular amendment bill is because you would never want to repeal it. Can we conclude then that there are repeal clauses in other bills because you might want to have it up your sleeve to wind them back at some point in time? I would be grateful for your explanation.

Mr ROCKLIFF - No, Leader of the Opposition, you have presented an argument that is not correct. They are not the reasons why they are in other bills or legislation. This is specific to this bill. I have articulated the reasons we will not be including a repeal clause in the bill -

Ms White - What are the reasons? That was your reason.

Mr ROCKLIFF - I have stated that. The member may disagree but we are not going to support the amendment.

Dr WOODRUFF - Did you send this amendment to OPC for drafting?

Ms White - No.

Dr WOODRUFF - I understand your intention. I am not sure whether the words here will do what is required because your amendment says, 'The clauses of this act will be repealed'. 'This act' is the amendment bill and the principal act will have already been amended, which is what the bill before us does. It amends the principal act, therefore that clause you have put here would not repeal those amendments that have become part of the principal act. Amendment bills, as I understand, are usually set out that they are repealed after a year, which is correct and it is odd that there is not a repeal clause here. As I understand it, this would mean that the clauses in the amendment act cease to exist, so by definition they would cease to have effect. I think the phrase should be, 'This act is repealed 365 days after it receives Royal Assent', and as I read your amendment, it would repeal the clauses but not the amendment act and it would leave an empty act on the statutes. Is there a possibility of getting some clarification on this?

We do not usually have the words 'the clauses of this act'. The phrase is, 'This act will be repealed', so what it will do, as I understand it, is take all of the clauses out of the principal act and leave an empty act on the statutes. It probably needs to be amended to do what you want it to do, which I accept is a sensible thing to do.

I do not understand. Perhaps the Premier could once again explain to us why this bill does not have a repeal clause in it like all other bills that come before us do.

Ms HADDAD - That is the intention of the clause and I note, as others have, that most amendment bills contain repeal clauses. There was one tabled this morning by the Deputy Premier on behalf of the Attorney-General which is the Criminal Code Amendment (Criminal Jurisdiction of the Associate Judges) Bill 2023. Clause 5 of that bill says that the act is repealed on the first anniversary of the day on which the act commenced.

Dr Woodruff - Not the clauses.

Ms HADDAD - No. My understanding accords with the Leader of the Greens' understanding, which is that amendment bills cease to exist after a year because the changes in that amendment bill are subsumed into the principal act. For this example that was tabled this

morning about the jurisdiction of associate judges, they will continue to have the powers that are conferred by this bill a year after the bill receives Royal Assent, because those changes will be incorporated into the principal act.

The intention of the amendment that the Leader of the Labor Party has put is that the clauses in the POSS amendment bill would cease to have effect and the original act would take their place.

Dr Woodruff - Why would you want that?

Ms WHITE - To be clear about what is going on here: this is a political fix for the Premier, dealing with Independent members, Mr Tucker and Mrs Alexander. I bet my last dollar there is no repeal on this clause because they argued they did not want to support that drafting. That is why there is no repeal in this act, and that is why the Premier cannot support it - even though every other amendment bill that comes before this place has a repeal clause.

The intent of this particular clause is not only to insert a repeal, but to be clear that we are not talking about repealing all elements of the act; that it is only about repealing these elements that we are debating now that are new to be inserted.

Dr Woodruff - You do not want them to exist after three years?

Ms WHITE - That is correct, because the Premier has indicated there is going to be up to 12 months review of what the act looks like. That is one reason. We suspect that there will be some proper analysis of what is appropriate for the State Policies and Projects Amendment Bill to look like, rather than just a political fix - which is what this is. Further to that, the business community has very clearly stated their concern about what this means for private investment.

I have no concerns about the way it is drafted to deal with public investment and to make sure that the parliament does get a say when we are talking about public money - both at the commencement of the order being referred and at the conclusion of that process. However, the business community, where there are private investors making serious decisions about how they use their capital, have raised genuine concerns about what this means for investor confidence and certainty for them if they pursue this as a planning pathway for their projects under the State Policies and Projects Act.

We believe it is important and valid to have this argument that these clauses be repealed because what the Premier is doing here is a political fix, without proper consultation about what this means for industry and business confidence and investment in the state. They have not been supportive of this. The TCCI has been very clear that they do not think that this is a sensible move by the Government.

The Government is ignoring that because they have to fix a political problem. That is the only reason we are even debating this bill in this House today. That is why I argue why there is no repeal because it has been made very clear to the Premier that, if they include the repeal, the bill does not satisfy the concerns of the members who have quit his party and moved to the crossbench.

It is a very unusual approach for a government when drafting any amendment bill to not include any kind of repeal of act and that is why we have inserted it. Further to that, as I have explained, it is also to deal with the concern from the business community about how this will impact private investment decisions for projects that seek to go down this planning pathway.

Until such time as the Government figures out what it is going to do with the proper review, there should at least be a sunset clause on this. Otherwise there would be continued investor uncertainty about whether or not they can get projects up in this state. The TCCI has been very clear about that.

Ms JOHNSTON - I think I now understand what the intent of the proposed amendment is. I was a little confused at the start but -

Ms White - I did speak about it in our second reading speech too.

Ms JOHNSTON - You have just quickly clarified what it will intend to do if this repeal provision is inserted into the bill. I have concerns on that basis. I am supportive of the substantive bill. I consider it adds an extra layer of scrutiny that is very important, and I want to see that continue no matter what the project might be.

I fully appreciate the Leader of the Opposition's suggestion that this a political fix to get the Government out of a very sticky situation that they find themselves in, thanks to the new two Independent crossbench members. Regardless of whether it is a political fix for them, no matter what project is considered under this framework for assessment there needs to be that scrutiny. That is very important.

My question is, if this repeal provision was inserted into the amendment bill and then came into effect in three years' time, what would happen if a project was under assessment during that period of time? I understand from the briefing, which I gratefully received, that the assessment of the stadium project is going to be a long assessment and would take three or so years to do fully. What would be the effect if this repeal provision took effect midway through an assessment of a major project? Whether it was the stadium or Marinus Link, or whatever it might be that goes before the TPC, how would that impact?

I have some concerns about this. I understand your intent and I believe you do need to do a significant review and proper consultation on this particular process. However, I am wary about adopting and supporting this because I believe there are unintended consequences that might happen in the near future.

Ms WHITE - I welcome those questions from the Independent member. I find it interesting that in your briefing you were told a project like the stadium might take three years. That was different -

Dr Woodruff - Two to four years, we were told.

Ms WHITE - to the advice we received, or that the Premier provided through Estimates - which was 18 months to two years. I am interested to hear from the Premier, the minister, about how long a project like that might take to be assessed? You are right, it does have implications for the language that might be used in an amendment like the one that is currently before the House. Perhaps it is best if we get some advice from the Government about how long a project like that would take to assess, to inform our decision making.

Dr Woodruff - Two to four years is what we were told in the briefing; that has been the average of the six that has gone through.

Mr ROCKLIFF - Thank you, members, for the discussions. Once it goes into the planning process and assessing feedback from the community, the consultation, the economic and social, community, environmental aspects of the projects, that would be determined by the amount of information that comes in from the community, the concerns or otherwise around aspects of the project and is in the hands of the planning authority.

Ms Johnston - If I may interject, could be as long as three years, so it could fall in that?

Ms WHITE - Mr Deputy Chair, I will not keep going to the podium, I will speak from my chair. Is the Premier able to provide advice to the House about the advice he has received for how long an assessment of a project like a stadium might take the TPC?

Mr ROCKLIFF - It will take as long as the information that is gathered through consultation, the assessment of that, and the process. I am not going to dictate to the planning authority how long they should or should not take; that is in the hands of the authority.

Ms WHITE - To respond further to Ms Johnston's question, it has not really elucidated much from the Government with respect to how long a project like this might take to be assessed; but it has highlighted that the trademark lack of secrecy continues. It could be two to four years, based on what advice that has been shared with this House today. The repeal of an act is a fairly standard clause. With respect for what it means for a project that starts under a process like this and then it changes part way through, I do not have advice to answer your question directly. I honestly cannot answer it.

Ms Johnston - I did not expect you to have that advice. It would have been more for the Premier.

Ms WHITE - It would have been helpful if the Premier could have provided us some assistance there. I accept that there are some questions about what that would mean. I would assume that if something starts under a process with a particular framework that it would be concluded under that as a grandfathering arrangement. I would assume that it would be encapsulated under the arrangements that the parliament is seeking to introduce today. I do not honestly know because I have not sought advice about that. That is the best I can offer.

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

STATE POLICIES AND PROJECTS AMENDMENT BILL 2023 (No. 14)

In Committee

Resumed from above.

Proposed new clause A -

Dr WOODRUFF - Mr Chair, from what we understand it is a flaw in the Government's bill before us that there is no repeal clause. The Labor Party is right about that. All of these

amendment bills have a repeal clause. Without a clause 6 that repeals the act, once the principal act has been amended there will be a principal act, State Policies and Projects, but there will be a State Policies and Projects amendment bill floating around as a messy additional bill. This does not interfere with the function of the principal act in any way but it is bad parliamentary form. It is untidy.

I can see what the Labor Party's proposed amendment is trying to do but it will not work either because what will end up happening is the principal act will be amended by this bill but we will still have another messy amendment bill hanging around the State Policies and Projects amendment bill, only it will not have any clauses in it because this takes the clauses out as well.

Neither of those outcomes is correct so, just for good parliamentary practice, I am moving an amendment to tidy that up.

Ms White - Are you amending the amendment before the Chair?

Dr WOODRUFF - Yes. The Labor Party has moved an amendment, clause 6, repeal of the act - 'The causes of this act will be repealed and cease to have effect three years from the date on which the act receives Royal Assent.'

Mr Chair, I move -

That the amendment be amended by omitting the proposed new clause A and inserting instead:

This Act is repealed on the first anniversary of the day on which this Act received the Royal Assent.

I am not just tidying up a parliamentary OPC error in drafting by the Government but this also removes what Labor is trying to do, which is to remove the effect of the amendment bill before us after three years. The problem we have with that is that seems to us to be all about the Labor Party hoping to be in a position of power in three years' time and wanting to be able to make a decision about whether a project goes ahead or not. I do not understand what other motivations - I do not want to put too much in their mouths. However, it would also remove the important change that this bill has for all time, which is that parliament gets a second go on having a say about Projects of State Significance that would come to this place, as this bill amends.

We have made it very clear that we do not support the stadium but we do support this bill giving parliament the chance to have a say at the end of the Tasmanian Planning Commission's report and recommendations around any new Projects of State Significance development. We think the amendment bill before us improves the situation for Tasmania. It is something we want to remain for all time. We do not agree, as I believe the Labor Party does, that it is something that should just apply to the stadium project.

Ms White - No, no.

Dr WOODRUFF - Yes, sure. We do not think it has anything to do with investor confidence. We have to give Tasmanians an opportunity to have a say on these major developments. That is it, end of story. If it is uncomfortable for investors, they will just have

to deal with that because the issues at play for Projects of State Significance are so huge. They affect the economy, the social fabric, and the environment. They are obviously huge, which is why they become Projects of State Significance in the first place.

We do not accept that after all the conversations we have had collectively, that we should make this change just for this stadium project. We are all aware of many other enormous projects that might be down the line, all of which are very complicated. If there is no opportunity for elected representatives to hear and elevate the concerns of their communities in light of a final Tasmanian Planning Commission (TPC) finding, then democracy does not function as it should.

That is the amendment. I hope that the Government, in particular, will accept it because it makes the bill work. I am interested to hear what Labor has to say.

Ms WHITE - Mr Chair, in speaking to the amendment, I will first touch on a comment made by Dr Woodruff, the Leader of the Greens, impugning the reason we moved the amendment. We support publicly funded projects having the scrutiny of parliament applied, both at the commencement and the conclusion of the TPC process, no matter what that project might look like. I want to be very clear about that. This is not a tricky amendment to deal with a particular project. It is picking up on the fact that the Government's amendment also included privately funded projects in this process.

I will explain that further by quoting again from a *Mercury* article written on 1 July 2023 by TCCI CEO Michael Bailey in an opinion piece titled, 'It is significant how Tassie's project assessment path has become a major sticking point for investments'. He says:

There is now a proposal before the parliament to change the rules for the Project of State Significance assessment, which will stack the odds against any project ever getting through. If parliament approves the proposed changes to the Project of State Significance framework, it will inject even more politics into the process. These changes will remove any independent assessment and oversight, and make every major project a political football. The end result will be that investors would be mad to consider a major project in Tasmania and any government would have a political death wish to even consider putting forward a bold vision for our state.

He goes on to say:

There is a danger that Tasmania will again be last cab off the rank as an investment location for all kinds of projects that would help cushion the blow of the global economic headwinds headed our way.

I do not necessarily agree with all the remarks contained within that but I share those comments with the House because we have an obligation, given that there has been no consultation on this with the broader business and investment community, to listen to these comments, to understand the concerns that the business community has about this for privately funded projects that might choose this as a planning pathway. That was the reason for the amendment that was moved by the Labor Party.

I note you have an amendment on the amendment that is currently before you, Chair. In the absence of support for our amendment, we will support this one. However, I make the point that it still does not deal with the concerns that have been raised by the business and investment community because, in the State Policies and Projects Amendment Bill currently before us that has been brought forward by the Premier, clause 4, that has been agreed to by this House, makes it very clear that it may also apply to privately funded projects, not just projects that are funded with taxpayer money. That is the explanation.

Given the concern about the amendment moved by the Labor Party and taking onboard the feedback, I support the amendment to the amendment moved by the Leader of the Greens and we will see what the Government says in response.

Mr ROCKLIFF - Thank you, Dr Woodruff, for the amendment. There has been some confusion about the way the Opposition's amendment has been drafted and spoken to and it added further confusion with the previous commentary as well. There may well be an opportunity for further debate or discussion about this matter in the Legislative Council of course, but the Government will not be supporting the amendment of the Leader of the Opposition, which is a live discussion.

Ms White - No, we are talking about the amendment to the amendment now.

Dr Woodruff - We're talking about my amendment, Premier.

Mr ROCKLIFF - Yes, I understand that, but as it currently stands it has not been through our party room, so we are not inclined to support Dr Woodruff's amendment either as presented, for the reasons that have been articulated.

On the Leader of the Opposition's comments before, this bill means that a project of state significance that is proposed by the state government must be approved by both Houses of parliament before any final approval order becomes effective. The bill means that a private project may be returned to parliament for consideration prior to any final approval becoming effective and there is no change to any aspect of the assessment process. Throughout this discussion, I believe there has been some confusion in terms of the way the amendment was presented by the Leader of the Opposition and spoken to. I respect Dr Woodruff's amendment but I will proceed with the bill as it is.

Dr WOODRUFF - I will not labour the point, but it is slightly embarrassing on the Government's part not to accept our amendment, because the next bill before us is the Guardianship and Administration Amendment Bill and clause 75 says:

This act is repealed on the first anniversary of the day on which the last uncommenced provision of this act commenced.

I know the Premier has been in this House for, I think, more than 20 years. I have only been here for eight years but every single amendment bill that has been through this place has those words at the end of it, that clause. I do not think you want to choose this as your hill, Premier. It will be amended upstairs because it is -

Ms White - That is pretty obvious. He did not want to be here debating this in the first place.

Dr WOODRUFF - Well, it is going to be amended upstairs. It is embarrassing from a parliamentary point of view but, if that is what you choose to do, so be it.

Ms WHITE - I thought I would make some final remarks. It was interesting that the Premier said that he was not in a position to support this, despite it just being a regular drafting for any bill that goes through the House.

Mr Rockliff - Except your amendment.

Ms WHITE - We are not talking about the Labor Party's amendment. We are talking about the Greens' amendment, which is the standard wording that goes at the end of any amendment bill this parliament has ever dealt with. As legislators, I would have thought that was a no-brainer.

I also thought it was interesting that you justify the Government's decision by saying that the amendment had not gone through your party room. There are many occasions in this place where amendments are brought to the Floor of the House with short notice and we have to make decisions about the position we take on those things without adjourning the House and having party room meetings to debate how we feel about them. I would have thought that the Premier of this state would be authorised to make a decision about amendments that come to this House without needing to have a party room meeting to justify the position that he takes. I thought I would pick that up, Chair, for the sake of bringing that to everyone's attention that it now appears that our Premier cannot make a decision about a simple amendment without checking with his party room first.

Mr CHAIR - The question is that the amendment to new clause A be agreed to.

The Committee divided -

AYES 10

Mr Bayley
Ms Butler
Ms Finlay
Ms Haddad
Ms Johnston
Mr O'Byrne
Ms O'Byrne
Ms White
Mr Winter (Teller)
Dr Woodruff

NOES 10

Mrs Alexander
Mr Barnett
Mr Ellis
Mr Ferguson
Mr Jaensch
Ms Ogilvie
Mr Rockliff
Mr Shelton
Mr Wood (Teller)
Mr Young

PAIRS

Dr Broad
Ms Dow

Ms Archer
Mr Street

Mr CHAIR - The result of the division being 10 Ayes and 10 Noes, in accordance with Standing Order 257 I cast my vote with the Noes.

Amendment to proposed new clause A negatived.

Amendment negatived.

Title agreed to.

Bill reported without amendment.

Bill read the third time.

VEHICLE AND TRAFFIC (REGULATORY REFORMS) AMENDMENT BILL 2023 (No. 7)

Second Reading

[2.53 p.m.]

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

That the bill now be read the second time.

This bill is about managing the safety and amenity risks posed by bicycles with a petrol-powered auxiliary motor or motors. Petrol-powered bicycles are often home built with a petrol-powered engine, such as a lawn mower engine, attached to a standard bicycle. They can be ridden at high speeds - much faster than regular bicycles. Although they can travel at high speeds, they are often fitted with regular bicycle brakes and other handling characteristics that are not designed for higher speeds. They can also take a lot longer to stop.

Currently, these petrol-powered bicycles do not need to be registered to be ridden. This means that they do not need to meet vehicle safety standards or exhaust and emissions standards. There are no restrictions on where they can be ridden, so these non-standard, high-speed bicycles can currently be ridden on the road or off-road, including on shared paths, bike paths and tracks.

The capacity for these bicycles to be ridden at high speeds increases the safety risk and the crash severity. State Growth data shows that between 2013 and mid-2023, there were 48 reported crashes involving these bicycles and four of these were serious. This number of crashes is probably much higher, as many are believed to go unreported.

In addition to the safety concerns of these petrol-powered bicycles, the Government has received many community complaints about them being excessively noisy and being ridden at excessive speeds, particularly on paths that are enjoyed by everyone in the community, such as walking tracks and bike paths. They have also been used by people engaging in anti-social behaviour in malls and parks. The community has spoken and this Government has listened.

The bill will make these petrol-powered bicycles a motor vehicle within the Vehicle and Traffic Act 1999, which means that they will now need to be registered before they can be ridden. They can only become registered if they are equipped with fully functioning equipment that meets the vehicle safety standards. It is probable that many of these bicycles currently in

use in the community will not meet the vehicle standards and will not be eligible for registration.

If they cannot be registered their safety cannot be guaranteed, therefore they will no longer be permitted to be ridden. I am sure many Tasmanians have previously purchased these bicycles in good faith, primarily to be used as a pedal cycle but have attached an engine to offer some assistance with riding, particularly up hills for, as we know, Tasmania's topography in some areas can be challenging on a bicycle.

It is important that these bicycles meet vehicle safety standards even when they are used as a pedal cycle without the motor running. This Government is not going to enforce these new requirements on petrol powered bicycle users immediately. We will give them some time to adjust to the new laws. We recognise that some people may rely on these vehicles to access jobs, school, friends and family, and recreational activities. Therefore parts of this bill will be enacted in six months' time. This essentially means that those who own and/or use petrol powered bicycles will be given six months to comply with the new laws. During that time, they can have their petrol powered bicycles assessed for registration and make any necessary improvements to meet the vehicle standards or, alternatively, have the engine removed.

There will be some petrol powered cycles that come close to meeting the vehicle standards within the six-month grace period, or do so already. Under these circumstances, the owners may be eligible for a permit that authorises the bicycle's use in a restricted circumstances for a further 12 months. During that time, the owner will need to upgrade the bicycle to wholly meet the vehicle safety standards. If the bicycle fails to wholly meet the safety standards after that 12 month period, it can no longer be lawfully used. It is not envisaged that any further permits will be issued.

When the laws commence in six months, the use of petrol powered cycles that have not been registered or issued a permit will no longer be legal. For those petrol powered cycles that have been registered or issued a permit, they will be considered as a motorbike under the Road Rules 2019. This means that riders will have to observe the road rules applying to motorbikes, such as only riding the bikes on roads; wearing a motorcycle helmet; and obeying the laws that apply to all drivers and riders such as adhering to speed limits as well as drink and drug driving laws.

These changes do not apply to e-bikes or pedelecs.

The second matter dealt with by this bill is that it amends the Vehicle and Traffic Act 1999 to allow for more powerful e-bikes to be ridden in Tasmania in the future. Currently, the maximum power output for e-bikes is 200 watts and this will remain. The bill just creates some flexibility in the legislation in the event that the national standards for e-bikes are reviewed to allow greater maximum allowable power output.

The third and final matter dealt with by this bill is that it introduces ministerial powers for the nomination of the body that will consider complaints from members of the public about advertising on hire and drive vehicles. Previously these complaints were considered by the Australian Standards Board. This board has now been de-registered. The Tasmanian Government takes very seriously the continuing protection of the public so that it is not subject to offensive advertising on hire and drive vehicles.

We are committed to ensuring that the community can report advertising it considers offensive. The bill proposes that the minister responsible may nominate the entity responsible for determining whether advertising on a hire and drive vehicle is offensive, and that such nomination be notified in the Gazette. This replaces references to the Australian Standards Board. This will enable a timely reaction to changing organisational responsibilities and remove the need for parliamentary consideration of what, essentially, is an administrative matter.

I commend the bill to the House.

[2.59 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Thank you, Mr Deputy Speaker, for the opportunity to speak on the Vehicle and Traffic (Regulatory Reforms) Amendment Bill 2023. I can indicate that the Labor Party will be supporting these reforms and recognises the concern that a large number of members in our community have about the use of petrol-powered bikes which cause a lot of noise, disruption and safety worries.

I do note that, I think it was an article by David Killick, that said the government was making petrol-powered bikes more illegal, because I understand they are currently illegal but we are just making it clearer in terms of how they are defined for the police to be able act on the law. That aside, this has our support and the changes the minister has outlined on how complaints can be made to the new body that was set up with respect to advertising also have our support.

There are some questions I have for the minister, particularly about the definition of an electric-powered auxiliary motor with a power output of not more than 200 watts. I am sure the minister has had representation about this threshold as well, because through the consultation that I undertook earlier this year after the bill was first tabled, it became clear to me that those who are retailing e-bikes in Tasmania who were looking at what was happening not just here but in other jurisdictions, put forward a very strong case that it should be a threshold of 250 watts. I understand that there is ability for the Government through regulation to make alterations that better reflect changes in the industry and I am interested if the minister can tell me why this bill details 200 watts if it is going to be dealt with through regulation.

I would have expected that there be no specific reference to any wattage at all in the bill if it is going to be dealt with through regulation. Given there is a move nationally to 250 watts, I wonder why the Government has not amended their own bill to 250 watts to better reflect what is happening across the country. I say that not because we want higher powered e-bikes in Tasmania but to reflect what is happening in the market. Retailers here are stocking bikes that are sold elsewhere across the country too and the offer they are making to Tasmanian customers at the moment is for them to be able to purchase those same types of bikes, which they are now going to find are no longer legal to use in Tasmania if they are greater than 200 watts.

They are concerned about what this means for them as they stock e-bikes in their shops and retail them to customers in Tasmania. I do not know how long it might take for the Government to create regulations that sit alongside this legislation and whether or not their intention is to regulate for 250-watt e-bikes to be permitted. I am interested if the minister could respond to that. I do know that the Bicycle Network has made a submission to the

Department of State Growth about changing the threshold to 250 watts. They have been clear in their communication.

To this point, I also make it clear to the parliament that there was no consultation with the industry before the bill was tabled in this House. It was only through me reaching out to e-bike retailers in this state and Bicycle Network Tasmania that they became aware of the details of this bill. It is my understanding that the consultation happened with them after the bill had been tabled, which is the wrong way to do things. It has left us in a situation where the feedback that I have received is overwhelmingly that the sector believes that e-bikes should be dealt with in this legislation for a threshold of 250 watts and not 200 watts, which has not been incorporated into the draft before us today.

I will pass on some of the feedback I received through consultation and through my engagement with Teros, a company that operates in Tasmania that retails e-bikes. They have made it clear to me that this is something that concerns them, and not just the laws around the wattage but also the impact that it could have on people who currently use bicycles with petrol-powered motors who have few alternatives. They are not doing the wrong thing; they are just trying to find a cheap form of transport but they are now faced with a scenario whereby, I understand from the briefing, they will be required to register their e-bike. I believe the minister can confirm for me that that is \$400 to \$500 a year and that includes MAIB. For somebody who has a fixed or low income who is using a form of transport like an e-bike, it could be very difficult to find that kind of money.

In addition to that, I understand the need to make sure we do not have petrol-powered motors on bikes that are disruptive to our community and mean that we have - and this is a generalisation and a stereotype as well - kids on bikes that have been modified who are riding in the suburbs causing safety concerns to residents and disrupting people's recreation time. I understand there is a need to try to address that but I am talking about people who are using modified bikes as a form of genuine transport to get from A to B.

I have been told that these petrol-powered bikes can have safety risks but they offer the cheapest form of assisted transport, with conversion kits costing as low as \$200, which compares to a starting price of \$900 for a reputable electric bike conversion kit with their lithium batteries if somebody wants to convert their current bike to an e-bike. That is quite a significant price difference at a time when people are dealing with cost pressures.

I also understand that the No Interest Loan Scheme (NILS) is available in Tasmania for people who might want to purchase a fully built electric bike, but the safest ones start around \$1500 and may also be beyond the reach for some people who are looking for a cheaper form of transport.

I raise those matters for the minister to ask if I can have clarification around what the cost of registering will be. I understand there will be a period of six months, essentially a grace period, for somebody who has a bike that has a petrol-powered motor on it and then a further 12-month permit may be made available and I understand that will come at a cost of about \$40 to cover the MAIB. If the minister can clarify that for me, I would be grateful, but in cases where people cannot afford to buy an e-bike and all they have is a petrol-powered bike and they genuinely do not want to do the wrong thing, how might they be further supported?

Further to that, in talking with other members in the sector, I also engaged with Tas Electric Vehicles, who provided some excellent feedback about the legislation that is before us and also drew to my attention what is happening in other jurisdictions, not just in the country but across the world. This is in reference to the 200 watts law for electric bikes in the legislation that has been proposed today. It has been brought to my attention that in Europe they now have speed electric bikes which are capable of speeds up to 60 kilometres per hour and run under a permit system. They found that this is an excellent way to reduce traffic congestion in big cities. I also note that, as I mentioned earlier, retailers are selling pedelec bikes that are 250 watts rather than 200 watts. How will that be dealt with under this law if they are already in shops in Tasmania?

There is also the potential inconsistency with the scooter laws, which this parliament has passed, which have the framework governed by a 25 kilometres per hour rule but strangely has no cap on the power outputs from their motors. Therefore, there is an inconsistency with respect to how we are treating certain types of e-bikes or e-scooters or vehicles of that nature.

Through this consultation the point was reiterated that electric wheeled devices are a genuine form of transport and we need to have machines that can legally carry people at high speeds on roads so they can move with traffic flow, particularly in cities. Brisbane is a city where they have been pushing for certain changes to deal with some of the congestion there. They have been upgrading cycle paths and adding extra bike and scooter lanes to assist with the matters regarding traffic congestion, which is probably not something that has happened at the same speed in Tasmania, generally speaking, but also in Tasmania we do have hills, which means that use of e-bikes can be particularly helpful for people who are trying to get around on their bikes. When you have somebody - and again, this is from industry - who is of greater weight, such as an adult, riding a bike, 200 watts does not necessarily cut it for those steep hills when you are looking to commute in the city like in Hobart. Having legislation that allows more power output, such as 250 watts, would be more consistent with what is happening across the country. It has been put to me, that 350 watts and 32 kilometres per hour would be very useful to deal with some of the topography issues in our city.

I do not know what other evidence the minister has relied on to make his decisions; maybe he has some advice about how 200 watts was decided upon. Certainly, in my discussions with the industry this is some of the feedback that they have had about the restrictions that are contained within this legislation.

I mentioned my engagement with the Bicycle Network. Through my consultation with them, I was informed that they were not consulted but they were informed just before the legislation was introduced to the parliament. They also have concerns about the 200 watt limit in the 'electric bike' definition. The Bicycle Network told me that other states have amended legislation to comply with the Australian Design Standards, which allow pedelec bicycles with motors of 250 watts and a speed limit to 25 kilometres per hour. The Bicycle Network had contacted the Department of State Growth and asked them to put amendments to the bill to the minister, to ensure that this legislation has a 250 watt pedelec definition as opposed to the 200 watts.

I note that no amendment to the legislation has been flagged with us by the Government, and the bill before the House has a 200 watt limit. It is frustrating that not only was there no consultation before the bill was tabled in this place, but had the Government done the work and properly consulted with the sector, they would have had the same feedback I did and would

have been able to incorporate that into their thinking about the bill. If the response from the minister is that these matters can be dealt with through regulation, then I question why 200 watts is named in the bill in the first place if it is only going to be changed. If the minister plans to deal with it through regulations, I am interested to know when we might see those and what consultation will take place with the sector before they are drafted.

One of the biggest failings that has come to my attention through my consultation on this particular legislation is that there was not any consultation with the sector and those who are retailing e-bikes or who have a keen interest in the policy development with respect to e-bikes in Tasmania, before the bill was tabled.

I will await the minister's response there before making any further contribution or deciding if we need to go into Committee. We support the bill, as I have said, and I understand the intent of it. However, we might further consider the 200 watt definition in this bill, and whether we seek to amend that through the Committee stage to increase it to 250 watts, to better reflect what is happening across the rest of the country and to reflect the consultation that we have had with the sector.

[3.14 p.m.]

Mr YOUNG (Franklin) - Mr Deputy Speaker, I am pleased and proud to be part of a Government that is taking action to get dangerous petrol-powered bicycles off our streets. Internal combustion, or petrol, motors are an after-market addition to bicycles not fitted by the bicycle manufacturer, and allow the cycle to travel at high speeds. Such bicycles do not need to be registered and are not covered by third party insurance, and the operators do not need to be licenced.

There is a range of safety concerns about the use of these bicycles. A particular concern is that the standard bicycle features, such as brakes and the handling characteristics, are not designed for the much higher speeds at which these petrol-powered cyclists can operate. This bill will make petrol power cycles a motor vehicle, which means they will need to be registered before they can be ridden. They can only become registered if they are equipped with fully functioning equipment which meets the vehicle safety standards. This part of the bill will be enacted in six months' time, as these bicycles are already in use. This will allow those who own these bicycles time to understand and comply with the new laws. During that time, they can have their bicycles assessed for registration and make any necessary improvements to meet the vehicle standards or, alternatively, have the engine removed.

Riders will also need to comply with the same rules as riding a motorcycle, including holding a suitable licence, wearing a helmet and obeying all road rules. Stopping these unregistered bicycles being used in any public area, including bush tracks, footpaths and bicycle paths, will bring comfort to the community.

This Government has listened to the community, who told us that these dangerous bikes are annoying and the noise has impacted on neighbourhood peace. Because riders are not licensed and the bikes are not registered, they are often the choice for hooning and other antisocial behaviours.

Unfortunately, there are elements in our community who are also using these petrol-powered bicycles to facilitate crime. The noise is distressing for many people, particularly shift

workers. There have been 48 crashes involving petrol powered bikes over the past 10 years; however, it is likely that many go unreported.

This bill also allows the maximum power output of some e-bikes to be set by regulations. This is designed to allow for the power output of e-bikes to be dealt with at a regulation level to enable the Government to respond in a timely way in the event of a change to the national standards. The change to allow the regulation to determine the maximum power output of e-bikes recognises that there are significant improvements to the design and construction of e-bikes internationally. The maximum 200 watts is one type of e-bike allowed in Tasmania. Allowing the regulations to offset the maximum watts provides for future flexibility.

A separate definition for e-bikes in Tasmania allows for the more common e-bikes with a maximum continuous power output of 250 watts and a motor cut-off speed of 25 kilometres per hour.

The bill does not change the legal use of e-bikes; however, the Government recognises emerging improvements to the manufacture of e-bikes. Under Tasmanian laws there are two types of e-bikes that are permitted: a bike with an auxiliary motor capable of generating a power output of no more than 200 watts; and an electrically power-assisted cycle, which is a bicycle that is electrically powered with a maximum continuous rated power of 250 watts of which the output is progressively reduced as its cycle travel speed increases above six kilometres an hour and cuts off where a bicycle reaches a speed of 25 kilometres per hour, or the cyclist is not pedalling and the travel speed exceeds six kilometres an hour. Other jurisdictions share the same requirement that an e-bike with an auxiliary motor output is not more than 200 watts or is an electrically power-assisted bike.

New South Wales has recently allowed e-bikes in which the motor is progressively reduced and cuts out at 25 kilometres an hour, to have a maximum output of 500 watts. So far, no other jurisdiction has followed the approach taken in New South Wales. The Department of State Growth will actively monitor and keep up-to-date about opportunities for Tasmania to follow, and allow e-bikes with a progressive cut speed to have motors of up to 500 watts. If there are good reasons, then the Government will consider progressing amendments to allow for this.

Mr Deputy Speaker, I commend the bill to the House.

[3.20 p.m.]

Mr FERGUSON (Bass - Minister for Infrastructure and Transport) - Mr Deputy Speaker, I thank everyone who has spoken, in particular Ms White and Mr Young. I appreciate those very good questions and discussion. I can clear up some of those by explaining some of the current rules. Ms White, you may find that some of the questions or scrutiny that you have applied to this bill will be satisfied by much of what I will share in a moment.

I will start in my summing up with an email I received from a Tasmanian - not in my electorate but in southern Tasmania - on 6 July:

Michael, I am not a Liberal voter but well done on the proposed legislation. Where I live, they are constant noise throughout the evenings. I hope Labor and the Independents show common sense to agree. Fantastic effort and the registration idea is so simple.

That was good feedback from one person who caught the news. We have had this feedback from Tasmanians about how fed-up they are about the antisocial use of some of these petrol-powered bicycles. They have been retrofitted. They are available on certain websites that I will not be advertising. Even worse, some of them are adapted lawnmower or whippersnipper motors. I have to take my hat off to the ingenuity, I suppose, to technically do something like that, but it is not safe. Your standard bicycle is designed for human power; the brakes and frames are designed for the sorts of speeds that a person could bring the bike to with their foot power.

I mentioned in my second reading speech the number of crashes, at least based on what State Growth is aware of, the reported crashes. There have been quite a few. I am not saying that every petrol-powered bike user is a bad person or doing bad things. The feedback the Police minister and I received when we made the announcement with Tasmania Police is that many of the occasions of confiscating these is because they are being used in antisocial ways in communities. They are menacing people. It is not good law-abiding people going to work or school or university. The police also mentioned to us that many of their confiscations are people doing drug runs and causing mischief in their neighbourhood.

I will pick up the point you made, Ms White, which I found quite clever, from Mr Killick, one of Tasmania's great journalists. They are already illegal but we are making them more illegal. Is that what you said?

Ms White - Yes.

Mr FERGUSON - Let me explain. They are legal right now. That is why the legislation is needed. They are illegal in some of the ways they may be used. Petrol-powered bikes are currently permitted if they have a motor that is 200 watts or less. However, Tas Police can currently confiscate these bicycles under the Police Offences Act and under EPA laws based on noise or if one of these petrol-powered bicycles is ridden within 500 metres of a residence, for example. That is the narrow application of where some of those bikes are causing menaces in your electorate, in my electorate. Police are doing their best under the existing powers they have to try to improve the quality of life for our citizens but the new laws will enable them to take more appropriate action in the circumstances.

I will also assure you, Ms White in particular, with some advice I have about the wattage and the speed rating matter. I did appreciate those comments. E-bikes are allowed if they meet one of two definitions available. One that we have tended to focus on here in this debate has been the 200-watt maximum, which is blanket. However, there is a second one that allows a 250 watt presently under our law. A 250 watt is available as a maximum if the motor cuts off when the travel speed exceeds 25 kilometres per hour. Therefore, there are two thresholds based on the capability of the bike itself, which I think is consistent with some of the comments that you were making, perhaps based on some feedback.

This bill does not propose any changes to requirements or definitions for e-bikes. The two types of e-bikes allowed in Tasmania under the road rules reflect definitions that are nationally consistent. I will come back to that in a short while.

The bill I have brought to the parliament is not seeking to lock in at 200 watts. What it does is reflect the current definition. That will continue. If and when we want to change it to

a higher wattage, which I personally wish and intend to, it will not require another whole bill before the House. It will be through regulation, which, obviously, could be disallowed.

Ms White - I am sorry to interrupt you while you are speaking. Can you explain why it is 200 watts in the bill before us today?

Mr FERGUSON - Yes. It preserves what is current and also add the words, 'or set out in regulation'. The actual bill, when you compare it with the current act, takes some words out and puts other words in.

Ms White - Why not just have 250 watts in the bill?

Mr FERGUSON - We are not ready with the right evidence to move to 250 watts without that speed restriction at the moment. The bill adds in the opportunity to be able to raise that to a higher rating in clause 6, where we are looking to insert the provision, 'or such other voltage as is prescribed', after the word 'watts'. It is the intention that we futureproof the legislation because it is my intention to move in that direction.

I am pleased that this bill effectively futureproofs our ability to respond to advancements in e-bike technology. I discussed this at Budget Estimates in the other House and indicated my intention to move this way. I am considering increasing the power of e-bikes, potentially, to 500 watts. That is in line with what one other state, New South Wales, has done. E-bikes are increasing in popularity and just last week I announced a further investment in active transport. We want to boost cycling and walking in order to reduce traffic congestion. The intention here is I need to get further advice from my department. I have now sought that advice from the department.

As I have said, there are currently two categories of e-bikes that can be legally used in Tasmania. One is a bicycle with a motor that has a power output of not more than 200 watts, and also a bicycle with a motor with a maximum continuous rate of power of 250 watts, of which the output is progressively cut where the bicycle reaches a speed between six kilometres per hour and 25 kilometres per hour, and electrically power-assisted cycles or EPACs, formally known as pedelecs. More powerful EPACs, which are better suited for hilly terrain, are being designed and becoming available in the market. The intention in this bill is to increase the regulatory flexibility we will need and our responsiveness by moving the requirement to set the maximum motor watt limit at regulation. Effectively, it is moving a prescriptive technical requirement from legislation to regulation.

As I have said, I have tasked the Department of State Growth to consult and advise me so that we can understand the risks and benefits associated with an increase in the power of e-bikes when the output is progressively cut off due to speed. The department will consult with bicycle retailers and peak groups on the proposal. That is something stakeholders are keen to progress, which is consistent with your comments, Ms White. Rather than lock in a 200 watt or even 250 watt, I am minded to be guided by the evidence on this. The current view provided to me in advice is that I should not be looking to go past 500 watts. That makes sense. I would not like to lock in on a number today until I have that advice and we have received that consultation.

I ask the House to be somewhat lenient with me. The basic advice is that we think we could have that completed by the middle of next year. The department will consult and

certainly that is my attitude to the matter which I think from a read of *Hansard* you will be able to see I am reasonably on the record as being committed to that. That regulation would be introduced at a future date after the consultation, and while I say the middle of next year, the sooner the better.

I will address another point that was made during the discussion in respect of e-scooters. We adopted the definition of 'personal mobility devices', which includes e-scooters, in our state legislation following an extensive project which was led by the National Transport Commission. The approach of defining a personal mobility device by maximum speed rather than by a prescribed watt amount, or wattage, was an outcome of that process and Tasmania simply joined in and aligned with that nationally consistent definition.

As I promised when we introduced that legislation to the House, the regulatory framework for PMDs is currently under review by the Department of State Growth, faithful to our commitment that after 12 months of operation we wanted to see how that trial, that introduction of e-scooters to our marketplace, has impacted on Tasmanians, the positives and negatives and provide advice to me about its appropriateness going forward.

The National Transport Commission has pioneered this work and all states and territories have a common interest in this. Rather than today locking in that I intend to move in a way that is consistent with other states and territories, I do not know if we will, but I will say that in some jurisdictions e-scooters have been a headache and in others they have been a great blessing and no doubt, in our community, a bit of both.

This bill does three things. It widens the definition of 'motor vehicles' to include petrol-powered bikes. I do not believe there is any concern around that. Second, it allows the minister to declare the entity which considers public complaints for advertising on hire and drive vehicles, and I believe we are all satisfied with that. Third, it allows the maximum power output of e-bikes to be set by regulation. I hope my commentary on those questions has been useful.

Ms White - Before you wrap up, minister, the cost to register an e-bike?

Mr FERGUSON - I am coming to that, thank you; I am just making sure I do not skip anything here.

The change to allow regulations to determine the maximum power output recognises that there are significant improvements to the design and construction of e-bikes internationally. The current maximum of 200 watts is one type of e-bike allowed. Allowing the regulations to offset the maximum watts provides for future flexibility. I do not know if we will necessarily get to 500 watts but certainly the maximum that we will consider - and we may well get there, Ms White - I would be quite confident that we will get at least to 250 watts.

I am going to address the costs issue. I will make the very general point that I do not believe it is going to be feasible in reality to take your home-modified bicycle with a retailer.com petrol power motor attached to it - I do not think you are going to have much luck getting it to meet vehicle standards. However, because of the possibility of that, I am happy to discuss it.

The more reasonable way to be able to continue to use these after the six-month phase is through a permit. The Registrar of Motor Vehicles will issue a permit if the registrar can be satisfied that the petrol-powered bike is safe and has sufficient braking and handling characteristics to be used with the motor running when driven under specific circumstances, for example, to assist the rider to ride up a steep hill at low speed. Provided the petrol-powered bike is safe - and I am not talking about registering a vehicle; I am talking about getting a permit - the registrar will also consider any unique or special circumstances that mean that the rider has no alternative but to use the bike for up to a 12-month period. These circumstances may be that the rider needs to travel to employment or medical appointments and they have no other available transport options.

On issue of a permit, the petrol-powered bike must be ridden in accordance with laws associated with motorcycles, such as on roads only. They will be unable to be used on bike paths and other pathways because you are getting a permit for a motor vehicle. The cost to obtain a 12-month permit in those circumstances I am advised will be \$58.68. This cost includes a small application fee of \$10.68, stamp duty which is regulated at \$20 and the MAIB premium of \$28.

In circumstances where a person would wish to go through the formal steps of having their bike inspected and actually registered - with the previous comment I made that I would find that highly unlikely to occur but it is still legally possible - the usual process to register will apply and the bike would need to be presented for inspection to determine if it is safe. The cost of that inspection is commercial rates set by the certifier.

I will at this point emphasise that there will no requirement to register e-bikes. We are only talking about cost to register a petrol-powered bike if it met the requirements. For a bike with an engine capacity of less than 125 cubic centimetres, the registration cost for 12 months would be \$344.06, not the \$450 figure that was suggested. If a person registered for three months it would \$90.03 non-concession. For a concession card holder a 12-month registration would \$291.64 and for three months it would be \$74.83. Is that useful?

Ms White - Yes.

Mr FERGUSON - Okay. Now, what do these changes mean for riders of e-bikes? The bill does not change the legal use of e-bikes at all. We recognise emerging technology and improvements to the manufacture of e-bikes. That goes back to the previous discussion I had about seeking advice on how far we could move, potentially up to 500 watts. Other jurisdictions share the same requirement that an e-bike with an auxiliary motor output is no more than 200 watts or is an electrically power-assisted bike. As we have discussed, New South Wales has recently allowed e-bikes in which the motor is progressively reduced at a speed of 25 kilometres per hour. I am advised that so far no other jurisdiction has followed the approach taken in New South Wales, so Tasmania is in the position of potentially being the second mover on this particular initiative.

I believe I have covered every part of our discussion. I appreciate the discussion, the debate and the questions. I hope that is satisfactory. With the expressed support I commend the bill to the House.

Bill read the second time.

Bill read the third time.

GUARDIANSHIP AND ADMINISTRATION AMENDMENT BILL 2023 (No. 5)

Second Reading

[3.39 p.m.]

Mr FERGUSON (Bass - Deputy Premier) - Mr Speaker, I am presenting this legislation on behalf of the Minister for Justice, who is unwell today. I move -

That the bill be now read a second time.

The Guardianship and Administration Amendment Bill 2023 seeks to amend the Guardianship and Administration Act 1995 for the purpose of updating and modernising key concepts in the act and to establish a new legislative framework for the appointment, review and duties of decision-makers in relation to those under guardianship orders.

The bill also provides for the regulation of health and medical research, by inserting new provisions for this purpose.

Importantly, the bill implements a second tranche of key recommendations of the Tasmania Law Reform Institute's (TLRI) *Review of the Guardianship and Administration Act 1995 (Tas): Final Report* (the TLRI Report) which was completed in December 2018. These are complex and numerous and, as the Attorney-General has said, her preference is to legislate in tranches rather than simultaneously.

The bill also gives effect to recommendations for legislative reform arising from the Independent Review of the Public Trustee, conducted by Damian Bugg AM KC, which our Government commissioned in June 2021 and was released in December 2021.

In respect of these initiatives, the bill will contemporise Tasmania's guardianship laws and bring them into line with guardianship and administration laws as recommended by the Australian Law Reform Commission and other bodies.

Tasmania's Guardianship and Administration Act was first enacted almost 30 years ago. At the time, it reflected the view of guardianship and administration within Australia. For the most part, it served this purpose well. However, views on these matters have changed and our Government recognises that the concepts and approaches in the act are, in some instances, outdated and in need of reform.

For some, the appointment of a guardian or administrator can occur at the most difficult times in their lives and lead to a feeling of disempowerment and loss of control. For many who have lived a full and independent life, it can be difficult to accept that they are in need of support to assist in maintaining their living standard and ensuring that their health and wellbeing is protected.

I again acknowledge community concerns about Tasmania's guardianship laws as they now stand. As the Attorney-General has indicated previously, this second tranche of reform will ensure that improvements are made to address concerns and ensure that the community maintains confidence in these vital services.

The first tranche of reforms to the Guardianship and Administration Act was passed in 2021, which introduced a legislative framework for the making and implementation of advance care directives. I am pleased to advise the House that those provisions have been operational since 21 November 2022. Advance care directives enable Tasmanians to give instructions about their future health care for use at a time when they are unable to make those decisions themselves due to a loss of decision-making ability.

This second tranche of reform takes the principles introduced as part of the establishment of a legal framework for advance care directives and applies them across the rest of the act.

Public interest in this bill has been extensive. Indeed, the Attorney-General was pleased to extend consultation on the bill last year to ensure there was further time for all stakeholders to consider the bill after it was requested by them. The department also offered briefings for people with lived experience and their families, and also provided accessible material on the bill to gain input from a broad range of people.

The bill covers issues of considerable importance, and we thank the many individuals and organisations who provided submissions in response to the draft legislation, and also to Parliamentary Counsel for their work in drafting the legislation.

I will now provide an overview of some of the bill's key reforms, namely:

- the bill clearly establishes that the appointment of a guardian or administrator is to be considered once least restrictive alternatives are no longer considered sufficient. It requires the Tasmanian Civil and Administrative Tribunal (TASCAT) to consider the appointment of the Public Guardian or Public Trustee only in circumstances where another person is not available to undertake that role;
- the bill establishes a decision-making framework which requires substitute decision-makers to respect and promote a person's decision-making ability, with support to help a person make decisions as far as practicable;
- a decision-maker is to give effect, as far as practicable, to the wishes, preferences and rights of the represented person, except in limited circumstances such as avoiding serious harm to the person;
- the bill addresses issues raised by stakeholders, such as improving communication with proposed represented persons, particularly at the stage at which an application to the TASCAT is being considered;
- best-practice concepts are included in the definition of decision-making ability, including identifying circumstances or criteria which, in and of themselves, must not be used as the basis for determining that decision-making ability is lacking; and
- the bill also improves arrangements for appeals to the Supreme Court in relation to decisions taken by the TASCAT.

The bill respects the voice of persons under guardianship or administration. New objects and principles apply the principles of the *Convention on the Rights of Persons with Disabilities*, the principle of supporting persons within impaired decision-making to make their own decisions, and promotes a person's views, wishes and preferences, and their personal and social wellbeing.

Importantly, the Government has listened to stakeholder concerns that confidentiality restrictions or so-called 'gag provisions' can currently limit people under guardianship and administration in telling their stories. We are pleased to share that the bill explicitly amends the Guardianship and Administration Act to allow people under guardianship orders to consent to publication of their information, if they so choose.

The bill will increase the confidence of those who are placed under guardianship or administration orders. They can have confidence their directions, values and preferences are respected at a time when they lack decision-making ability.

The bill places the person with impaired decision-making ability back in the centre. It recognises that decision-making ability is something which may fluctuate according to the nature of the particular decision and the context in which it is being made. Provisions in the bill encourage those that have authority to make substitute decisions to only do so where the ability of the person to make the decision, with the aid of appropriate supports, is absent.

Importantly, it requires those who make substitute decisions to take into account the wishes and preferences of the person with impaired decision-making ability where they are unable to decide for themselves. This approach is a significant departure from the 'best interests' test that is embedded in the current Guardianship and Administration Act.

A key feature of promoting the 'will and preference' model of decision-making are new provisions to emphasise best practice - namely, that the TASCAT ensures orders are proportionate and, where possible, tailored to the needs of the individual.

Importantly, the bill incorporates a balance between recognising the importance of promoting the rights of persons with impaired decision-making ability to make their own decisions, and ensuring that affective safeguarding mechanisms are in place to protect those persons from harm where it is needed.

While the bill retains the ability of the TASCAT to make emergency orders, these orders will now be known as interlocutory orders. They may only be made in circumstances where there is an immediate risk of harm to the health, welfare, property or financial situation of a person, including a risk of abuse, exploitation, or neglect. This will help to ensure that emergency orders are considered only in the most urgent circumstances.

The bill places requirements on those making applications to provide more information to the person and their family about the application, the nature of the issues that give rise to the concern, and options for seeking independent advice and advocacy support prior to any hearings. The bill also introduces changes to TASCAT procedures when dealing with applications, including by ensuring that the views of any close family members who attend the hearing can be heard.

The bill expands the right of appeal to the Supreme Court as a right on the basis of both fact and law in relation to guardianship and administration orders. This will simplify the process of review in circumstances where the represented person disagrees with orders made by the TASCAT.

The bill requires the Public Guardian and Public Trustee to establish a best-practice complaints process and to make information on these processes clear and publicly available. The bill also provides authority to the Public Guardian to provide preliminary assistance in dispute resolution including private guardians and administrators. This includes the ability to arrange for the conduct of mediation where this may assist in addressing the issues.

The Government wishes to take this opportunity to acknowledge the hard work undertaken by the TASCAT to ensure that balanced decisions are made in relation to applications for guardianship and administration, and also the Public Guardian and Public Trustee which provide essential services where few other options are available. These bodies provide services to many thousands of Tasmanians, sometimes at their most vulnerable, and achieve many positive outcomes and results.

Mr Deputy Speaker, I also want to spend a few minutes outlining another key reform included in the bill. This relates to provisions which will regulate involvement of people with impaired decision-making ability in health and medical research. By way of background, I note that in recent years it has become clear that approval of a person with impaired decision-making ability's involvement in health and medical research was not able to be authorised by a person responsible, in many instances, under the medical and dental treatment provisions contained in the existing act. Unfortunately, this led to uncertainty about whether innovative treatments or procedures could be used in situations where the person was not able to provide consent. Often these procedures in emergency and other settings have life-saving outcomes; however, they are not considered standard or accepted treatment because they are subject to clinical trial.

A feature of the first tranche of reforms for advance care directives was to ensure that the person can give consent or refusal to research in circumstances where the person has impaired decision-making ability. As mentioned, these advance care directive reforms have been in operation since November 2022. This second tranche ensure the benefits of research can be available to people without advance care directives under the consent of their person responsible, or in other carefully safeguarded arrangements consistent with national research ethics guidelines.

There were examples raised during consultation on the bill regarding innovations in treatments being life-saving, which highlights why the inclusion of provisions relating to the regulation of health and medical research are so critical. One example raised by a clinical research coordinator is the involvement of the Royal Hobart Hospital Intensive Care Unit in a research study titled the 'PATCH-Trauma trial'. This study provided that if individuals met the Human Research Ethics Committee approved inclusion criteria, they could receive an injection dose of tranexamic acid by ambulance paramedics or a medical officer attending accident scenes to stem the risk of significant haemorrhage potentially leading to death. Prior to the trial, tranexamic acid could only be administered by a medical practitioner and this was usually in a hospital emergency department, operating theatre or ICU. The trial allowed the injection to be administered much earlier, with more effect, potentially saving the lives of many Tasmanian trauma victims, many of whom were, at the time, unconscious and had lost their decision-making ability.

Without the regulation of health and medical research, there is uncertainty about whether a person with impaired decision-making ability can be enrolled in such clinical research trials. This impacts on the ability to participate in research in ICU settings and has diminished Tasmania's ability to take part in significant research studies with potential benefits not only to Tasmanians but across the world.

Provisions included in the bill make clear the criteria for how a person with impaired decision-making capacity is able to be enrolled in research. It provides safeguards to ensure that persons with impaired decision-making can only be enrolled in studies with relevant ethics approval. It further acknowledges the role of advance care directives and also makes arrangements for the persons' person responsible to make decisions on their behalf.

The regulatory framework also provides for circumstances for which an advance care directive, or person responsible, cannot be located, usually because of the need for a time-critical response. As with other changes to the Guardianship Act, our Government considers that the health and medical research provisions contained in the bill achieve an appropriate balance between safeguarding the will and preference of a person with impaired decision-making who is unable to give or refuse consent, and enabling those persons to receive the benefit of participating in research trials.

As I have said, the bill represents a second tranche of reforms to the Guardianship Act. It does not address all areas of the act in which there is a need for reform. There are other matters which will require amendments to the act as further tranches of reform.

I will briefly touch on the amendments proposed as part of the next stage of reform. Work is underway to review and update Tasmania's Disability Services Act 2011. As part of this process, arrangements for the regulation and oversight of restrictive practices and in particular, whether a single authorisation pathway for restrictive practices should be established, is being addressed through that process. Any changes required to the Guardianship Act will be looked at as part of that review.

The issue of whether the state should enact separate legislation regarding medical treatment decisions in relation to children is also subject to further review.

The bill does not make any substantive amendment to the medical and dental treatment provisions of the act, other than to address issues relating to the principles that will now underpin the act, such as the move away from the 'best interests' test.

National consultations are underway to identify law reforms to the way in which enduring instruments are made and executed, particularly in relation to enduring powers of attorney. These consultations are being undertaken in the context of addressing the serious issue of financial elder abuse. It is our Government's expectation that once these processes are completed, changes to both the Guardianship Act and the Powers of Attorney Act 2000 will be needed for these purposes.

The bill does not establish a legislative framework for the official appointment of supporters to assist a person with decision-making. As a framework was sought by some submissions during consultation on the bill, I would like to address this issue in some detail.

The proposal to establish a formal supported decision-making framework was recommended by the Australian Law Reform Commission in its 2014 report Equality, Capacity and Disability in Commonwealth Laws. It was also recommended by the TLRI report. The TLRI recommended that the scheme extend to personal matters and consent to health care and treatment.

Since that time, supported decision-making as a concept has been given consideration across a number of areas where decisions may need to be made for or on behalf of persons with impaired decision-making ability. This includes aged care, disability support, Centrelink services and the NDIS.

Most recently, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability has commenced, examining best-practice frameworks for supported decision-making. The work that the royal commission is undertaking is comprehensive. Importantly, the royal commission acknowledges that there is currently no shared understanding of supported decision-making across Australia and no agreed approach to reform at this time.

A core principle underlining the current amendments to the Guardianship Act is the prioritisation of supported decision-making as a framework for decision-making. The bill makes clear that when a guardian or administrator is appointed, the right to legal agency is not extinguished. The represented person has the right to continue to make decisions where they have the capacity to do so, and where this is not the case, decisions made by substitute decision-makers are to be based on the will and preference of the represented person in all but limited circumstances. This approach is what the disability royal commission refers to as 'will and preference substitute decision-making'. It is a principled approach to substitute decision-making that recognises supported decision-making as a continuum of decision support. It includes people being supported to make their own decisions, as well as decisions being made by decision-makers based on an interpretation of the will and preference of the person to whom the decision relates.

There are various ways in which supported-decision making can be operational. Victoria, for example, has opted to enable the formal appointment of a supporter as an alternative to the appointment of a guardian or administrators. Whilst this approach embeds a legal framework for supported decision-making in their Guardianship Act, the option of officially appointing a supporter has had little take-up in that jurisdiction. In fact, the royal commission reports indicate they may have had the perverse effect of deterring the more informal networks of support that surround individuals in many circumstances.

The option that our Government has selected at this stage is to embed a requirement that all practical support should be given to a person to assist them to maintain their decision-making ability whilst under a guardianship or administration order. That support may come in various forms, from the provision of communication aids to support that enables the person to continue to be in control of tasks associated with their day-to-day living.

As discussions mature at a national level, our Government will then give consideration to whether the act should include a more formal legal framework for the appointment of a supporter. We also intend to consider options to embed supported decision-making into enduring instruments in a way that encourages the power of attorney or guardian to assist the person prior to the need for substitute decision-making. Consideration is only being given to

how supported decision making can be embedded in disability law. The Department of Justice is working with the Department of Premier and Cabinet for this purpose.

There were several other matters raised during the consultation which the Attorney-General has requested her department now examine as part of future tranches of reform. These include whether the Guardianship and Administration Act should have additional provisions governing offences and compensation, and whether the penalties in the act should be revised.

Arrangements within the guardianship system, in many cases, involve persons freely giving of their time to provide support to a person close to them when they need that assistance. It is often a resource-intensive task. While there is a need to ensure that if anyone misuses the powers given to them under the Guardianship and Administration Act, they are able to be brought to account. There is a risk that excessive penalties and offences may act as a deterrent to private representatives being appointed.

The bill also contains new offences in matters relating to interference with the assessment of decision making, record keeping and non-compliance with medical research requirements.

In conclusion, the Attorney-General has directed her department to further consider stakeholder submissions about enhancing offences, penalties and compensation provisions in Tasmanian law as part of preparing proposals for future reforms.

Mr Deputy Speaker, I commend the bill to the House.

[4.01 p.m.]

Ms HADDAD (Clark) - Mr Deputy Speaker, I know the Attorney-General well enough to know she would be very disappointed not to be here bringing this bill through herself. I know what an enormous amount of work has gone into this bill and the work generally that we just heard the Deputy Premier go through in terms of the future tranches of law reform that are required to fully update the Guardianship and Administration Act. I know she is unwell and that she would like to be here putting those matters on the record today. I understand that we will be adjourning this bill early today to allow the Leader of the Greens to make her contribution next sitting day. That will also allow the Attorney-General to be able to address the bill in a summing-up capacity, which is good.

As members know, each state and territory has in place a system of guardianship and administration that is supposed to be designed to protect and support individuals who need it. These systems have built up over time and are intended to support people who are, or become unable to make decisions due to disability, illness, cognitive impairment or injury. The systems have differences in their structure from state to state but, by and large, they operate with similar parameters and methods. Each state and territory has systems in place where orders can be made that place individuals under a guardianship and/or administration order, which means that substitute decision makers are put in place to make decisions on behalf of that individual when they are unable to make decisions on their own behalf.

Sometimes the orders that are in place are quite broad, with guardians and/or administrators being given the capacity to make decisions across a range of areas affecting that person's life: for example, financial decisions, medical decisions, lifestyle decisions and so on. In other circumstances, the orders can be very narrow and empower an administrator or a

guardian to make decisions in just one discrete area of an affected person's life, for example, only make decisions around where someone is going to live, or around somebody's NDIS support, or only be able to support a person with their financial or other affairs.

The systems of guardianship and administration have rightly been under intense scrutiny in Tasmania and around the country in recent years. Members would be aware of the many stories that have been highlighted in the community, the media and in this parliament about individuals who have had terrible experiences in the guardianship and administration system.

In 2019, the ABC *Four Corners* program broadcast a show titled, *Who Cares?*, which highlighted a number of issues in the system. This included a lack of transparency and accountability, the use of restrictive practices such as physical restraint and seclusion, as well as chemical restraints such as sedative medication. The program featured interviews with people who had had really terrible experiences and often tragic outcomes, as well as experts and advocates who have been calling for reforms of the system. It also shone a light on the impact of the system on families and carers of people under guardianship orders who also often have limited access to information and support, and often feel very bewildered and helpless in supporting their loved ones.

These calls for significant reform to the system are to better protect the rights and interests of protected people and have been a long time coming nationwide. I will share some of those national stories and some local ones to give a flavour of what some people have experienced.

In an article published on the ABC news site in May this year, Cason Ho wrote:

Tens of thousands of Australians live in a hidden world where faceless agents pull the strings and millions of dollars are funnelled in and out. A wall of secrecy surrounds this world that has been fortified with bricks of decades-old legislation. In some states simply writing about what happens inside is a criminal offence. In other states showing you a picture of one of these secret Australians can land a journalist in jail.

While this system was designed to protect these people, it has arguably left them more vulnerable. For the most part, people in Australia have the freedom to make their own choices but there are notable exceptions, including those deemed legally incapable of making their own decisions. People with cognitive impairments - including those with dementia or head injuries - can be assigned a guardian to make decisions for them.

Those without any loved ones willing or able to take on that responsibility are swept into state care, where government agents decide where they live, who they can talk to and what they do day-to-day. It is a necessary service for people with nowhere else to go. A last resort.

It is also a world governed by tough confidentiality rules. It is illegal across most of Australia to identify anyone under state care and many of them only know the people managing their lives through a first name and identification number. The rules are intended to stop people from taking advantage of vulnerable Australians but also makes it difficult for them to speak out when

things go wrong. And in some cases, the rules even stop people from accessing information about themselves.

In 2022 the Disability Royal Commission heard from some 50 000 people across Australia living under the care of a public guardian or public trustee which manages finances. A strong theme is feeling trapped, overprotected and having no dignity.

A key pillar of guardianship and administration law is that these orders are only to be provided or made as a last resort to be done in the least restrictive manner. However, an ABC investigation into public trustees and guardians across Australia has shown that is not always the case. Pensioners with little means have been charged more in fees than they were given, some have been forced to live in residential care against their will, and others have been left with no access to funds for food or other necessities for weeks.

That is a national report but there have been very similar tragic circumstances in Tasmania. A number of them have been highlighted in the parliament over many years. Stories like that of Mr Michael Burles. When Michael Burles was in hospital the Public Trustee was appointed to manage his affairs. They sold some of his belongings and took other of his belongings to the tip without his consent. He did not recall the Public Trustee having any discussion with him about his belongings or his finances. He does not recall any written advice to confirm any attempt to communicate with him or inform him about the decisions being made on his behalf. Here is Mr Burles' story, as it was it was reported in the *Mercury* in 2021:

As he struggles with living in an aged care home, Mick Burles fears he will die a pauper. Until last year the 71-year-old was living happily in a rented unit at Rose Bay. He had worked as a painter for 50 years, never missed paying his rent and was coping well on his own but a fall landed him in hospital and his life changed forever.

'I had a hip operation and a screw came lose and it got infected so I am on antibiotics for the rest of my life,' Mr Burles said. 'My ambition was to try to walk on my own, I put in 110 per cent but I just couldn't do it.'

During his time in hospital, he said the Public Trustee took over his affairs and sold his belongings. 'They took everything. I had nice furniture, a new fridge that I was paying off,' he said. 'They never even left me a cup. They gave me \$1000 which was a joke. Even if they thought I had dementia, why would they take all my stuff?'

Mr Burles, whose partner died, has no children and had over 11 years paid \$7000 to a funeral insurance company. He said that was cancelled. 'Now I am worried I am going to go as a pauper.'

Mr Burles' example is just one of hundreds. I will also share Arthur Nash's story who told Tasmanian media his experience. He said he signed on voluntarily with them after being convinced by a social worker that it would be helpful. He was under Victoria's Public Trustee system for some time before being transferred to the Tasmanian system. When that happened, he said:

My life became even more unbearable. My administrator in Hobart was a nightmare, wouldn't answer any of my questions about my finances, refused to give me any extra money, even when my life depended on me going interstate to have a malignant cancerous tumor removed.

Things were shocking with the Victorian Trustee but they were horrific under Tasmania. My administrator got me heavily in debt. I owed over \$700 to the chemist for my medication. They refused to pay a personal loan I had (before being with them) and told me not to worry about paying it after I told her I would repay it after we'd fallen behind.

He said they also got him in debt with community transport. He said he had to do something as his financial situation was getting worse and worse since they had taken over. He said he started paying back - out of the money that the Trustee gave him - all of the companies that he had fallen into debt with. He said it was the most stressful period in his life. He was not coping at all and he was fighting cancer at the same time. He said he was granted back control of his finances in 2019 and by that point he was then getting ahead on all of his bills and doing great, but he said they were the worst years of his life.

I will not keep sharing all of these stories. I might come to some others later in my contribution but they do give a flavour of the light that was very much needed to be shone on the public guardianship and administration system in Tasmania. Unfortunately, it was not any different here to what it was in the other states and territories that led to those national media reports I referred to earlier.

As people would know in this Chamber, that shining of light on those stories led to the Government commissioning a review of the Public Trustee by Damian Bugg AM KC. The results of that review were very shocking. They were utterly damning and included findings that the Public Trustee had ignored its legislative responsibilities and for 26 years had misunderstood their duties. Those and other findings landed heavily and I want to recognise that the Attorney-General made a public apology and this legislation is in part as a result of that review to reform the guardianship and administration system. I know that public apology was very meaningful to many people who had been affected in the system.

Mr Bugg's 28 recommendations have been largely implemented but they are not the be-all and end-all of what needs to change. They are indeed the minimum that is needed to occur to start the long journey of reforming the system and rebuilding it with a focus on clients at the centre and rebuilding the trust and confidence of the Tasmanian people in that system for those that need to rely on it, because for too long too many people have suffered.

I also acknowledge that there have been several very strong voices advocating for significant change in Tasmania. I also recognise, as the minister's second reading contribution did, that not everything that needs to change is contained in this bill and there are indeed still significant concerns with parts of the bill, which I will get to later in my contribution.

I start by acknowledging the Tasmania Law Reform Institute, which conducted a significant body of work back in 2018 resulting in their report titled *Review of the Guardianship and Administration Act 1995: Final Report No. 26*. That report was a huge body of work that ran to over 600 pages and made 143 recommendations. Several researchers and academics contributed to that report and the issues paper that preceded it. It is worth recognising those

researchers for their work here today. They are Kate Hanslow, Zoey Dwyer, Jonathon Budgeon and Bruce Newey and they were advised by a reference group comprising John Blackwood along with the other board members at that time.

Not all the recommendations of that significant report are contained in this bill. Indeed some were dealt with in the previous advance care directives legislation and the minister has made it clear that she intends to continue to implement more of the recommendations over time.

I also want to recognise the work of Advocacy Tasmania and the strength of the people working there but also of their clients who have shared their stories with Advocacy Tasmania, parliamentarians, the Government and the community. Without that very public campaign and the generosity of those people sharing their stories, I am not certain that these reforms would have progressed with the speed that they have, albeit that TLRI review was a long time ago, but these things have all contributed to the fact that we are here debating the bill today.

I also recognise the work of Damian Bugg AM KC who conducted that government-commissioned review of the Public Trustee that led to a significant number of recommendations. There are others who have been instrumental in advocating for change, including the Hobart Community Legal Service and others, and of course the many individuals who have shared their stories and the public servants who have worked very hard to bring a legislative package to parliament. There is widespread recognition at every level from government, parliament and public institutions responsible for protecting the rights of people in the guardianship and administration system, that change is deeply needed. No-one could hear those stories without recognising that.

Mr Deputy Speaker, I also recognise that during the span of time that this work has taken place, there has been a lot of change at the operational and the board level at both the Public Trustee and the Office of the Public Guardian. In meetings I have had with those organisations this year I can honestly say that I have witnessed a significant appetite for change. I have seen a deep recognition of the wrongs and the hurts that have occurred in the past and a deep recognition that the practices of the past were not okay and need significant structural change. I have also seen an acceptance from those offices that there is a long road to go before those bodies can regain the trust and confidence of the Tasmanian people. I have seen evidence that the people in those roles today seem ready and willing and very energised to do that hard work to fix a broken system.

It must have been the year before last when the former people in charge at the Public Trustee appeared before the Legislative Council Estimates committee. I did not attend those because I am a member of this Chamber but I did watch them on the live broadcast. I was quite shocked at the answers given to Legislative Councillors, who were asking very reasonable questions on behalf of constituents who had contacted them and families tied up in the guardianship and administration system. I do not mind saying now, partly because I know there has been significant change at that board level, that I thought those answers were dismissive, they were rude and they showed a real lack of empathy and care for the people who were under their administration. I know these are harsher words than I usually use in this place but again, I think it is one of the many cogs in the wheel that have led to the fact that people are very much aware that there needs to be deep structural change.

Mr Deputy Speaker, cultures in organisations like that do not just change by accident. They need legislative tools around them to allow that to occur and to enforce that change, but again, legislation on its own cannot change culture either and there are still concerns with some of the provisions in this bill, many of which were mentioned in the second reading contribution in terms of future tranches of law reform, but it will take time for the provisions in this bill to take effect and for the culture to slowly change within those organisations and the community.

This bill does a number of things. One, it deals with the appointment of guardians and administrators by TASCAT and some changes around the appointments. I know from the briefing I received that there is a hope and an intention that there will be more family members and loved ones appointed as guardians and administrators in the future and there will be an understanding that guardianship and administration is not the easy road and should really only happen as a last resort, which of course should have been the intention all along because the stories and exposés have shown it is not the case.

The bill also overlays over the whole act a framework to determine decision-making ability. It adds sections that are meant to ensure that people likely to go under an order are provided access to support, advocacy and legal support to allow them to participate in decisions and promote their own decision-making ability.

It states that guardians and administrators should not override the wishes and preferences of a protected person, apart from in narrow circumstances including preventing serious harm; although there are still some concerns from the community about a clearer understanding of what constitutes serious harm. I have had conversations with people in community organisations who have explained the necessity for there still to be the ability for a protected person to be able to make a decision that that decision-maker might not make for themselves, or that any of us might not make for ourselves. It is called 'dignity of risk', where somebody should be able to make a decision and have that decision respected, if they are provided with the support that they need to make that decision when they do have an impaired decision-making capacity.

The bill also inserts new objects and principles into the act, including applying the principles of the *UN Convention on the Rights of People with Disabilities*. It removes the criteria of disability as a standalone test of impairment. It amends the conflict of interest provisions that currently prevent close family members from being appointed as guardians and administrators. It inserts new provisions about dispute resolution, complaint handling and appeal processes.

It also makes changes to the regulation of health and medical research, which I understand from the briefing, apply to the whole population and not only to people under guardianship and administration orders. I am hoping I understood that correctly; I am looking over for assurance.

As the Deputy Premier explained when he made the Attorney-General's contribution, those provisions sit in the Guardianship and Administration Act and apply to people who have impaired decision-making capacity but the provisions in that act apply to whole of the community. There is still some clear concern in the community about what the changes will mean when people do have impaired decision-making capacities and they are under guardianship orders. There is concern from some family members that those medical research

provisions mean that people who are under a guardianship order, who have impaired decision-making capacity, could be in some way forced into medical trials or experimentation.

I understand from the briefing that I received that is not the intention; it is more about ensuring that people can continue to receive medical treatment. However, there is an argument and I think it is in the Attorney-General's thinking from reading the second reading speech, that it would in some ways be better to have those medical research regulations sit in a standalone piece of legislation, rather than in the Guardianship and Administration Act. There would, no doubt, have to be a reference to that new piece of legislation - if that was formed - within this act, because there would still need to be clear rules and guidelines around how that new act would apply to people who are under orders. It would potentially remove some of that concern and confusion if there was a standalone piece of legislation that was clear that it applies to the whole of the community around medical research.

Mr Speaker, in the time that I have remaining, I will continue to try to put some of the concerns of the community consultation on the record and recognise that there was a very large number of consultation submissions and the deadline was extended to allow more organisations to have their say about the draft bill. I want to recognise them here - Advocacy Tasmania; Equality Tasmania; the Law Society of Tasmania; Palliative Care Tasmania; the Tasmanian Law Reform Institute; Aboriginal Legal Service; Tasmania Legal Aid; TasCOSS, Australasian College of Emergency Medicine (ACEM); Australian Association to Stop Guardianship and Administration and Abuse (AASGAA); the Australian College of Nursing; Council on the Ageing Tasmania; Community Legal Centres Tasmania; and the College of Intensive Care Medicine. I know there were some individual submissions as well from members of the public and I have probably missed a few.

That is a large number of organisations that have contributed to this bill and demonstrates how serious this legislation is. It demonstrates the seriousness of some of the concerns remaining in the community, but also how invested the community is to making sure that there are laws on the Tasmanian statute books that get it right, and protect people who are under guardianship orders.

I will go through some of those concerns. First of all, emergency orders. I know the bill makes changes to how emergency orders will operate and says that they can only be interlocutory orders and not final orders, and they will be limited to a shorter time frame. There will be a requirement that those seeking them will have to provide more information and evidence that the protected person or the person they are seeking the order over has been consulted and provided legal support. Nonetheless, there is still concern that these changes do not go far enough and that emergency orders should only apply for the minimum time possible. There is concern that they should be limited to decisions directly related to managing an emergency or an immediate and serious risk to life, and should ensure that decisions made during that interim order period should not have any long term impacts - such as having your house sold, or your lease cancelled, or your belongings removed and taken to the tip, or being moved into aged care.

I have talked about those emergency orders before - possibly on the advance care directives bill - that they were the ones that were often done in hospital when people were still heavily medicated and sometimes still very heavily sedated. They were not aware that the conversation on the phone call was, in fact, a hearing placing them under a guardianship or

administration order and they were rarely provided advocacy or legal support. It is very important that this changes.

When I have spoken to the Government and to the Office of the Public Trustee and the Office of the Public Guardian, they are anticipating that emergency orders will be used less frequently and for more limited purposes, and with more support for that protected person. It is very important to put that on the record now and to keep a watching eye to make sure that is how it rolls out.

The minister outlined in the second reading that compensation pathways will hopefully be considered in the future tranche of legislation. It is very important that this is looked at. Mr Burles' story is one of someone who lost a lot of possessions and all of his worldly goods. He did end up taking legal action and was represented by the Hobart Community Legal Centre's Ben Bartl. He was successful in settling the case but he received just \$10 000 plus legal fees which was a far cry from the value of what he had lost.

Hearing transparency is another issue that has been raised and is still a concern about the bill. In some of the community consultations it was made clear that a significant number of people who appear before TASCAT in the protective streams are unrepresented. Some estimates are as high as 95 per cent of people who are appearing before the tribunal to have a matter heard about the order that they are put under are not represented. That is very worrying and I have some comments to make about that. There have also been community calls for there to be statements of reasons or full transcripts or recordings of guardianship hearings - or at least one of those three - to be provided to those protected people. Often, people find that without that, they do not have the information they need to mount any challenge or appeal against the order that is made that is affecting their lives.

The bill goes to the need for the Public Trustee and Public Guardian to publish complaint handling procedures. That will be welcomed and supported; but it is the case that there needs to be more reform within the system to allow for affected people to receive more information from the tribunal, both before and after a hearing.

I had some more client examples but I do not want to read them out if I am going to run out of time to bring other things to the table. I will not read this one into *Hansard*; but when it comes to hearings I know that before the establishment of TASCAT, when the Guardianship Tribunal operated as a standalone tribunal, Advocacy Tasmania was routinely given information about people who were coming before the tribunal. That practice has stopped under TASCAT, for privacy reasons.

I understand that the tribunal is much bigger now and needs to consider the privacy of the people who come before it. The end result though is that a vast majority of people who appear before TASCAT in the guardianship stream are unrepresented.

The Tenants' Union has told me they now receive just de-identified information, just the date and the time, or the hours that tribunal will be hearing tenancy matters. I wonder whether that could be employed as a system in the protective streams as well - the guardianship streams but also, ideally, the mental health stream, which is not part of this bill. That if personal information cannot be shared about individual names of people who are coming before the tribunal, that at least information can be provided to Advocacy Tasmania and Legal Aid about

which days, or parts of days, have been set aside to hear those matters. Then they could attend in a duty lawyer or duty advocate kind of capacity.

That is still not ideal because they are going to be meeting those clients for the first time at the hearing. Invariably, they are going to have to ask for an adjournment so that they can take instructions, or meet with their client and determine what is happening in their life, what the order allows for, what is going to be best for that person's protection. It might be something in terms of trying to bring down the number of people who are unrepresented. Even with the best intentions, both in legislation and from those organisations, if there are still hundreds of people appearing over the course of a year or more at the tribunal, who are not represented, they are at a real disadvantage in being able to understand the effect of the order that has been made on them and to be able to mount their arguments.

It is like any kind of system: if you have not been exposed to it before it can be very overwhelming. In some of the client stories that I have not had time to read out, people have explained that they have found hearings terrifying. That is not a reflection on the people working at TASCAT. I know that would not be their intention and they might be sad to know that people find the hearing environment terrifying. Some people would find it terrifying to walk in here each day. It is a pretty intimidating building. We are all used to it because we work here. If you have never appeared before a court or tribunal, it is a bit like having a new medical procedure that you have never had before. It is pretty daunting, particularly in those protective streams of guardianship and mental health. The more we can do to make that a person-centred experience, where the person affected can genuinely have their voice heard, the better. Tribunals are not courts. When tribunals were first set up around Australia many decades ago, the intention was that they would not operate in an adversarial way, like a court, and that they would be more accessible and user-friendly.

That is just one suggestion around the potential to have more people appearing in the guardianship stream represented.

There has been further recommendation from those community consultation submissions that there should be funding provided for people to access independent medical evidence to challenge applications for guardianship and administration. This is because sometimes they are based on a medical report that was done in a hospital and it is unlikely to be that person's regular medical practitioner. Sometimes the medical evidence given to support an order is hard to challenge, so there has been a recommendation that funding should be provided for independent medical advice to be able to challenge those.

Throughout some of those community consultation submissions, there has also been a concern that this bill does not move far enough towards supported decision making as it needs to. There is mention of it in the second reading speech and I know that the overarching principles of the act are intended to do that. But there are some who still read the act as employing a will and preference or best interest test, one or both at different times, rather than supported decision making. The law reform institute report had a central focus on supported decision making. As I said, there were references to it but there are no substantive or operational mechanisms in the bill that would move to a fully supported decision-making model like there are in Victoria. I noted in the second-reading speech that this is one of the things the Attorney-General has asked her department to look at further for future tranches of law reform.

The other important thing in terms of that is to recognise that people's decision-making capacity can fluctuate over time. In the past some of those emergency orders were made, as I said before, at a time when people were very unwell, heavily sedated even at times. The stories I have heard from individuals is that once that order was made they felt completely locked into it and unable to challenge it. People's decision-making and cognitive capacity can fluctuate over time so it is important that we not only have legislation but also policies and procedures within the organisations that administer it that allow for someone to potentially come on and off an order: or to have more autonomy in their decision making when their decision-making capacity is at its highest but to have the support they need when they feel they need and want it.

That can change even day to day. I have had stories from some affected people who have said they might feel like they can easily make a decision one day about whether to purchase a particular item or which bill to pay, but the next day they might feel like they want a bit of support with that. That is the ideal we should move towards in terms of having the protected people's views and autonomy respected, as opposed to people feeling their affairs have been completely taken over and they have no visibility and no line of sight over the decisions made about their lives, or even transparency around fees that they are being charged or which bills are being paid by an administrator.

In one of the letters that Advocacy Tasmania wrote, I think to then deputy premier now Premier Mr Rockliff, CEO Leanne Groombridge said:

The mere fact that a person is or may be subject to an order does not mean that their capacity must be determined without reference to the supports that they do have, or could have access to, to enhance their decision-making capacity.

That is further recognition that if somebody is appointed as a substitute decision maker, that does not mean that they just make those decisions without any regard for the person, without talking to the person, without talking to the person's family and loved ones who know that person best and might have some input that will help that protected person.

There was something that I was going to say that I have lost. I might come back to it when we return to the bill at a future sitting day.

I recognise the positives that were explained to me in the briefing and that are in the bill. This is that there is expected to be a lighter approach during the emergency order period. It will be expected that people are advised earlier that a hearing is on and will be provided access to support. It is expected that people seeking an emergency order, like doctors or social workers at that initial point of entry, will have to demonstrate with more evidence what the protected person has been offered in terms of support and the reasons that they are seeking the order. They are expected to discuss the least restrictive options rather than jumping to something that is more restrictive than is needed for that person. More people who are close to a supported person are to be informed about hearings when they are scheduled - for example, a person's spouse - and the tribunal will be empowered to hear from more people who have an interest in that person's wellbeing, with an expanded definition of 'close family member'. It is also recognised, though, that there does need to be a system that is not so restrictive that family members are disinclined or disincentivised to act as guardians or administrators and the

intention of the bill is to send the message that guardianship is not an easy route and it should be seen as a pathway of last resort.

It is about building the capacity, not only of protected people but also of the sector and the tribunal. In time we will discover that there will be many people who are on orders who do not need to be on orders and even those bodies have recognised that. When those people who do not need to be on orders are removed from orders, that will then alleviate some of the workload that is leading to that lack of information being provided to clients, the huge caseloads we hear of people working that mean they have not had the time or capacity to get to know their clients well and in a meaningful way. If fewer people are on orders, that will mean fewer people on caseloads and more capacity to get to know your client.

I will finish with the words of Professor Rosalind Croucher, the president of the Australian Human Rights Commission, who described the guardianship system nationally as:

... an echo of an era where confidentiality was the focus of a protective law.
We do not need that overzealous protection now. What we need to do is empower people, support them to be able to have their voice and make decisions for themselves.

Time expired.

[4.42 p.m.]

Mr O'BYRNE (Franklin) - Mr Speaker, in rising to speak on the Guardianship and Administration Amendment Bill, I acknowledge the member for Clark, Ms Haddad, for her very comprehensive, detailed and thoughtful contribution on this bill. It is something of importance that we, as the custodians of the rights of humans in our community, know the role and the line between the responsibility of the state to care for people and balancing that with the rights of individuals to make their own decisions in their own best interests. That, in and of itself, is not put in isolation to the responsibility of the state to care for people when they are in circumstances where it is clear they need assistance from a caring community and a caring state to look after them.

We come to this tranche of reforms not with a clean slate but with a lot of history, a lot of pain, a lot of heartache and a lot of mistakes that have brought us to this point. I thank the minister's office and the department for the briefing we had on this matter. It provided some great assistance to me as a member in understanding the steps that have been taken, the history but also the intention behind the amendment bill and some of the reasons why. It is a serious area of public policy and it needs to be considered in the context of people's lived experience.

This bill is not without its critics and not without a critique that needs to be considered. I understand that the shadow minister may have some amendments and I am aware that the Greens will have a number of amendments which no doubt we will go through in Committee.

I acknowledge the absence of the minister. I know that, based on my discussions with her office, she feels very passionate about this so it is unfortunate that she is not able to be here. Given the time, and given the complications with the presence of some members, we may need to deal with this in a more expansive way upon her return. Having said that, I know that she and her office will be reading the *Hansard* and will be very clear about what members have

said about the bill and no doubt will be getting answers to some of our questions because I do have some questions.

Acknowledging human frailty and institutional failure within this area of law and this area of the actions and the powers of the state, we know that the guardianship system is broken. We have all heard the harrowing stories of Tasmanians who have been placed under a guardianship order and have had their choice and their autonomy stripped without sufficient reason. Some of them have been silenced from sharing their story due to confidentiality clauses. The gag orders are something that will, no doubt, be discussed during the committee stage and the debate as well. We know that houses have been sold, rentals given up and people have been quickly removed from their homes to be put in aged care facilities against their will.

There are so many stories of pain which have not been heard, but many have and it is important. The member who has resumed her seat has read some quotes and some extracts from the consultation process, and the submissions and the stories. It is important, and I need to as well, because for every one person who felt they could provide a submission or have their stories heard in the consultation on this issue, there are many more who have not. As I move around the electorate as a local member I hear the anecdotal stories, and I cannot help but be moved and see the pain in people's life and the lack of understanding, and the lack of awareness about why certain things have happened.

Having said that, I have met with the new leader of the Public Trustee. I had a long conversation with them about the culture of the Public Trustee and the decisions taken. I am absolutely confident that he is a good person. He cares deeply about this. Already, in a number of interactions that my office and I have had with the Public Trustee I can see a demonstrable change in their approach. I commend the appointment of that person to that role in what will be a very difficult time for him, leading that organisation through change and coping with and responding to historical issues and decisions and actions that they have taken.

I will read a couple of quotes into *Hansard* as part of my contribution:

When they took the keys of my house off me they sold things and took the rest to the tip. So many meaningful things went to the tip. My house is empty now. Nobody from the Public Trustee asked me what I wanted to keep.

Another example:

I recently wanted a new hearing aid and the Public Trustee did not want to pay for it even though I had the money for it. I still don't understand why that request was rejected because they haven't explained it to me.

And this one which, tragically, is not an uncommon view from people with firsthand experience:

All these huge decisions were being made about my life and I wasn't involved at all. It was so shocking how quickly I lost my independence.

The significance of people's lived experience through the guardianship and Public Trustee process is heart-wrenching. I am not reading these stories in to reflect on individuals. It is important that individual stories are heard and that we, as a parliament, and the

Government, through the Public Trustee under the powers that they currently have and hope to have in terms of reform, understand the lived experience of people who have had wretched experiences. It has long been clear that the current guardianship and administration system is failing too many Tasmanians.

It has almost been five years since the Tasmanian Law Reform Institute published the final report of the review of the Guardianship and Administration Act, and this amendment bill is a significant body of work. You have to recognise that many people, and a lot of work and consultation has gone into this, which represents the second tranche of recommendations from that report and there will still be much work to do in the future.

In principle, I support the bill and what it is aiming to do, notwithstanding there are some concerns and questions that I will have and I will put them on the record. In broad terms, I support the shift away from the best interests test towards a will and preference test. It is essential that decisions about a person's life - decisions that are essentially made by the state - embody that person's own values and their preferences.

I have had a number of long discussions with individuals but also with Advocacy Tasmania. I acknowledge their advocacy and their efforts in trying to shine a light on the reform, and they raise legitimate issues. In some respects, it is important to acknowledge that there is no finish line in terms of this work. Society and community evolve and the law sometimes does take time to catch up; but the fundamental change of reference should be welcome from advocates and from people who have interacted with the system.

I agree in some respects that you have to respect their impatience for this reform and some of the changes. There are issues that they still believe are outstanding and there is some merit to having a debate about many of those things. Hopefully, through the debate and some of the amendments, we can move to a point where we can acknowledge the progress made and make significant improvements to the system. With systems such as this, you can have all the laws you want but you need to have good people making decisions and good cultures in the organisations that are given the responsibility. That is also something which legislators cannot manage, but governments can lead in terms of the people they appoint, the cultures they encourage and the accountability they bring back to the people of Tasmania.

Hopefully, Advocacy Tas will see some improvement. It is their job to push governments, to push us as legislators to be better. I hope that some of the things that they raise can be acknowledged by the minister and the Government and we can make some steps with some proposed amendments, which I understand will be moved.

In terms of the questions and concerns, the medical research and experimental medicines provisions are in the new part 6A. Like many others, I was initially alarmed to read new part 6A relating to facilitating medical research and experimental medical treatments on people unable to provide informed consent themselves. At first glance, that looked pretty ominous. The minister's second reading speech gave a compelling reason for the need for these provisions, using the example of a potentially lifesaving injection in the back of an ambulance. I believe that people in supported decision-making arrangements should be able to access medical treatment in clinical trials that can sometimes be lifesaving or have clear benefits to quality of life.

It is important that safeguard provisions are completely water tight from this provision being used for medical research or experimental medicine in circumstances where it is not the will of an individual or in their best interest. I would like to hear from the minister how these additional safeguards work and what they are proposing to ensure, and that the balance is fair, reasonable and appropriate.

Another question was about the penalties arising from an abuse of guardianship powers. I am asking the minister to outline what penalties are in place for an individual who abuses guardianship powers vested in them. What is the pathway for someone aggrieved by this sort of abuse to seek compensation? The minister may be able to answer those questions in her response.

Another issue is the record keeping of decisions. One of the issues identified through the consultation on this bill is that the decisions of the Public Trustee are made behind closed doors, and there is insufficient record keeping and transparency of the decisions being made and why they are necessary. If your hearing determines that a person is unable to make adequate decisions for themselves, then as an outcome, significant decision-making powers are removed from that person. What sort of evidence and records are kept from that hearing?

It is also, and I will get to the next bit, which is that I note that under the paragraph (h) or part 4 of Schedule 3, people aggrieved by a tribunal decision relating to guardianship can request a statement of reasons be provided to them. What sort of information is contained in this statement of reasons? What sort of time frame and resources would the tribunal have to prepare this statement of reasons? Is there a time limit on requesting this statement of reasons? Obviously, when people are potentially in these circumstances, clarity of decision-making and urgency may not be there given the nature of some of the complex personal circumstances people are in, so understanding if there is a time limit on the statement of reasons.

I know lawyers and others have a strong difference of opinion, or every lawyer has a difference of opinion - it depends on what you are trying to get at. In various tribunals, precedent and various decisions and the evolution of the view of a tribunal occurs over time when there is a body of work by various cases which produces themes and sometimes can produce perverse outcomes. The sharing of those deliberations between those members of the tribunal, but also with those advocates and people who represent people that are before them, I think that is really important and to provide some guidance. Then it also assists governments and policy makers and potentially the legislators. There may be information that comes to light which will cause us to change something that was not intended.

Having a greater transparency around reasons for decisions, the circumstances, the context and the kind of considerations made by the tribunal, would be of assistance and a greater level of access to that, not just on request from the individual, but informing the work of the tribunal, as well as the ability of the applicants to understand and go, 'Well, we keep on running up the same argument and we don't really understand why we are losing or why we are not getting through some information to support the advocates'. That would be a time saver for the tribunal as well, for people to have their matters resolved and for people who are not familiar - I think the member for Clark talked about being familiar with a system and a process. It can be so intimidating even getting a formal letter to present. People do not know what to do in the majority of cases - particularly for people in vulnerable environments or environments where they are not able or it is not conducive to making the best decisions strategically for them as a person or for the case that they may or may not have.

Having an ability for advocates to say, 'Look, this is not going to fly, you are just going to waste the tribunal's time. These are the circumstances, this is what we can do, this is what we can't', saves a lot of time and assists people involved in the system.

I know ethics runs through all of guardianship. What can a government ethically do? What should it do or should not do? I know that there will always be differences of opinions about the applications of an ethical standard. Although the second reading speech made mention of the fact that the amendment bill removes the gag order that has traditionally prevented those with firsthand experience of Tasmania's guardianship system from sharing their story, it appears as though only people who are able to give full and informed consent are able to share their information, which excludes people in supported decision-making situations, even though the disclosure is clearly in accordance with their will and preference.

Again, this is an ethical question about the line you draw and how far you go. It is important that the minister, in her response, talks about this and gives her view. Her second reading speech refers to it, and that will be obviously considered by the tribunals and courts and individuals, but also a minister's view has weight in terms of the application of that. Therefore, it should be noted.

Mr Speaker, this is important reform. This is a difficult and complex area of human rights and the rights of the individual, and the responsibility in getting the balance right between the rights of the individual and the responsibility of a government and a state to care for people who are clearly in need of some assistance. Horrific stories and experiences have informed the work we are doing here.

There are clearly some questions being asked about how far the Government is going in terms of this bill. There is no doubt there is good will. There is no doubt that this will make a marked improvement in the guardianship system. Through the debate, through the amendments, we can hopefully improve the circumstances for Tasmanians in this environment and take another step towards ensuring that people can have a decent life and some level of autonomy and control because the state, time and time again, has not offered that to Tasmanians. We all bear the responsibility to resolve that.

[5.02 p.m.]

Mr WOOD (Bass) - Mr Speaker, it is my pleasure to rise today to lend my unwavering support to this important reform to the Guardianship and Administration Act 1995.

Those in our community who interact with the guardianship and administration system are more often than not at their most vulnerable. We all acknowledge the considerable community and stakeholder interest in this reform, given the impact these laws have on vulnerable members of our community and their loved ones.

This bill, at its essence, puts people under guardianship and administration at the centre of decision making and requires respect for the inherent dignity to retain control over their life and decisions to the extent that they are able. This bill provides the framework for a system that works for people. The bill seeks to amend the Guardianship and Administration Act 1995 and the Tasmanian Civil and Administrative Tribunal Act 2020. It adopts a number of recommendations made as part of the Tasmanian Law Reform Institute's report into the Guardianship and Administration Act, as well as matters arising from the independent review of the Public Trustee.

These reforms represent a significant step forward in ensuring the protection and wellbeing of our community members. Our Government has made it clear that we are committed to ensuring that our guardianship and administration framework is contemporary and reflects best practice. The importance of a robust guardianship framework cannot be overstated as it reflects our commitment to upholding the rights and dignity of every individual in our community. In any compassionate and progressive society, it is our responsibility as lawmakers to provide a safety net for those who may face challenges in making decisions for themselves due to age, disability or other circumstances.

I will not cover all the changes as they have been quite thoroughly discussed already, but I am particularly pleased that key changes in the bill include:

- establishing rights-based principles as a framework for the way decisions under the Guardianship and Administration Act are to be made.
- moving away from a best-interests approach towards a will and preference approach, which requires substitute decision makers to not only respect the wishes and preferences of the person when making any decision but also to adopt the least restrictive approach.
- strengthening the criteria for circumstances in which an emergency order can be made.
- establishing the requirement to hold a hearing in relation to applications for emergency orders.
- recognising the role of families, carers and other significant persons in the life of a person with impaired decision-making ability and, notably, only appointing a public guardian and public trustee as a last resort.
- establishing a decision-making process that requires those making a decision for a person to consider whether the decision could be postponed in circumstances where the person is likely to regain decision-making ability.

These changes represent a fundamental shift in the guardianship and administration framework in Tasmania. Following on from the Tasmanian Law Reform Institute's report and the independent review into the Public Trustee, our Government has listened to the feedback from the community and those who interact with the guardianship and administration system.

As outlined already, the draft bill was subject to extensive community consultation. An initial round of consultation occurred in October 2022, which resulted in a substantial number of submissions being received by the Department of Justice. The department subsequently conducted further rounds of consultation, including a number of briefings and meetings with targeted key stakeholders such as interested members of the Premier's Disability Advisory Council and Minister's Disability Consultative Group (MDCG).

Importantly, this consultation focused on including people with lived experience and direct interaction with the guardianship and administration system, whose voices are at the core of these amendments. This feedback was received through a collaboration with Advocacy Tasmania, who facilitated two consultation sessions to enable people with lived experience to provide feedback on their experience with the guardianship system. These sessions provided an opportunity for stakeholders to participate either online or in person to provide a verbal

submission of issues they wished to raise. Advocacy Tasmania also assisted individual stakeholders to write about their experiences with the guardianship and administration system, and submit these as part of the consultation process. A simple overview of the bill, together with a questionnaire aimed at persons with lived experience, was prepared for these sessions and made available on the Department of Justice's consultation webpage.

We have listened to these voices and I am proud to support these reforms, which will help to ensure that people who may need a guardian or administrator have their human rights protected. I am particularly pleased that one of the cornerstones of those reforms is the transformation of the outdated best-interests test, to a rights, will and preference approach. These proposed reforms embrace this fundamental principle by prioritising the rights, will and preference approach, which places the autonomy and agency of the individual at the heart of the decision-making process. This approach respects and values the inherent worth of each person. It ensures that a person who requires a substitute decision maker has their wishes, desires and choices taken into account whenever decisions are made on their behalf.

This differs from the current test, where decisions made in the person's perceived best interests are based on what the substitute decision maker determines is best for the person. This undermines the ability of the represented person's autonomy, their ability to take risks and make mistakes and to live their life in the way they wish. While the current act provides that determining, what is in a person's best interests requires a guardian or administrator to take into account as far as possible the wishes, directions, preferences and values of the represented person, the bill provides clarity on how the fundamental shift to a rights, will and preference approach impacts the framework that the tribunal, and guardians and administrators have to follow, including the Public Guardian and the Public Trustee. It embeds and mandates guardians and administrators to ensure that the decisions made that affect the represented person accord with that persons' rights, will and preference. The amendments to the act will place the requirement to base decisions on the persons wishes and preferences at its core. It will preference this approach in relation to all decisions and functions exercised under that act. While the substitute decision-maker will also be required to consider harm, the ability to override the person's wishes will only be permitted in certain and limited circumstances.

In other words, instead of imposing decisions on individuals based on what others believe might be best for them, the framework empowers individuals to have a say in decisions that affect their lives. By adopting this approach, we recognise that even those with limited decision-making capacity, who we recognise are some of Tasmania's most vulnerable people, have the right to self-determination and should be involved in shaping their own lives to the greatest extent possible.

Furthermore, the proposed reforms acknowledge the evolving understanding of capacity. Cognitive abilities can fluctuate and an individual's capacity to make decisions may vary, depending on the context. The rights, will and preference approach recognises this reality and allows for more flexibility in decision-making. However, the framework retains important safeguards to ensure that people are appropriately protected, including from situations of elder abuse. An example of this situation is where children of vulnerable persons subject to either guardianship or administration orders have misappropriated funds meant to be used for the welfare of parents - amounting to elder abuse. A case study highlighted in the consultation provided an example. The Public Trustee had a case where a client had sought to have a family member appointed as their administrator, and the very day this appointment was made, the family member took off with the client's life savings and was not contactable.

We all know that elder abuse can take various forms, including financial, physical, psychological, emotional and sexual abuse or neglect. No older person should be subjected to any form of abuse. This is why the reforms provide the framework to ensure that the Public Trustee staff, as well as the Public Guardian, can continue to actively look out for these indicators for their clients, and play a valuable role in helping to protect vulnerable people.

This bill operates on the basis that every person has decision-making ability. This bill includes a clear statement that people are presumed to have decision-making ability unless established otherwise, and makes clear that a person having decision-making ability takes precedence over other sections. The bill also establishes limits to finding of impaired decision-making ability. Clause 12 provides that a person is not to be assessed as having impaired decision making ability in respect of decision unless reasonable steps have been taken to provide that person with access to the appropriate support needed to make and communicate the decision.

Importantly, the bill also sets out factors that are not relevant to assessing decision-making ability. Some of those factors are: where the person is unable to understand matters of a technical or trivial nature; where a decision may result in an adverse outcome for the person; where a decision is unwise in the opinion of others; where the person does not have a particular level of literacy or education; and, where the person can only retain information for a limited time. In addition to expressing matters not relevant to assessing decision-making ability, the bill provides that a person is not to be assessed as having impaired decision-making ability unless reasonable steps have been taken to provide the person with access to practical and appropriate support needed to make and communicate the decision. This provides a clear statement of the need to ensure that the person has access to supports prior to making a determination in relation to their decision-making ability. If a decision can be made with support then the person cannot be assessed as having impaired decision-making ability.

Mr Speaker, another key feature of this bill is a proposed amendment which will allow a person under a guardianship or administration order to share their experience publicly, if they consent. This is sometimes referred to as a 'gag order'. Crucially, consent of the represented person is different to an assessment of impaired decision-making. The intention is not to require that the person undergo an assessment of decision-making ability in relation to their ability to provide that consent.

Consent is an appropriate and necessary safeguard for the represented persons to be able to express their will and preference. Where they wish to provide their consent to the publication of information about them, it would be inappropriate to allow a represented person's experiences to be shared without their consent. Consent in this context refers to the ordinary meaning of consent - that is, the represented person is freely giving their agreement to make the information public. Matters relevant to the protected person's understanding of what is being made public may include, for example, matters such as what is being disclosed, who it is being disclosed to and the purpose of the disclosure.

The role of TASCAT guardians and administrators in this framework is pivotal. It is important to provide an overview of how the guardianship and administration regime operates in Tasmania and an explanation of these key roles, as they are often not well understood in our community.

The Tasmanian Civil and Administrative Tribunal is an independent statutory tribunal established under the Tasmanian Civil and Administration Tribunal Act 2020. Among the streams of the tribunal is the guardianship stream. In guardianship stream proceedings, the tribunal exercises a protective jurisdiction for safeguarding the rights and dignity of people who are unable to make decisions about various aspects of their life who, under the amendments in this bill, are people of impaired decision-making ability.

The tribunal conducts hearings to determine applications about adults who are incapable of making some necessary decisions and who may require a legally-appointed substitute decision-maker. A substitute decision-maker is a person who has been appointed with legal authority to make decisions on behalf of another person. The tribunal can appoint the following substitute decision-makers:

- a guardian to make decisions about a specific personal matter arising in the life of a person with impaired decision-making ability; and
- an administrator to manage the financial estate of a person with impaired decision-making ability.

The appointment will be made at a hearing after an application is filed with the tribunal with respect of the person. A guardian may either be an individual or the Public Guardian. An administrator may either be an individual or, if there are no eligible persons, an organisation such as the Public Trustee. In other words, the tribunal acts as an impartial body to oversee and ensure that decisions are made in accordance with the principles of the new approach. Guardians and administrators are entrusted with the responsibility of making decisions on behalf of individuals, while respecting their wishes and preferences. This ensures a balance between safeguarding vulnerable individuals and respecting their autonomy. As I stated earlier, the difference between these roles is sometimes misunderstood by the community.

The tribunal may appoint a guardian for a person to make a decision about their personal matters. This could include making lifestyle, health or accommodation decisions. Examples of the kinds of limited powers the tribunal confers include:

- an accommodation power, to decide where the person is to live, whether permanently or temporarily;
- an employment power to to decide whether the person should or should not be permitted to work, and if so, the nature or type of work, and any related matters;
- a restriction of visitor power to restrict visits to the person as may be necessary in their best interests and to prohibit visits by any person if the guardian reasonably believes that they would have an adverse effect on the person;
- a medical treatment power to consent to any medical treatment that is in the best interests of the person, and to refuse or withdraw consent to any such treatment; or
- a services power to decide which services the person is to receive and provide consent for those where necessary.

A guardianship order may also include a power to make decisions regarding the person's NDIS plan, restrict travel, advocate on the person's behalf or commence legal action if required.

A guardian cannot consent to an unlawful act, vote in a state or federal election on behalf of that person, make decisions on behalf of the person in relation to marriage or the dissolution of marriage, make decisions about the person's children, consent to the assessment and treatment of a mental illness covered by the Mental Health Act, make decisions concerning the person's finances that are within the scope and authority of an administrator or power of attorney, or make, revoke or amend the person's will, enduring power of attorney or advanced care directive.

A guardian also cannot consent or refuse, or withdraw consent, to special medical treatment. An application should be made to the tribunal for any special treatment. Special treatment is defined in the act as treatments likely to lead to infertility, termination of pregnancy, removal of tissue for transplant, and any treatment involving aversive stimulus.

The guardian may not delegate their role to another person. They may, however, seek professional advice as to how to exercise their powers and their duties.

The tribunal may appoint an administrator for a person who acts like a financial manager of the person's estate. An administrator has the power to do anything the person could have done in relation to their estate if they were not subject to an administration order. Actions that the administrator may take on behalf of the person include things such as collecting income, investing money, leasing real estate, selling or exchanging property, or paying any debts owed.

This is not an exhaustive list but it gives a sense of the sorts of decisions an administrator may make for a person. An administrator cannot make personal lifestyle or care decisions on behalf of the person. They cannot make the person enter a different residence or care facility. Similarly, an administrator cannot make decisions regarding medical treatment, health care or services the person is to receive. An administrator cannot vote in a state or federal election.

In addition to considering applications for the appointment of a guardian and/or administrator, the tribunal also has roles in relation to the activities of guardians and administrators. The act requires that the administrator provide the tribunal with a statement of accounts of the estate of the person at such times as the tribunal determines. The act also requires that the tribunal receive a report from the guardian or administrator once every 12 months in a form specified by the tribunal.

I note that there has been discussion regarding the cultural change that will be needed to give effect to these significant reforms. The intention is that this reform will drive significant cultural change to the way in which the guardianship and administration system operates, including how orders are made and implemented. The legislation will set the standards, but legislative amendments are not the only aspect that will drive the change in the system. As stated, following the passage of the bill, the Department of Justice will commence a period of working closely with TASCAT and other key stakeholders to implement these reforms prior to formal commencement.

The Attorney-General has made it clear that we need to provide reasonable time to build sector readiness. This work is too important to rush. We need to get this right and this bill sets

the standards to allow for the sector to operate in a manner that respects and promotes the rights, will and preference of those who have impaired decision making.

Importantly, the hard work to enact a cultural shift has already begun. I would like to highlight that the Public Trustee in particular has made significant progress on the delivery of the recommendations made as part of the independent review, which complement these reforms. In 2021, our Government instigated the independent review of the operations of the Public Trustee, undertaken by Damian Bugg, AM KC. As members would be aware, the Bugg Review made a number of recommendations to provide and improve client focus so that the Public Trustee could meet its obligations and community expectations into the future.

Last year, our Government invested \$4.3 million to implement the recommendations from the Bugg Review into the administrative and operational practices of the Public Trustee, along with an additional \$4.3 million to deliver a new community service obligation for the Public Trustee as administered by the Department of Treasury and Finance. Importantly, I understand that 22 of the 28 recommendations have now been completed, with all remaining recommendations due to be completed in the coming months.

This is a significant achievement for the Public Trustee, led by CEO Todd Kennedy, who has been engaging and building strong and committed relationships with stakeholders, specifically through client and stakeholder reference groups established in May 2022 that are actively working together each month to implement the recommendations, as well as developing a common approach to supported decision making. Our Government is confident that with this change in direction, the Public Trustee can continue its important work to assist some of Tasmania's most vulnerable people at the most difficult times in their lives. The Attorney-General has been very clear that we will continue to work with the Public Trustee as these much needed cultural and other changes are embedded across the organisation.

While the bill is a vitally important step in modernising Tasmania's guardianship and administrative framework, it is not the last step. The Attorney-General has indicated that there will be a further round of legislative reform to address a number of remaining matters. I note that it will take time for the work to be undertaken by the department and I look forward to that work returning to this place for consideration. In the meantime, these reforms to the Tasmanian Guardianship and Administration Act 1995 reflect our Government's commitment to ensuring our laws remain contemporary and reflect the community's needs and fundamental rights of all Tasmanians. Thank you and I reiterate my support for the bill.

Mr Speaker, given the continuing interest in this bill being considered further on the next sitting day, I move -

That the debate be adjourned.

Debate adjourned.

ANSWER TO QUESTION

Macquarie Point Sewerage Treatment Plant - Route of Sewer Line

[5.29 p.m.]

Mr ROCKLIFF (Braddon - Premier) - Mr Speaker, I wish to update an answer that I provided to Mrs Alexander early this morning. Mrs Alexander mentioned the Macquarie Point sewerage treatment plant. The question related to two separate projects - the decommissioning of the Macquarie Point sewerage treatment plant, and the replacement of an ageing sewer main that runs through the middle of the Macquarie Point site. I will provide an update on each project to help provide further clarity in response to Mrs Alexander's questions.

First, the decommissioning of the Macquarie Point sewerage treatment plant. The decommissioning of the Macquarie Point sewerage treatment plant has previously been identified and committed as part of the urban renewal of the Macquarie Point site. This decommissioning is required for the redevelopment of the site regardless of the specific projects that it includes. This has not changed as a result of the decision for the site to include a multipurpose stadium. The project is supported by grant deed between the Department of Treasury and Finance and TasWater, which is available on the Treasury website. The project will see the development of a new pump station and installation of a pipeline to transport wastewater to Selfs Point for treatment. This existing sewerage treatment plant at Selfs Point is being upgraded to manage the increased load. The Macquarie Point sewerage treatment plant is nearing the end of its useful life and these works will support the safe treatment of wastewater.

The pathway for the pipeline between Macquarie Point and Selfs Point is currently being considered as part of the design and planning process. This includes a variety of options and has included a number of alignments. None of these are underneath the Cenotaph. This option has been categorically ruled out by TasWater to avoid potential disturbance near the sensitive area. For clarity, this project is being delivered by TasWater in keeping with requirements set out in the grant deed with Treasury.

I now move to the replacement of the Hobart sewer main, in relation to the replacement and realignment of the sewer main that runs through the middle of the Macquarie Point site. This is a separate project and is the responsibility of the Macquarie Point Development Corporation. This project is not required for the Macquarie Point sewerage treatment plant decommissioning, and is a separate matter.

The existing Hobart sewer main is over 110 years old. It requires replacement and constrains the development of the site by effectively cutting the site in half. The sewer main realignment is currently being designed to travel around, rather than through, the site. This offers a number of benefits, including: maximising developable space on the site, providing flexibility in future development options; it renews an end-of-life asset; and improves hydraulic performance compared to the current alignment.

To be clear, this work relates to the section of the Hobart sewer main that runs through the Macquarie Point site only, and realignment options do not intersect with the council-owned land where the Cenotaph is located.

In relation to costs, this will be confirmed when the alignment and design is resolved, which is currently being progressed. I thank the member for Bass, Mrs Alexander, for her question.

ADJOURNMENT

[5.32 p.m.]

Ms OGILVIE (Clark - Minister for Science and Technology) - Mr Speaker, I move -

That the House do now adjourn.

Beaker Street Festival

Ms OGILVIE (Clark - Minister for Science and Technology) - Mr Speaker, I rise to speak about one of our favourite festivals in Tasmania - the Beaker Street Festival - and, on the eve of NOCTURNA, and as we approach National Science Week, to acknowledge the impact of science on our daily lives and our way of life. This week Tasmania has been host to the Beaker Street Festival which plays an important role in both creating awareness of, and celebrating, the abundant science and scientists that we have here in Tasmania.

I congratulate the founder, Dr Margo Adler, and TMAG Director, Mary Mulcahy, on yet another wonderful festival which has been a stunning celebrating of science and art and culture.

As Minister for Science and Technology and Minister for Women, I am delighted to see two outstanding women leading the way with this festival. The Rockliff Liberal Government is a proud supporter of the festival, with \$150 000 worth of funding this year, through Events Tasmania.

Tasmania's science sector, as we know, is a key contributor to our economy. As we blend arts and science in festivals like the Beaker Street Festival, we see a new way of engaging with the community and engaging with Tasmania. The sector is endowed with world class infrastructure and globally recognised expertise in several important scientific disciplines including: marine science; food safety; microbiology; population genetics; astronomy; geophysics; and climate science. My favourite - astrophysics - and Antarctic sciences also get a mention, just to name a few.

Tasmania has natural advantages that you do not find anywhere else in the world. We have the most incredible geography, which makes it amazing to look at our dark night skies and do some stargazing. Our vivid night sky experience gives us so much in Tasmania. It has driven our scientific expertise as well: the growth of our space industry, which for us is about radio telecommunications and eyes on the sky. It has driven our scientific expertise, particularly with the University of Tasmania and its astrophysics department, which owns an array of radio telescopes.

We are continuing to grow and broaden this sector through our support of dark sky tourism activities in Tasmania, and capitalising on our clear, dark skies. I have previously reflected in this Chamber about my experience on Flinders Island and seeing that incredible Milky Way which looked and felt like it was so close you could touch it. What an incredible

experience that is for visitors from our northern hemisphere to see that beautiful array in stargazing.

We know that there is an opportunity to support dark sky tourism, and we see it also as a beautiful clean, green approach to attracting a whole new cohort of people and scientists and visitors to our beautiful island state to see the dreamy beauty of our natural world.

NOCTURNA, which is a highlight of the Beaker Street Festival, commences tomorrow until midday this Sunday. It includes a dark sky dinner, dark sky retreat and nocturnal events held at Spring Bay Distillery.

NOCTURNA - the name conveys the darkness and the beauty of our skies, and what we are trying to achieve here - and that is engagement: engagement with our natural world and engagement with the scientists. These incredible women who have put this festival together are able to articulate that. These events aim to attract locals and tourists alike, interested in space, astronomy and stargazing. It is well underway and growing beautifully. While most events are sold out - which signifies the popularity of this festival and our dark skies - I understand day passes are still available for Saturday, and I encourage everybody to go and have a look.

As an aside and anecdote, I recently had the once-in-a-lifetime experience of travelling overseas to the Mojave Desert and the Joshua Tree National Park, which is the most remarkable national park in the USA, to see the natural sciences and to do some stargazing there, and see how other national parks and other countries do this sort of thing. They have this lovely phrase which I will finish up with - they say 'Half the park is after dark'.

Local Government Reform

[5.37 p.m.]

Mr WINTER (Franklin) - Mr Speaker, amongst all of the resets of the minority Liberal Government over the break, one of the resets that we have not spoken about enough this week has been local government reform - or the lack of it. The Premier spoke in this place not that long ago and told Labor that we did not have the stomach for reform. Well, Labor governments in the past have their own record and we stand very strongly behind our history of reform.

What this Government has done with local government is continue to attempt reform and not achieve anything at all. I did some research into the background of the Liberal Government's attempt at local governments reform since it started almost 10 years ago. It reminded me of when then Minister for Local Government, Mr Gutwein, stated on 29 November 2014 that the Liberal Government had begun formal discussions with councils about voluntary amalgamations.

That was on 29 November 2014, when he wrote to all 29 mayors to invite them along with their deputy mayors and general managers to regional meetings to discuss amalgamation. That was 2014 - remember that?

On 25 March - six months later - he said in a media release that the Hodgman Liberal Government welcomes early indications that most of Tasmania's 29 councils are interested in modelling either voluntary amalgamation or strategic resource-sharing.

That did not last long unfortunately, and that process led to Tasmania having the grand total of 29 councils - the same number as we started with. He then said that there would be a new code of conduct for local government for councillors. In the years after that, the Tasmanian local government sector had immense challenges with the code of conduct for councillors. We saw some of the most ridiculous code of conduct decisions, where councillors in the Huon Valley were reprimanded for the use of mints.

We saw some of the most ridiculous decisions in the Sorell Council. We saw ridiculous decisions in the Hobart City Council, where the code of conduct was used as a weapon instead of something to protect councillors from decisions or behaviours that were unacceptable.

The Treasurer, on 20 February 2017, stated in the state of the state Address that the water and sewerage sector had reached a crisis point and the state Government was no longer prepared to stand by and let this situation continue. He said all options were on the table. He then announced, on 1 March 2017, the release of a feasibility study into local government reform options for the Greater Hobart area, something that is still on the table today. Nothing happened with that either.

The then minister, Mr Gutwein, said on 6 April 2017 that the Hodgman government welcomed the announcement that the West Tamar and George Town councils were discussing a potential merger. That did not happen either.

On 8 August 2017, the Hodgman government introduced legislation into the Tasmanian parliament to enable the state Government to take ownership of TasWater. I remember the member for Clark was dead against that at the time, and quite rightly so. Local government was aghast and the Tasmanian people were aghast at a forced takeover of a local government asset. Lo and behold, rather than being the reformers they claimed to be, they rolled over on that reform as well and entered into an MOU. All that did was perpetuate a 3.5 per cent increase in water and sewerage bills for Tasmanians for the next 10 years.

Since then, the Premier, Mr Rockliff, has stood up in this place and said that he is committed to reform and that Labor does not have the stomach for it. He calls himself a reformer. Well, over the break he has walked slowly away from one of his signature reforms because of the instability in his party. They forced him, through the Dorset branch, to pull out of the local government reform that he said was so important for the state. There is no forced amalgamations because of the work of the Labor Party, because of the work of the local government sector, and because of the instability within the Liberal Party. That is why there is no reform, just like there has been none throughout this Government's history.

This Government has not a single economic reform to its name in almost 10 years. That is their record, that is their history and that is why I suspect we are looking at a 0.3 per cent negative growth in the Tasmanian economy for this financial year, according to Access Economics. No reform, no plan, no idea, and nothing speaks more to it than their lack of reform through the local government process.

Local government is a critical part of Tasmania's governance framework. We have fantastic people working there, both elected members and the staff who work in local government. They do not deserve to be treated the way they have been by this Government over 10 years. This Premier and Government owes them an apology for the way they have treated local government over a long period: through their forced amalgamation attempt,

through the failed TasWater attempts and through the failed voluntary amalgamation attempts that they tried in places like Tasman, Sorell, George Town and West Tamar, where it has not worked because Tasmanians understand the importance of having viable councils that represent their local people really well.

Tasmania Labor wants to work with local government. My colleague, Luke Edmunds, our shadow minister for education, is already working strongly with our local government mayors and general managers to make sure that Tasmanian Labor can help to grow and make sure that local government continues to be a vital and important part of Tasmania's future.

Make-A-Wish Gala Fundraiser

[5.44 p.m.]

Mr YOUNG (Franklin) - Mr Speaker, I rise to thank the wonderful and dedicated team at Make-A-Wish Tasmania. First and foremost, I send a heartfelt shout-out to each member of the team for turning the recent gala fundraising ball into a grand success. I had the privilege of attending and witnessing the magic you all weave first hand. The evening radiated beauty, showcased unyielding dedication from all of you and provided a platform for profoundly inspiring stories of many children and families. The event was not just another elegant gathering. It became a vivid testament to the life-changing impact Make-A-Wish Tasmania has had on numerous lives.

Right from the first step inside the venue it was crystal-clear how much effort, love, creativity and hard work went into the meticulous planning and execution of each element of the event. The ambience was electrifying, the lighting set the mood perfectly and the performances were spellbinding. Each detail spoke volumes about the commitment to the cause. Events like this gala ball serve as strong reminders of what a community can achieve when united by heartfelt purpose. Beyond the grandeur and the aesthetic appeal, the evening's true essence lay in the genuine heart-touching stories of hope, resilience and joy. Listening to tales of wishes being granted; children's dreams being realised and moments of unparalleled happiness genuinely warmed the heart.

Make-A-Wish Tasmania is not just about granting wishes, though. It is a lifeline of hope for many during challenging times. Their unwavering commitment shines through and for this monumental service, they deserve every bit of praise and then some more. Every wish that is brought to life creates waves of positivity. It is not just the child who benefits but their families, friends and even strangers who hear these tales. The ripple effect of each act of kindness and each wish granted extends much further than we can see.

The ball was a magnificent representation of all these ripples, converging into a tidal wave of love, positivity and compassion. Year after year, Make-A-Wish Tasmania raises the bar even higher, reaching out and making a tangible difference in more lives. Their endeavours truly make our world a more hopeful and brighter place. Having been part of such an extraordinary event that celebrated your myriad of accomplishments, I feel a deep sense of pride and gratitude. I cannot emphasise enough how thankful I am to all of you. Your relentless efforts, the energy you invest, the challenges you overcome and the unapparelled love and care you show to each child are genuinely commendable. Transforming dreams into reality is not a walk in the park but every single one of the team demonstrates immense passion, dedication, resilience and love.

To experience the gala ball was enlightening and deeply moving. It served as more than just an evening of entertainment; it was an immersive lesson in the transformative power of dreams, the anchoring strength of hope and the boundless joy of selfless giving. It was a poignant reminder of the sheer goodness that organisations like Make-A-Wish Tasmania infuse in our world. I hope that they accept my sincere congratulations on the phenomenally successful gala ball and, as Make-A-Wish forges ahead, I am filled with anticipation to witness what happens next year. Once again, congratulations and thank you to all the team at Make-A-Wish Tasmania. You continue to light up the world with your work.

North East Animal Sanctuary Tasmania

[5.47 p.m.]

Mr WOOD (Bass) -Mr Speaker, in my travels around the north-east of the state in my electorate of Bass, I never cease to be impressed at the number of small groups, businesses and volunteers who are thriving in their local areas and striving to make a difference where they live, whether it is the warm and welcoming staff at the Gladstone General Store, the volunteers running and constantly improving the Legerwood World War I memorial site, or the local ladies who campaigned for years to get town water into Pioneer.

It is one of the great pleasures in my role that I get to meet all these terrific people around my electorate. You can be sure that there will be people there working in the interests of their surrounding neighbourhood.

The organisation in this area that I would like to draw particular attention to today is the North East Animal Sanctuary Tasmania (NEAST), based out of Herrick. This small non-profit registered charity was formed when its founders recognised an animal welfare gap in the north-east corner of our state. This organisation provides a safe haven for abandoned, uncared-for and stray domestic animals in need of rescue, help and rehoming. It is a no-kill sanctuary with a strict desexing policy that is dedicated to finding the right homes for animals in their care. They take on whatever domestic animals are in need and all their animals receive an abundance of TLC, including health checks, vaccinations; microchipping, neutering, spaying, flea and worm treatments; and placement with foster families wherever possible while they await their permanent homes.

Often animals they take on require extensive veterinary treatment, and retraining and socialising to overcome trauma they may have been subjected to. NEAST also works to educate owners and potential owners on animal health and maintenance to break the cycle of unwanted litters in cats and dogs. As a side note and related to this cause, it is safe to say that everyone in this Chamber would be aware of the huge problem of unwanted feral cats, not only in this state but across all parts of Australia. The threat that feral cats pose to native wildlife is enormous and across Australia, it is currently estimated that there are between 5 million and 18 million.

Cats can start reproducing as young as four months of age and can reproduce for all their adult life. Females produce up to three litters a year and their high reproduction ability keeps feral populations growing. They are expert hunters and they pose a threat to the survival of some native species including small mammals, birds and reptiles. They have been implicated in the extinction of some Australian native animals and have been a contributing factor in the failure of some endangered species. I do not have Tasmanian data to hand today, but on the

mainland, they are identified as a possible threat to 35 species of birds, 36 mammals, seven reptiles and three amphibians. There is no indication that a comparative situation does not exist here.

Feral cats pose a health risk to humans, livestock and native animals as carriers of diseases such as toxoplasmosis. Cat-related toxoplasmosis can cause miscarriage and congenital birth defects in humans and other animals, and can be contracted by contact with contaminated soil. Alarmingly, feral cats also represent a high-risk reservoir of exotic diseases such as rabies if an outbreak were to occur in Australia. Thus, you can see the value of desexing pets.

NEAST accepts unwanted domestic animals from local councils and the public. It has them desexed, vaccinated and microchipped, and then rehomed back into the community. NEAST is a relatively young sanctuary and it only has a few staff members, but they are passionate and the organisation is slowly building and expanding. It has completed a cattery on its rural site, and has purpose-built dog kennels there as well, to expand its ability to assist animals. These kennels are still a backup option as it does work to house dogs with foster carers whenever possible.

One of its concerns is the number of cats it currently has in the cattery. While I am not much of a cat man myself, even I can vouch for the fact that they are all pretty cute. The day I visited on the site, it was all I could do to keep my electorate officer from cramming a couple in the car with us to take them home.

Its major concern though is that, being a small charity, it gets some sponsorship from animal food suppliers but it is always in need of more help, both with donations and sponsorship. When I visited the site, I was blown away by the generosity of my electorate. In the weeks preceding the trip and following the callout, I was able to take a car filled to the brim with blankets and bedding, cat and dog toys, pet food and even some treats for the humans. A big thankyou, Mr Speaker, to you and your office for your substantial contribution also.

They are always on the hunt for assistance, so if you can offer sponsorship or a one-off donation for food and essential supplies to ensure their funds go further to help animals in need, I would encourage it. If you know anyone up that way who could volunteer their time, tools or expertise, please get in touch. If you are looking to adopt a dog or a cat, bear them in mind and reach out. Not yet ready or able to adopt at this time? Perhaps you could consider being a foster parent to the cats or dogs. This can be a wonderful alternative for short- or long-term care; maybe you have a spare weekend where you can give a long-term carer a little holiday. Maybe you feel able to help an animal recover after surgery.

NEAST is doing an amazing job with the meagre resources it has as it continues to save lives and improve the quality of life for animals in need of a helping hand. The group is on Facebook and is indeed a very worthy cause.

Energy Rebates

Energy Supply

[5.55 p.m.]

Mr BARNETT (Lyons - Minister for Energy and Renewables) - Mr Speaker, I am very pleased to speak tonight because today is the day when the rebates are flowing to six out of 10 households in Tasmania. This is good news - the \$250 this year and \$250 next year for Tasmanian households, so \$125 this quarter and then next April, another quarter, \$125 and so on.

This is because we have a record targeted approach to support Tasmanians to address the cost of living. In addition to that, the Premier has outlined the Tasmania First Energy Guarantee. When Hydro makes money, Tasmanians will save money, backed in with the concessions and support that we are providing, which is real support. It is not fake support, which, sadly, state Labor have been promoting and pushing this past week, and shame on them.

Tasmania recently hosted the Energy and Climate Change Ministerial Council meeting in Devonport on 7 July. I am very pleased and proud to host that on behalf of the state of Tasmania and on behalf of my colleague Roger Jaensch, who unfortunately was in the education ministerial council meeting and could not be there. It was a great opportunity to showcase Tasmania's nation-leading record on energy and climate goals, including the fact that we are the first Australian jurisdiction to achieve zero net emissions in nine out of the last nine years, and of course being 100 per cent fully self-sufficient in renewable energy and legislated to head to 200 per cent by 2040, capitalising on our world-class wind resource and reliable hydroelectric system. We have legislated the target to be below zero net emissions by 2030.

The bottom line is that we do need more energy; we need energy supply. In short, more electricity means more jobs. One of the biggest economic opportunities lies in the development of our renewable energy economy - an economy that will support new investment in Tasmania, create new industries and build new career pathways and jobs for future generations of Tasmanians.

I will come in right here and now and say that we are for growth; we are for growing our renewable energy prospects, whereas state Labor have a plan to kill it off with a price cap. The price cap is a flawed, uncoded unbudgeted proposal from state Labor. It will kill off the incentive to build new supply - and that is what we need. We need Marinus Link, we need new supply in this state; that was made clear by the Premier today and me. I am making it clear again tonight that state Labor, with their plans for a price cap on Tasmanian electricity prices, will kill the opportunity to increase supply and put long-term downward pressure on our power prices.

It is either grow the economy or restrict the economy under state Labor. Of course, they have a track record of a 65 per cent increase in electricity prices and of having a recession when they were in government and 10 000 jobs were lost. That is the same old Labor, Labor-Greens approach and the price cap is flawed, uncoded and unbudgeted; it will put retailers out of work and out of business, and it will stop the increase of supply.

What this state needs is an increase in supply of electricity for business to grow. We have a growing economy, growing population; we have plans for Marinus Link and state Labor

still has no position on Marinus Link. I said earlier today they were on that barbed-wire fence and very uncomfortable for state Labor, so let us see what they say in response.

We have a plan for power; we have a power plan, and they have a power struggle over there. They are having an internal civil war in terms of the leadership, with Mr O'Byrne wanting to move into the leader's position and it is either Ms White or Mr O'Byrne - who is it going to be? We will know more next week.

I know the pain and suffering is coming and it is growing for state Labor. With the Energy and Climate Change Ministerial Council meeting in Devonport, thank you to the mayor, Alison Jarman, for the wonderful welcome at the Paranal Centre and I acknowledge all the windfarm and hydrogen proponents, renewable energy advocates and businesses who are there, West Coast Renewables, Equis, TasRecks, Aison, Abel Energy, Ignacio, Hernandez of HIF Global and many others. It was absolutely terrific.

We met other local businesses that are benefiting from our renewable energy future and our plans to grow the economy, make more jobs, improve energy security and put downward pressure on prices. It was absolutely terrific and I am very pleased and proud on behalf of that renewable energy sector in Tasmania.

We have the plan. It is the Tasmanian Renewable Energy Target, the renewable energy zones and the renewable energy coordination phone back. We have a plan to grow our renewable energy supply. It is working. There is more to do and we will continue to do that.

Marinus Link is part of that plan and it is gobsmackingly embarrassing for a major political party in this state not to have a view on the most significant, largest infrastructure development in Tasmanian history ever. For the Leader of the Opposition and my counterpart not to have a view - they sat mute all week and could not express a view - it is a great shame. I call them to account. It is time to come forward and express a view because we have a plan for power in this state. Sadly, for the state Opposition, they have a plan which is one of division within their own party. They need to get their act together.

Energy Crisis

[6.01 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Deputy Speaker, I rise tonight to share my view, and it is not just my view, it is the view of the TCCI that after 10 years what this Government has delivered is an energy crisis.

The minister for Energy just waffled on for seven minutes and failed to acknowledge the concerns that businesses have been raising with him for quite a long time now. They look back at this official communique from 1 March 2023 from the TCCI Industry Summit where it says:

It was noted that the Tasmanian long-term energy security needs to be addressed and that there is not sufficient energy generation capacity to meet Tasmania's needs into the future.

What we also know is there is not sufficient energy to meet Tasmania's needs today and we know that because major industrial customers are speaking out publicly. This is a

remarkable circumstance where the Boyer mill in my electorate - in the minister for Energy's electorate - has told *The Australian* newspaper, has told the Tasmanian community that they need 50 megawatts more of power to decarbonise to move away from burning fossil fuels so that they can continue to run their boilers. They cannot get one not unless they build their own windfarm or import some energy from the mainland because there is none in Tasmania.

This is a minister who has had 10 years and what he has delivered is an energy crisis, a failure for Tasmanians who are struggling with the cost of living because this minister broke his promise - a promise that is still on the Government's website that says that they would cap power prices if there was market vitality.

Guess what? There is. Power prices are skyrocketing. What has this Government done? It has not capped power prices. It broke its promise. Do you know what? When the minister says that there are concerns about energy policy restricting the economy, that is his own policy that is restricting the economy. The only political party that businesses in Tasmania are worried about is the Liberal Party. They are very worried about their decisions that this Liberal Government is making when it comes to energy policy. They put all their eggs in one basket called Marinus.

That letter that was sent, signed by stealth by the Acting Premier while the actual Premier was absent, co-signed by the Energy minister says:

... that we are concerned that the project -

This is Marinus Link, Mr Deputy Speaker:

may not remain in the long-term interest of Tasmanian consumers or the state and, as such, the Tasmanian Government is not in a position to continue to take this project forward.

The minister for Energy needs to be clear about whether he supports Marinus. He says that he does, on the one hand but what he writes to the Prime Minister and the federal minister for Energy sounds very different to me. He talks about the risks associated with Marinus Link and the fact that they might not be able to effectively manage within the fiscal constraints of the Tasmanian Budget.

What other major infrastructure projects might be pushed aside because they cannot be managed within the constraints of the Tasmanian Budget? This is a Government that, after 10 years, has plunged the State Budget into record debt and deficit. That is the consequence of the failure of this Government to really understand the responsibilities they have as a Government of this state to look after people to manage the Budget responsibly. They fail to do that. They fail to deliver affordable, reliable, clean energy. Businesses in Tasmania today are raising concerns with us because they cannot access energy. That is a handbrake on jobs. It is a handbrake on our economy. Boyer Mill and other major energy users in this state have explained their concerns to us and to the public. The TCCI has said that we are in an energy crisis.

This official communique from 1 March 2023 goes on to say that:

[The Tasmanian Industry Summit] agreed that 'dramatic increases in energy pricing were a major challenge for all businesses in Tasmania', calling on the State Government to 'take actions to minimise the impacts.'

They went on to say that:

The Government should try to deal with energy price rises. They could include a temporary price cap being placed on electricity or further rebates from State owned generators.

Price cap, where have I heard that before? That is right. It is a Labor Party policy. It used to be a Liberal Party policy. Not anymore. They have abandoned business, they have abandoned households, and they are not responding to the cost-of-living pressures facing customers in Tasmania. Now they are restricting the economy through their own failure over the last 10 years to take meaningful action to implement good energy policy because they put all their eggs in one basket - the Marinus basket. Even now, after writing that letter to the Prime Minister, saying they are going to walk away, they are pretending that everything is fine.

I will not be able to continue talking much longer because my voice is leaving me but I wanted to put that on the record today, after the minister got to his feet just now. The only political party in this state that is restricting the economy is the Liberal Government. Their policy failures on energy have been called 'an energy crisis' by the TCCI. The Boyer Mill, a major employer in our state, has said that it is restricting its ability to grow. Other major businesses are saying the same. We know how much households are hurting from price increases on their energy bills.

That is the state of our energy system under this Government and this Energy minister.

The House adjourned at 6.08 p.m.