

**Thursday 1 July 2010 - Estimates Committee B (D. O'Byrne) - Part 2**

**Mrs TAYLOR** - This is kind of Parks and Wildlife and kind of not - my question is about Wellington Park and the park trust. As you are aware, it is not State owned, it is actually owned collectively by four municipal councils I think - Glenorchy, Hobart, Kingborough and I think Huon has a share, has some land also in Wellington Park.

**Mr O'BYRNE** - In terms of the management it is predominantly Hobart and Glenorchy.

**Mrs TAYLOR** - True. The costs of running the trust are certainly shared but I know that Parks and Wildlife have some part in that certainly in terms of grant funding. Last year you contributed some funds for bike trails and whatever, which is very very welcome, thank you very much, and that is continuing in this budget I see - the second half of that - but you have also done some management stuff. I know for instance there has been some work done by Parks at Collinsvale Myrtle Forest. Is there actually a formal relationship with Wellington Trust? The last Wellington Trust plan was 2005 but in light of the fact that that development has now been allowed at The Springs and there is continuing talk of a cable car which I imagine would be a State issue as well as a -

**Mr O'BYRNE** - Plan?

**Mrs TAYLOR** - Yes. Have you any light to throw on any of that - where Wellington Park is going or what your relationship is?

**Mr O'BYRNE** - The State and I, as the minister representing the Crown in this instance, appoint members to the Wellington Park Management Trust and again there are standing representatives from the Hobart City Council, Glenorchy City Council and also from Southern Water.

**Mrs TAYLOR** - Absolutely. It is a big water catchment area.

**Mr O'BYRNE** - Mount Wellington is an asset for the Hobart and the greater Hobart southern area and Tasmania more broadly. In terms of the specific questions I might ask Peter to make some comments. I know in terms of the relationship with Government, we appoint and we obviously then have legislated their activities in a sort of statutory sense but they do tend to manage themselves.

**Mrs TAYLOR** - Road access or access generally, I suppose, to the top of the mountain is an issue which is broader than -

**Mr O'BYRNE** - Again, depending on the municipal areas about where the work starts and stops.

**Mr MOONEY** - We have a memorandum of understanding with the trust so it is between the Parks and Wildlife Service and Mount Wellington Trust. Mount Wellington Trust actually has five councils as far as leadership goes.

**Mrs TAYLOR** - Five? Derwent Valley as well, then.

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**Mr MOONEY** - It is an ongoing process. Basically I suppose it is really sharing resources and skills and knowledge. Up until just recently we actually housed the management trust compliance officer so they lived in our offices and used one of our vehicles and we had a shared relationship there. However, currently that position is not housing with us, it is being housed by the Hobart City Council so the arrangements that we have are all quite fluid.

**Mr O'BYRNE** - It is cooperative as well.

**Mr MOONEY** - Yes, extremely cooperative, and it is fair to say that, because it is multi-tenureship, our first priority is actually the users - that there is consistency and that when people go to Mount Wellington they do not get told different stories by different authorities and that is probably the biggest outcome.

Also it is a very important water catchment for Hobart and we all have to make sure that it is managed with that in mind and that is a very important feature of all the management. There are little projects that we do. We get little grants at times from different bodies to perform track work or put in a picnic shelter or toilet facility and it is a cooperative arrangement that is ongoing. It is very good.

**Mrs TAYLOR** - There is no ongoing budget or recurring budget within Parks for Wellington Management Trust? It is project by project only?

**Mr MOONEY** - We have provided some funding each year but it is only a nominal amount. Each council puts in funding to the trust.

**Mrs TAYLOR** - Yes I understand that.

**Mr MOONEY** - We put in our share but obviously each of the other councils put in their share as well.

**Mrs TAYLOR** - Can I ask you what the nominal amount is?

**Mr MOONEY** - No, I would have to get that for you.

**Mr O'BYRNE** - We provide \$110 000 per year as a standing nominal amount to the trust for its activities.

**Mr GAFFNEY** - Could I have an update on the progress of the draft management plan for the Arthur-Pieman Conservation Area?

**Mr O'BYRNE** - As you would be aware, a report by National Parks on the management of the Arthur-Pieman Conservation Area was circulated in the community in April. There was a fair bit of community discussion about it and to make sure that we did that formal consultation appropriately and there was enough time for people to comment I extended the cut-off for contributions until 4 June. That is closed.

We received over 1 700 submissions. Some of them are formal but not all of them so there is a significant amount of community interest in the management of this area. The Government's response is that we are sitting down with a range of stakeholders that have an interest in that area. There are obviously the user groups; there is the indigenous community; and the conservation

groups that are interested in the area. We are sitting down and running a parallel consultation process with the identified stakeholder to using the Parks and Wildlife report as the base document to start discussion on. We are not going to force a decision until I am satisfied, in terms of the management of area, that we have worked through and found consensus from as many of the points of contention as we can.

I have already been up to the Arthur-Pieman area. I was taken to the Arthur River and it is an amazing part of Tasmania. It is a precious place and it provides a whole lot of opportunities for Tasmania, moving forward. But, again, as people may recognise, there is a lot of contest about how best to use it and how best to conserve and utilise that area sustainably. When I was up in the Arthur-Pieman area I sat down with some user groups for a couple hours and we spoke about their generational contact to the land and their current experience and their views. There is a lot of goodwill around how best to move forward. So there was a community group that was established that was headed by a former MLC, Tony Fletcher. So we have been having some discussions with that user group about how best to move forward. I will be up there Sunday week or in a couple of weeks to sit down with Parks and the representatives of the user groups to talk about some of the issues they have with the report.

I am also having discussions with the Aboriginal community and I am also having discussions with conservations groups about seeing if we can essentially reduce the points of light or the points of difference on the report because we have to get it right and we are focused on building consensus about an outcome.

So I cannot give you a date to when we make a decision but I am hopeful that we can get a consensus decision from all the competing groups and we acknowledge it is going to be difficult but that is our aim, that we are going to work with the local community and hopefully have a result by the end of the year. I know this has been going on for a decade at least. But, given the goodwill around the table and the organised voice of the off-roader user groups and some of the families that have had traditional access to that area, I am really hopeful, given the conversations that I have had, that we will reduce the points of differences between the report and what we do moving forward.

**Mr FINCH** - I am wondering about accidents involving visitors. You have mentioned the car accident the other day. In Parks generally, what is the occurrence - any difference, any fluctuation or rise for them?

**Mr O'BYRNE** - No.

**Mr MOONEY** - We can only report on what reported to us and it is fair to say that the number of incidences involving visitors with injury has been relatively stable over the years. When I say reports, there are probably half a dozen reports we get but some of them may involve litigation. I suppose it is a bit difficult to talk about them, beyond that. But if you are asking the type of injury, they are not major. They are sprains, strains, the sort of things you would expect someone to have when they go bush, basically.

**Mr FINCH** - Has there been any call on compensation from Parks and Wildlife through that litigation? Has any litigation been successful?

**Mr MOONEY** - We do have a number of litigation cases on our books at any one time.

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**Mr FINCH** - Are they big amounts? Have we paid out big amounts in the past to any insurance company?

**Mr MOONEY** - No, I cannot talk about that.

**Mr FINCH** - But you can talk about stuff from the past though, can't you, not stuff that is on the books now but how have we travelled in the past? Have we had big claims on the insurance companies or whoever we get our insurance or cover from?

**Mr MOONEY** - We are self-insured through the TRMF program but, as you can imagine, a litigation case can be a very complicated article to deal with and we use DPP as our main support process and the legal advice and how we go through that. There have been some cases but I cannot really comment on them now.

**Mr O'BYRNE** - Because some of them are obviously settlements and therefore we are not at liberty to let people know. What we can do though, I can investigate to give you some broad figures. Obviously, I cannot give you specifics because some of them are confidential but I can undertake to get some further information from the department in confidence. We can globalise the figures so you cannot identify individuals.

**Mr FINCH** - I would like to have some because that does not figure anywhere in the Budget.

**Mr O'BYRNE** - There is no consideration of it. I think the approach from Treasury is, 'When they are raised, we will find the funds to resolve it if we have to'.

[1.45 p.m.]

**CHAIR** - Minister, can I inform you that the committee is able to take information in confidence in committee.

**Mr O'BYRNE** - But if there is an agreement between the Crown and a member of the community which is the subject of a confidentiality agreement I will not breach that agreement. There are some figures that we can give you.

**CHAIR** - I understand that; I was just making the point that the committee has the ability and capacity to take information in confidence.

**Mr FINCH** - Is the minister aware of that insurance situation in New Zealand which limits liability for visitors who are involved in potentially dangerous pursuits?

**Mr MOONEY** - We are conscious of that. It is an issue that has been brought up by the tourism industry, especially the ecotourism industry in Australia. It is a topical subject that gets raised every year in forums and seminars. However, it is not in place in Australia. In New Zealand it does have its benefits and disadvantages at times. They have an awful lot of claims but no claim can be above a certain ceiling. They have far more claims per walker than we have, for example, in Australia. I cannot really comment on the appropriateness of it.

**Mr FINCH** - On the other point that I raised before about complaints about the bus service in Cradle Mountain, I am told that there were 12 people on a bus who were complaining. I did ask if a complaint was made to any ranger and he said, 'Well, I was up there for three days and did not see a ranger'.

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**Mr MOONEY** - We will follow it up . We will get back to you. I believe that it is to do with the Cradle Lodge site. That is where the people would have been residing, from what I found out over lunchtime.

**Mr O'BYRNE** - The approach that we are taking with traffic management and getting in and out is that we are trialling an approach and we are hopefully going to get some good information and feedback.

**Mr FINCH** - That is what I am getting at. If you are trialling it, I understand that, but if you are saying, Mr Mooney, 'No, it was not about Parks people or our rangers', then it does not filter back up to you. Well, that is why I am putting it forward to you now.

**Mr MOONEY** - For sure, we will follow it through. I believe that it is to do with the Cradle Mountain Lodge. We will find out this afternoon.

**Mr O'BYRNE** - I will undertake to get back to Mr Finch.

**Mr DEAN** - Regarding the front-line service changes that are occurring with the budget and the extra staff, where are those staff likely to go? Has that been identified as yet and if so, what areas?

**Mr O'BYRNE** - Yes, that has been. There are two waves of new employees. The first wave was part of \$2.5 million that was committed in the last Budget, late last year. The new employees will begin their duties in June of this year and there will be positions located at St Helens, Mount Field, Freycinet, Tasman Peninsula, Huonville, Lake St Clair, Cradle Mountain, Scottsdale, Ulverstone, Strahan and Arthur River.

**CHAIR** - Will they all be advertised in the regional papers?

**Mr O'BYRNE** - That is the first round.

**Mr MOONEY** - They have all been selected and they are due to start next month and this month.

**Mr O'BYRNE** - It will be standard government policy to advertise in the *Gazette* and that sort of thing.

**Mr MOONEY** - The first lot has been done and the second lot is about to go out and be advertised.

**Mr DEAN** - How many will be in the second lot?

**Mr MOONEY** - We are not quite sure yet. We are still trying to work out all the operational costs attached to each position. Sometimes operational costs are a lot larger in remoter locations. It is fair to say it is the margin between 17 and 22.

**Mr O'BYRNE** - For example, in the Bay of Fires and Mount William national parks there will three front-line positions established. There will be in the Marine Protected Area a dedicated marine management officer. That may be a reallocation of existing staff. We are working

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through that. There are some specialist compliance field staff for compliance management. There will be 10 new front-line field staff to assist in the ongoing work of infrastructure management programs and in managing the conservation areas out of the Crown Land project. There is a whole range of things such as Aboriginal Heritage management. As Peter said, it will be between 17 to 22.

**Mr MOONEY** - The other important feature is that we are continuing the trainee program and we will have a trainee program and a graduate trainee program. It is fair to say that we are one the few government departments that honour that and we have been doing that for at least the last six years - and we will continue to do that.

*Laughter.*

**Mr O'BYRNE** - We will have to have chat about that, Peter.

*Laughter.*

**Mr MOONEY** - It is giving young people a go to enter the work force.

**Mr O'BYRNE** - That is true.

**Mr DEAN** - Yes, that is good. My other question is on the bushfire preparedness initiatives. I guess some of the new initiatives came out of the Victorian Bushfires Royal Commission; what is its impact on your area how are we coming to terms with some of those initiatives and what you are doing, and what are the costs incurred?

**Mr O'BYRNE** - In December of last year we dedicated additional funds to strengthen the service's response capability and these funds will be used to employ seasonal firefighters to supplement the permanent fire crew and other field staff who constitute the Parks fighting force. We will continue a program of fuel reduction burning and that was obviously touched on in the royal commission report in Victoria. Essentially, the objectives of that are to improve the protection and make it safer for our firefighters if indeed an incident occur.

To achieve the objectives that we need to achieve in the parks, in 2007 an amount of \$2.1 million over four years was committed to the Parks budget specifically for fuel reduction burning, so there are some existing funds there that the additional funds complement and, as I said, there is a whole range of initiatives. Basically, that means the overall management in terms of burn-offs and the prioritisation that Parks do to say that we need to go through these areas on a rotating basis but getting more staff on the ground in those areas at peak times where we think there is a real danger.

**CHAIR** - Minister, before we leave this particular output group, I want to also try to persuade you to come and visit the Mount William National Park.

**Mr O'BYRNE** - Absolutely. I am keen to get around as many parks as I possibly can and I think that there are a number of wonderful opportunities that present themselves in that north-east corner of Tasmania.

**CHAIR** - It has been fairly unloved for quite some time, I think it would be fair to say, so let me know when you are coming through.

**Mr O'BYRNE** - Absolutely.

**Mr FINCH** - When I was talking to the Parks people I found the morale quite low and they were getting quite depressed about the running-down of the budget all the time and the job losses.

**Mr O'BYRNE** - We understand.

**CHAIR** - We cannot identify any of those who spoke with us.

*Laughter.*

**Mr FINCH** - Thanks for the inside information, Peter.

*Laughter.*

**Mr O'BYRNE** - Again, the \$2.4 million late last year was welcome and the \$4 million this year is magnificent, it really is.

**CHAIR** - It is well-supported and it was lobbied hard by honourable members in this House, I can assure you.

**Mr O'BYRNE** - We got it in the end, good work.

**Mr GAFFNEY** - I was wondering whether we should have a refresher on the Macquarie Island program and how that is going?

**CHAIR** - It was in the overview.

**Mr GAFFNEY** - It was just a brief overview but how is it progressing? It takes up significant -

**Mr O'BYRNE** - It is the most significant and it is over \$12 million from Tasmania and that is matched \$12.3 million from Tasmania and \$12.3 million from the Federal Government.

It was great, I went to a function to farewell the group. It is amazing when you sit down and listen to some of the things that they will have to do make it a successful project, the logistics of just getting the baits onto the island, because there are a number of phases to it. They had to strap up a number of helicopters in the *Aurora Australis* and get it down there. Fortunately, they were a little bit later out of the Hobart port because by the time they got to Macquarie Island they had this window of perfect weather, so they managed to get all the boats and the equipment off at points around the island in a really good amount of time and saved time at that end.

The first phase will be baiting and it is going to take some time for that really to work through. The next phase will be sending the dogs and sharpshooters down and you could talk for hours about some of the work that they are doing down there. We think that is has got off to a fantastic start and we are hopeful that we will be able to get a great result.

**Mr WING** - Is that in your electorate?

**Mr O'BYRNE** - Yes, it is, as a coincidence.

**Output group 9  
Heritage**

**9.1 Historic heritage services -**

**Mr O'BYRNE** - I welcome Mr Pete Smith from Heritage Tasmania to the table.

**CHAIR** - I know that Mr Finch has a question but I want to ask, Minister, when is the Parliament likely to see the heritage act?

**Mr O'BYRNE** - We have been going through a fairly extensive consultation process which is not finished. I know that this is an act that has had some -

**CHAIR** - It has seen about four ministers out and I hope that it does not see five.

**Mr O'BYRNE** - I join you in that hope. But I can tell you in relation to my discussions so far, we are at a pretty crucial point in terms of the drafting of legislation. In the first round of consultations, because we recognised that local councils and the local government authorities have a key role to play in the future of the heritage legislation, we circulated draft legislation to local councils for comment - but no further than the councils at that stage. We think that was the correct thing to do because they have come back with a whole lot of suggestions, corrections and additions.

**Mr DEAN** - Cost shifting in the main.

**Mr O'BYRNE** - No, I completely disagree.

**CHAIR** - Did they suggest cost shifting?

**Mr O'BYRNE** - In relation to the original draft, the confusion there is with the hierarchy of heritage properties. At the moment there is no hierarchy of properties. Because there is some property which is of international, national, State, regional and local significance, respectively, we want to create that hierarchy. It is not about cost shifting, it essentially is about making sure that we can define what we have. We do have an amazing array of heritage buildings in Tasmania, in fact some of the best in the country. So for the question of legislation it is important to understand that. We have now taken on board comments from the local government area. We will be moving soon to full public consultation with historians and experts in the field to further hone the legislation once we have finalised the feedback from the local councils. We are hopeful that once we go through that public phase we soon have legislation ready.

**Mr FINCH** - I have a couple of questions. I notice one of the roles of the Australia Heritage Services is the promotion of the services that we have in Tasmania. What I would like to ask about is the support that comes to the department in respect of letting visitors and fellow Tasmanians know of what is being concentrated on, what has been developed, what has been saved, what has been restored. Is there any publications that might assist visitors particularly?



**Mr O'BYRNE** - That is a good question. We have been working on that. That falls within the Tourism portfolio as well, which we are working through but I might ask Peter to talk about some of the initiatives that we have taken and some of the work that we have done.

[2.00 p.m.]

**Mr SMITH** - It is a very broad-based question. One of the things that we have done as part of our non-legislative reforms in recent years is to try to gear up more of an emphasis on the recognition, the celebration and promotion of Tasmania's heritage at a range of levels, local, State and national, and potentially world with a World Heritage nomination being considered shortly. Part of the role that we have taken on through our formal processes of our annual reports and, where possible, budget papers and the like, is to highlight case studies of things that are happening to promote the achievements of local government - and there are many things that are happening of that level - to promote the achievements of individual property owners and using materials like Heritage Solutions to highlight what people are doing across the State both with public and private properties, but also more recently, to do things that have received some national acclaim. I will leave some copies here on the table. This is a recent practice that has been developed by the Heritage Council. One of the reasons that this was developed is that we are getting a lot of people asking questions about how sustainability and heritage can work together. We are the first jurisdiction in Australia to develop such a tangible resource that also then relies on what other areas across the globe are doing in relation to this issue.

The recent meeting of heritage chairs and officials received considerable acclaim. Part of the work we are also doing in tourism and other entities is about ensuring that we are better able to market what Tasmania has on offer, broadly in terms of the combination of cultural and natural heritage as part of a new national landscapes initiative with Tourism Australia and Parks Australia and also very much as part of the world heritage experience.

As the minister suggested, the notion of recognising that everything from the local to the international has importance in Tasmania is something we are keen to capitalise on as well. A range of things I think, Minister, are being done to try to address that need.

**Mr O'BYRNE** - With Port Arthur and associated properties Brickenden and Woolmers around Tasmania being potentially listed as a World Heritage area, there is no greater advertisement for that globally because of the significance of those properties.

**Mr FINCH** - If people are googling around and they just want to find out a bit about heritage in Tasmania, is there good access? Do we have a good website that has good information about what is happening from this heritage perspective?

**Mr SMITH** - I think there are a number of things that are happening at the moment. Firstly from a tourism and marketing perspective I think the tourism website, Discover Tasmania, is a key source of information.

We are gearing up our own website in terms of the information that that presents but on a monthly basis we now send out a regular electronic newsletter to keep people informed of events and activities and things that are happening in their local area, especially where there are good news stories with particular heritage places.

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In conjunction with the Commonwealth we have recently created a key heritage portal for information in relation to heritage so there are a number of things that are happening in that regard.

Even with the tourism forum we were involved in last week there was reference to the Old Bailey website that is increasingly being used for people to track down information about their relatives so that people when they come to Tasmania have the opportunity to actually visit sites that their predecessors were previously located at, whether it be Port Arthur, the Female Factory, in Launceston or any other site.

**Mr FINCH** - That is good to hear because it is an aspect of our heritage. As we move into the future it is going to be just such an intrinsic part of who we are, what we do -

**Mr O'BYRNE** - Absolutely.

**Mr FINCH** - and what people are going to come here for to see and to share.

**Mr O'BYRNE** - We will probably talk about that in some groups this afternoon in terms of the arts portfolio. It is a moment in time to really pull together the threads of really what is so special about Tasmania with the potential of the TMAG redevelopment; with the establishment of MONA as a large facility and a mecca in the southern hemisphere for a whole range of art tourists. There is an opportunity to ask what else about Tasmania lines up with that brand and that makes us so special within the global context so absolutely.

**Mr FINCH** - Minister, you alluded to Port Arthur just a moment ago. What influence can you have over the buffer zone around Port Arthur involving the dispute with local council and the residents?

**Mr O'BYRNE** - There have been a couple of issues raised with us by one or two residents in the buffer zone. We have been working with the council to try to resolve that as best we can. Unfortunately with a World Heritage area there are certain requirements made around a buffer zone.

As a minister I have no influence over the World Heritage Committee and their requirements but what we have been doing is sitting down with the council over a number of months and we have resolved a number of issues already. We understand there might be one or two that are outstanding but in some respects it is incongruous to have next to a World Heritage area areas that could be potentially visually logged and those sorts of things so there are requirements that every country has to honour as part of the World Heritage nomination process.

**Mr FINCH** - I know Mr Dean will be keen to talk about Launceston. We have a lot of heritage, of course, which is not recognised and I am thinking about those weatherboard houses in Invermay that were in the 1929 floods. The flood marks are on the walls.

**Mr WING** - Can you send a transcript of what you are saying later and then we'll know what you've been saying.

**Mr O'BYRNE** - The dentist has moved in next door.

**CHAIR** - We are attempting to manage the noise level.

**Mr FINCH** - I am wondering whether there are some plans to maintain that part of our heritage which I suggest will become even more important in the future.

**Mr O'BYRNE** - Through the legislation we will be able to create a hierarchy of heritage to say what are the various levels of significance. Once you establish that hierarchy, you then start to work on prioritisation and plans. It may be in some areas that the façade of the building is considered of heritage value. There is no cost implication with that. There are restrictions on the building owner but there are not costs associated to that. But we can clarify that for you. It may be, as the example in Invermay, that because of the values that are placed on the houses, that the Heritage Council believes that the frontages of the houses cannot be changed. That is a requirement that will have to be applied to building owner. So, again, it is about making sure the streetscapes of Oatlands are respected as well. There is no cost impost necessarily but there are planning laws implications.

**Mr DEAN** - I do not think I have a conflict of interest but you should know that I am the chairperson of the Heritage Advisory Committee, wearing another hat. With regard to the staffing level of the Tasmanian Heritage Council, could I have a breakdown of the staffing level for those who are in the field, doing their field work and assessment work? Is there a breakdown of staff and where they are?

**Mr O'BYRNE** - The Heritage Council do not have staff, Heritage Tasmania does.

**Mr SMITH** - We have four staffing positions based in Launceston and that includes two heritage advisers and two research officers and so they cover the north and north-west. We have two research officers in the south and two heritage advisers and a heritage officer in the south, covering the south. We try not to deal with regional boundaries so much as perceiving that there is a need across Tasmania and we are fairly flexible and responsive in terms of service delivery.

**Mr DEAN** - How many officers are involved in completing the assessments for the listing of heritage buildings?

**Mr SMITH** - There are five individuals directly involved in that process supported by an administrative officer. However, there are a number of other staff that value add to that process. For instance, our architects as heritage advisers are not part of that team, nor is our archaeologist but if those professional staff are required to provide input in terms of the assessment process, they value add to that process.

Rather than focusing on the numbers of people dedicated to that team, we provide a whole-of-service response to the needs of our client<sup>2</sup> and, accordingly, we would then slot in the staff, whether it be myself or another professional, into addressing the need. A lot of the work that we do is in conjunction with local government, such as in Launceston with the current precinct work where 23 specific precincts have been identified out of the Port Davey survey. That is mainly for the urban areas of Launceston and we have been working collaboratively with the Launceston City Council on that process for the last couple of years and most specifically in the last two years.

**Mr DEAN** - That is what I am getting to now, Minister. I understand that as of six weeks ago, there were 1 100-odd buildings identified for assessment as to whether they would be placed

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on the Heritage Register. How far advanced are we with that and are the figures reasonably correct for Launceston? What outstanding assessments do we have in the State, if that is the case?

**Mr O'BYRNE** - I will undertake to get that answer because these are specific questions about numbers and waiting lists. We do not have that level of detail here. If there is a significant wait and that is causing issues, that would be of concern to me as minister and we would work on that.

**Mr DEAN** - If those numbers are outstanding - and that is what I have been told - could this be a matter that is attended to with urgency? Because it is impacting on local government with development applications that are continually coming in relative to buildings that are on a list to be assessed. I can give some good examples if you would need those at some later stage.

**Mr O'BYRNE** - Just quickly, and I know we need to move on, the waiting list in itself is not necessarily the problem; it is the implications of what that waiting list produces. If it is as you say that there are some significant issues being felt in local areas, of course we will look at them.

**Mr DEAN** - If I could ask the one last question and this is a perennial question: We have many heritage buildings out there that are recorded in the State register. They are falling apart and we appear to have little ability to have something done about them. Is there anything being done with a view to addressing those issues?

**Mr O'BYRNE** - I will ask Pete to respond.

**Mr SMITH** - With all due respect to the question, I think it is a very topical question. Our experience is the fact there are very few places where that issue presents itself. There are many thousands of dedicated property owners who are very much out there doing things that we would actively encourage and we provide proactive advice to support that. We also provide grant funding to support that as well.

There are certainly isolated incidents where there are particular issues that have been problematic and you would know of some in Launceston particularly where we have worked very closely in conjunction with the Launceston City Council to achieve resolution. Sometimes that is possible and sometimes it is not. But it does not mean that we should stop trying to chip away at those issues to ensure that there is resolution. But I think we are talking about a minority.

**Mr O'BYRNE** - And we have also under the Urban Renewable and Heritage Fund committed significant millions of dollars to assist in making sure that our National Significance properties such as Runnymede are maintained. But there is a whole range of properties where we have put in millions of dollars to assist in refurbishing and maintenance. We have contributed significant dollars. It is \$6 million in the last year alone.

**Mr GAFFNEY** - What support do we get nationally for our heritage funding?

**Mr O'BYRNE** - Not enough, of course, as a building inspector would say.

**Mr GAFFNEY** - There has to be a good case but I am just wondering because with a national icon of registered buildings and certificate heritage buildings, do we get enough support or is there something that we should do?

**Mr O'BYRNE** - In terms of do we get enough support, as a minister I would say that we never get enough support and we can always do better but in terms of the details I will hand you back to Pete at this stage.

**Mr SMITH** - I think again it is a topical issue. In terms of the COAG agreement on the environment from 1970 as part of the tiered system that the minister was referring to, clearly responsibility for Commonwealth places is with the Commonwealth. What we do have through the national heritage system though is recognition that those sites that are already on the National Heritage List or have the potential to be on the National Heritage List are potentially eligible for funding. As an example of that, as part of the nation building in the Jobs Fund funding released over the last 12 months, there was \$3 million allocated toward heritage-nominated projects in Tasmania and \$1.7 million was allocated to National Trust properties in Tasmania. That is a very significant contribution.

## **9.2 Aboriginal heritage -**

**Mr O'BYRNE** - I would like to welcome to the table Mr Steven Gall.

**Mr GAFFNEY** - The decrease in the money is due to reduced funding out of major projects this year and to the one-off funding under the Tasmanian Aboriginal Heritage Legislation Project. This project seems to have ground to a halt as we have not seen any come across the table. What is the position of that project and when should we get some legislation?

[2.15 p.m.]

**Mr O'BYRNE** - We have been working through and having extensive consultations with the Aboriginal community about how best to construct legislation to enable the community to have confidence that we are able to protect their heritage and to manage it appropriately for development. The dual concerns are primarily the protection of Aboriginal heritage and the management of it but it is also to ensure that there is clarity for developers. The public consultation for the new legislation did begin some time ago, back in 2005. From the beginning, as I have said, we recognised the importance of having appropriate levels of consultation.

Whilst there has been a bit of a gap in time between the last round of public consultation, I can assure you that we have been working to address the issue. As I said, we have had extensive discussions with the Aboriginal community and key interest groups. In particular, a number of meetings with key members of the Aboriginal community have been held in order to explore outstanding aspects of the project and how we might progress them and that work is ongoing.

It is my intention to take the time required to get this important piece of legislation reformed right. We have given a couple of issues that we have had with some developments recently and our ongoing discussions with both TALSC and TAC. They have identified with us a number of issues that we might contemplate. This base has changed significantly. For many years we were not able to dig test pits, as I have said before. Now we are able to dig test pits in some areas.

So the position of the community has evolved over time and it is important that any legislation that comes in recognises the fact and tries to build consensus about the content of that with the Aboriginal community. Since some recent events around the Brighton bypass issue we have taken a step back with the draft legislation that we had because we have recognised that we need to put in some extra steps and make some changes to that draft legislation. We are in the

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process of doing that now and we are continuing our negotiations and discussions with TALSC and TAC.

**Mr GAFFNEY** - Can you tell me the amount of funding in 2005? It says a one-off funding for that legislation. Look down the tables.

**Mr O'BYRNE** - I can get the 2005 amount but we do not have that here.

**Mr GAFFNEY** - That is when the project started, isn't it?

**Mr O'BYRNE** - The funding was a one-off grant covering a number of financial years. I can get you that.

**Mr GAFFNEY** - My point here is that it looks as there is another \$139 000 for the cut in 2011-12 and on one hand you are saying you have to have further steps to get this legislation and you had so much money to get it in the first place.

**Mr O'BYRNE** - We are not going back to square one. We have done a fair bit of work in progressing it but there are a couple of key issues that have been raised with us to move on and at this stage the money that it is going to take it can be reasonably funded from within the department's budget.

**Mr GAFFNEY** - Acknowledging your comments regarding the Brighton bypass and other issues, the only question here, I would say, is what steps are in place or are you considering so that we do not have as, Mrs Taylor said this morning, a similar situation arising as we have had over the Brighton bypass, say, for other bypasses that may be happening?

**Mr O'BYRNE** - There are two things. Firstly, we are investing significant amounts of dollars into the Aboriginal community to build their skills up and to build up not only their knowledge but their expertise and their ability to assess Aboriginal heritage. Currently that has been provided through the office of Heritage Tasmania and a network of heritage offices. We are assisting them in training packages and skilling up those people to ensure that the TAC and TALSC, particularly TALSC, have absolute confidence in the rigorous assessment of Aboriginal heritage. Secondly, as a part of Brighton, the legislation will no doubt cover responsibilities very early on in developments of getting heritage approvals. We did have some difficulties with Brighton with the community backing away. Sometimes it is not an easy process. Having new legislation and investing in the Aboriginal community with those skills, we think will resolve those issues. I can assure you, the Tasmanian Government does not want to put any section of our community in a position that are in at the moment.

**Mr GAFFNEY** - My last question is going from the big end of the spectrum down to the smaller end where many times developers are asked to have an Aboriginal assessment of the value of the development. It seems to be a fairly expensive exercise and that has been mentioned on a number of occasions. How is the fee structure worked out? Is it worked out by you or is it worked out by the Aboriginal Council?

**Mr GALL** - There is no actual fee structure involved. The system has evolved over the last three years, I guess, with the requirement for a more rigorous assessment process. What became obvious, probably about two years ago, was that the standard of information provided by a heritage officer from the community doing investigations on large-scale projects, although it was

cost-effective, I guess, and which would then form either a permit application or you would need to redevelop or redesign your project, was not of a standard that we could use. So it was recognised that you needed to bring in a specialist.

So archaeology has taken up another role in the State and that has been a contentious issue in itself. They are consultants and so it is a competitive market. We give the best advice we can, which is to shop around. We provide a list of consulting archaeologists who are available to work in the State and hopefully that will drive those costs down.

**Mr O'BYRNE** - It is like with any other assessment when you do a project, you need to get consultants who are experts in the field to make sure you go through the regulatory process. For example, I was down at the Kingston bypass and the Aboriginal heritage officer was there. You were welcomed to the country and he spoke in the palawa language and explained to people about the significance of the landscape of that area and then we spoke with the proponents about how that was being accommodated. So I think there is not necessarily a fee structure, it is capitalism in some respects.

**Mr GAFFNEY** - Minister, would you be able to provide a list of those consultants?

**CHAIR** - A list of consultants that are used.

**Mr O'BYRNE** - Archaeologists or Aboriginal heritage officers?

**Mr GAFFNEY** - The archaeologists.

**Mr GALL** - Yes, they are on our website page. There is a link to the list.

**Mr GAFFNEY** - Thanks.

**Mr WING** - As I mentioned before, Mr Scott Gadd did a report on Aboriginal heritage. I would like to know if that will be made available to us or what has happened to that?

**Mr O'BYRNE** - In Scott Gadd's role as secretary of the department who has coverage over this, there were a number of things that he did in this area as a part of his normal secretarial duties fulfilling the Government's policies. I am not exactly sure. He made some contribution to the drafting of Aboriginal legislation and did some consultation around that, if that is what you are referring to.

**Mr WING** - Yes, it is.

**Mr O'BYRNE** - I am not sure if there is a specific separate report but I will undertake to make some inquiries about that. My view is, it was just a part of his normal duties in consulting around the legislation and maybe the legislation is the report.

**Mr WING** - I see. I did arrange for him to meet with a property owner in the Northern Midlands who had some issue with this in a development that he was undertaking. In addition to your consulting with the Aboriginal community, which is very appropriate, Minister, have you consulted with other people who could be affected by the legislation, such as farmers and property owners?

**Mr O'BYRNE** - I had an initial meeting with the Tasmanian Farmers and Graziers Association and a whole range of issues across my portfolio were canvassed. In terms of the approval process, we will obviously be going through a consultation phase on the Aboriginal legislation. Clearly, the first group and order of priority is the indigenous community. We will talk to them and once we are through that and if we think we have something that is effective and achieves our goals, we will consult wider. But in any legislative process it is important that people who are interested are aware and have an opportunity to have input.

**Mr WING** - Yes, thank you.

**CHAIR** - Thank you, Minister, and thank you, Mr Gall.

### **9.3 Royal Tasmanian Botanical Gardens -**

**Mrs TAYLOR** - The Royal Tasmanian Botanical Gardens are just a fantastic asset for the whole State. It is very interesting to see the explanation in the performance information on table 11.20 for significantly higher numbers in 2007-08 and lower numbers in 2008-09 and the explanation is that we had a very good weather year in 2007-08.

**Mr O'BYRNE** - It is always good in this State.

**Mrs TAYLOR** - Of course - and a very bad weather year of course in 2008-09, which of course is interesting. I have no reason to doubt that that attribution is correct so I am presuming that this year the numbers will probably be better than predicted because it has been such a wonderful summer and autumn.

It has long been and is a very strong belief of mine that the gardens because they are public property and accessible to the entire community without costs should be kept that way. I have no difficulty with special events and charges being made for those. My question is about the staffing. I note that in table 23.1 the decrease in employment costs and whatever reflects a reduction in the expenditure due to the impact of the Government's budget management strategies, which I trust means that there were fewer people employed. So employees numbers went down. Can I ask you in what area and how that will affect the successful continuing maintenance and operation of the gardens?

**Mr O'BYRNE** - In broad terms the botanic gardens as a government entity was not immune to budget management strategies. It occurs across the whole of government as a response to the global financial crisis. The strategies that were put in place to deal with the budget management strategy were the reduction of staffing level by not backfilling vacant positions and also a reduction in, unfortunately, community and school-based education programs and a reduction of weekend and public holiday duties. In some respects there were no sackings or forced redundancies essentially. When people left they were not replaced.

I know there has been a bit of media about the botanic gardens but the funding that we have contributed is significant and it has increased, but obviously not enough. We can never have enough in some of these areas. The State Government absolutely values the Royal Tasmanian Botanical Gardens. Personally, if it is a nice day that is where I take my girls. It is such a wonderful asset to Hobart and to Tasmania. It also plays an important role in conservation and scientific work that is carried out and we acknowledge that costs have risen and visitations have risen.



Like any other areas of government they have to have a strategy and have to plan to move forward and we have finally been able to establish a strategic plan for the future which is called the Botanic Gardens Master Plan. It is a bold one, it is an exciting one and it is an expensive one. What we are doing is sitting down now. I have met a number of times with representatives from the gardens and the board and I am meeting with the full board and meeting with the staff in the coming weeks and months. With the improving financial position of the Tasmanian Government we will hopefully be in a position to assist the gardens in coming years. There is a Federal Government election coming up and there are some great ideas in that master plan so I would seek your support as the Mayor of Glenorchy and as a Hobartian in the broader sense of the word -

**Mrs TAYLOR** - Greater Hobartian.

**Mr O'BYRNE** - to lobby the Federal Government for some funds to put into the gardens. The net result in terms of bottom-line funding from the State Government is an improve..

[2.30 p.m.]

**Mrs TAYLOR** - We have heard around this table a number of times over the last few days that the improving financial situation of the State has meant that numbers that were cut 12 months ago are being restored.

**Mr O'BYRNE** - Absolutely.

**Mrs TAYLOR** - I am presuming that is so for the gardens as well.

**Mr O'BYRNE** - I have not got Lesley Kirby here from the gardens directly but that is my understanding.

**Mrs TAYLOR** - In terms of cutting, as you said, community education programs for children and stuff it will be very -

**Mr O'BYRNE** - We are working with the board to look at innovative ways. There is a whole lot of - there is the seed bank and whole range of other activities which are of international significance and we are building relationships with educational facilities in China and in the Asia-Pacific area and that presents an opportunity for us in terms of international students and learning. There are a whole lot of things which we are working on to ensure that not only is there base funding, significant funding from the State Government but also there are other activities. We would support obviously any lobbying of the Hobart City Council to increase their role and fund -

**Mrs TAYLOR** - Denison lobbying coming up.

**Mr O'BYRNE** - Yes, we all have a list of jobs to do.

**Mrs TAYLOR** - I have not seen the master plan. Is the master plan available on the website?

**Mr O'BYRNE** - I am not sure if it is on the website or not. We can get a copy.

**Mrs TAYLOR** - Thank you. I would like that very much.

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**Mr O'BYRNE** - It has taken the board a while but they worked very hard and Lesley Kirby has shown astonishing leadership in driving that plan and driving with the board so I acknowledge their work.

### **Grants and subsidies Capital investment program Special capital investment funds -**

**CHAIR** - We will move on now to grants and subsidies, capital investment program and special capital investments. Minister, can the committee be provided with a capital investment program list? It relates to crown land upgrades, I believe - structural asset upgrades. Can we have a list of those - \$556 000?

**Mr O'BYRNE** - Yes, we can provide the committee with that.

**CHAIR** - Thank you. Are there any other questions, members?

**Mr DEAN** - I have a question which comes from the council relative to the Low Head infrastructure maintenance program. There is money and I think that the -

**Mr O'BYRNE** - Is that a pilot station?

**Mr DEAN** - A pilot station, yes. I notice there is money in the budget for maintenance and I guess the concern of the council, Minister, is the ongoing maintenance of that complex and its future. They are concerned and want to make sure that things are right there, Minister, so is there going to be a long-term maintenance program for the pilot station?

**Mr O'BYRNE** - I think the initial role we play is to inject some funds to keep the Low Head pilot station and lighthouse precinct in good repair. We funded just under a million dollars - \$990 000 - for the Urban Heritage and Renewal Fund and those works essentially concentrated on external repairs to buildings, et cetera.

My understanding is that we are, through Parks and Wildlife, the George Town Council and the Low Head advisory group and local representatives of the community, working on a governance model about how we move forward in terms of private interests and businesses. There are a couple of tourism operators who are playing a role there. There is a cafe there and accommodation so we provided significant money initially.

In terms of ongoing support, I think we need to settle the governance matters and settle the private sector interests and that in itself may resolve the problem or the potential for a problem, moving forward, so those talks are ongoing but we can undertake to keep you informed on that.

**Mr DEAN** - That is good news, thank you.

**CHAIR** - Minister, I am looking forward here. There is some reference to the Port Arthur Historic Site Management Authority and there has been an increase there. It was obviously a commitment that the Government made to the management authority in relation to the additional \$500 000.

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**Mr O'BYRNE** - Yes, it is. There is a commitment obviously and also around the World Heritage Area nomination that is -

**CHAIR** - Still pending?

**Mr O'BYRNE** - We are hopeful. The meeting is in Brazil in a couple of weeks.

**CHAIR** - Are you going, Minister?

**Mr O'BYRNE** - No. I have been to Brazil once but I was much younger.

*Laughter.*

**Mr DEAN** - What do you mean by that?

**Mr O'BYRNE** - I can't remember. We are sending one of our -

**CHAIR** - *Hansard* is not reflecting that the minister is blushing.

*Laughter.*

**Mr WING** - No, he is not.

**Mr O'BYRNE** - Thank you, Mr Wing. We are sending a departmental representative. In fact, we have already received a brief on this and the CV and the calibre of the person that we are sending to represent Tasmania is of very high quality. So we are very hopeful that we will get a magnificent result for Tasmania which also includes Brickendon and Woolmers as well and the Cascade Brewery site.

**Mr DEAN** - The Three Capes track is a significant project and wonderful for Tasmania, moving forward. I notice that there is additional private sector and Australian Government investment. Has that already been identified?

**Mr O'BYRNE** - It has been identified. The Federal Government have committed \$12.5 million to that. In terms of the private sector investment, in the early stages of development we did an expression of interest process to see what private sector involvement would be and in that process it was identified that \$1million could be provided by the private sector.

**Mr DEAN** - So the total amount involved in this project would be about \$30 million?

**Mr MOONEY** - It is \$33 million.

**Mr O'BYRNE** - Obviously you are not going to spend \$33 million this year. We budgeted it out over two and three years.

**Mr DEAN** - What is the time frame for the completion of the project? Three years for completion?

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**Mr O'BYRNE** - Hopefully, in the financial year 2013-14. But we have to go through a fair process - development applications, planning commission approval. We are hoping to get it up and running in 2013-14.

Some initial money on the track work will be getting the track up to speed, doing some preparatory work in this financial year.

**Mr DEAN** - That expenditure involves stopover lodges?

**Mr O'BYRNE** - It is a six-day, five-night walk at this stage.

**Mr DEAN** - It is an excellent program.

**Mr O'BYRNE** - It not only showcases the Tasman Peninsula but it is going to bring repeat visitors back to Tasmania. It is going to take pressure off Cradle Mountain and we know that people who visit Cradle Mountain spend on average 13 days in the State when they do that walk. So if we can get more people into Tasmania to do these iconic walks, it is just a showcase. I have to commend Peter and Stuart Lennox from Parks and Wildlife for their passion and commitment to this project and people in Parks have done an amazing job to get this up. This will be one of the most significant walks in the world.

**Mr DEAN** - Congratulations.

**Mr GAFFNEY** - I cannot figure it out, so it is probably my fault.

**CHAIR** - Try the minister.

**Mr O'BYRNE** - Probably Bryan Green's, then, if you cannot.

*Laughter.*

**Mr GAFFNEY** - In the special capital investment funds, there is a total in the output group expense summary of \$2 092 000 and then \$16 000 for 2011-12, but in table 11.21 there is 2 852 000. It does not seem to figure out. Can you tell me about that?

**Mr SALTER** - The table at the back shows the full expenditure. The table at the front, because it is prepared on an accrual basis, is where some of that expenditure is capitalised. It does not show as expenditure for financial reporting. So the table that you referred to at the back shows the full project cost.

**Mr GAFFNEY** - Okay, thank you. My second question is that it is interesting that in most of the other budget allocations we have forward Estimates for special capital investment funds or whatever, yet we don't in this. I suppose it is a project-by-project basis when it comes in assessment-wise. Is it not wise to put an arbitrary figure there of around the \$2 million mark or whatever?

**Mr O'BYRNE** - I think Treasury would view that as 'Unless we know that you have got something to spend it on, we are not going to give you the money'. There is a whole range of assumptions that you can make but we have to reapproach this. Unless we know where it is going to be spent, we are not going to allocate it. We will allocate it for a reason. There is a whole

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range of areas in my portfolio where you know there is going to be a cost but there is no money allocated. You know there is money going to be there, but in a budgeting sense it is appropriate not to put an arbitrary figure in.

**Mr GAFFNEY** - From your portfolio's point of view, obviously there would be other walking tracks and recreational tracks for which there would be special allocations, so you would have a fair idea of when they would be coming around, but you just have not done a figure on it.

**Mr O'BYRNE** - We are currently working on a 10-year plan for Parks to make sure that we can provide some surety moving forward to the parks community and, as you would expect, there are a whole range of volunteers across Tasmania that play a really important role in our parks so we are trying to put together - and we have done a fair bit of work on that - a 10-year plan, so that we will be able to say to Treasury that here are the areas that we need to fix for this financial year and we can start to move forward in the forward Estimates. We are hoping to get to that point. We know that there will be work done but within the 10-year plan and that is the most appropriate way to do it.

**Mr GAFFNEY** - A 10-year plan would be most important because then it is not determined by who is in government but it depends what is the right thing for the Tasmanian community -

**Ms O'BYRNE** - The 10-year plan can be adopted or ignored by any change of government. It is this Government's intention to work towards a 10-year plan with a program maintenance of the tracks across the State. That is our intention. A change of government changes a whole range of things.

**Mr GAFFNEY** - Except for the 10-year plans that councils have to have.

*Laughter.*

**CHAIR** - Minister, I need to go to 4.17. I think you may have been introduced very early in the day, Kane, and you have been very quiet most of the day.

**Mr MOONEY** - I think that is how he likes it.

**CHAIR** - Can I take you to Infrastructure Tasmania Fund, 4.17, is that helpful? It says there is some funding to upgrade of access roads to shack nodes and there is an estimated total cost of \$220 000, there is a budget allocation of \$40 000 with nothing into the future. Can you tell me where these upgrade access roads are and why there are no other funds to help?

**Mr MOONEY** - That is in the Arthur-Pieman Conservation Area. There are two main access roads that go off the main feeder road that goes from Smithton to Arthur River and these access roads go to West Point shack node and Sundown Point. What we have done is a major upgrade to both those roads that cost that figure of \$220 000 and that significantly reduces our ongoing maintenance. We are in current discussions with the Circular Head Council for them to take on our ongoing maintenance on a partnership program and they did not really wish to have any discussions until we did the major upgrade - now that we have done the major upgrade they will discuss.

**CHAIR** - And rightly so.

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Are there any other members who have any questions relating to these capital investments or the particular programs that are identified as we move forward into grants and subsidies before we get to Tourism and the Arts?

**Ms O'BYRNE** - I just want to ask a question on how to do this. In terms of how we managed it yesterday, I did an overview of Arts, Hospitality, and Sport and Recreation; and I did Workplace Relations separately. Would it be easier for us to do Hospitality, Arts, and Sport and Recreation for an hour or so or two hours before we move to Workplace Relations? We have people here for Arts and also for Sport and Recreation.

**CHAIR** - We will do Arts first and that is output group 4. That is the way we would like to manage it. Then we go to Sport and Recreation, and then Hospitality. Hospitality comes before Arts, just to make life interesting. Minister, we are very interested in how the Minister for Hospitality operates without a budget. That is the biggest question of the day.

**Mr O'BYRNE** - In the lower House committee I made some introductory reports but I think, given the time, we will just have to go to the -

**CHAIR** - But how are you going to operate without a budget?

**Mr O'BYRNE** - That is not exactly correct. This is obviously a relatively new portfolio that was established last year by announcement of the Premier in consultation with industry groups, the Tasmanian Hospitality Association and the Liquor, Hospitality and Miscellaneous Union, and a whole range of different groups.

The Tasmanian Hospitality Association, as you would know, is the product of an amalgamation between the former Australian Hotels Association and the Restaurant and Catering - RCAT - of Tasmania. When I was given the portfolio we consulted with industry and asked them essentially what we needed to do to grow the sector in Tasmania. Many individuals and businesses told me that there were a whole range of issues, and in terms of the Budget, three initiatives alone produce an outcome for the hospitality industry.

First of all, there is a \$100 000 commitment to assist with training for the sector. There is \$30 000 committed to Pub Watch and there is a \$20 000 commitment to flesh out the concept of a central pool of staff to be established like a central funnelling point to assist the industry with some skilled staff in peak times and in busy times. That is one of the needs that have been raised with me, so there is a budget.

Within the Department of Economic Development there are a range of skills that we are accessing. The Cultural Development Unit within the Department of Economic Development, Tourism and the Arts supports the portfolio and in particular provides a point of contact for the sector. The unit comprises six staff and most, including the director, senior project manager, project officer and project support officer are assigned responsibility to realise the Government's objective of building a sector that comprises innovative and sustainable businesses and which is recognised nationally for delivering exceptionally high quality services.

It is not uncommon across a number of portfolios to have a whole number of government departments where we seek assistance, where ministers seek assistance and support to deliver outcomes for an industry. For example, Pub Watch is currently within the scope of Minister Lin

Thorp in terms of her department, so we are obviously pulling together a whole range of resources across government to ensure that we support the hospitality industry.

**Mr FINCH** - You are no doubt aware of the argument between the Hobart City Council and the AHA about smoking in outside dining areas and also the motion by the member of the Legislative Council for Windermere to ban smoking in children's playgrounds, bus transit stations and outside dining areas. When is the Government going to legislate over this matter about passive smoking's ill effects?

**Mr O'BYRNE** - The area of smoking bans has always been a matter under the purview of the Minister for Health. I am a former chair of SmokeFree Tasmania - and I think we presented an award when Mr Dean was the mayor or deputy mayor of Launceston, an award to the council for the steps that they were taking in having smoke-free areas. There have been a number of campaigns run by smoking cessation groups, such as SmokeFree Tasmania, the Liquor, Hospitality Miscellaneous Union and Quit Tasmania, around these issues. Ultimately it is a matter for the Minister for Health. But, again, the Government has a plan to reduce smoking rates in Tasmania and banning smoking in public areas is a key part of that approach.

**Mr WING** - I want to raise some issues about the hospitality courses at Drysdale House. Students who have done the hospitality course wait on tables at functions and events. They pay fees but they do this work. I was surprised to find that usually they were denied any food themselves, although Electra devoured food.

*Laughter.*

**Mr WING** - It just seems to be lacking in equity and cooking students who cook all day are not provided with any food. They pay the fees. They prepare and cook for most of the day but they are not given any food and I would have thought that in restaurants it would be normal for the staff to be provided with food and even more so with students on little income, if any, who are paying fees. But, at the moment, those doing cooking are not being taught anything extra. They have been told they will be cooking for the next month and they have no idea, I understand, what the program is beyond a month. They just hope that they will not be just cooking the same old things and not learning anything. So I draw that to your attention.

**Mr O'BYRNE** - As hospitality minister and as a former secretary to the hospital union, I suppose I have a bit of an entry into industry standards and how inconsistent in some areas they are. That does concern me. I will raise that with the Minister for Education, Lin Thorp. She has ultimate responsibility for this.

In terms of industry standards, there is no legal obligation in many awards to feed staff in the hospitality industry. Although in custom and practice you can see the restaurants and venues that treat their well by way of food and wages and conditions have a much lower turnover rate in terms of their staff than those who do not treat their staff well.

After 16 years working for the hospitality union, some of the stories that you would hear about how some people were treated would turn your stomach. But, again, there are many good employers who treat their people very well by paying them decent wages and conditions and basically showing respect to their staff. Unfortunately it is patchy.

**Mr WING** - Thank you for being prepared to take our side.

**Mrs TAYLOR** - My question is in relation to the importance of hospitality to tourism and, indeed, to agriculture as well, because tourism and agriculture are both linked to fine dining. The food we provide is one of the attractions of Tasmania. We do hear stories, true or otherwise, of varying standards of service in the hospitality industry. You referred to \$100 000 for training. Is it in relation to that, or can you comment on what the Government might be doing to improve the standard of service? There are some restaurants and hospitality places who do a fantastic service but then we hear stories that obviously do not.

**Mr O'BYRNE** - Usually the bad stories travel further than the good ones, unfortunately. The industry itself employs approximately 23 000 people across Tasmania. Without a hospitality industry, we do not have a tourism industry. We acknowledge the importance of that. In terms of the funding, we have created \$100 000 to assist in the funding. We know that there a number of people, of that 23 000, that we have significant numbers who are very well-trained and are very well-qualified to do their work. We are sitting down with the Tasmanian Hospitality Association and the Liquor, Hospitality and Miscellaneous Union to work through a memorandum of understanding to start to work on these issues and to assist. Ultimately our waitering conditions are a key determinant in terms of outcomes on service levels. It is something that has been raised with us and we are working on it with industry. I think that is the only way we would really fix it long term.

**Mrs TAYLOR** - Absolutely.

**Mr O'BYRNE** - You will never change some stories and you do hear of the Gordon Ramsay-style people who watch one program of *My Restaurant Rules* or something like that and they think they can treat hospitality staff poorly. Sometimes they start to use all their skills not to respond as you would normally respond and sometimes people think they have a right to treat hospitality staff poorly and that is unacceptable. We are mindful of our responsibilities to support the industry in upskilling.

**Mrs TAYLOR** - Is there any thought of, I do not know, perhaps an accreditation system of something like you do with the star ratings for hospitality venues? Have you thought about perhaps a service rating?

**Mr O'BYRNE** - I think in the tourism sector and a hospitality sector there are different views on the effectiveness of that star rating and what you actually get for your stars and there are a number of different regimes across the country so I think for the consumer it is very hard to do that and it is a very subjective thing in terms of what service levels there are and sometimes it changes from day to day and from shift to shift. Our focus is more on how we move forward with the sector. The sector itself is looking after the top end and I am quite confident we have some amazing results. When you compare some of the service levels of 10 years ago to what we are getting now in some areas, it is very different and it is something to be very proud of. I think the Government plays a role. Obviously industry has a responsibility to play a role - they cannot expect other people to do it for them alone - but our role is to look at where we can invest in the industry and where we can get bang for the buck and make a significant difference. We think that with the \$100 000 we can do that. We have also got an initiative for casual workers to give them access to serve under hospitality operations, so we are investing in the points where we think it is needed most to try to move it forward.



**Mr FINCH** - Again, Minister, it is a bit of a crossover here between you and the Minister for Education but I just did want to focus a little bit on Drysdale because over the years, and it must be getting on to at least two decades and probably three decades, now it has held a really high reputation for the work that it has done. It might have even been the first one in Australia to establish that sort of thing.

**Mr O'BYRNE** - In terms of Drysdale House, I think that is the history of it.

**Mr FINCH** - I am just curious about where that sits in your plans and your thinking about the training of people to come into the industry and how we are placed in Launceston. Is Drysdale in Launceston relocating?

**Mr O'BYRNE** - Again, you would have to talk to the Minister for Education. It is a polytechnic now.

**Mr FINCH** - Right, but just your thoughts on that and the importance that that will play in this development of hospitality? I think it is intrinsic that you have to have those people who are going to be trained properly with the proper certificates to move them through the industry and become our frontispieces for the industry for the future.

**Mr O'BYRNE** - In my dealing over many years within my previous role, our relationship with Drysdale as an institution was very good and very constructive but I will say that that is not the only opinion of Drysdale from some sections of the industry in terms of the delivery of training to St Marys. I think that whilst it had a very good name in a whole range of areas, I do not think that was unanimous. What our focus is, as a government, is to sit down with industry and the memorandum of understanding we are talking about with the Tasmanian Hospitality Association is about how we can use our existing training facilities. There are a whole lot of opportunities for us in the training area to hit certain points of the career path of hospitality workers to ensure that at the entry level we get some really good training and good base-level training. Also we have found out that one of the biggest issues in service sections of the hospitality and tourism industry are the skills of middle-level managers. As you know, if you work in the food and beverage area, if you have a good manager that works the roster well, works the workloads well and shares the tables around to a reasonable level, you will stay. Hospitality workers do opt with their feet and if they are not happy they will leave.

[3.00 p.m.]

The turnover in some areas of industry is unsustainable and arguably at crisis point. There is a whole range of potential entry points where we can assist the industry but, again, using existing facilities like the Polytechnic through the education system but also creating opportunities through this \$100 000 we have to sit down and work with the THA about where they think it is going to impact most on their industry.

It is about creating careers in hospitality. If it is constantly turning over significant amounts each year we are not going to be able to build the strength and build the quality. We really need to build careers. Our role as government is to support industry in doing that through training and other initiatives. But is also building a collaborative arrangement with the industry to make sure that they understand their responsibilities as well.

**Mr FINCH** - It seems to me that Drysdale has gone off the radar to some extent.

**Mr O'BYRNE** - As a name it has but in terms of what it delivers it has not. It is still there and it is still providing some really good quality training.

**Mr FINCH** - As you pointed out before, with programs like *MasterChef* there is a stronger interest now -

**Mr O'BYRNE** - Everyone is an expert.

**Mr FINCH** - and everybody is going to want to be a chef.

**CHAIR** - Everyone except me. Minister, let us move on. Minister for the Arts.

#### **Output group 4 Arts**

##### **4.1 Tasmanian Museum and Art Gallery -**

**CHAIR** - Welcome, it does not seem that long since you were here last year.

**Ms HOUGH** - No, it doesn't.

**Mr WING** - There is a slight decrease in funding this year despite the fact that there was an election in the meantime. Could you tell us what that is for?

**Mr WATSON** - Through you, Minister - in the upcoming financial year 2010-11 there is a decrease that is effectively the full year result of the budget management strategies introduced in the prior year. Some of those budget management strategies did not have a full year impact into 2009-10.

**Mr WING** - So this is the 27th pay is it?

**Mr WATSON** - No, it is the budget management strategy in terms of the reductions that were imposed in the previous budget. Some of those only come fully into effect in the 2010-11 year, in particular, the amalgamation efficiencies that have been achieved following the dissolution of the environment, parks, heritage and the arts department. The Department of Economic Development, Tourism and the Arts and the Department of Primary Industries, Parks, Water and Environment had to achieve an amalgamation of efficiencies in the corporate services areas. There is a full-year impact of some of those that occur in the upcoming financial year. So part of that reduction is budget management strategies that are in the direct budget areas of both Arts and TMAG, a significant part is actually corporate services area and flowing through in the overhead charged to those outlets.

**Mr WING** - I see. So the amount increases next year in the forward projections 2011-12?

**Mr WATSON** - Yes. By that point the budget management strategies have been fully run through the budget and then you are simply starting to see the usual indexation impacts in terms of salary indexation in the forward Estimates.

**Mr WING** - Right. What are the current staff numbers?

**Mr O'BYRNE** - At TMAG?

**Mr WATSON** - 90. In terms of the overall portfolio of the Arts comprising both TMAG and Arts Tasmania -

**Mr WING** - I think that we are just dealing with TMAG at this stage.

**CHAIR** - We are just doing TMAG.

**Mr WATSON** - In terms of TMAG alone then as at 31 May 2010 there is a total of 92 staff equating to 73.25 FTEs.

**Mr WING** - Following the global economic crisis and the State Government decision to reduce expenditure and reduce staff, did that occur at the Tasmanian Museum and Art Gallery? Were there any staff reductions?

**Mr BLEATHMAN** - Yes, it is part of our budget management strategy to meet the global financial crisis requirement of government. There were three vacant administrative positions that we abolished and there were five staff who elected to take a voluntary separation package.

**Mr WING** - So quite significant then?

**Mr BLEATHMAN** - Yes.

**Mr WING** - Thank you. How many staff are provided with motor vehicles?

**Mr BLEATHMAN** - One, and you are speaking to him.

**Mr WING** - I will not ask you who that is.

**Mr BLEATHMAN** - The car that is part of my contract is also a pool vehicle during the day.

**Mr WING** - I see.

**Mr BLEATHMAN** - It is quite sought after.

**Mrs TAYLOR** - So you had to walk all the way from the Museum, did you?

**CHAIR** - Given the reduction in mobile phones you are probably lucky you still have a car let alone a phone.

**Mr O'BYRNE** - The TMAG redevelopment is an amazing opportunity for Tasmania and it would be remiss of me not to quickly mention it. It is not just a stage-by-stage approach it is a significant development that will change the face of the Tasmanian Museum and Art Gallery and, arguably, the Sullivan's Cove area. It is a wonderful opportunity and there is some initial funding that we have contributed to what was close to a \$200 million overall development. It will be in phases and we are hoping to complete the first stage by 2012.

**Mr FINCH** - A tour by the Legislative Council would be valuable.

**Mr O'BYRNE** - We can organise a full briefing for you. It really is a marvellous concept.

**CHAIR** - The Leader's office is very amenable to working out briefings for the Legislative Council.

**Mr O'BYRNE** - Excellent.

#### **4.2 Arts industry development -**

**Mr FINCH** - Minister, have you been advised of the John Glover Art Award at Evandale?

**Mr O'BYRNE** - I am aware of it, absolutely. In fact as a young fellow I worked on the Patterdale property at Deddington and stayed in Glover's house so I have a connection to it.

**Mr FINCH** - Do not slip back too far in your memories.

*Laughter.*

**Mr FINCH** - Of course the new John Glover Art Gallery at Evandale is going to be quite stunning. What I want to do is flesh out whether we have been able with any research to quantify the benefit of the arts industry to tourism in Tasmania.

**Mr O'BYRNE** - Bill has a vast experience in this area across a number of Territories and States and there are some amazing examples of where cultural tourism is an opportunity. When you look at major State and National museums and galleries they use independent audits to assess the economic impact of major exhibitions, so using national benchmarks. For instance, the recent French Masterpiece Exhibition in Canberra added more than \$100 million to Canberra's economy and attracted over 400 000 people. Another example is the Andy Warhol Exhibition at the Queensland Gallery of Modern Art which generated over \$38 million for the State economy by attracting 170 000 visitors. That is why we are investing in TMAG, that is why we are really encouraging the development of MONA and that is why we have invested so much money in the Queen Victoria Museum and Art Gallery in Launceston. I think adding to our critical mass of galleries and cultural experiences is absolutely crucial.

So if your question is about the John Glover Art Gallery in Evandale and what opportunity that presents, that will just be another opportunity for us because I think our John Glover collection is the second or the best in the country. Adelaide has the second, hasn't it?

**Mr BLEATHMAN** - We are the best in the world.

**CHAIR** - You should have known that.

**Mr O'BYRNE** - I am just a working-class lad from Launceston, so I am trying.

*Laughter.*

**Mr O'BYRNE** - One of the reasons for the redevelopment of TMAG is that we cannot exhibit anywhere near the amount of the exhibits that we have. It is a real opportunity for us. Does that answer your question?

## UNCORRECTED PROOF ISSUE

**Mr FINCH** - Yes, that is quite okay. I wanted to talk about that opportunity that we have in the north to train people and those entries. It is the richest landscape award in Australia. So that is something quite significant, attracting entries from all over Australia, but mainly it is about a Tasmanian. So it is a good link.

I would like to ask you about the Arts Advisory Board. Can I have detail of who is on the Arts Advisory Board?

**Ms HOUGH** - There were three outgoing members at the end of 2009 who were Dr Pippa Dickson, Madeleine Ogilvie and Scott Rankin. The new members appointed were Nicki Fletcher from the Cradle Coast area, who works at the Cradle Coast Campus at the university, Damian Bugg, who is the Chancellor of the University of Tasmania - and I am sure you would all know him - and Catherine Wolfhagen, who is an artist and our curator in her own right.

So the Chair of the board remains Saul Eslake and the other board members are Grace Cochrane, Ian Roberts, Andrew Legg, myself, as a staff board member, Sharon Dennis and Lynne Stacpoole.

**Mr FINCH** - So it is usually around 10?

**Ms HOUGH** - Yes, the legislation allows 12 members and there are 12, including myself.

**Mr FINCH** - Are you able to provide me with a split-up of the figures for the regions in respect of arts funding? That is probably the north and the north-east combined and the north-west and the southern part of the State.

**Ms HOUGH** - We certainly can, and it depends on which applications you would like. It might be easier, Minister, if take that on notice and we can provide you with that breakdown for each of the assistants, organisations, infrastructure and Aboriginal arts funds.

**Mr O'BYRNE** - It is important to get a complete picture as opposed to here are some examples. I think we have a consolidated list but it is not broken up into regions.

**Ms HOUGH** - But it is easily done.

**Mr FINCH** - Also, I would be interested to know who is getting first-time funding because there are those that have been around for a time; it is more recurrent funding, I suppose.

**Mr O'BYRNE** - One of the things we have also done in this budget is establish \$100 000 through TMAG for acquiring Tasmanian contemporary art. So that is a wonderful opportunity for newer Tasmanian artists to have their work not only purchased, which is important, but exhibited and within the Tasmanian Museum and Art Gallery. That is the \$100 000 per year, recurrent moving forward. It is the first time that we have been able to do that and it is a significant investment purely for Tasmanian artists.

**Mr FINCH** - Also, there was an independent review of the theatre sector. Could I have a report on that as to where it is at? Has it been completed? Where it is at this time?

## UNCORRECTED PROOF ISSUE

**Mr O'BYRNE** - I have received a letter from both you, Mr Finch, and Mr Wing, particularly about this and I am aware of the issues raised by Michael Edgar and others. I am not sure if you would have received it yet, but I signed a letter in response to that.

We understand that the original written review did not take into account the views of some people in the theatre sector. I think in the initial scope of the project it was to talk to identified key stakeholders across the State. That was done but, unfortunately, Mr Edgar and others - and that is centre left, is it?

**Ms HOUGH** - Centre stage.

*Laughter.*

**CHAIR** - Minister, the factions are alive and well.

[3.15 p.m.]

**Mr O'BYRNE** - In a whole range of ways. But, putting it centre stage, we agreed that all views are acceptable, regardless of their professionalism, paid, unpaid, voluntary, however they are established and you know my history in Launceston with the Launceston Repertory Society and others, that it is important that we get a whole range of views on this. We have provided multiple avenues for people to have their say since the written review was published. There was a forum held by Arts Tasmania, there was a forum held by the ABC Radio and we received several written submissions as well. Many of the people who felt excluded from the written review have now been able to state their views publicly and to the minister as well.

We have had some robust discussion about some of the recommendations and I think that is good. It is healthy, it shows there is passion for the industry and I welcome those contributions. Also I believe that Elizabeth Walsh from Ten Days on the Island has convened a working group of the theatre industry to discuss these issues and to start articulating an industry viewpoint with the broad support of people in the industry. It is really important that the industry can come to a consensus view of how it is structured. We think that is crucially important. I have been advised that the Tasmanian Arts Advisory Board are keen to have that feedback before any decision is made.

We know that with a review it is like throwing a rock in the pond and a whole lot of waves come out of that. I am really happy that as a result of that review a number of people have chosen to put their views forward. They are being listened to. We are not going to make a quick decision on this; we want to make sure that there is some ongoing funding so that the status quo is not interrupted but we will work with the industry to give us a consolidated view on how best to structure theatre in Tasmania.

I know of its value to the community. If we have things like the TMAG development, like MONA, like the things that we have spoken about with the John Glover Gallery, people will come down for that. This cultural tourist will come down and have a day at the gallery but if there is footie on the telly at the hotel that is probably not enough for them.

**Mr WING** - Or at Aurora.

## UNCORRECTED PROOF ISSUE

**Mr O'BYRNE** - Yes, at Aurora or York Park, as I still call it. It is important that we provide a whole range of cultural experiences for people, and live theatre is one of those. As Arts minister I am passionate about making sure that we get that right.

**Mrs TAYLOR** - In terms of Arts and the industry I could not be more supportive of every dollar that is spent; the more you spend the better and I would be pleased. I take your point about visitation and tourism and therefore the economic bottom line to the State which I think is really important, but I would like to make mention also of how important it is culturally for our own people, in both an educative and broadening of minds sense and a sense of value of our own society. How important the support for the Arts in all its aspects is. I am very supportive of that.

Just talking about my own backyard, at the moment the funding that the State Government has given in this budget for the Glenorchy arts and sculpture park infrastructure is really valuable and even more in the fact that because the State Government supported that project the Federal Government has contributed another \$3 million.

**Mr O'BYRNE** - I think that is where we get our best wins. We get the three tiers of government working together to leverage some significant dollars to make a difference.

**Mrs TAYLOR** - It was for local people as well; it is not just an economic benefit.

**Mr O'BYRNE** - We have invested \$250 000 a year in the Arts and Disability program as well, which really does create an opportunity for those people with a disability to grow and enrich their lives and others with their cultural activities.

**Mrs TAYLOR** - The Aboriginal art program also I think is fantastic. My question is about MONA. I notice that you in the same breath say the TMAG redevelopment and the MONA development. They are not quite in the same breath in that the MONA development is not funded by the State Government at all as I understand. I know that they are very anxious for the State Government to contribute to some degree in a boardwalk, I think they have asked you for.

**Mr O'BYRNE** - We did contribute \$350 000 but that is to the MONA FOMA.

**Mrs TAYLOR** - That's the MONA FOMA, which is nothing to do with the museum.

**Mr O'BYRNE** - It is a festival around the museum.

**Mrs TAYLOR** - It has been on the waterfront at Sullivans Cove, basically. I take your point but it is an event rather than capital infrastructure as you are doing with the redevelopment. I am just aware of the fact that they would be glad to hear that you might be supportive of the continuing infrastructure going out to that.

**CHAIR** - The question is will you fund MONA?

**Mr O'BYRNE** - I cannot commit to funding the board walk. I think there is a whole range of things that we are doing to support the development. I think discussions with David Walsh and others around that are ongoing. We are putting significant money into that sculpture park which is -

**Mrs TAYLOR** - It is nothing to do with MONA, but still.

**Mr O'BYRNE** - No, but it is within that vicinity. At this stage we have no intention of doing that but we will talk. Obviously we want to make sure that we make the best out of the development. The reason for mentioning TMAG and MONA in the same breath is that it presents an enormous once-in-a-generation opportunity to capitalise on it for Tasmania.

**Mrs TAYLOR** - Absolutely.

**Mr GAFFNEY** - Just a question on Tasmanian Regional Arts and they are very important. I am wondering what amount of funding Regional Arts have had over the last year and what is predicted for the next three or four years?

**Ms HOUGH** - Tasmanian Regional Arts is in the third year of a triennial agreement for the calendar year 2010 at \$150 000. They have just applied to us in the recent assistance to organisations that were assessed in June for another multi-year agreement and that amount will not be announced until it has been obviously through the board and to the minister.

**Mr GAFFNEY** - Through you, Minister - I would like to emphasise the importance of that regional support for all Tasmanians. With all due respect, we have some really great stuff happening in the big end of town but the amount of work that gets done for Tasmanian Regional Arts through all the municipalities is just sensational. So I encourage that support to continue because every council is involved with the Ten Days on the Island and a lot of that is through our regional small groups. I am really pleased to see that that is being -

**Mr O'BYRNE** - We do have the Roving Curators Program as well which is doing some magnificent work across the north and north-west of Tasmania. For example, I went to the Ulverstone Historical Museum when I was up on the north-west coast recently and what a marvellous group they are and the amazing work that they are doing to interpret not only the history of Ulverstone and the journey that that community has been on but the amazing commitment and passion by a group of volunteers. All that needed was a little bit of professional help to assist them and they have come along in leaps and bounds and I think that they have done a fantastic job. So we will continue.

You are right, it is not just about TMAG or the Queen Victoria Museum, there is a whole range of things that we can add to our belt.

**CHAIR** - Are there any questions, members, on grants and subsidies or special capital investment funds?

**Mrs TAYLOR** - Could I just ask one more question in the previous section and it is about the vacant block next to the Theatre Royal.

**Mr O'BYRNE** - Wapping Parcel 4.

**Mrs TAYLOR** - Yes, I would like to know what is the current status of discussion to have that joint venture on that program. I know that there is a financial arrangement in relation to that block.

**Mr O'BYRNE** - We acknowledge that the Theatre Royal is in Hobart but in the greater southern area is our premier performing arts venue and again it is Australia's oldest theatre to



continue operating in theatre. The DED, Tourism and the Arts have been engaged in discussions with the Theatre Royal and University of Tasmania in relation to the relocation of the Conservatorium to Wapping Parcel 4, as it is called, which is on the Campbell and Collins streets. We have already contributed \$30 000 towards the cost of undertaking an architectural feasibility study and funding for the study came from the Wapping Implementation Fund. The proposed collocation has the potential to create a real relationship between the Theatre Royal and the Conservatorium including shared foyer space, improved amenities for the theatre. You know the value of the development.

We are currently in discussions with the University of Tasmania and again it is the season of the Federal election. We are talking to the Australian Government about what they could potential provide but there is no decision at this stage. There are a whole lot of negotiations ongoing with a whole lot of parcels of land and properties between the State Government and the University of Tasmania and one of those is Parcel 4. While the discussions are ongoing, we would really like to see it happen but we have to make sure that we do get those tiers of government working together to get the right amount of money.

**CHAIR** - Minister, would you support some funding for a theatre group or some part of the arts to travel to the islands, for instance King and Flinders? They obviously do not have a lot of arts opportunities. I know Ten Days on the Island went to Flinders Island about three years ago but there are not very many opportunities to experience the arts directly.

**Mr O'BYRNE** - It is important that all Tasmanians get an opportunity to have their lives enriched. As a matter of principle - absolutely. As you have recognised with Ten Days, through our regional arts program there have been some events taken to the islands but we could look at that some more.

**CHAIR** - Is there anything coming up? Is there anything on the radar?

**Ms HOUGH** - Nothing in the short term except that TasDance was funded in 2009-10 to go to both Flinders and King and do some extensive workshops. There is also some work that was funded, I think, through assistance to individuals for King Island for some of their residency stuff. That has been fairly recent.

**CHAIR** - I am aware that Centre Stage are interested.

**Mr O'BYRNE** - That leftist group?

*Laughter.*

**Mr FINCH** - They will go to the left island too.

**CHAIR** - It is only professional companies.

**Ms HOUGH** - The Tasmanian Arts Advisory Board's purview is professional companies.

**Mr FINCH** - This is probably where Centre Stage, at the level that they function at, probably feel they function at a professional level.

**Ms HOUGH** - The issue, Mr Finch though, is that they do not pay the people who perform.

**Mr FINCH** - They can pay the people -

**Mr O'BYRNE** - But in terms of the definition, it is a paper definition as opposed to quality. We know that there are a number of organisations across Tasmania that do perform and present absolutely professional work; there is no doubt about that.

**Mr WING** - That includes Centre Stage.

**Mr O'BYRNE** - That includes Centre Stage and there are a number of groups in Hobart as well. Across the state we have got some really good quality people. In fact, you go to an amateur production and people do not believe you - they say well no, you would not have this quality if you do not pay people. So we acknowledge that this is a sector that performs at absolute high quality but in terms of the definition as to whether they get paid or not - that is a paper one.

**Ms HOUGH** - To answer the Chair's question, while the Tasmanian Arts Advisory Board would not fund that opportunity -

**CHAIR** - The minister could fund.

**Ms HOUGH** - The Tasmanian Regional Arts provides funding for those organisations as does the Tasmanian Community Fund so there are other opportunities as well outside the Tasmanian Arts Advisory Board.

**Mr O'BYRNE** - It is important in the funding rounds as well that we do maintain the integrity of why that is allocated. The last thing you would want is to trash what is quite a well-acknowledged peer review process of allocating grants and funding to just the minister of the day. We could have a Sir Les Patterson in a suit - the Minister for the Arts - just throwing out what he or she thinks is a good thing at the time. It is important that we have a bit of transparency and a bit of rigour applied to our funding which I think you would acknowledge is important.

**CHAIR** - Before we suspend for a 10-minute break, I want to place on the record that I actually attended the Launceston College 'Back to the Eighties' production on Friday evening in Launceston and it was absolutely amazing. I know that the eighties were a good time -

*Laughter.*

**Mr O'BYRNE** - unlike the seventies which no-one apparently can remember.

*Laughter.*

**CHAIR** - It was just amazing and I just felt very proud of kids I did not know but I thought we are in good hands if they are the young people.

**Mr O'BYRNE** - I must admit I went to my first event as Arts Minister to the TasDance presentation of 'Pulse'. It brought together college students from across the state and in a very short period of time produced one of the most amazing bits of contemporary dance that I have seen in a long time. So I think we are well served by our children and we have some amazing stars. Again, as Arts Minister it is my job to make sure that we give them as much opportunity as possible to express their artistic talents.

**CHAIR** - I am confident in the future.

**Mr FINCH** - They did that with five days' rehearsal and they do it to the same standard every year. They have done stuff for the last five years. It is brilliant.

**Mr O'BYRNE** - It is just marvellous.

**Mr DEAN** - I have a question in relation to the Queen Victoria Museum and Art Gallery. The Royal Park redevelopment is proceeding well and thanks the State Government very much for their support on that. Minister, as is common with a lot of these redevelopments, it has been found during the renovations and the remodelling of the Royal Park establishment to bring it back to its original position, that there are some parts of it that were never identified as wanting attention in the first instance. There is a ceiling in one of the big rooms which, because of a lack of funding, they will not be able to restore to its normal self and they will have to simply plaster over the top of it.

**Mr O'BYRNE** - That is at Wellington Street?

**Mr DEAN** - That is the Wellington Street complex. There is some discussion so far, and I am not sure if the council has approached you yet or not, but there is going to be some discussion on whether or not there would be, well if we could access some further funding to restore that to its former glory rather than plaster over it.

**Mr O'BYRNE** - Okay, well consider it raised. Was it through the Urban Renewable Heritage Fund?

**Ms HOUGH** - Yes. That was \$997 000 for works on the roof of the Wellington Street campus and a previous commitment of \$3 million towards the redevelopment.

**Mr O'BYRNE** - Right, okay. If there is any outstanding work of course we will look at it. I mean, we have spent a fair bit of money on it.

**Mr DEAN** - Yes, you have.

**Mr O'BYRNE** - But obviously if the council wants to raise that with us formally then we will enter into discussions.

**Mr DEAN** - I just wanted to raise it with you, Minister, thank you.

**Mr O'BYRNE** - I appreciate that.

**CHAIR** - Consider it flagged. We will break now. The sitting is suspended until 3.40 p.m.

**Mr O'BYRNE** - Then Sport and Recreation?

**CHAIR** - Then Sport and Recreation.

**The committee suspended from 3.30 p.m. to 3.43 p.m.**

**CHAIR** - I welcome everyone back to the table.

**Mr O'BYRNE** - I would like to also welcome Craig Martin to the table.

**CHAIR** - Welcome, Craig. This is seriously the last stretch so we will see how we go.

**Output group 2**  
**Sport and Recreation**

**2.1 Sport and recreation -**

**Mrs TAYLOR** - Do we have time for an overview, seeing we are doing well?

**Mr FINCH** - If there is one.

**CHAIR** - I feel sure that if there are any significant projects or areas relating to questions that are not covered, the minister might inform us before we leave it.

**Mr O'BYRNE** - There is close to \$10 million in funds in this Budget for this line item across a whole range of areas: cycleways, surf life saving clubs, infrastructure and others. It is a significant spend in our community.

**Mr DEAN** - I want to start with the money for the cycleways and what is happening in cycling. We have a bit more than \$8 million and there is a certain amount to be expended now in the short term and then we have the remainder to be spent over, I think, the next four-year period; something like that anyway.

**Mr O'BYRNE** - I think it depends. We have made allocations in this year's Budget; some funds will be spent this year with some infrastructure developments, time will be taken to whip up development applications and all of those sorts of things, so we may not spend all of it in this year but it is allocated.

[3.45 p.m.]

**Mr DEAN** - I understand that \$2 million is available over the next four years for cycleways. Will that be for specific programs? I am wondering how that is going to be spent. Will that be first in, best dressed for funding in that regard for that extra money or will it be getting applications in, submissions in and then there will be a committee meeting to determine who should get it and where it should go?

**Mr O'BYRNE** - We are allocating funds, for example, \$500 000 to the northern suburbs bike route at North Esk bridge in Launceston; \$500 000 for Regatta Point to Anzac Park cycleway, Strahan; \$175 000 for the South Rosebery to main street cycleway; \$375 000 to South Queenstown to LINC cycleway; \$150 000 for the Smithton to Hobart bike track feasibility study. There is a whole range.

**Mrs TAYLOR** - Really? Are you serious about this Smithton to Hobart track? Fantastic.

## UNCORRECTED PROOF ISSUE

**Mr O'BYRNE** - Absolutely. The Tasmanian Trail in itself produces a whole range of opportunities for tourism and health opportunities for us - which is fantastic. But we really want to see if we can do it. It is such a burgeoning area. We have the Wildside program from Cradle Mountain to the west coast, which is fantastic.

But in answer to Mr Dean's question, in terms of how we roll that out policywise, I will defer to Craig Martin.

**Mr MARTIN** - You are right, there is \$2 million for those specific projects over the next four year and in this financial year there is the remaining \$2 million that was left over from the original \$4 million allocation in 2008-09. That will be the projects that will come forward as they have for the previous two years of that program. They will be assessed by a committee. They are normally on a dollar-for-dollar basis with the proponent. So there is \$2 million sitting in there for projects that they bring to the State Government.

**Mr WING** - It is good that you have it going from Smithton to Hobart because it is much easier downhill on the map all the way.

*Laughter.*

**Mr MARTIN** - We did think of the other way, but you are right.

**Mr DEAN** - I think there needs to be an answer to the question relating to the concern it might be first in, best dressed. Can we ensure that is not the case? Some people might be moving fairly quickly to get their submissions in. So at least we can know that they are all going to be dealt with later on when they come in with some of those applications.

**Mr O'BYRNE** - This is a key investment in that area and we want to make sure that we can get the money out into the communities as soon as we can.

**Mr DEAN** - Thank you. Another question I want to ask at this stage is in relation to the position of the sporting complex at George Town, and the council raised this issue with me as well. What is the position with ongoing maintenance and the upgrade of the sporting complex in George Town? As I understand, it has been brought the attention of the State.

**Mr O'BYRNE** - I will seek some advice on that. Personally, it has not been raised with me.

**Ms JACK** - We will take that on notice.

**Mr DEAN** - Thank you. That has been raised by the George Town Council.

**Mr GAFFNEY** - For the record, the support we have had in our region has been terrific from Sport and Recreation and I appreciate the role they play. Regarding the precinct management plan for Lake Barrington, I am wondering where that is at because that is a very important international venue, so it would be interesting to see where that is progressing and how it is being done.

**Mr O'BYRNE** - In 2009, Sport and Recreation initiated a project to examine and guide the sustainable management and development of sport and recreation commercial opportunities within that precinct, in recognition of the things that you were talking about. Issues that relate to

that management program are land use and development opportunities; the high level of usage that is currently being applied now, which puts stress on that no doubt; and the potential conflict between user groups. DED, Tourism and the Arts allocated \$30 000 to fund that project. A project reference group made up of representatives from Marine and Safety Tasmania, Forestry Tasmania, Parks and Wildlife Service, Hydro Tasmania, Inland Fisheries, Cradle Coast Water, Kentish Council, the Department of Economic Development, Tourism and the Arts and Sport and Recreation guided the project and the project was completed by a Tasmania-based consultancy. The project commenced in April 2009 and the resulting Lake Barrington Recreation Management Framework was publicly released on the Sport and Recreation Tasmania website in June of this year. That framework will guide future decision-making and such other planning development and management within the precinct. I can ask Sport and Recreation to provide you with a full briefing on that if you so wish but we think we have done a fair bit of work trying to bring all the interest groups together to try to get a solid management plan moving forward.

**Mr GAFFNEY** - That is fine.

Obviously everyone is aware of the obesity problems we are having and there is a lot of funding going through with young children and there is not as much I do not believe in the adult world. I am wondering whether Sport and Recreation and its policy position have ever considered looking at getting tax incentives for people who are registered in sports as a preventative measure and some legislation through that. I think it would be a really good thing to say that if you pay \$500 or you are part of a cross-country club or if you are doing some sort of fitness activity then we should use that as a tax deduction which would be a positive way of saying that we appreciate the fact that you are exercising. There would be a lot of issues to do with that I am sure but there could be some positives in that as well.

**Mr O'BYRNE** - I agree. I think if we can find ways to encourage people to not only get active but involved in their community in an organised way, that is wonderful and we are doing it in a whole range of areas. In terms of the tax situation I know that a number of health funds provide assistance to people if they buy sandshoes and do that sort of stuff and get involved. In terms of the tax implications, I think that is beyond the scope of the Tasmanian Government to do that.

**Mr GAFFNEY** - It is beyond the scope of the Government to do that but it would not be beyond the scope of the Government to raise it and sow that seed somewhere -

**Mr O'BYRNE** - Absolutely.

**Mr GAFFNEY** - because we spend so much money on ill health so we should be able to at least examine it.

**Mr O'BYRNE** - Primary health and the discussions with the Health department about the important role physical activity can play. That is why we have the Premier's Physical Activity Council there is a whole range of the - nice ad, mate, looking good - and one of the ambassadors who is here at the table -

**CHAIR** - Even if he has had the job in the past.

**Mr O'BYRNE** - But still it is activity.

**Mr WING** - Just showing that older people can still -

*Laughter.*

**Mr O'BYRNE** - Good one, Mr Wing.

It is always good to aspire to someone when you move into that age group.

**Mr WING** - Absolutely.

**CHAIR** - Discuss it with the Minister for Health.

**Mr O'BYRNE** - I will not only do that, under the chairwomanship of my mother no doubt, but I will raise it at the Cultural Advisers Council, the Cultural Ministers Council when next that arises. The Tasmanian Government has a good relationship with Kate Ellis, the Federal minister in this regard so I will raise it at that forum for you.

**CHAIR** - Thank you.

**Mr FINCH** - It is very exciting to hear you talk today, Minister, just in respect of the Three Capes particularly - that walkway. Also this focus on bike trails and walk trails and virtually if you think of Tasmania, you could establish them anywhere. We have heard about the bike ride between Hobart and Smithton but virtually all our coastline is really there just like a pot of gold.

**Mr O'BYRNE** - I agree absolutely.

**Mr FINCH** - I acknowledge also the cost. I do not think people realise that. I want to highlight the walk in our community that I know Ms Jack has been across before - the Beauty Point to Beaconsfield link that we are trying to develop. I know Minister McKim is going to come up and have a look at that to inspect that and he might be able to come up -

**Mr O'BYRNE** - Put the bike on the back of the car and away we go.

**Mr FINCH** - Put the bike on the back and you can go for a ride with him along where the trail is going to be. There is no way I could get a ride with him; he is too busy with the Premier.

*Laughter.*

**Mr FINCH** - You might get one of those tandem bikes.

**Mr O'BYRNE** - I would be miles back, mate.

**Mr FINCH** - I wanted to highlight to you that we are going to have an investigation of that link and how important it is for our community.

**Mr O'BYRNE** - I have received an initial brief on that; it has been raised with me as a potential and I can tell you we would be keen to see if we can play a role in that.

**Mr FINCH** - We have at least half the money.

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**Mr O'BYRNE** - That is a great start.

**Mr FINCH** - Okay, all right, thank you.

**Mr O'BYRNE** - We are keen to work with you and make sure it will happen.

**CHAIR** - Minister, would you be able to table for the committee a list of all the grants that have been provided under the Sport and Recreation grants program for last financial year, please?

**Mr O'BYRNE** - Yes, we can. We will undertake to do that.

**Mr DEAN** - Looking at the Events Attraction Program and attracting events to the State -

**Mr O'BYRNE** - That is within the Minister for Tourism's portfolio. I am hospitality; we only pour the beers for them.

**Mr DEAN** - I am talking about bringing sporting events into Tasmania.

**Mr O'BYRNE** - Let me hear the question because it may be predominantly in events.

**Mr DEAN** - The Events and Attractions Program.

**Mr O'BYRNE** - That sounds like tourism.

**Mr DEAN** - I thought that it was under this area. I will go on to another one and talk about football. With the money that you are putting into football, I think that I am right on that one -

**Mr GAFFNEY** - If this going the AFL-Hawthorn-Aurora sort of way, that is under the Minister for Tourism.

**Mr DEAN** - No, it is not.

**CHAIR** - We are on 2.1 Sport and Recreation. Output group 2.

**Mr DEAN** - For football development and governing bodies there is \$200 000-odd. What is happening in that area? That is big in the south for some reason.

**Mr O'BYRNE** - This is AFL Tasmania funding. No? Football Federation Tasmania - that is soccer. We have provided some assistance to the Football Federation Tasmania. I know that there are arguments about what you call it soccer or football but they identify as football and we respect that.

**Mr DEAN** - It is under football here.

**Mr O'BYRNE** - Football Federation of Tasmania - that is the soccer body within the State. We support them in terms of training, junior development and a broader strategy.

**Mr DEAN** - I will not dare mention AFL football because Mr Gaffney might not be allowed to ask a question.



**Mr GAFFNEY** - We will just send you a transcript.

**Mr WING** - Minister, do you think that it is likely that Tasmania could have its own AFL football team in the foreseeable future? What are your views on that?

**Mr O'BYRNE** - Again, this is not Bryan Green's responsibility, this is the responsibility of Events Tasmania which is Minister O'Byrne - 'comma M' - and the Premier as well. Broadly speaking, it would be wonderful to have an AFL team play out of Tasmania. And on behalf of the State Government we have invested significant resources. We are a foundation State as far as I am concerned in Australian Rules and again, the AFL is a very powerful organisation in the country. Ultimately it is a matter for them. From a State perspective and a government perspective we are positioning ourselves to make sure that if the opportunity does arise, we could have a team.

**Mr WING** - Is this based partly on the Gemba report?

**Mr O'BYRNE** - That was James Hird's consultancy company. Again, that is the purview of the Minister for Tourism and the Premier. They played a lead role in that.

**Mr WING** - Not sport.

**Mr O'BYRNE** - It is clearly sport but it is seen as an event and it is a matter of state significance. Sport and Rec will have some input and role at some stage to play but ultimately it is a whole-of-government approach led by the Premier.

**Mr WING** - That report has not been made public. I have been told that the basis of it is for the matches to be played at Aurora stadium in Launceston. Are you able to confirm that?

**Mr O'BYRNE** - I am not aware of that. Given the fact that we play AFL in Tasmania at Aurora there would be an assumption you could make but I am not aware of it.

**Mr WING** - As far as you are concerned, the money invested by the State Government in the Aurora Stadium making such a grand venue, would you believe that should always be the home of AFL football?

**Mr O'BYRNE** - From the perspective of the Tasmanian Government, the home of AFL football supported by the Tasmanian Government is York Park.

**Mr WING** - In previous administrations it has been made clear that all matches would be played there. Is there any change in the Government's attitude to that?

[4.00 p.m.]

**Mr O'BYRNE** - There has been no change in our view. We do not roster games. We have a commercial relationship with the Hawthorn Football Club and through the Hawthorn Football Club with AFL Tasmania played four games at York Park. We are currently under negotiations and really I am not going into any great length about that. We are in commercial negotiations and I am not sure we can get AFL football played in Tasmania at York Park.

**Mr WING** - I do not know whether you heard the radio interview by Mr Andrew Demetriou in which he gave the clear impression that the Government wanted to have some games played at Bellerive.

**Mr O'BYRNE** - Again I did not hear that radio interview. I know there has been a bit of media discussion about that but I think the Government's view is pretty clear. We are in a commercial negotiation with Hawthorn to lock in games at York Park.

**Mr FINCH** - I want to ask you, Minister, about sport for schoolchildren- not necessarily in school. What is Sport and Recreation's commitment to the development of sport for our young people and where does that cross over with the school programs?

**Mr O'BYRNE** - I will get Craig Martin to talk about that. As an opening statement, absolutely we want to make sure that our children can get the maximum opportunity to involve themselves in organised sport and in some form of physical activity.

**Mr MARTIN** - I will start answering that by saying that pretty much most of what we do is geared at driving participation so through the State grants program we provide funding to State sporting organisations. We provide funding to sports such as AFL, soccer and netball. That is separate funding to the State's grants funding.

The minister talked a minute ago about the funding for soccer. A lot of that funding is aimed at driving participation at a young age and keeping people in the sport for as long as possible. The same with netball and of course the same with AFL. We provide \$630 000 over two years to AFL and a lot of that is focused on developing the sport at a young age and keeping people in the game.

**Mr FINCH** - When you say AFL, Mr Martin, do you mean Australian Rules Football?

**Mr MARTIN** - Yes, I do. Broadly speaking, the work we do is with our client managers and working with clubs, sporting associations and providing advice regarding coach and administrator training. We roll out the Play by the Rules Program which is focused on providing a harassment-free environment in which to play sports and with that we try to address issues such as the ugly parent.

We need to make sure that kids have an environment to play sport in which is welcoming, friendly and free of pressure because for the most part, kids play sport purely and simply just to have fun with their friends. That is really important and people need to understand that.

The Play by the Rules Program is overseen by the Australian Sports Commission. We have actually written Play by the Rules, the need for nine of the State's sporting organisations to have Play by the Rules as part of their funding agreements. That means they need to hold seminars on Play by the Rules, they need to undergo online training with Play by the Rules to ensure sports are welcoming and hassle free.

The work that PPAC does with Active Tasmania and the local government forums it runs, contributes to that as well. The Indigenous Sports Program is aimed at young indigenous children to get them involved in sport.

We have also contributed to funding towards the Good Sports Program, which again I think is important as far as creating family-friendly environments within sporting clubs is concerned. That is a program that focuses on the responsible serving of alcohol. To get kids and parents involved in sport they want to be able to participate in an environment where clubs have responsible serving of alcohol practices.

The other thing we are doing at the moment is partnering with the Australian Sports Commission with their Active After-school Program to convert kids that are participating in the Active After-school Program to join a local sporting club and that program will be rolled out in term 3. We are also having discussions with the Education department and they have come up with suggestions as to how we might get kids in the education system more involved in participating in physical activity and sport as well. We are keen to pursue those. It is also worth mentioning that physical activity will be a key component of the third phase of a national curriculum and that third phase will kick in about 2013.

The other thing that is happening on a national scale is the Australian Sports Commission will shortly develop a national program to get more children participating in sport through their school as a response to the Independent Review of Sport in Australia, the Crawford review.

There is a lot happening in this space. There is much more that we can do. We need to get our kids active and we need to get them playing sport. Sport is massive as far as social inclusion goes and it is also really important, I am sure that you will agree, for developing skills that carry them through their life like respect, cooperation, teamwork, trust and all that sort of stuff.

**Mr WING** - Peer support.

**Mr FINCH** - Minister, I think it was in 1994 that they had a year of the coach and it was a national program that sought to train coaches in the community, so people who were involved could then get their qualifications. I think it is something for COAG when you are talking nationally - another push on that because, as you know, it is one thing getting the kids to participate but where are your officials.

**Mr O'BYRNE** - Where are the leaders, yes.

**Mr FINCH** - Where are your coaches who are going to manage that process?

**Mr O'BYRNE** - You are right. That is a crucial part of the equation. For example, in our funding to AFL Tasmania we have \$600 000 to them over two years. There are a whole number of outputs that we want in terms of that funding, and one is making sure that they invest in the training of their coaches. We are using existing funding rounds in various sports to say here is some money, don't just go and spend it, we want these outcomes. The role of Sport and Rec is to make sure that we work with those associations to build their capacity. You are right; a good coach versus a bad coach makes a significant difference for young kids in terms of how they feel welcomed by a club.

**Mr FINCH** - That national program was fantastic.

**CHAIR** - Minister, there has been a push by AFL Tasmania to take away the reserves from the competition and that has been strongly opposed by a majority of the clubs. Given that the Tasmanian community fund AFL Tasmania, do you have some role in that decision?

**Mr O'BYRNE** - No. This is a matter of concern for me. As a former statewide league player I do support the establishment of the league. It is crucial in terms of us having the ability to support and have a pathway through to a team eventually within the AFL. But I also recall as a young under-19s player getting up very early in the morning and playing against Burnie and hearing those kids getting up at three and four o'clock in the morning to travel for three teams. I understand that when the clubs were brought back into the statewide league there was an agreement on a two-team competition.

Unfortunately we have had some real problems with some under-18 competitions in the regions. There have been not enough teams to sustain a league in regional areas. I understand that AFL Tasmania and the clubs are still working through a process. I do not necessarily think that there will not be a reserves team. I think the discussions that I am aware of are about what the reserves team will look like. For example, is it like a colts with some under-age players or with some junior players as well. I am concerned about it. As part of our funding arrangement it does not specifically talk about a reserves team. It talks about a range of other outputs that we have asked for but I am keeping a watching brief on that because the statewide league is crucial to the football infrastructure within Tasmania.

**Mr WING** - I thought that had been settled - or maybe not?

**Mr O'BYRNE** - I think there are some clubs who still want to have a debate about it; some clubs have agreed to the new structure but some clubs have not. I am confident that we can work through a process there, I have been briefed on it and I have spoken to a number of clubs directly and they have mentioned their concerns and I am hopeful we can work through that to the satisfaction of the 10 clubs.

**Mr DEAN** - I want to raise the issue of netball and there is, I think, in the Budget this year for the State \$50 000 for a business case in relation to the netball centre at Hoblers Bridge -

**Mr O'BYRNE** - It is \$100 000.

**Mr DEAN** - Is that what that total amount is?

**Mr O'BYRNE** - \$100 000 for the Hoblers Bridge netball to build a business case for major upgrades. There is also some other money for the association across the State, or northern Tasmania.

**CHAIR** - Is that a netball boost? There is \$200 000 identified for netball boost.

**Mr O'BYRNE** - That is separate. I am sorry, I thought you were talking about Launceston in particular.

**Mr DEAN** - I am talking about Launceston and the remaining money that is there for netball: what is that for and what will that do?

**Mr O'BYRNE** - There is \$600 000 over three years to develop, promote and administer netball. So that is \$200 000 per year. There is \$100 000 to the Hoblers Bridge netball facility to look at an upgrade.

**Mr DEAN** - How much, sorry?

**Mr O'BYRNE** - \$100 000. There is a further \$30 000 for Netball Tas for lighting controls at Aurora Stadium. So there are significant amounts of money being put into netball across the State.

**CHAIR** - Netball at Aurora Stadium?

**Mr O'BYRNE** - Yes. Aurora sponsors two stadiums, there is the football one in Launceston and then there is the Aurora Stadium, a gym, effectively and a facility in the northern suburbs of Hobart. So it is York Park and it used to be Bartercard - it is one of those things. We still call the Etihad Stadium Telstra Dome.

**Mr WING** - Yes, it took a while to get used to it.

**CHAIR** - We will say thank you to the Sport and Recreation section of your department, Minister, and move on to Workplace Relations.

**Mr O'BYRNE** - I would like to welcome to the table the Secretary of the Department of Justice, Lisa Hutton; the Deputy Secretary of the Department of Justice, Mike Stevens; and the Director of Workplace Standards, Roy Ormerod.

**CHAIR** - Thank you and we appreciate your time again with the committee.

## **DIVISION 6**

(Department of Justice)

### **Output group 9**

#### **Industrial relations services**

##### **9.1 Services of the Tasmanian Industrial Commission -**

**CHAIR** - I would like to focus a little bit on the commissioner's workload and caseload. Has it remained or is it at a stable level or have we seen a considerable increase?

[4.15 p.m.]

**Mr O'BYRNE** - In terms of the Tasmanian Industrial Commission, since the implementation of Fair Work Australia and the referral of a whole range of responsibilities to the Federal Government, it is true that the workload of the Tasmanian Industrial Commission has decreased significantly. They still have responsibilities and jurisdiction over the public sector in Tasmania and also the Long Service Leave Act in Tasmania. Again, we are mindful of ensuring that we maintain the integrity of the tribunal system within Tasmania. It is the Government's position that we will continue to have an industrial commission to assist in dealing with appeals or matters such as that. We have had a reduction in commissioners; we are down to three commissioners now. We have President Leary and commissioners Abey and McAlpine. Clearly in those circumstances, if there is an issue of a matter of appeal, one of the commissioners would have already heard the original matter so that created an issue for us in relation to full bench appeal matters. We have moved very quickly to have a joint appointment with Fair Work Australia of

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two Federal commissioners - they are Fair Work commissioners now, they are Commissioner Deegan and Commissioner Gay - or is that the President Deegan?

**Mr STEVENS** - I think it is Commissioner Deegan.

**Mr O'BYRNE** - Commissioner Deegan and Commissioner Gay and they have been appointed as dual appointments to the Tasmanian Industrial Commission and Fair Work Australia. There is no cost implication for us. They come to Tasmania regularly for Federal matters but they will only be asked to play a role in a case of appeal. There are no appeals outstanding at the moment so there is no cost implication. The workload has decreased significantly. We have made some savings in terms of some pay-outs of contracts and some redundancies of administration staff. In this area of industrial law the Government is of the view that it is important that we maintain the integrity of the Industrial Commission and the infrastructure there on the basis that there may be some work referred back to us from the Federal jurisdiction. It is hard to crystal-ball that but it is important that we maintain the integrity of our tribunals in Tasmania.

**CHAIR** - Does the commission hold hearings in the regions?

**Mr O'BYRNE** - Yes, regularly. I appeared before the commission a number of times: in Burnie, in Ulverstone, at the Launceston Magistrate's Court - yes, it does get around the State.

**CHAIR** - Given that there has been such a leap forward if you like with technology, are any of those hearings something that might be done under video conferencing in the future? Is it something that has been considered?

**Mr O'BYRNE** - Yes, we do have the facility. Also, the historical role of industrial commissioners traditionally was a lay tribunal, so it was less legalistic to ensure that justice was more equitable in terms of this field and I know the commissioners play a role. I know in my previous life, if the matter was ongoing we could avail ourselves of assistance from the commissioner in a conciliation role, and the commissioner would contact the parties to see if there was a way to resolve the matter expediently. So there is not necessarily always the need for a formal hearing and formal appearances. The role that the commission plays has decreased in the recent years with some legislative changes but commissioners are always given a broad range of powers to essentially resolve disputes. Sometimes beyond the glare of the commission hearing the best way to resolve a dispute is behind closed doors to try to sort it out.

**Mr FINCH** - I thought you were going to say 'back alley'.

*Laughter.*

**Mr O'BYRNE** - That's a bit old fashioned, I am not through that yet; that goes way back. That is pre-*Brazil*.

**CHAIR** - Can you inform the committee how many hearings there have been over the last 12 months?

**Mr O'BYRNE** - I do not have those details with me now but we can provide them.

**CHAIR** - Is that fairly close to Mike's fingertips?

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**Mr STEVENS** - Yes, 30 June last year 178.

**Mr O'BYRNE** - There were 178 matters before the commission last year, there have been 147 matters this year, prominently in the public sector.

**CHAIR** - It is still quite a large number.

**Mr O'BYRNE** - It is not an insignificant workload but I remember in the days when we had long waits to get hearings, I think it is more expedient now, which is excellent because, if there is an industrial dispute, the sooner the matter gets referred to the commission in some respects and the sooner you get a hearing the greater capacity you have to resolve it. As we all know sometimes in industrial disputes, the longer you go the harder it is to fix.

**CHAIR** - I think that goes for most disputes.

**Mr WING** - So Simon Crean will fix it all, will he?

**Mr O'BYRNE** - New mate.

**CHAIR** - Are there any other questions in this area that may be looming, Mr Finch?

**Mr FINCH** - You were talking about Fair Work Australia; there is an investigation into qualified community workers who get a salary of \$15 000 less than the average Australian wage.

**Mr O'BYRNE** - This is the pay equity case?

**Mr FINCH** - Is that investigation ongoing?

**Mr O'BYRNE** - That is a matter that is before Fair Work Australia as we speak. I think it was lodged in New South Wales by the Australian Services Union. Actually, a number of unions have an interest in that with workers in the community sector so that is a matter that is still alive before the commissioner.

**Mr FINCH** - Are you saying workers or unions in Tasmania and the Industrial Commission would be watching that?

**Mr O'BYRNE** - Absolutely. Given that it is a Fair Work Australia matter, if there is a decision that is made out of New South Wales it will have national impact because virtually all of the Tasmanian community sector award workers now are under the Federal system. It is a national test case and would have national implications.

**Mr FINCH** - Would you have any idea of how many Tasmanian workers would be affected?

**Mr O'BYRNE** - It would be thousands. It is a significant case and that is the beautiful thing now about the reconstruction of an equitable industrial relations system because under the previous WorkChoices legislation, issues of pay equity were not allowed to be considered. Now if there is discrimination on pay based on the feminised nature of a workforce and a lack of mobility for equal pay, under the new system we have the capacity to run a test case on that to deal with the inherent injustice of that industry or that sector.

**9.2 Workers' Rehabilitation and Compensation Tribunal decisions -**

**CHAIR** - Can you give the committee an idea or a number of decisions that have been in this particular area? I am always mindful, Minister, that departments go to a lot of trouble to put together this information and if we do not ask, they would be very disappointed.

**Ms HUTTON** - Fortunately, we finished this yesterday but I am not quite sure when they will be available from the tribunal but we can get that.

**Mr O'BYRNE** - We can undertake to provide that.

**CHAIR** - Obviously, you would know what level of activity is being undertaken in this area. If it is not exact numbers, just some idea of whether it is a busy area or whether it is not.

**Mr O'BYRNE** - It has decreased over the last 12 months so there has been a decrease.

**CHAIR** - Thank you. We will not put that particular requirement on notice.

**Mr O'BYRNE** - There is an annual report by the tribunal.

**Mr GAFFNEY** - I just follow-up on that - you said it has decreased. Are there any reasons for that? It does not matter if you cannot answer that but I was just wondering -

**Mr O'BYRNE** - No, it fluctuates from time to time. There is new legislation that comes into place today actually so we will see what the impact of that is. In some respects the campaign being run by WorkCover in terms of a focus on safe workplaces and really investing in that has really started to pay off in terms of injury rates dropping and a focus on workers' compensation, too. Not only is it a burden on any company, it is a significant burden on the person affected so I think the work that has been happening in this place over a number of years has led to a decrease and I think that is anecdotal.

**Mr GAFFNEY** - I just wondered if you put a freeze on workers compensation last year?

**Mr O'BYRNE** - I have only been minister for eight weeks.

**Mr FINCH** - Regarding this area, Minister - industrial relations policy and advocacy services - I have not had an explanation of what goes on with the allocation of this money. Maybe you could just apprise me of the policy. Is this to buy advice or is this to fund the advice that comes from your own department?

**Mr O'BYRNE** - That is exactly right, it funds the advice within the department. There is a whole range of issues that are still ongoing. For example, there is adapting to a national harmonised model. Obviously, we needed to make sure that we were represented at national discussions and that we had an appropriate policy response from government level. Also, for example, Tasmania is considering implementing some child labour laws as a part of the obligations that have flowed on to us from the International Labour Organisation which the national government has signed up to. So there is a whole range of things that we can possibly do and it is important that within the department we have that expertise to provide the advice ongoing when these issues are raised with us.



**Mr FINCH** - Do they work specifically on industrial relations policy and advocacy services, or are they across workplace relations?

**Mr O'BYRNE** - I think it is more broadly across workplace relations.

**CHAIR** - It is not Mr Stevens's annual pay, annual salary?

*Laughter.*

**Mr O'BYRNE** - I think he asked for that. He refused to take the pay cut to that job but -

**Mr WING** - He got a percentage.

*Laughter.*

**Mr FINCH** - Advocacy service is mentioned here. Is that something specific or is that encapsulated in what you have already explained?

**Mr O'BYRNE** - I think that is encapsulated in what we explained, yes.

**Ms HUTTON** - It is the name of the output.

**Mr O'BYRNE** - Yes, it is what we call it.

**Mr FINCH** - Okay, all right then. Thanks very much.

**CHAIR** - Thank you. If there is no more in that particular output group, I will move on to output group 11, Workplace Services.

## **Output group 11 Workplace Services**

### **11.1 Workplace Standards -**

**CHAIR** - Mr Dean?

**Mr DEAN** - Thank you. The first part is the reclassification of the WorkCover Tasmania board from control to administered and the associated relocation of overhead expenses. What is that all about? Is it setting up a new part of it?

**Ms HUTTON** - Simply, Mr Dean, it probably should always have been an administered payment because the funding for WorkCover, which is what that output talks about, does not come from the consolidated fund. It comes from workers' compensation levies on all employers. All employers who have worker's comp payable as a premium within the State, a proportion of that goes for this purpose, and also self-insurers in workers' compensation and therefore it is a better description of it for to be an administered payment. It is not Government funds per se but it does come through the agency's books because the people employed in WorkCover branch are Department of Justice employees and therefore their accounts, if you like, are run through our accounts but it is not a consolidated fund.

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**Mr DEAN** - I think if I am reading these papers right, there is going to be quite a lot of money - or money put into doing that and if it is simply a reclassification, where is all the money going to? What is that for?

**Ms HUTTON** - That money funds the operations of the WorkCover branch and the WorkCover board.

**Mr DEAN** - As I understand it there were additional moneys put in, if I am reading it right; and if you read through it - 11 on page 7.7 - there is some additional money in there for workplace standards for this year. As I understand it, some of that money will be going toward this reclassification and relocation, and I am just wondering how much is going in there. Quite obviously, it is for moving offices, is that it? It says relocation.

**Ms HUTTON** - Reallocation.

**Mr DEAN** - Allocation of overhead expenses.

**CHAIR** - That doesn't mean the building.

**Mr O'BYRNE** - It is more an accounting issue to apply, instead of the department more broadly, but to specify it under WorkCover Tasmania. It is more of a clarification of where the money goes to and where it is from and the responsibility for it. It will make sense once you get a trend figure in the next Estimates. It is just a change this year to make sure that we account for it appropriately.

**Mr DEAN** - Okay, thank you for that. The next of one is the Asbestos Unit that is going to be set up, and I have no doubt it will be set up in Launceston.

*Laughter.*

**Mr DEAN** - Can you tell us a bit more about that?

**CHAIR** - You can't blame us for trying.

**Mr O'BYRNE** - No, growing up in Launceston, you are ingrained.

**Mr DEAN** - How many personnel will be involved in it? Where will they be set up?

**Mr O'BYRNE** - Pardon?

**Mr DEAN** - Where will they be set up, Minister, and how many people will be involved in it?

[4.30 p.m.]

**Ms O'BYRNE** - The Asbestos Unit has an allocation at this stage of \$200 000 per year. Now, there has been some confusion about, how many people that provides and what the is unit going to do, so I am really glad we have got this question to answer. Currently across Tasmania, across our inspectorate, there is a whole range of things being done in relation to asbestos. For example, one of our inspectors on the north-west coast, 40 per cent of his work is currently now dealing with asbestos. The unit essentially is designed to establish a framework legislation

dealing with prioritised removal of asbestos. It will also be designated to establish a compensation fund for the victims and families of asbestos and asbestos-related diseases. Our approach really is not only a nation first but some people think it is a global first. We are the first Government that is actually saying we do not want to just encase it, we want to get rid of it. The unit essentially will be based within Workplace Standards and currently it is over on the eastern shore at Rosny. There is an inspectorate - and this is only one or two people initially - to provide just that legislative framework. Currently in legislation, every building owner must have a register of asbestos in their building. That is essentially where it stops.

What we want to do is to make sure that not only does that register itemise the asbestos in the building but also that it rates the condition that it is in by, for example, the green and the red. Green is it is in situ, it is fully encased and it presents no danger to people. Orange is, it is an area that could be disrupted so therefore we are concerned about it. Red is, it needs to be removed immediately. But an extension on that, what we want to make sure is that each building has a plan of removal, partly related to the rating but ultimately as a part of ongoing works with the building to ensure that they remove asbestos. No other government is talking about that. We do not want a risk management approach. We want to get ahead of this and make sure because of the impact that this material has on people. It is a level 1 carcinogen; it is significantly serious if people are exposed to it in a manner that can contract the disease. We are working very hard to make sure that we have a legislative framework to deal with it. The other issue is home renovators. That is a concern. Arguably that is beyond our control. I know that it is probably not in the context of your question but I am very passionate about this because this is really important. Have I answered your question?

**Mr DEAN** - It was going to because I was going to ask about the number of homes that have asbestos in them. I am aware of one recently down at Dodges Ferry where there was a lot of asbestos in the building. How will that be controlled? Will they be required to identify with the register?

**Mr O'BYRNE** - The register really is for commercial and industry. In terms of the home renovating it is really hard to deal with that. We are taking up a number of initiatives around the country and I will ask Roy Ormerod to explain some of the initiatives for the home renovator.

**Mr ORMEROD** - One of the most important things for homeowners is to understand the hazards of asbestos because every house built from the 1940s to the late 1980s has asbestos in it. They need to understand where it is in their home and so therefore we would probably look at what is happening in Victoria where they have a DVD which they will be able to obtain quite cheaply together with a small kit - protective clothing and other things - that they can then use when they do any small asbestos work like putting a hole into a bigger cement sheet. For anything bigger than that they will be provided with some good advice and knowledge on how to deal with that, using experienced and qualified people. The important thing is for people to understand what the hazards are so they can go out and work out how to protect themselves from exposure.

**Mr O'BYRNE** - So essentially it is a whole-of-government response. It is not just a setting up of a two-person unit in an office somewhere in the State. There is not much of Workplace Standards' work that is not impacted on in some respect by the issue of asbestos. Also, we do not want to have an issue-by-issue-based response because that is not going to deal with it. As a result of a recent incident, we have also been working with the fire department, with the EPA and with Workplace Standards to ensure that if there is a fire or an issue such as that in a building, be

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it corporate, retail or residential, we will have a contained response to ensure that we can deal with it appropriately. That is the first time that that has occurred in Tasmania. So we have a coordinated response on safety.

**Mr DEAN** - Just so I understand it, the industry will need to register - right?

**Mr O'BYRNE** - Currently there is a requirement for every building owner - commercial, retail, industry - to have a register and if they don't have a register, there is -

**Mrs TAYLOR** - Minister, that is that is public buildings as well, like sport centres and stuff?

**Mr O'BYRNE** - Absolutely, and Government have an obligation as well.

**Mr DEAN** - And will inspections be carried out?

**Mr O'BYRNE** - At the moment we have been working closely with Unions Tasmania, with the Tasmanian Chamber of Commerce and Industry, through Bob Gossi and your Occupational Health and Safety Committee and also the new Asbestos Free Tasmania Foundation to work on that. We are encouraging private sector and non-State Government entities to be proactive about this. Already the Health and Education departments are going through an assessment on all of their properties. If we are alerted to a building or an area of concern the inspectorate will be able to investigate that but at the moment we are really focusing on two things: getting the legislative framework in place to make sure that we have a good response, a holistic response, to asbestos and, also, the compensation fund.

We are really focused on trying to build that competence. It will be a levy on business similar to the HIH. We have had discussions with the Chamber of Commerce and they are at the table discussing this and they understand that it has to be dealt with, which is good. This tripartite approach between Government, business and work organisations is crucial. When you saw the campaign that was led against James Hardy by brave people like Bernie Banton you can't help but be moved and inspired to do something about it as minister responsible for this area. I want to acknowledge the role that the previous minister, Lisa Singh, played in championing this cause.

**CHAIR** - And still plays, Minister.

**Mr O'BYRNE** - And still plays, and it gives me great pleasure to be able to deliver on some of these things.

**Mr DEAN** - Is there any idea at this stage how much the levy will be?

**Mr O'BYRNE** - No, there is not. We are getting the actuarial people on it now. I'm not sure - maybe 2 or 3 or 4 per cent.

**Mr DEAN** - An annual levy?

**Mr O'BYRNE** - Yes.

**Mr GAFFNEY** - Minister, I was fortunate to attend the Burnie workshop forum, the meeting. It was just excellent and a really valuable experience. Would you consider, with 29 councils there, just having the DVD or the PowerPoint available through that because with most

building applications and planning applications, if there was a link on the council website it would be just easy to do and then, through our communities we could say, 'Click on this for information,' and I would think that would be a much easier way, instead of producing so many thousand DVDs. It would be a simple exercise.

**Mr O'BYRNE** - That is great.

**Mr GAFFNEY** - And there'd be that local input when they come in - 'Oh, and don't forget to watch' - if you were building a verandah or taking down a room.

**Mr O'BYRNE** - After you get that application approved by the local council.

**Mr GAFFNEY** - Which doesn't take long at all. I think it would be a -

**Mr O'BYRNE** - I think that is a fantastic idea and, again, a big part of this issue is about education around it. We know that at Princes Wharf out here professionals are removing asbestos from the roof. They are fully registered, doing it appropriately, but people hundreds of metres away gasp, 'Oh, asbestos.' There is a lot of fear, and that is understandable, so the role of the unit will also be to recommend on how we can educate people about how we manage the risk. We have had some instances in the community recently where people are whipping up a whole lot of fear, unreasonably so, and scaring a lot of people for what I think are purely base politics needs. I am very mindful that we need to make sure that we have good education around this as well.

**CHAIR** - Yet again, Minister, the Legislative Council are here to help.

**Mr O'BYRNE** - Thank you very much.

**Mrs TAYLOR** - I am not sure that this actually applies to Workplace Standards or to the whole area but I note that on table 7.24, which is the safety of workers and the rates of serious injury, you have a target by 2012, so the note says, of going down to a nationally agreed target of 9.84. Last year it was 14.4. The target for this year was 11.5, which is a dramatic reduction, and you want to get to 9.4 by 2012. That is admirable; I love the target. How are you going to do that? What are you doing differently now that is going to drop that?

**Mr O'BYRNE** - In terms of workplace safety?

**Mrs TAYLOR** - Yes.

**Mr O'BYRNE** - WorkCover Tasmania is a very innovative and aggressive organisation in terms of education and assisting workplaces in their occupational health and safety performance.

**Mrs TAYLOR** - That is not new, though, is it? Have they suddenly become aggressive and innovative?

**Mr O'BYRNE** - No, but these things do not happen overnight. I know over the last 12 months there are a number of officers at WorkCover who are proactive. Instead of waiting for something to happen they are going in to work with a company; they are actually going out and building relationships. There has been a perception issue with some of the WorkCover officers about saying that they cannot get them in just in case they are doing something wrong and they do not want to get whacked with the fine. We have been making sure that those officers are getting

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out building relationships with employers and providing that free advice about how to make their workplaces safer.

I think regarding the awareness, you are right. WorkCover has been evolving over the years and we are getting much better at it and the beautiful thing is that now is that we have some specific information from employers which indicates that we can do better in these areas and that is that consultancy basis. Again, the principle that we are taking in regard to those consultants going out into the workplace is a proactive approach.

**Mrs TAYLOR** - They used to be inspectors and now they are consultants?

**Mr O'BYRNE** - No, they are no different. The inspectors are Workplace Standards and with WorkCover Tasmania they are consultants and advisers. It is always good to have advisers.

**Mrs TAYLOR** - Absolutely. The statistics have dropped so you must be working at this very aggressively to hope for that drop.

**Mr O'BYRNE** - 'Aspiration target', I have just been told by the secretary. I think it is more than that but I will take the advice.

**Mr DEAN** - I just want to know what the staffing levels are at Workplace Standards and the regional offices and whether or not they have the capacity to complete and undertake the work that they need to do? It seems to be a tremendous call on them.

**Mr O'BYRNE** - You are right; there is a tremendous workload and there is no doubt about that.

**Mr ORMEROD** - We have been carrying a few vacancies and it has not been as a result necessarily of funding but it is because there has been a significant review of the award structure with the inspectorate to give them a better promotional career structure. That has been finalised now and so we will be advertising a number of vacancies over the coming months.

**Mr DEAN** - That is excellent.

**Mr ORMEROD** - They will be in the newspaper in the next few weeks. Certainly, in the meantime, we have had to manage the workload but they are not expected to carry out more than they are able to do and if they are concerned about undue work pressures they are to let me know - and I remind them of that quite often.

**Mr O'BYRNE** - The inspectors every couple of years are brought together and they were at Grindelwald recently - good money into the northern community - and I spoke to them as I know most of them over the years in my previous employment. They are committed people and they care very much about their work and as a minister who knows intimately the value of their work, they have an advocate in me.

**Mr DEAN** - Indeed, they are a very hard working crew; the ones in Launceston in particular you see them running from one spot to another.

**Mr O'BYRNE** - Great people.

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**Mr DEAN** - Minister, have the number of workplace accidents or incidents, is it plateauing, is it up, down, where abouts are we going to?

**Mr O'BYRNE** - It is very much on the decrease.

**CHAIR** - Any questions around grants and subsidies, members?

Minister, there are a couple of things I would like to put on the record before we finish for today. I think we have done very well this afternoon. But also can I on behalf of the committee congratulate you. It is hard to believe that you have only been an elected member for three months, let alone a minister in that time as well and we just wanted to congratulate you.

**Mr O'BYRNE** - I appreciate that.

**CHAIR** - Have you more questions, Mr Dean?

**Mr DEAN** - Could I just ask one question.

**Mr O'BYRNE** - There are no foxes in Workplaces, I can guarantee you that.

*Laughter.*

**Mr DEAN** - Minister, foxes will not worry them, I can assure you of that. They will not be worried at all.

*Laughter.*

**Mr DEAN** - Is the new legislation operative?

**Mr O'BYRNE** - The Workers Compensation Act - from today.

**Mr DEAN** - Other legislation went through in relation to union action and activities in the workplace.

**Mr O'BYRNE** - This is Occupational Health and Safety?

**Mr DEAN** - Yes, that one.

**Mr O'BYRNE** - There have been no complaints and all the reports I have received from both Unions Tasmania and the Tasmanian Chamber of Commerce is that, as I suppose some people predicted, people are acting responsibly in the process.

**CHAIR** - Thank you very much and thank you very much members. As I have already indicated, we would like to congratulate you on your presentation today and the way you answered the questions and delivered the information because it is an information-gathering session in the eyes of the Legislative Council and we appreciate the work that goes into preparing for Estimates as well. We know how hard it is to read these books. On the strength of that, I know that Mr Wing, the member for Launceston, is not going to read these books again.

*Laughter.*

**Mr O'BYRNE** - I can provide you with the executive summaries if you want them, Mr Wing.

**CHAIR** - Minister, I would like to place on the public record an acknowledgment and congratulations to the member for Launceston as he will not be back to the Estimates table next year. We certainly appreciate, member for Launceston, your contribution this year and in many years past.

**Mr WING** - Thank you very much.

**CHAIR** - You have handled yourself in such a dignified manner at the table, so thank you and we congratulate you. We know we have got you around for quite some time yet but not for this process.

**Mr WING** - That is very kind of you, thank you very much. I appreciate that.

**Mr O'BYRNE** - On a personal note, I thank you for your politeness. There are some key issues obviously that you feel very strongly about and I appreciate the manner in which you have asked the questions. I think the relaxed nature across the table means that we get through a lot more information and goodwill is built. On behalf of the Government, I also pass on my congratulations to the member for Launceston for his contribution over the years. No doubt there will be many speeches to come but we wish you well.

**Mr WING** - Thanks very much, Minister.

**CHAIR** - He is probably going to take on a guest speaker role, Minister, around the State and probably around the world.

Thank you Briony for your support over the last four days and I thank our esteemed secretary who organises us to the nth degree, Ms Sue McLeod. I also thank the security staff.

**The committee adjourned at 4.48 p.m.**