

**Tuesday 15 October 2019**

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

## **STATEMENT BY SPEAKER**

### **Behaviour of Members**

**Madam SPEAKER** - Honourable members, I would like to point out that the last time we sat was relatively unpleasant for many of us. I am trying to stress that I want this to be a safe and respectful workplace for all of us. Accordingly, I will be dishing out the discipline as required.

## **QUESTIONS**

### **Budget Cuts - Consultancies**

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

[10.03 a.m.]

In May, you attempted to justify your savage \$450 million in cuts by promising to slash spending on advertising, consultants and travel. However, the government tenders' website reveals that in the months since the Budget you have awarded millions of dollars' worth of new consultancies. These consultancies include \$64 000 for a specialist adviser for the Western Bypass Study, who recommended spending a further \$762 000 on another study; \$200 000 for strategic and tactical advice on the bus contract changes, which have caused inconvenience across rural and regional Tasmania; \$521 000 to PricewaterhouseCoopers to help you sell the Treasury building, and an undisclosed amount to David Jones to launch their winter fashion range in Tasmania when they do not even have any stores here.

At the same time that government departments are grappling with cuts, including Health which is already in crisis, how can you justify spending obscene amounts of consultancies when you are slashing \$450 million from services?

## **ANSWER**

Madam Speaker, I thank the Leader of the Opposition for her question. Yes, we are committed to making efficiencies and savings across government in a way that does not impact on frontline services but also to ensure that we can continue to invest most into important infrastructure projects, into election commitments that we have made, and into initiatives that will advance the interests of our state.

**Members** interjecting.

**Mr HODGMAN** - Whilst members opposite interject, the one who interjects the most would have you think they know everything about every single subject and are the experts on all matters. Well no, it is appropriate under this Government, as indeed it has been in the past, for the government to engage consultancies.

Unlike the Labor-Greens government of the past, when in 2013-14 \$28 million was spent on consumables, \$4 million more than we spent, in the first term of this Government, 30 per cent less was spent on consultants than in the last Labor-Greens government's term. We are less profligate than members opposite might suggest when it comes to engaging consultants.

We will continue to ensure that we manage our state's finances well. We will continue to ensure that whilst this is an anathema or something that the Labor Party has admitted they do not quite yet understand, having a good economy and having a strong budget position does require us to be fiscally responsible. We will make savings including in areas like advertising, travel and consultancies. We will continue to do so despite the criticism of members opposite who offer no alternative other than to raise taxes, which is what they have said they would continue to do.

Whilst we will ensure that we manage our funds well and direct public expenditures in ways that will benefit our state, we will not do things like the Labor Party would have us do: increase taxes and increase the burden on the cost of living of Tasmanians.

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### **Recognition of Visitors**

**Madam SPEAKER** - Honourable members, I draw your attention to some very special guests today.

In the gallery we have grade 5 and 6 students from Goulburn Street Primary School. Welcome to parliament.

In the Speaker's Reserve we have the Tasmanian Junior Beekeepers who are guests of the member of Rumney, the Honourable Sarah Lovell, MLC.

We also have a former Speaker of the federal parliament, the Honourable Peter Slipper.

**Members** - Hear, hear.

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### **Budget Cuts - Effect on Health Care**

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

[10.07 a.m.]

Tasmanians were shocked and appalled to hear the story of 11-year-old Spencer Connelly, who has waited 15 months for vital skin graft surgery. It took national exposure to finally result in some movement in Spencer's case. Whilst Spencer has waited for surgery that will allow him to live a normal life, your Government is slashing \$450 million from essential services. You are also spending obscene amounts on consultancies, including \$300 000 for media monitoring in your department of Premier and Cabinet.

Why is media monitoring for the Department of Premier and Cabinet more important than surgery for Spencer Connelly and the almost 10 000 Tasmanians waiting for operations?

## **ANSWER**

Madam Speaker, I thank the member for her question. I do not accept the premise and nor would this Government ever say that the health care of Tasmanians is a priority for this Government. We have invested more into our health system because our budget is under control.

We are able to invest more into better health care for Tasmanians because of our strong economy and our good financial management. We are able to ensure that we are employing more nurses, doctors and allied health professionals in facilities that were shut under Labor and the Greens that we have since reopened. We are investing in all our hospitals across the state and better connecting our health system to deliver better services for Tasmanians.

There is always more to do. We are spending less on consultancies than the former government and we are investing more into health than the former government and that will continue.

I am aware that senior clinicians have engaged with Spencer and his family. Despite what the Opposition says, our hardworking health professionals intimately care about all those who they treat and are doing so with respect to this matter. I am advised that a clinical and surgical review will be undertaken and a plan put in place for his ongoing treatment.

For those who are waiting for surgery and other specialised treatments, we always want to see them treated as quickly as possible. Under this Government we have improved treatment times and reduced elective surgery waiting lists. They reached the lowest level ever in this state under this Government. That is because of investments in health by this Government and by the Coalition Government.

I utterly dispute what the Leader of the Opposition says. It was when they were in government that the now Leader of the Opposition said they cut our health system so far it was close to the bone and the damage of that to any poor patients - some of whom were waiting for a decade for treatment under Labor and the Greens - is a far cry from where we are now. Of course there is more to do. We will invest more into our health service and we will certainly trust our health professionals to get Tasmanians the health care they need as soon as they are able.

## **Coal Industry in Tasmania**

### **Ms O'CONNOR question to PREMIER, Mr HODGMAN**

[10.10 a.m.]

Your Government has followed other parties and now has a goal of 100 per cent renewables by 2022 - well done and, as your minister would say, well noted. At the same time, your Government is ramping up exploration and mining of thermal coal, with operations on fertile farmlands in Woodbury and Jericho, Avoca and alongside the Douglas Apsley National Park. Your Government has also handed out almost \$80 000 in public money to coal companies, presumably to grow the industry here. Is your Government really prepared to sacrifice farmers, tourism, businesses, our clean green brand, dismiss Aboriginal Tasmanians as the ultimate custodians of this island, lutruwita, and undermine our contribution towards a safe climate for our children by enabling this industry, which has caused so much damage globally, to ramp up coal extraction and exports from Tasmania?

## **ANSWER**

Madam Speaker, I thank the member for the question. It is true to say that under our Government, the coal industry was a part of Tasmania's industrial landscape, including existing operations in the Fingal Valley. I understand the member may well have acknowledged that there is a heritage of this sector in our state, which supports the employment of Tasmanians and supports industrial development and progress economically in our state, which we strongly support, as we do increased activity in mining, forestry, our salmon industry and other productive industries. We do not cherry-pick like the true Leader of the Opposition, who I note was acknowledging the significant investment and established operations in the Fingal Valley with respect to coal, but I do not accept, and nor should anyone accept, that the Leader of the Greens is correct in saying that we are ramping up our activities or backing a coal mine in this state, as is asserted.

**Ms O'Connor** - Well, you've given them a grant.

**Madam SPEAKER** - Order.

**Mr HODGMAN** - The facts are there are two coal exploration licences for coal that exist in the Southern Midlands held by companies associated with Midland Energy. The licences were granted under a Labor government in 2008 and continued to exist throughout the period of the Labor-Greens government. Both exploration licences are currently pending renewal. I can assure those businesses and the broader community that we will not do as some might suggest and interfere in the process. The minister will not take any statutory decision-making roles under the Mineral Resources Development Act without doing so responsibly and advisedly as the community would expect, including any advice from the department on licences granted, including those that were granted under Labor and the Greens.

We will follow due and proper process and focus on ensuring that the state's best interests are well represented. That includes taking into account all those matters under that legislation which include a public interest test. Our agricultural sector, which is growing under this Government, is strongly supported and invested in by this Government, and we expect it to grow. We will not have anything that interferes with productive farming land.

I make it clear that applications received under this grant process are assessed at arm's length against a set of criteria by a panel which includes staff from MRT and two independent geologists. Information gained from the drilling improves the understanding of the geology in an area which, in turn, provides valuable information for sustainable land use planning.

**Ms O'Connor** - What if they find coal?

**Mr HODGMAN** - Midland Energy was successful in being awarded a grant of up to \$50 000 in round two of the exploration drilling grant initiative in May 2019 -

**Members** interjecting.

**Madam SPEAKER** - Order. I am struggling to hear.

**Mr HODGMAN** - but to assess the grant the company will need to complete the agreed drilling program, provide a report and drill core to MRT, and go through all the necessary processes. A lot of water has to go under the bridge -

**Dr Woodruff** - What about the scientific process?

**Madam SPEAKER** - Dr Woodruff, warning one.

**Mr HODGMAN** - That will not stop the Leader of the Greens trying to whip up hysteria around this matter.

I can say that licences granted under Labor and sustained under Labor and the Greens, without any intervention by the Greens members of that coalition government, are matters that we respect and are part of an appropriate process we will not interfere with. That would only also lead to further damage to our economy, which we know is something that does not concern the Greens or their coalition partners, the Labor Party. We need to ensure that our economy can continue to sustainably grow, protecting all things special about it. Our industrial base, our resources, our job-generating industries such as tourism and that which is supported by our brand will continue to positively progress under this Government and not stall into recession, as they did under yours.

### **Federal Public Sector Jobs in Tasmania**

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

[10.16 a.m.]

We have all noted with concern the series of future debt scenarios identified by Treasury. Asset sales and cuts have been foreshadowed, but cuts erode confidence and asset sales reduce the strength of our balance sheets. People want solutions. We want industry growth, projects started, business growth, reduced red tape, more international trade and more jobs. Rather than cutting the bottom line, we need to grow the top line.

The Australian Public Service review led by David Thodey AO has recently handed down its initial findings. I made a submission to that review, of which I can provide a copy to you. Tasmania does not get its fair share of federal public service jobs. The total number of APS jobs per state are: ACT at 57 000, which is 37.9 per cent; at the lowest the Northern Territory is at 2000 jobs, which is 1.3 per cent of the available jobs and Tasmania is second-last at 2.5 per cent.

The opportunity to land more jobs in Tasmania is live, is real and is happening now. Immediate targets should be to increase jobs and resources into the ABC, CSIRO, UTAS, immigration and the Antarctic Division. We can create a shared services niche for back-of-house functions for the APS here. We can look at servicing the ATO, Defence and the NDIS. Our target should be 6 per cent, which is on par with South Australia.

**Members** interjecting.

**Ms OGILVIE** - I am getting to the question right now. Premier, will you support my proposal for the formation of a delegation to get Tasmania to the negotiating table so we can effectively lobby for a fair share of federal public sector jobs?

**Madam SPEAKER** - Thank you, Ms Ogilvie, that was a very long question.

**Ms Ogilvie** - Noted.

## **ANSWER**

Madam Speaker, I thank the member for the excellent question and her interest in our strong economic performance and fiscal sustainability, which I acknowledge was identified with the release of the sustainability report, which is open and transparent, and an initiative generated by this Government to ensure that Tasmanians have access to analysis, which is important to note are also projections, not outcomes. They are also scenarios that highlight the fact that if we do not continue to manage our state's finances well and spend less than we earn, and by reducing inefficiencies in those areas where we are not delivering essential services, we will fall into greater fiscal decline, as happened under Labor and the Greens. With the fiscal situation we inherited with deficits and the state's economy in recession, they can only thank heavens they were not as open and transparent as we now are in government.

What we found when we came into government was a financial horror show left to us by the Labor Party and their colleagues, the Greens. What this report shows is that we will continue to manage our finances well and if we so do, taking corrective policy actions where necessary, we will be able to continue to invest more into health, education, essential services and job-creating projects, which this Government is always looking for and delivering on. There are 13 500 more Tasmanians now employed, 1600 more Tasmanian businesses now operating; our unemployment rate is lower now than when we came into government. There are many more opportunities for Tasmanians and others to come to our state for jobs because there is greater optimism and confidence in our state, and that is why our population is now growing when it declined under Labor and the Greens.

With respect to the allocation of national public service jobs and agencies into the state, something I have spoken to the Prime Minister about, our preference would always be for our strong economic performance not to be dependent on government. That is the typical Labor way. We welcome the opportunity to explore relocation of federal public service roles to our state -

**Mr O'Byrne** - So, Barnaby Joyce didn't get any jobs for Armidale?

**Madam SPEAKER** - Mr O'Byrne, warning number one.

**Mr HODGMAN** - and we will remain in active discussions with our federal colleagues. That includes our strong team here and our counterparts.

We certainly support their decentralisation agenda as well, which is something I have spoken to the Prime Minister about, as have prospective ministers. We have jointly lodged, with our federal team and peak industry bodies, a bid with the Australian Government that is being considered. We are proactively looking for jobs, which is not something the Labor Party has a strong track record on. We will look for opportunities to advance job-creation here through our strong private sector and by working collaboratively with the Commonwealth.

Despite what Opposition members would have us do, and bang the table and fight with the Commonwealth Government, we will not. We will continue to work cooperatively and sensibly with them because it is under them that we have these record-level investments into job-creating infrastructure across our state. That is also being delivered under our governance and the strongest business conditions in the country to support further growth.

## **Tasmanian Economy - Net Debt**

### **Mr O'BYRNE question to TREASURER, Mr GUTWEIN**

[10.22 a.m.]

Last week when Treasury released its report into your looming debt disaster, you went into hiding. No doubt, you were embarrassed about being exposed as 'PayWave Pete, the tap-and-go Treasurer' who has put the state's future on the credit card. In 2014, you released the now infamous risk report and warned that the state was headed for financial ruin with net debt of \$400 million. In the 2015 Budget, you promised to avoid falling into what you described as 'the debt trap'. Just last year, you declared the dawning of a golden age. In this year's budget, you predicted a pathway of a billion dollars of net debt. Treasury has now warned that the state is on the pathway to a truly staggering \$30 million in debt. You are tapping away, racking up the debt on the platinum credit card. Is it not true that you have no idea of how to get out of the debt trap that you have caught the state in?

### **ANSWER**

Madam Speaker, I thank the member for that question. It is the first Treasury question I have had this year. Unlike the former shadow treasurer, the *Hansard* record has not been airbrushed out of history, so we will check that. In terms of the fiscal sustainability report, first, have you been briefed on it yet?

**Opposition members** interjecting.

**Madam SPEAKER** - Order. Dr Broad, warning one. Order, I will give you a few seconds to regain your composure and remind yourselves of where you are. Please proceed, Treasurer.

**Mr GUTWEIN** - Thank you, Madam Speaker. We have been told that they have not received a briefing on the report yet. For the benefit of the House, I will explain that there were four scenarios included in that report. Treasury makes the point in that report that, in terms of those scenarios, they are projections, not forecasts, and do not take -

**Members** interjecting.

**Madam SPEAKER** - Order, I will give Leader of the Opposition one warning. Dr Broad, another one, so you are on two.

**Mr GUTWEIN** - into account any corrective action by government. The four scenarios in the forward Estimates demonstrate that, even 15 years hence, we will have a surplus and our budget will be in good shape. The other three scenarios included are, in my mind, the Labor scenarios. Scenario one is high expenditure. We know that they spent more than they earned when they were in government. The high-expenditure scenario, which goes to the \$30 million worth of net debt you were talking about, is the Labor scenario. Interestingly enough, there is a low-revenue scenario and that is another Labor scenario because -

**Ms O'Connor** - You don't even sound like you have convinced yourself.

**Madam SPEAKER** - Ms O'Connor, warning two.

**Mr GUTWEIN** - When they were in government they smashed confidence. We had two out of every three businesses that thought their policies were working against them. State receipts were in decline because if you do not have a strong economy, which is something this side of the House understands full well, you do not have a strong budget. High expenditure and low revenue are the two Labor scenarios.

The other was a historical trend. Every year, since I have been Treasurer, we have been able to meet our fiscal strategy and we have had more revenue than expenditure during that time. We have spent less than we earned. When you look at the historical trend it captures the Labor-Greens' four years and the period before that, when they were spending like drunken sailors. It is no surprise that the historical scenario is also reflective of the Labor position, should they ever come to government.

The Treasury report, the fiscal sustainability report, is a useful document but that is all that it is. It projects over a long time without government taking any corrective action, which is what this Government has always been prepared to do. I say to the Opposition, in terms of our very sensible, very responsible efficiency dividend, that they should get on board and support that. A more efficient government delivering services to Tasmanians is in everybody's best interest. The one thing that side of the House has forgotten and this side will never forget is that the taxes paid come out of Tasmanians' pockets. It was no surprise that the first foray of the shadow treasurer last week indicated that he was prepared to increase taxes.

**Mr O'BYRNE** - Point of order, Madam Speaker. He is misleading the House. In the answer to the question, we ruled out we had no plans for new taxes but we said we would read the Treasurer's own report, which he now says is useful.

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

**Mr GUTWEIN** - The member, unfortunately, has misled the House. He did not say that he would read the report in the article, but he said he was open to a review of state taxation. That is what he said last week. When you have a moment, you might correct the record in this place. The one thing that you will not get away with in this place is saying one thing and meaning another.

**Ms O'Byrne** - That is not a direct quote. Where's your farm tax?

**Madam SPEAKER** - Ms O'Byrne, second warning.

**Mr GUTWEIN** - The record of the member opposite, when he was economic development minister, is of a plan that now sits in the rare book section of the library, a plan that cost Tasmanians 10 000 jobs at the peak, drove the state into recession and left red ink all over the budget papers.

### **Tasmanian Economy**

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

[10.30 a.m.]

Can you update the House on how the Hodgman majority Liberal Government is delivering on the long-term plan to keep our economy strong, to carefully manage the budget and to help create



jobs and invest even more in essential services? Is the Premier aware of any other approaches or alternative plans?

## **ANSWER**

Madam Speaker, I thank my parliamentary secretary for her question. It is a great thing to be able to say that Tasmania's economy is the best performing in the country, that our economic growth has topped every other state in the nation and that our population is growing at its highest rate in 30 years, more than four times higher than under Labor and the Greens.

It is great to be able to celebrate that 1600 new Tasmanian businesses have opened since we came into government. There are 13 500 more Tasmanians in work now than in 2014. It clearly has not happened by chance. The majority of Tasmanians who run those businesses are also saying that not only are they the most confident in the country, but this Government has created the best business conditions in the country. Under our plan, the policies and programs contained in this year's Budget and our initiatives also are delivering positive economic outcomes and good economic conditions for business.

Under the Buy Local policy my Government introduced to support more Tasmanian businesses getting a piece of government work, I am advised that more than 90 per cent of government work is won by Tasmanian businesses compared to 63 per cent under Labor and the Greens and they oppose that policy.

Despite the negative spin that Labor put on things, constant negativity, Tasmania is leading the nation in trade apprenticeship starts, up 10.4 per cent in the past year while the rest of Australia decreased over the same time.

Our payroll tax scheme for apprenticeships is now supporting 159 employers supporting 2015 apprentices and trainees and 249 youth employees. Our small business grants program similarly is supporting 731 employers and 1136 apprentices. This contrasts to apprenticeships actually declining by 40 per cent under Labor and the Greens.

On a much larger scale and looking to the future, our budget invests in infrastructure to support our growing state, forecast to create 10 000 more jobs for Tasmanians.

We launched our new Tourism Tasmania marketing campaign yesterday, which is strongly endorsed by the tourism industry, our great tourism businesses that now, under this Government, employ 42 800 Tasmanians. Deloitte Access Economics now forecasts visitor expenditure could more than double to \$5 billion a year and 5000 to 10 000 more people could be employed by tourism by 2030.

With this Government's vision to be the renewable energy battery of the nation, importantly we have received expert analysis confirming greater capacity than was previously anticipated. That means an estimated \$6.5 billion into the economy and around 2400 more jobs through our Battery of the Nation and Project Marinus initiatives which commenced under this Government.

The alternative is a Labor Party that is only now saying that they think the economy is important. You can only look at their track record, as we have said today, an economy that slipped into recession, 10 000 jobs lost under Labor and the Greens and the lowest levels of business confidence in the country. Yesterday the shadow treasurer said that they will now 'do the hard work

needed'. That is an admission that they have not been working hard up until now. Talking the economy down and trying to damage business confidence is not hard work -

**Ms Butler** - We have 120 000 people living in poverty and nearly 10 000 on the waiting list for surgery.

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

**Mr HODGMAN** - claiming on one hand that the Government does nothing and then criticising every single thing we do. That is not hard work; it is lazy politics. Yes, we agree that you should be doing more hard work rather than running around the state trying to scare our communities as you are doing, as they so often do with lies and stunts.

There is no serious alternative and unlike Labor, Tasmanians can trust us and depend upon us to deliver. We understand there is more to do to maintain the growth in our state and to ensure that all Tasmanians share from the benefits of a growing Tasmania. While it might be boring for some to hear me talk so often about our plan, about keeping our economy strong, investing into more services for Tasmanians through our stronger budget, I can never be more excited every single day of the week to talk about Tasmania's economy being the strongest in the nation and it has happened under this Government.

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### Recognition of Visitors

**Madam SPEAKER** - Honourable members, I would like the Chamber to acknowledge the West Moonah Men's Shed, guests of the member for Elwick, the honourable Josh Willie MLC. Welcome to parliament.

**Members** - Hear, hear.

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### Budget Cuts - Health

**Mr O'BYRNE question to TREASURER, Mr GUTWEIN**

[10.35 a.m.]

Last week it was finally revealed where the first tranche of your \$450 million of cuts would be coming from. Despite your promise to protect frontline services, Health has been told to find more cuts at a time when it is already in crisis. The cuts this year are the equivalent of 164 nurse jobs. Education has been told to find cuts which are the equivalent of 116 teachers. You describe these cuts as sensible. How out of touch can you be that you think slashing funding for health and education is sensible?

Today we heard another health horror story of Sally McShane who has already waited five years for surgery after a car accident in 2014 and has been told she will have to wait in pain for another three years before she will receive her procedure.

Do you think it is sensible to be cutting health funding when people like Sally McShane are waiting in pain for surgery?

## **ANSWER**

Madam Speaker, that is another lazy, opportunistic effort by the shadow treasurer. We make no apology for wanting government to be more efficient - none whatsoever. In terms of the savings, I come back to the previous question and the Financial Sustainability Report. If you want to whinge about the projections that Treasury has provided, get behind our sensible efficiency dividend because it is only in the forward Estimates model that those savings are counted. In terms of where the projections run away, they do not take account of government action.

We are a government that is prepared to act sensibly and responsibly. I explained to Tasmanians when I brought down the Budget that we were facing national headwinds. There are international headwinds that are occurring. In framing-up the budget, there were two key matters we looked to deal with. One was to ensure that we were as efficient as we could be across the public sector. Therefore, we announced a very modest 0.75 of 1 per cent efficiency dividend, which we have been able to reduce to about 0.5 per cent. Other jurisdictions are applying 2 per cent to 3 per cent efficiency dividends.

As I explained when I outlined the Budget, this was about taking corrective action early, ensuring that we were as efficient as we possibly could be so that, at a time in the future, more drastic action was not required. We put in place a very modest efficiency dividend.

The other thing we did in the Budget was rather than taking our foot off the pedal in infrastructure spending, we put our foot on the pedal and we stepped up a notch. We announced a \$3.6 billion infrastructure, investing into intergenerational assets like roads and bridges, dams, schools and hospitals, and affordable housing. We know the best way to keep our economy strong is to ensure that we keep people in jobs and the budget underpins 10 000 new jobs.

In the efficiency dividend, we have targeted and have asked agencies to target discretionary spending, like consultants, like advertising and -

**Mr O'Byrne** interjecting.

**Mr GUTWEIN** - The member laughs. We are spending 30 per cent less across four years, 30 per cent less than they were spending over a four-year period. Again, the member will come into this place and will have a bob each way; 'Two-Bob O'Byrne' is what we have on the other side, to be frank.

In terms of the efficiency dividend, we will target those discretionary areas of spending, we will manage our staff sensibly, we will manage overtime costs and we will look to take on board some of the suggestions that were made by the unions when they sat across the table from us and said that managing overtime is one area where you can get efficiencies. Managing casual pools is an area where you can get efficiency. They are the types of savings measures that will be implemented across departments.

Madam Speaker, I will finish where I started. We make no apology for wanting a more efficient public sector. The public sector is paid for out of the taxes that come out of Tasmanians' pockets.

**Government members** interjecting.

**Mr GUTWEIN** - The comment just made behind me was, 'Where is your alternative budget?' That side of the House has no vision or plan. We know that because Mr O'Byrne put that into an article yesterday, which I think was a direct attack on his leader, and also a slight at the former shadow treasurer who, for some reason, is being airbrushed out of history.

Moving on, Madam Speaker, we make no apologies for wanting government to be as efficient as it possibly can. It is only then that we will be able to put record amounts of investment into health, education and, importantly, looking after those people who are less fortunate than others, and all underpinned by a record spend in infrastructure.

### **Energy Projects**

**Mr TUCKER question to MINISTER for ENERGY, Mr BARNETT**

[10.42 a.m.]

Can you please share with the House the exciting developments in our energy projects that are set to drive unrivalled growth in the economy and health for years to come?

### **ANSWER**

Madam Speaker, I thank the member for his question and his interest in this matter. It is true that the Hodgman majority Liberal Government is delivering on our long-term plan to create jobs and grow the economy. Much of that is through our energy developments going forward as part of our future. Our Tasmania First energy policy has set the vision to become Australia's renewable energy powerhouse of this great country with low cost, reliable, clean energy. It is the policies and planning of this Government that is delivering and leading the way.

Tasmania is stronger and more confident. It is a fantastic place to be, with economic growth surpassing every other state and territory. This morning we have heard from the Premier and the Treasurer of the shining light of our growing economy. It is my view that Tasmania's best days are ahead of us.

The latest Battery of the Nation report confirms -

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**Member Suspended**  
**Member for Franklin - Mr O'Byrne**

**Mr O'Byrne** - Is this trying to get above Michael and the Julian Amos rating? What's going on here?

**Madam SPEAKER** - Mr O'Byrne, it is time for coffee. You have now gone well over your three warnings so you are suspended until the end of question time.

**Mr O'Byrne withdrew.**

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**Mr BARNETT** - Madam Speaker, the Battery of the Nation report confirms that Tasmania has up to 3400 megawatts of pumped hydro development opportunities. That is 35 per cent more than originally estimated. This is good news because, if developed, it will see between double and triple our current capacity of 2300 megawatts. This is fantastic news for Tasmania and delivering, as the questioner asked, unrivalled growth into the future in terms of our economy and more jobs.

We have six sites now that have been shortlisted, with work underway progressing on phase 1, at Lake Cethana, Lake Rowallan and the Tribute power station on the west coast. Unlocking that potential rests with increased interconnection, so it has become important. The Australian Energy Market Operator has supported the Marinus Link to be upsized from 1200 to 1500 megawatts, with the analysis confirming that it is both technically feasible and economically viable. Even the federal minister, Angus Taylor, said just last week at the energy summit that retaining and attracting on demand dispatchable capacity is crucial, and hydro can play a role in providing flexible on-demand power, which is why the Commonwealth is investing in the Snowy and the Marinus Link. It is wonderful backing from our federal energy minister and indeed the Prime Minister.

The Australian Government stands shoulder to shoulder with the Hodgman Liberal Government backing these developments. They have already invested up to \$71 million to progress the projects and have a commitment to negotiating an underwriting deal for the first phase of the Battery of the Nation. The future growth for our state is very significant - \$6.5 million economic stimulus up from the original \$5 million estimate and 2400 new jobs in this space, not just on the north-west coast and the north but all around Tasmania. This is very good news.

On top of that, the Australian Government is investing \$17 million to energise Tasmania with their policy to provide fee-free training to support our Tasmanian workers. This is our workforce of the future. It is more than figures and statistics. This is a chance to take our state to the next level to spearhead industrial development for decades to come.

Tasmania is set to grow its reputation as a global leader in renewables. We already punch above our weight, producing 25 per cent of the nation's renewable energy. That is very good news and we can grow that. This is our long-term plan for a strong economy, business confidence, job creation and sustained downward pressure on the cost of living.

Tasmanians know, of course, that they cannot trust Labor or the Greens to run the economy or to run a budget. They certainly cannot drive any long-term strategy and they do not have a plan. We have 'Two-Bob O'Byrne', but what about 'David O'Crash and Burn'? Under his leadership 10 000 jobs were lost and the economy went into recession. They have no vision, no plan and it is an opposition so they are a rabble. They are divided as well. They are looking for a policy, they are looking for a leader and, yes, they are divided. I hear the interjection from the member for Lyons who is part of this splinter group -

**Ms O'CONNOR** - Point of order, Madam Speaker.

**Madam SPEAKER** - Order. Minister, I have a point of order and I think it has something to do with the amount of time you have been talking.

**Ms O'CONNOR** - It does, thank you, Madam Speaker. The minister has been on his feet for five minutes and 10 seconds. He has digressed from the subject matter and has devolved into tedious repetition. I ask you draw him into line because it is nearly the end of question time, although I know we have an allocation.

**Madam SPEAKER** - Thank you very much for that. I think the minister is winding up.

**Mr BARNETT** - I am, Madam Speaker. I was winding up and highlighting the void of policies on the other side but also noting the split in the Labor Party with respect to the wise use of resources. There is this new splinter group in the Labor Party. We note how prices went up 65 per cent under Labor over those seven years. They have some explaining to do and I hope they do.

When it comes to economic development, creating jobs, renewable power and being the battery of the nation, Madam Speaker, you know and the community knows that the Hodgman Liberal Government has their back.

### **Fire Season - Resources**

**Dr WOODRUFF question to MINISTER for POLICE, FIRE and EMERGENCY MANAGEMENT, Mr SHELTON**

[10.48 a.m.]

Queensland and New South Wales communities continue to fight intense bushfires that have burned since early September, killing people and destroying homes and farmland and hundreds of thousands of hectares of bushland.

In Tasmania, high fuel loads and dry conditions have had us on high alert for months. Volunteer firefighters around the state are valiantly redoubling efforts to reduce fuel and educate people to prepare for fires that could flare any day. Volunteers on the front line are preparing for the worst, but where are the funds to support them? You have grounded 80 TFS remote area firefighters, which puts more pressure on remaining Parks RAFs and leaves us with a devastating hole in firefighting capacity.

Tomorrow you have allocated a mere 20 to 30 minutes for MPs to be briefed by Police and Tasmania Fire Service on the 2019-20 bushfire season. Instead of a short internal briefing, you need to be telling all Tasmanians exactly what resources you will be putting into making sure the AFAC report's recommendations are completed for this current fire season.

### **ANSWER**

Madam Speaker, I thank the member for her question. I have brought my folder up because the member's question contains almost the whole fire brief. We know of the devastation of last year's bushfire and the impact that had on our communities. This year, the Tasmania Fire Service is being proactive in the process of reducing the risk to our communities. In that, they are implementing our nation-leading Fuel Reduction Program that has significantly reduced fire risk across the state.

We all have a role to play to be prepared in the upcoming bushfire season. The Tasmania Fire Service is talking to the community and progressing the Fuel Reduction Program. Part of the process the Tasmania Fire Service is undertaking in preparedness for the 2019-20 fire season is public education campaigns and strategic autumn and spring burns.

**Dr Woodruff** - That is not the question I asked. They are doing the work. What are you doing?

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

**Mr SHELTON** - They use predictive modelling. They exercise emergency management plans ensuring appropriate resource arrangements and therefore the contract for the aircraft and the air desk. The member went on to talk about the AFAC Review, which is another brief I could spend five minutes talking about. The nine recommendations of the AFAC review -

**Dr Woodruff** - Spin will not protect communities. You are just doing political bushfires.

**Madam SPEAKER** - Order, Dr Woodruff. I have to ask you to leave the Chamber.

**Dr Woodruff** - Madam Speaker, with respect, I have had one formal warning from you.

**Madam SPEAKER** - I beg your pardon. I have you down for two and this is your third.

**Dr WOODRUFF** - Point of order, Madam Speaker, did you tell me about the second? I do not remember hearing it.

**Madam SPEAKER** - It does not mean you were not given it. I will give you one more chance. Please do not interrupt again.

**Dr WOODRUFF** - Thank you, Madam Speaker. I listen very carefully to what you tell us.

**Madam SPEAKER** - You have been chattering a lot, so I urge you to stop. Please proceed, minister.

**Mr SHELTON** - Thank you, Madam Speaker. There is a lot of effort going into the preparedness for this year's bushfire season. All of TFS is working very hard to make sure the community is aware of the issues of the fire season. It is predicted that the bushfire season this year will be around normal for most of parts of the west and the central part of Tasmania, but soil dryness is above normal as far as the fire predictions go for the east coast. That is where the emphasis of the fuel reduction burns is being placed and it is a matter of making sure we are out there.

One of the recommendations in the AFAC Review talks about the air desk and that being established. The Chief Officer has assured me the air desk will be operational for this fire season, with helicopters and aeroplanes already contracted under that process. There is a lot of work going into this year's bushfire season. We need to make sure that the people are educated and are aware of the fire risk. What we do not need to be doing is causing hysteria and creating panic in our regional communities. We need to be working with them to make sure that everybody is aware of how to keep themselves safe.

### **TasTAFE - Launceston Campus**

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

[10.54 a.m.]

It has been reported today that TasTAFE Launceston Campus is being forced to shut with some courses being moved to the Alanvale site. Two thousand apprenticeships were destroyed in your first term of Government, course completions are down, we have seen course delays and even

course cancellations in a number of fields of study including IT, plumbing and electrotechnology, all areas of workforce demand. We are hearing from teachers who are under extreme pressure due to the chronic staff shortages. Under your Government, TAFE is broken and things are becoming worse. With youth unemployment at crisis levels thanks to your inaction on jobs, northern Tasmanians seeking a trade or a traineeship in the Launceston area need that campus to remain open. Will you commit today to keeping Launceston campus of TAFE open?

## **ANSWER**

Madam Speaker, I thank the member for the question. I wish she had read her brother's comment in the paper yesterday about doing some hard work, understanding the facts and acknowledging what this Government is doing to repair and rebuild a TasTAFE that was torn down by the Labor-Greens government, of which she was a member. The Leader of the Opposition has at least acknowledged the Labor Party's culpability in sending our TasTAFE backward, requiring the urgent investments we have made and the support we have given it to ensure it is under excellent new leadership and to have secured seven years of re-registration, which should be acknowledged and congratulated. It will only be the subject of criticism by members opposite but their hypocrisy is galling.

Since 2015 we have increased recurrent funding to TasTAFE from \$73.5 million to \$76.5 million in the 2018-19 financial year, which represents around 80 per cent of the state's training budget. We are investing \$15.5 million in critical infrastructure, an additional \$2.9 million for more teachers and more training places in private industries. For the first time, TasTAFE is under excellent leadership, is cash positive and will generate a cash surplus. When we inherited TasTAFE from the Labor-Greens government it was not in good shape. They started it off with a debt of \$2.5 million, and the record under those opposite was 4000 apprenticeships lost from June 2012 to December 2013. That was certainly a crisis in Tasmania's training sector. It is a subject this Labor-Greens Opposition should know better than to raise.

**Ms O'BYRNE** - Point of Order, Madam Speaker, I do this unwillingly but it goes to standing order 45. The question was, will the Premier rule out the closure of the Launceston campus of TAFE?

**Madam SPEAKER** - Unfortunately, that is not a point of order. I cannot put words into the Premier's mouth but I do share your frustration. I am sure he will get to it.

**Mr HODGMAN** - Madam Speaker, with respect, she should not be frustrated. She should be embarrassed about the role that she and her government played in tearing down TasTAFE like no government before and in strong contrast to what we are doing.

With respect to the Launceston campuses, our investment in TasTAFE continues along with our \$15.5 million investment to upgrade and build new sites. TasTAFE Launceston city campuses will be consolidated at the start of 2020 with the move to Alanvale. The Launceston city campus is underutilised and the outdated classrooms require significant expenditure to upgrade. The move to Alanvale will centralise TasTAFE's northern offerings into a modern campus and allow for extensive classroom refurbishments, new student amenities and upgraded facilities.

The work is part of \$5 million redevelopment so it is not the cut the member is suggesting. It is part of a \$5 million redevelopment that focuses on improving facilities and providing new



equipment. Upgrades in both the north and the south are occurring, with TasTAFE's partnership with UTAS continuing to strengthen progress being made on their co-location at Inveresk. Our record is a strong one. Alanvale is the ideal campus and we respect the TasTAFE leadership that is managing TasTAFE very well by ensuring re-accreditation and that their budget is in good shape, as is ours, so that we can make these additional investments. This also allows for an increase in standards and capacity at a site that already operates as a fully-functioning campus with a commuting student base.

I am pleased to note the move will allow for a refurbished nursing facility in a building designed for contemporary training. That move supports the TasTAFE's facilities masterplan, which names Alanvale as the long-term base for northern delivery and ensures students and teachers have access to high standard teaching environments. We have increased our recurrent funding to TasTAFE; it was decimated under Labor and the Greens. We are investing in critical infrastructure. We have provided additional funding for more teachers and more training places in those areas. They have priority areas of industry where we do have an increased demand for skilled Tasmanians. There is much more to do.

I acknowledge the TasTAFE leadership. They are to be congratulated for having turned around what was a very difficult set of circumstances for them. They do so with our Government's support. You would hope they would get some from the Labor Party.

### **Northern Regional Prison - Benefits**

#### **Mr TUCKER question to MINISTER for CORRECTIONS, Ms ARCHER**

[11.00 a.m.]

Can you please update the House on the benefits a northern regional prison will bring to the north and north-west regions of Tasmania?

#### **ANSWER**

Madam Speaker, as this House would know, the Government recently announced the preferred site and planned community consultation program for the \$270 million northern region prison. This announcement and the broader significant \$350 million prison infrastructure investment is part of the Hodgman majority Liberal Government's long-term plan for our state. It is a plan we took to the Tasmanian people at the 2018 state election, and it is backed by a solid budget which remains in surplus through good disciplined budget management.

There has been considerable discussion about the Government's choice of preferred location for the northern regional prison, and unfortunate fear-mongering by some, particularly those opposite. The Government recognises that people may be concerned about a project of this size and nature in their area, particularly a correctional centre. It has been extremely disappointing that Labor has sought to run an immediate scare campaign which is devoid of any facts or foundation.

The new northern regional prison will create hundreds of jobs and provide an enormous economic boost to the region. In addition to the hundreds of direct and indirect jobs which will be created through the construction process, it is anticipated more than 250 people will be permanently employed once the facility is in full operation. It is the Government's expectation that eligible people from the north and north-west region will have priority for employment opportunities within

the new facilities. The Government will support the local economy through the use of local contractors, suppliers and staff wherever possible. Many local businesses such as cafes, supermarkets, petrol stations and many other service-based businesses are expected to be enormous beneficiaries when the new prison is built.

Whilst we make no apologies for being tough on serious crime, we want offenders to rehabilitate and get their lives back on track, becoming productive and law-abiding members of society who no longer pose a threat to the community. The Hodgman majority Liberal Government is committed to optimising opportunities for rehabilitation and improving facilities in response to increases in demand faced by all Australian jurisdictions. This is why we have committed \$350 million to the new and upgraded prison infrastructure to accommodate more of these opportunities.

Almost half the current prison population is from the north or north-west region of Tasmania. The establishment of the prison ensures families and friends are able to visit more often, which is an important part of an offender's rehabilitation and reintegration prospects back into the community. The Government is now undertaking significant consultation with the local community, the council and other key stakeholders about the preferred site for the prison. I want to be clear about this.

**Members** interjecting.

**Madam SPEAKER** - Order, let the minister speak, please.

**Ms ARCHER** - The community could not logically begin to be consulted until the preferred site was determined. The first community drop-in session was held last week -

**Ms Haddad** - That is information sharing. That is not consultation. That is telling them what is happening. That is not consulting with them about what is happening.

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

**Ms ARCHER** - with the next being held this Friday and regular sessions to occur thereafter. These one-on-one sessions will continue to ensure everyone in the community has an opportunity to put forward their views and also obtain information about the project -

**Ms O'Connor** - Good governments are shrinking their prison populations. Closing prisons.

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

**Ms ARCHER** - so that we can correct the fear-mongering from those opposite. It is disappointing, as I said -

**Ms O'Connor** - Again, a deranged conservative government.

**Madam SPEAKER** - Order, please.

**Ms ARCHER** - that instead of consulting the community, Labor has launched a scare campaign squarely aimed at misinforming local residents. It is a pity they did not put so much effort into forming a policy position on the northern regional prison. They have been against it,

they have been for it and we have different positions from Ms Haddad, Ms White and Ms Butler. In fact, I have counted five different positions since the election. So what is it? Do you stand for improving Tasmania's prison infrastructure? Where is your policy to replace ageing infrastructure that you left and did not touch? Why do you not support hundreds of jobs being created in the north and north-west region of the state? This is a party solely committed to scaring Tasmanians rather than being honest with them about their own policies.

While those opposite have no clear plan for northern Tasmania our Government is focused on delivering jobs and the long-term prison infrastructure for the state. We will continue to consult with the community and explain the many benefits this project will bring to the region and across our state.

### **Budget Management Plan**

**Mrs RYLAH question to TREASURER, Mr GUTWEIN**

[11.06 a.m.]

Can you update the House on the Hodgman majority Liberal Government's strong budget management plan? Is the Treasurer aware of any alternative plans for the state?

**ANSWER**

Madam Speaker, I thank Mrs Rylah for her question and for her interest in a very important matter.

This year's Budget was framed in the context of falling GST and falling stamp duty revenues. In total, around half a billion dollars worth of revenue was lost. The national economy is being buffeted by headwinds and as I have said on many occasions.

**Members** interjecting.

**Madam SPEAKER** - Discipline, please.

**Mr GUTWEIN** - Rather than pull back we stepped up a gear -

**Ms Standen** - You sure have. Record net debt.

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

**Mr GUTWEIN** - We invested record amounts into health and education, looking after those who are disadvantaged as well as investing a record \$3.6 billion into infrastructure. The Budget is balanced across the forward Estimates whilst delivering this record investment of \$3.6 billion into long-term job creating intergenerational infrastructure. We are investing into roads, into rail and bridges, new ships, schools, hospitals, affordable housing.

I am pleased to let the House know that the recent deal we struck with the federal government regarding the housing debt, that the federal Treasurer has agreed to exclude those arrangements from the GST calculations so every single dollar will be spent on putting roofs over people's heads.

This record investment in the Budget underpins the creation of 10 000 new jobs over the forward Estimates and will help sand bag our economy against the slowdown in the national economy and the increasing uncertainty that is being felt around the world. Confidence is high, businesses are investing off the back of our record spend, and jobs are being created: 13 500 jobs since we came to Government and our economy leads the nation as a result of our strong fiscal management.

Since coming to Government we have spent less than we earned, balanced the budget and now delivered four surpluses in a row. Contrast this with Labor and the Greens when expenditure outstripped revenues. We inherited cumulative deficits of more than \$1 billion, an economy that had been in recession, 10 000 jobs were lost at the peak and Tasmanians were lining up to get out of the state.

We have a long-term plan. It is a plan that is working. Tasmanians are more confident. Our economy has never been stronger. It is creating jobs and, importantly, we are able to invest record amounts into health, education and looking after those who are disadvantaged.

I was asked if there was any other alternative plan or vision. Mr O'Byrne is not here so I will direct these comments to Ms White. What I found extraordinary by the shadow treasurer's intervention yesterday was that he has belled the cat. He has very clearly indicated that there is no vision, there is no plan, because he sees that he is the only person on that side of the House who is capable of creating a vision or creating a plan. That is exactly what he said in the paper yesterday. If I have ever seen an attack on someone's leadership, yesterday was it. The shadow treasurer went on and the mistruths that were included in that article are staggering. He said, 'left the incoming Hodgman Liberal Government in 2014 with a sound set of books'. The Treasury report indicated that there was \$1.1 billion worth of deficits across the forward Estimates. He then went on to say that, 'Labor will continue to build on our strong credentials of managing public finances and proud record of building a strong, diversified economy.'. He has obviously forgotten that 10 000 jobs were lost at the peak. When he was the economic development minister, they went into recession and Tasmanians were lining up at the TT-Line ticket office and the airports to get out of the state.

He further went on to say, and I found this galling, 'We have supported our resource extraction industries through sustained investment in infrastructure ...'. Between 2010 and 2014, they cut the heart out of the forestry industry. Labor and the Greens, together in that unholy alliance, cut the heart out of the forestry industry, yet he claims that they have supported those types of industries. I could go on and I will have more to say in coming days. What we have seen from the shadow treasurer -

**Ms O'CONNOR** - Point of order, Madam Speaker. I hate to be the one to do this but someone has to do it. The minister has been on his feet for five and half minutes and at least two minutes of that has been attacking the other side of the House.

**Madam SPEAKER** - Thank you very much. That is not a point of order. I was also keeping time and had shown the minister the five-minute mark. Minister, you can wind up.

**Mr GUTWEIN** - Thank you, Madam Speaker. That surprises me as I thought I had spent about three minutes attacking the other side of the House. Setting that aside, as the member is the one keeping time on this, yesterday we saw an extraordinary intervention in which Mr O'Byrne has very clearly claimed and set the record straight that Labor does not have a plan, they have no vision.

He took direct aim at Rebecca White in that article and went on to populate his article with a series of mistruths, which he will need to explain.

**Madam SPEAKER** - We are at the finish line. We have two more questions. They are both from Labor and I am going to remind most of Labor that you are on two warnings. It would be good if you could stay, otherwise you will be out for a full hour.

### **Northern Regional Prison - Consultation**

#### **Ms BUTLER question to MINISTER for CORRECTIONS, Ms ARCHER**

[11.13 a.m.]

Residents in Westbury are furious at your Government's failure to consult with them about putting a maximum-security prison on their doorstep. In May this year, you promised to conduct consultation before announcing the new site. You said that -

The Government has committed to undertake public consultation on the new prison site in the second half of this year and an announcement on the final location is anticipated in coming months once the due diligence process is complete.

Why did you break your promise to consult with the community before announcing the new prison site? Why have you outsourced consultation to a private company? Will you come clean on the cost of that consultation?

#### **ANSWER**

Madam Speaker, I welcome the opportunity to set the record straight on these things. As I said in my previous answer to the question from the member for Lyons, Mr Tucker, we have announced the preferred site. It is not the final site but it is the preferred site. As I have reported to this House on a number of occasions, 10 sites were submitted by private landowners to the EOI process. There was a process conducted in relation to that and we have announced the preferred site. As I said in my previous answer, you cannot consult unless you have a preferred site to consult on. You have to go through the design process and the planning process and there is further consultation in relation to that.

There has been no inconsistency whatsoever and the whole procedure has been conducted in accordance with usual procurement procedures and EOI processes. These have to occur on a commercial-in-confidence basis due to the nature of the information people are submitting when they make these applications. All of those conditions are part of the EOI process and named upfront, so there is nothing in this for the Opposition to be saying that we have been inconsistent.

A preferred site has been announced and we will continue to consult with the community. There were drop-in sessions last week, another this Friday and there will be regular drop-in sessions. These are one-on-one sessions that people can use to obtain information and express their views. There is nothing before council, so how could you say that is a final site when it is a preferred site that we are now consulting with the community on? The community can also obtain a myth-busting question and answer document, which is available because of the fearmongering conducted by the

member for Lyons, Ms Butler, spreading complete and utter lies about this and the process. I encourage Ms Butler to go online and read this.

### **NDIS - Information Linkages and Capacity Building Grants**

#### **Ms STANDEN question to MINISTER for HUMAN SERVICES, Mr JAENSCH**

[11.17 a.m.]

Last Friday, the Brain Injury Association of Tasmania was told that it would not be receiving an NDIS Information Linkages and Capacity Building (ILC) grant. That means that when bridging funding ceases on 2 December, I am advised there will be no organisations in Tasmania funded to provide brain injury-specific information and referral services. There are many more organisations, including Disability Voices Tasmania, that have been denied funding by your Government, potentially leaving 90 000 Tasmanians without support.

For months, the Liberal Government has been telling disability organisations that ILC grants would fill the gap left by your funding cuts. This is not the case for the Brain Injury Association of Tasmania. While you have defunded disability organisations and left vulnerable Tasmanians living with disability without support, your Government is spending millions on consultants. How do you justify your Government's twisted priorities?

#### **ANSWER**

Madam Speaker, how does the member justify the twisted question she asked? Her government signed Tasmania up to the National Disability Insurance Scheme, like governments across Australia, with bipartisan support, which put us on a path to the state stepping back from block-funding services and instead funding a National Disability Insurance Scheme that put money into plans for recipients of those services to buy them, and for the state government to transition into being the overseer of that transition. This is the recipe you signed us up for, with our support, and now you saying that we are cutting funding. We are not. We are putting a billion dollars into that scheme you committed us to. We are following through with the plan Labor put us on the path to that we gave support for and we are now delivering it.

What has happened in the process is that the roll-out of the NDIS is something we need to manage. Our Government has responsibility for managing the interests of Tasmanians who have been recipients of state services in the past and will now be purchasing them from other providers using the National Disability Insurance Scheme that we are funding to the tune of a quarter of a billion dollars a year. While we are spending money that way, we are covering the transition period for those services and those recipients in Tasmania as the federal funding comes online.

**Ms O'CONNOR** - Point of order, on relevance, Madam Speaker. I have not heard the minister go to the specifics of the question, which is about the future of the Brain Injury Association of Tasmania. I have not heard you talk about that organisation and the importance of its role.

**Madam SPEAKER** - That is not a point of order but I do hope the minister addresses it.

**Mr JAENSCH** - I am going to directly answer that in a moment but, to the member, I have to correct the twisted portrayal of the NDIS that question was nested in. I have to challenge the premise of that question and the nasty little speech that came with it.

**Ms O'Byrne** - Did you not hear the question properly?

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

**Opposition members** interjecting.

**Madam SPEAKER** - Order, we are going to hear the minister in silence. If anyone speaks you will be out for an hour.

**Mr JAENSCH** - Thank you, Madam Speaker. Since becoming Minister for Disability Services I have been constantly monitoring these grants coming from the NDIA to Tasmanian organisations. After lobbying by this Government there has already been extra NDIS funding provided to 13 Tasmanian organisations this year to ensure services continue for Tasmanians living with a disability until the ILC grant rounds are announced by the NDIA. Thirteen eligible ILC-type providers received from the NDIA transition funding agreements, with funding allocated on a 22 week share from 1 July to 2 December 2019 of the available funds pro rata of their 2018-19 funding.

ILC time lines have varied greatly since September 2018, with the newest time frames indicating that ILC funding will not commence until early 2020 and the NDIA announcing that funding for the majority of the ILC programs is unlikely to commence prior to early 2020. I am very pleased to confirm that the Tasmanian Government will provide \$867 776 in one-off funds to provide further certainty to the eligible Tasmanian ILC-type providers until 31 March 2020.

The Hodgman majority Liberal Government recognises the importance of these services to Tasmanians and the importance of a seamless transition from the way we used to fund and receive these services to the new way that the NDIS has promised us and that we are all signed up for.

We acknowledge the delays in the rollout of the NDIS programs are unfortunate but it is important that people continue to receive the services they want, including the Brain Injury Association of Tasmania Incorporated, which has been advised that the state will again top up this interim transitional funding so they can continue to do their important work here in Tasmania.

We are managing this transition as we agreed that we would. We know there have been delays. We remain committed to ensuring that Tasmanian's with disability get the services they need and that by the time the federal government's funding streams for those services come online that the service providers will be there with bells on, ready to take them up.

**Time expired.**

## **PETITION**

### **Deloraine Ambulance Station**

**Ms White** presented a petition signed by approximately 250 petitioners praying that the Hodgman Liberal Government put on hold the announcement to make Deloraine a double-branch station until there has been a review to take into account the impact on volunteers and the local community.

**Petition received.**

## **TABLED PAPER**

### **Parliamentary Standing Committee of Public Accounts - Annual Report 2018-19**

**Mr Tucker** presented the 2018-19 Annual Report of the Parliamentary Standing Committee of Public Accounts.

**Report received.**

### **DOG CONTROL AMENDMENT BILL 2019 (No. 43)**

### **POLICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2019 (No. 44)**

#### **First Reading**

Bills presented by **Mr Shelton** and read the first time.

## **TABLED PAPER**

### **Tasmania's Anti-Discrimination Act - 'Don't Take Us Backward'**

**Ms O'CONNOR** (Clark - Leader of the Greens) - Madam Speaker, I seek the leave of the House to table a statement from 13 organisations in relation to the proposed religious freedoms or 'right to be a bigot' bill, which is currently being consulted by the federal government.

**Leave granted.**

**Ms O'CONNOR** - Thank you, Madam Speaker. Briefly, the organisations that have signed on to this letter are the Association for Children with Disability, Community Legal Centres Tasmania, Disability Voices Tasmania, Engender Equality, Equality Tasmania, Speak Out Association of Tasmania -

**Madam SPEAKER** - Excuse me, Ms O'Connor, I have just taken advice that you should just table it and not speak to it.

**Ms O'CONNOR** - Okay, that is unfortunate. I do understand that but I would also like to point out that the Tasmanian Aboriginal Centre has also supported this letter.

## **CONDOLENCE MOTION**

### **Honourable John Myles Bennett**

[11.31 a.m.]

**Mr HODGMAN** (Franklin - Premier - Motion) (by leave) - Madam Speaker, I move -

That the House expresses its deep regret at the death on 8 October 2019 of the Honourable John Myles Bennett, former member for Denison from 1986 to 1990, Attorney-General, Minister for Lands, Parks and Wildlife and Minister for Sport



and Recreation, and places on record its appreciation of his service to this state; and further, that this House respectfully tenders to his family its sincere sympathies in their bereavement.

On behalf of the Tasmanian Government and the Liberal Party of Tasmania, I extend sincere condolences to the family and many friends of the Honourable John Myles Bennett. He served as a Liberal minister for Denison between 1986 and 1990, including as Attorney-General and minister in several portfolios in the Gray Liberal government, one of those rare specimens to have served his entire time in parliament as a minister. He was certainly well regarded, not only in terms of his parliamentary career, albeit a short one during which he made a considerable impact, but also in the law, about which I will speak a little of in a moment.

It would be fair to say that no-one could ever call 'Bullbars' Bennett boring. He was very much a larger-than-life character. It is often said that his nickname derived from his tendency to push through things and make things happen, often regardless of the consequences or the impact, noting at all times it would be in our state's best interests. I have read, though, that it may have also been the consequence of a colourful night at the Sandy Bay Football Club, because he was also very much a strong personality in sporting circles. He was a larger-than-life personality and imposing presence but a great person to be around because he radiated energy and enthusiasm and at age 77 is lost too early.

He battled for some time with illness. I spoke with family members, who were understandably distressed to see the physical decline and the mental deterioration of such a giant, and he was an intellectual giant as well as a large man in presence and stature. I feel, as I did with my own father, that those many years of hard living well and truly caught up with him because 'Bullbars' was somebody who was also known to be a person who not only worked very hard but played very hard.

He was a most successful legal practitioner for our state before and after his time in parliament, having studied at the University of Tasmania. He was well regarded in legal circles, again as a very imposing presence, either as an adversary or in our courts. He was a very effective and persuasive legal practitioner and somebody who was held in very high regard, having served in senior roles. As a leading practitioner, he was also responsible for nurturing and mentoring many young Tasmanian lawyers, in his own inimitable way, passing on many of the skills that he applied but perhaps others could only ever think that they might be able to execute in his way, because he was certainly a unique individual and, from my experience, approached legal matters in a slightly unorthodox way but more tactical than anything and often delivering the right results for his clients.

His love of sport was well known too and he was often found at or around sporting clubs, grounds and organisations. He was very prominent in establishing the Tasmanian Football League and also the national Olympic fundraising committee. He was very closely connected to our Institute of Sport and our TAB, both as administrator and also a customer. Often you would hear that he was around sporting clubs and race tracks, not only as an enthusiast himself but as somebody who recognised the importance of sport and recreation in our community and all those who engage in it. He was right in the thick of it with his immense political, legal and corporate talents for administration in an area which is often as political as any other but also needing those skill sets. He was very generous with his time and passionate as a sporting administrator.

If you look at what he did in our parliament, there are many things. It was no doubt an interesting chapter in Tasmanian political history. He was one of the 'dream team' that came in which included a number of high-profile recruits, my uncle Peter being one of them, and they

certainly made an impact. It was clear, at least in John's case, that he was going to make an impact while he was here and not hang around any longer when he felt it perhaps may not be so.

In his maiden speech it was interesting to note - and something I have learnt of John as well - his passion for our environment and heritage. For the majority of his speech he spoke about Port Arthur's conservation and development and advocating for that. That was the forerunner to the establishment of Port Arthur Historic Site Management Authority. As a minister for PAHSMA, to see the development of that authority and its status, not only here but also nationally, a lot of the work that has been undertaken at that site had its genesis in the establishment of that authority and John was very keen to ensure it received appropriate attention and recognition.

As a minister at a time when the Hawke government was making some funding cuts, he was very vocal and spoke passionately about the need to realise the potential he saw at the Port Arthur Historic Site, not only to our built heritage and the heritage of that site but also to our tourism industry. He was very aware of the importance of it economically and also as a unique feature in our state, now a many times winner of national tourism awards. No doubt John Bennett saw that in his time as minister back in the late 1980s.

He said of our unrivalled natural environment -

It is the biggest asset we have got, but we have to arrive at the happy medium between jobs and industry, and conservation, preservation and tourism. We have got to make sure it will be there for generations to come. We have got a lot of what other countries have none of. We have got to use it sensitively and sensibly.

They are very similar sentiments to that which we as a government express, but he was very conscious and well aware of finding that right balance as a minister back in the late 1980s.

As a local member, his impact on our Hobart community was profound on many levels. He recognised the potential for Sullivans Cove to develop and become a vibrant part of our city as it is now. As minister for lands he was very much a strong and passionate advocate for Sullivans Cove and for refreshing and reinvigorating an area that had become a little neglected and less visited than it is now. He would have enjoyed seeing the progress at the Sullivans Cove district. He is very much to be thanked for his contribution to setting governments and our local community in the right direction.

John's passion for football was well known, as was his contribution to advocating for Tasmania to be a unified football front. Whilst he was a very proud southerner and enjoyed the rivalry between our football regions, he was one of those who felt that we could bring unified football to Tasmania, starting at the grassroots and being actively involved in football communities, which is a great place to be. He was very keen to see all of our leagues, including on the coast and in the north, prosper as they were very successful leagues and football communities in their own right.

John often lamented the fact they were victors over regional games against the south and he did recognise the potency of Tasmania's football community. I know if he did not sign up or if he was not one of the 52 000 who signed up to the campaign to stand unified, his memory and his legacy as a football administrator and supporter here in our state is very much part of that ambition.

I think he encapsulates much of what we debate and what takes our time in considering our state and its opportunities. He was very much somebody who looked at our opportunities through

a positive lens. He would get extremely frustrated if he did not think things were happening as quickly as they should and that ruffled feathers, but it was always an unrivalled and unbridled desire to see things happen as quickly as possible. While he was here to make that sort of impact, he said, 'We have a lot to offer in this state and I really get annoyed when people become defeatist about Tasmania; it really gets me. I cannot stand that attitude'. I totally agree with that, but it was really John Bennett and his like who put that sentiment into action and whilst he, and we all would acknowledge that so often his approach may not have been always the most politically sensitive, it was very much from a good place.

I am really sad I was not able to attend his funeral; I was at a ministerial meeting in Queensland but I was very much thinking of John and his family, and what an event that would be. From the reports I have, it was an absolute cracker. I have heard that the eulogies were excellent and it was a great celebration of the man as he would have liked. No doubt it carried on for many hours after the service.

I extended my apologies to the family who are very old family friends of mine; we are very much contemporaries, obviously, my father and mother. He was one of the rare specimens also who, perhaps, was easily able to overshadow my father. When I delivered the eulogy for Vanessa Goodwin, I said we often thought there really should be a group of kids who had over-the-top, outrageously flamboyant, parents. I think for Melissa, Matthew and Victoria, they could well qualify for that but for the fact that they are completely outrageously over the top themselves. I enjoyed growing up with them too, and to Jill and to Bonnie, both wonderful women, the whole box and dice with John. Our thoughts are with them.

It was a great life very well lived; it was sad to see him decline as he did and it is always difficult to lose someone so close and so loved. Our thoughts are with his family who will miss him dearly, as will many Tasmanians. To them we send our very best and our love and our sincere condolences at this time.

**Members** - Hear, hear.

**Ms WHITE** (Lyons - Leader of the Opposition) - Madam Speaker, on behalf of the Parliamentary Labor Party, I rise to pass on our condolences to the family of the late honourable John Myles Bennett and understand that his passing must be incredibly difficult given what an enormous personality it sounds like he was.

I have read about the achievements of John over his life and there is no doubt that he had an extremely full life and contributed in many ways and in particular to the areas that he enjoyed, particularly football.

I also want to acknowledge his contribution to public life and note that as attorney-general he played a very important role in government at that time. I recognise that his contribution to public life would also have impacted on his family and note their contribution to support him as he undertook to be the member for Denison in the years from 1986 to 1990.

In my reading about John I learned that he was born in 1942 here in Hobart and was educated at the Friends School, Hutchins School and Xavier College. He studied law at the University of Tasmania and graduated with a Bachelor of Laws. He then went on to work as a barrister and solicitor from 1967 and was appointed a Commissioner of the Supreme Court of Tasmania in 1980.

He married Jillian in 1967 and had three children - Melissa, Matthew and Victoria.

He was elected to the House of Assembly as the Liberal member for Denison on 8 February 1986 where he was appointed immediately into the Cabinet and became the attorney-general. He also held other portfolios such as minister for lands, minister for national parks, minister for sport and recreation and minister for deregulation.

The Premier spoke about his passion for the environment and I understand he was also very staunch in his support for Port Arthur Historic Site and spoke very highly of the important historic values of that site and need to recognise and protect those values. But it was in football that he also made an enormous contribution and he did hold a number of administrative posts in AFL clubs and organisations in Tasmania including the president of the TANFL from 1980 to 1986. He was chair of the TANFL Independent Tribunal and executive member of the National Football League of Australia and committee member of the Sandy Bay Football Club. The Premier also indicated he was a key figure in the establishment of the TFL statewide league.

Clearly, he had a very busy life and contributed in many ways to the things that he was passionate about and particularly his support of sport in Tasmania and the law and public life through his work as a member of this parliament.

I acknowledge his contribution to Tasmania and pass on condolences to his family. I understand he is survived by Bonnie, Melissa, Matthew, Victoria and Jill. He is father-in-law of William, Sascha and Nolan, and grandfather of Will, Sam and George Fergusson, Cooper and Arlo Bennett, and Tom, Charlie and Sarah Stevens. We pass on our thoughts to them at what must be quite a difficult time.

[11.48 a.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Mr Deputy Speaker, I rise on behalf of the Tasmanian Greens to express our sincere condolences at the premature death of the honourable John Bennett and to acknowledge a life very well lived as a proud and passionate Tasmanian.

It is clear from the materials that I have read that John Bennett's great talents as a lawyer led to him being 'talent-spotted' by the Liberal Party in 1986 to shore up their fortunes in the seat of Denison. He had one of those rare and often difficult introductions to politics where he was elected and immediately he was a minister with a very large portfolio load. We know that has happened in this place before but it is actually a mark of his talent that the party when it returned to government with Robin Gray as premier recognised that John Bennett was a person who had the skills, energy and the commitment to take on a heavy portfolio load, including that of attorney-general.

When I arrived in Tasmania on Valentine's Day 1989, a day I will never forget because I fell in love with Tasmania, it was just before the June election in 1989 that led to the loss of then premier Robin Gray's government and the Labor-Greens accord. One of the things that struck me, as a journalist coming down here, was the incredible colour and eccentricity of a lot of people who were part of the Tasmanian political establishment. A number of larger than life figures were part of politics then and one of them was definitely John 'Bullbars' Bennett, who had a capacity - I am going to use journalist language here - to spit out a grab in describing any situation that was full of colour, it was succinct and it was a view that he held sincerely.

One of the things that I noted about John Bennett when I first arrived here was his authenticity. You might not agree with everything he did or said but he was certainly an authentic politician. For example, one of his early decrees, if you like, was to remove the term 'Ms' from departmental and ministerial office correspondence. That is not something any evolved male feminist in this place

would get away with now, but he viewed the term 'Ms' as something of a feminist flight of fancy, when we know that it is a gender-neutral term that does not describe women by whether they are married or under the age of 18. Again, it was the mark of the man that he was prepared to go out there, do this, argue it and carry the day on it for a while. At the time, he was criticised by female members of the House, from Labor and the Greens, but he stuck with it. I was reading, in some of the clippings that were provided by the Parliamentary Library, some quite evocative descriptions of having a conversation with John Bennett when he was the attorney-general in the late 1980s, and him sparking up a cigarette in his ministerial office and sitting back and opining on the world. It is such a different world that members of parliament occupied then but it is a visual picture of a man who had a rare zeal for politics and an overt excitement about life and its possibilities.

It is very clear that he was extremely sane, so sane that his parliamentary career only lasted four years. He left parliament in 1990 after the Liberal government fell and it is very clear to me that he had no regrets on leaving parliament. He went on to make a strong contribution in other areas of Tasmania's community life, including in the sporting field. He had the grace not to insert himself as a former parliamentarian into ongoing public debates other than when he felt very strongly about it. I did want to note his clear sanity.

One of the reasons John Bennett left parliament was because he was so disgusted by the circumstances surrounding the attempted bribery of then Labor member, Jim Cox. There are quotes from him when he was still in parliament, 20 July 1989, and the article says -

Former Tasmanian Attorney-General, Mr John Bennett, yesterday angrily denied any involvement in the state's political bribery scandal. Mr Bennett said the rumours had placed great strain on his family and he would take legal action against those responsible.

Again, it is a mark of the kind of character John Bennett was. He stepped forward and threatened consequences, should people continue to slur him.

Mr Bennett revealed as well as being involved in the matter in his former capacity as attorney-general he was also involved as a witness. He said, 'I am outraged at what has been said about me in what has been trial by rumour and is not true'. 'When I say I have had a gutful, I mean it', an emotional Mr Bennett said. He said he wanted the rumours to stop, 'Because if anybody keeps going about this they will want a big piggy bank because I will be after them in the courts'. He said, 'I became involved in the case because at all material times I was the attorney-general of Tasmania and therefore the first law officer.'

He notes that rumours about him had begun soon after a meeting at his property at Ross with Victorian and Tasmanian police over jurisdictional difficulties relating to the police investigation of the alleged bribery attempt involving Mr Cox.

It was not long after that that John Bennett decided to leave the Tasmanian Parliament and the then seat of Dennison and invest his considerable talents and his enormous energies in other parts of community.

On behalf of the Tasmanian Greens, I express my sincere condolences to Mr Bennett's family, his first wife Jill, his second wife Bonnie, and his children Missy, Matt and Victoria, and simply say vale, John Bennett, and your family should be somewhat comforted that Mr Bennett, in politics and community, made his mark on Tasmanian life.

[11.57 a.m.]

**Ms ARCHER** (Clark - Minister for Justice) - Mr Deputy Speaker, I also express my sincere condolences on the recent passing of John 'Bullbars' Bennett, who was born on 19 July 1942 in Hobart. It is a pretty fitting description of the man, as I reflected on Ms O'Connor's contribution in relation to his comments on the Rouse rumours. He certainly did not get that nickname by chance. He was forthright in his opinion and it seems that all of them had nicknames during that time. I can think of the 'Mouth from the South' and others. John 'Bullbars' Bennett really stuck in relation to a number of John's passions.

As has been stated, he was elected to the Parliament of Tasmania in the seat of Denison on 8 February 1986. I wanted to make this contribution as a member of Denison, now Clark after the renaming of that electorate, as the current Attorney-General and because of the legal connection in the profession. Both of us, at different times, have worked at Dobson Mitchell Allport. I was in John's office at one point. It was conveniently located, for the male practitioners, next to the men's facilities, although not very convenient for myself, seeing the comings and goings of all my male colleagues. It did give me an opportunity to communicate with them directly and take the opportunity to have various chats. I regret I did not get to practice in that firm at the same time as John. Following his retirement I have had numerous conversations with him about the firm. Prior to John being elected to parliament, he was a solicitor and was well-known in his role as president of the Tasmanian Football League.

Reflecting the strong legal reputation John had developed over many years, he was immediately appointed as attorney-general of Tasmania in Robin Gray's continuing government. I note he took over from Geoff Pearsall as attorney-general. In his inaugural speech on 18 March 1986, he, again, as has been mentioned by the Premier, made a significant contribution. In fact, having read it, almost his entire inaugural speech was on the Port Arthur historic precinct and that indicates just how important that issue was for him. It was not in his electorate but was something that we know has statewide significance to Tasmania.

It has been noted that he had a fierce dedication to the restoration of the Port Arthur historic precinct. I want to quote from his inaugural speech reflecting that focus. He said:

... there is one issue which is close to my heart and should be close to the heart of every member in this House. It has received a deal of publicity in recent days. It is, of course, the Port Arthur Conservation and Development Project ... It cannot be disputed that this program is of enormous national significance and is funded by the taxpayer, which, we must not forget, includes the Tasmanian taxpayer.

In his loving efforts prior to entering parliament he and the Tasmanian government had become frustrated in dealing with the then federal Labor government's failure over a long period of time, in his view, to guarantee an extension of funding to ensure restoration works were completed. While the Tasmanian government was prepared to put forward new funding for a four-year period, the federal government at the time was intransigent at best in coming to the party, so to speak.

While holding the portfolio of Attorney-General I can sympathise with John as well. In holding a number of other portfolios, John was responsible for no less than 86 bills in the parliament in the time he was a minister. I want to dedicate some time on one of the more prominent of those, being the Magistrates Bill 1987. As members will know, in this House we have just passed a suite of bills dealing with some major changes to improve the efficiency and effectiveness of our Magistrates

Court and thereby the access to open justice for Tasmanians. At the 1986 state election I note the Liberal Party had the following policy:

It is envisaged that a single lower court would be established with jurisdiction in a variety of areas presently covered by a multitude of courts, boards and special tribunals. The proposed restructuring would involve the abolition of courts of petty sessions and courts of requests and establish a lower court headed by a senior magistrate and split into seven divisions. The proposed seven divisions are: general administrative appeals, land and environment, criminal, civil, small claims and children's and coronial.

The Magistrates Bill helped implement this policy by establishing a single Magistrates Court in Tasmania. This did away with an administratively top-heavy system at the time of regional magistrates courts and other smaller jurisdictions. I remember practising in all of those jurisdictions at various stages when I commenced in 1993, so the transition obviously took some time as well.

The bill also provided for the appointment of a chief magistrate as well as a deputy chief magistrate, which we have today. There is a bit of synergy there in that I suppose step two in that process now is improving the efficiency and effectiveness of the civil and the criminal division of the Magistrates Court, and ensuring the technology is in place and the expenditure that we put into that is also in place to deliver a more efficient court system.

Other bills moved by John included legislation to establish a small claims division of the Magistrates Court; introducing a penalty units system with respect to offences against acts and subordinate instruments in place of the previous system which provided for penalties in monetary terms; establishing an authority for the management of the Bellerive oval; establishing an authority for the management of the Derwent Entertainment Centre; and one of John's most loved issues, establishing an authority for the management of the Port Arthur Historic Site. That authority still exists to this day and has ensured the site has become the much-valued tourist attraction and historical site it is today, and certainly one of national significance, as I stated previously.

John was regarded as a knowledgeable and tough politician, a tough man. He was so tough, former Labor numbers man Graham Richardson regarded John as one of the toughest politicians he ever encountered. Nonetheless, John did not regard his time in parliament as easy. Seven years after his resignation, he commented, 'I certainly would not recommend politics to anyone who has a thin skin'. He also stated the system is very destructive of politicians' family life, and I think we can all identify with a comment like that.

I also want to quote from the second paragraph of John's inaugural speech. At the start of his speech, he said -

I think it is appropriate at this stage to thank the electors of Denison, particularly those who assisted me in my campaign. I have no doubt that in the months ahead I will look back with longing at the opportunity to be heard in silence.

I can honestly identify with that back when I came into this House in 2010, because the transition from appearing in court to being in this place is a stark contrast when you are used to people actually listening to you in court and being heard in silence. It is something that is difficult to get used to, not least of all the different language you use as well.

He indicated his early resignation from parliament on 30 January 1990 following unsubstantiated rumours about his involvement in the Rouse bribery affair. Upon his resignation, John returned to his life as a solicitor with Dobson Mitchell Allport and, as I have already noted, as a fellow DMA employee, I warmly remember a lot of the stories, all good of course, in relation to John's time as a partner of that firm. He certainly made his mark at that firm as well.

While John had left parliament, he continued to serve the Tasmanian community in his roles which included chair of the Tasmanian branch of the National Olympic Fundraising Committee, chair of the Tasmanian TAB, chair of the Tasmanian Institute of Sport and chair of the South East Trawlers Management Advisory Committee.

To conclude, I will quote John from his inaugural speech, where he stated -

We need loyalty to our State and we need to weed out those whose ideological loyalty outweighs the morality to which I have just been referring. I look forward to a rewarding and satisfying period in this House and I will do my utmost to make a strong contribution.

All members would agree that John did indeed make a very strong contribution to the Parliament of Tasmania and in service to all Tasmanians.

I also send my sincere and personal condolences to Jill, his first wife, to Missy, Matt and Victoria, his children, and his wife, Bronwyn who likes to be called Bonnie, as we know. I know John will be sorely missed. I too could not attend the funeral, being interstate at a ministerial council meeting as well, so I want to place on the record my sincere and personal condolences and on behalf of my husband, Dale, as well.

[12.08 p.m.]

**Mr BARNETT** (Lyons - Minister for Energy) - Mr Deputy Speaker, I am delighted to speak on this motion of condolence on the death of the honourable John Myles Bennett moved by the Premier, Will Hodgman.

Thirty years ago I was a young senior adviser in the Premier's office in the second Gray government, in fact the youngest in Australia at the time, and John Bennett was the attorney-general as well as the holder of a host of other portfolios - minister for lands, minister for national parks, minister for sport and recreation, minister for parks and wildlife after an administrative shake-up, and minister for deregulation. I got to know him well during that time as senior adviser and also following my time practising law and as a consultant in Hobart, following the loss of the Gray government in 1989. He was a man of strong principles, a constructive contributor in Cabinet and he had many talents.

John Bennett was elected as a member for Denison as part of the Liberal 'dream team', as I referred to it and as it was known at the time under Robin Gray's leadership at the 1986 election. Other high-profile candidates included his great mate Nick Evers in Franklin, Ray Groom in Denison and Peter Rae in Bass. Together with the electoral appeal of Robin Gray in Lyons and Geoff Pearsall in Franklin, they made a formidable team. The Gray government was returned with more than 54 per cent of the statewide vote, although voters replaced half the parliament.

John Bennett was an action man. He was known at university by the nickname 'Bullbars' and it was usually apt. Bullbars never took a backward step. John Bennett certainly walked in the corridors of the premier's office. He visited many of the advisers and he made it very clear to me and to others what his views were. He was larger than life and his presence was profound. He



came to public attention after a successful career in the law as the president of the Tasmanian Football League. I am sure we will hear more from the member for Clark in that regard, and through a family link with John Bennett.

In that role, I can attest he was anything but universally loved. Tasmanian football was based around three very competitive regional competitions in those days: the south, the north and the north-west. When the Tasmanian representatives started to lose by increasing margins, Bullbars decided that talent was spread too thin. He introduced a new rule that the state team would be selected only from the TFL southern league, so there was outrage in the north and the north-west and this was not too far from the days when the great Darrel Baldock had led Latrobe and the north-west through a golden era. Bullbars typically stood his ground and did not lose any support in the south, as he demonstrated when he was elected to parliament.

Despite his larrikin reputation, he took his parliamentary duties very seriously. He used his maiden speech, as has been noted by the Premier and others, to make a strong case for continued federal funding for the restoration of Port Arthur. Never mind the fact that Bob Hawke was at the peak of his powers as prime minister in Canberra at the time, Bullbars saw the need to make the case in the best interests of the tourism industry and Tasmania and he did so in no uncertain terms in his maiden speech and ongoing.

Outside the House it was a bit different. Bennett and Evers were colourful characters, to say the least. As another member of the Gray team, former Speaker Ron Cornish, recounted at John Bennett's memorial a few days ago, on one trip to Queensland Bullbars arranged to have a photo of himself taken with a toy shark in his mouth. He sent it around to his mates with the caption 'man eats shark'. On another occasion, Bullbars was invited as minister for sport and recreation to inspect facilities at Lake Barrington ahead of the 1990 World Rowing Championship. An uninvited reporter made the mistake of trying to gatecrash the ministerial launch and the reporter ended up in the lake, courtesy of some direct ministerial assistance, thanks to Bullbars.

There you go, John Bennett retained his seat at the 1989 state election but, in the first of what was to become a recidivist pattern, Labor ratted on its commitment not to do a deal with the Greens and the Gray government lost office. Yes, history has repeated itself. Opposition did not suit the Bennett persona. He resigned in 1990 and returned to the law and his business and community interests.

John Bennett was a strong man of great personality who stood always for what he believed was in the best interests of Tasmania and he will be remembered kindly. I join the House in remembering John Myles Bennett and extend sincere condolences to his first wife, Jill, and to Bonnie and his family.

**Ms OGILVIE** (Clark) - Mr Deputy Speaker, I am honoured to speak today on this motion. I believe that some of the family is watching this and Missy, who was my old school friend back in the day. I really want to make a good fist of it.

I was at the service for John Bennett. It is a terribly sad thing that has happened but it was a very good wake, because the stories that were told and the fun that was had at that service did go on for many hours, some of which cannot be reported. It really was aligned with how John lived his life.

I have the approval of my father, Albert George Ogilvie, who gave the eulogy at John Bennett's funeral, to speak from it and to it and there are some good stories. My dad and John knew each

other from school days from when they were quite young, and the Hodgmans were knocking around in those days as well. These old families down in, as it was, Denison-land, all knew each other and the legal profession brought people together.

The eulogy starts by noting that it is a very sad occasion and a loss is a terrible thing, but to be able to honour somebody's memory properly is appropriate and a good thing to do. The venue of the Royal Yacht Club was an appropriate venue because John had been a member there for many, many years and had many fun occasions there. Everybody at that service was very saddened to have lost their special friend.

My dad and John first met in 1955 at a cadet camp at Fort Direction, South Arm. That is about 64 years ago. My dad was a student at St Virgil's College and John was a student at Hutchins. The rivalry in those days should naturally have kept those two schools and those two people apart, but the schools were sharing the Fort Direction camp to instil some discipline and responsibility into their pupils. However, somehow across the divide of those two schools, John and my dad discovered that they were two very kindred spirits with a shared schoolboy irreverence for discipline and responsibility. Both of them have stuck to that their whole lifetimes, dare I say.

They soon orchestrated some very successful countermeasures to their commanding officer's regime. During a late afternoon sport session they carried out a joint coalition raid on each side's tents, swapping the left boots from one tent with the right boots from the next until all tents were nicely equipped with ill-matching, wrong-sized footwear to await revelry at the crack of dawn. The chaotic confusion the next morning had the two of them in paralytic laughter and there were several more of these manoeuvres at the camp, which cemented a lifelong friendship between John and my dad, which endured to the very end.

John and dad worked together on countless legal cases over many years, nearly all for plaintiffs. It is important to mention that because when you are acting for the plaintiff sometimes you do not know if you are going to be paid, but you are acting for the person who needs help. That is the kind of people they were. They made a good team, they had many a win and much camaraderie.

As a schoolboy, my dad got to know John's parents, Tom and Kath, who frequently welcomed him into their Red Chapel Avenue home and, in later years, Kath and my dad's mother became good friends. Dad mentions also that he has known the kids for a long time and my engagement with Missy in schooldays. There is not much I can talk about with that but it was full of fun and engagement. We had a great gang.

John was born on 19 July 1942. He attended The Friends' School and Hutchins School, and Xavier College in Melbourne. He was a prominent schoolboy athlete, setting middle-distance records. He was a versatile and extremely competent representative footballer and, subsequently, an administrator. John was a natural runner, fast over middle distances. He could also conserve his energies enough to stay the longer distances of school cross-country races and steeplechases, as we had in those days. He said, 'All I wanted to do was run and run and any chance I had I could run for hours'. He ran for politics, ultimately, but he could run and run. His numerous medals from Friends' and Hutchins and later Xavier College are testimony to that skill, including his 1960 medal for 880 yards at Xavier, run in record time. He also won the cross country three years in a row.

His speed and endurance were more than useful when he took up football, first while at school and then whilst at university as an amateur with Hutchins where he played at full forward. He was the leading goal kicker four years in a row in the southern amateur competition. Although approached to join Sandy Bay, then in the Tasmanian Football League, he preferred to remain at

Hutchins Old Boys and continue his amateur career. He played full forward in the Tasmanian amateur side in the interstate clash with Victoria at York Park in 1963, a game won by Victoria, a sad day for us. John's commitment to amateur football paralleled his university law studies and it was a time of building lifelong friendships in both sport and at university.

John married Jill in 1967. They were married in Hobart but then lived in Launceston for four years where Melissa and Matt were born. They returned to Hobart at the end of 1970 when John commenced his own practice in Hobart. They shared 29 years together with many happy times.

Dad reflects he often visited them at Ross in the 1980s and got to know their then little children who are all now married with their own children, as we all are as well, so that whole generation moves on. Melissa and Will Fergusson with their kids, William, Sam and George; Matthew and Sascha Bennett and their children, Cooper and Arlo; Victoria and Nolan Stevens with their children, Thomas, Charlie and Sarah.

John received a Bachelor of Laws at the University of Tasmania in 1967. He was a partner of Ritchie & Parker Alfred Green & Co., from 1968 until 1971. Then he opened his own legal firm and ran that from 1971 until 1986.

John was a Commissioner for the Supreme Court of Tasmania in 1980, and he was a Justice of the Peace in 1991; a member of the Tasmanian House of Assembly, February 1986. He held the roles of attorney-general, minister for lands, minister for national parks and wildlife, minister for sport and recreation, minister for deregulation. He resigned his seat to return to legal practice in February 1990, and from 1990 until 2003, he was a partner and then a consultant at Dobson Mitchell Allport. He was a member of the Royal Yacht Club of Tasmania; a founding member of the Carbine Club of Tasmania; a member of the Tasmania Club, and a member of the Tasmanian Gun Club.

In business he shone brightly as well as chairman of the TAB, later TOTE Tasmania, from 1993 until 2001; chairman of Tas Radio from 1993 until 2001; chairman of the Commonwealth South East Trawl Management Advisory Committee from 1993 until 2000. He was a panel member of the Commonwealth Statutory Fishing Rights Appeals Panel from 2000 until 2004; and chairman of the Tasmanian Institute of Sport from 1993 until 2000. He was a board member of Transend Networks from 2001 until 2012, and a member of the Australian Institute of Company Directors. Truly a man for all seasons.

John had a lot of recreational interests: motor sport, clay target shooting, the Tasmanian Historical Association, and he was on the committee of the Sandy Bay Football Club from 1971 until 1975; chairman of the Tasmanian Football League from 1976 until 1982, and president of the TFL from 1982 until 1986. He did a lot more in football but the list is probably a bit long to go through the whole lot.

John was a tribunal chairman for the Confederation of Australian Motor Sports from 1974 until 1999, and chairman of the corporate fundraising committee for the Barcelona Olympic Games; and a life member of the TFL.

In the community, John was extremely active as well. He was president of the Sandy Bay Regatta Association from 1996 until 2002; chairman of the Salvation Army Red Shield Appeal from 1998 until 2003; patron of the Macquarie Pistol Club and the Shooters Association, and, importantly, board member of the Fahan School Council.

Dad reflects at this stage of the eulogy that we are told to 'seize the day'. Well John seized a lifetime. John was a big-hearted, gregarious, life loving Aussie; he was kindness, generosity and hospitality personified. He and Jill, and then he and Bonnie entertained many good friends on many occasions, especially at Ross and for many years he generously supported the Ross Rodeo.

John had a love of things such as motor vehicles, quad bikes, motorbikes, log splitters, et cetera. He enjoyed many good times with many good friends from all over Australia and he was generous and a natural giver. He gave footballs out at the Sir Douglas Parker Rehabilitation Centre for kids who did not have any footies to play with.

He had an amazing library and knowledge of Tasmanian history and political biography.

He was rich in friends and his close friends through the years included Brian Schmitzer, Nick Evers, Jim Atkinson, Hartley Anderson, Richard Pringle-Jones, Tim Bayley, John Fenn-Smith, Spike Jones, Tony Pedder, Geoff Stump - 'Stumpy' as we know him - Andrew and Jane Campbell, Rob Dineen, and many others.

There were many good stories but I will just close with the one story that I think ought to be on the record. He had very close links with the Sandy Bay Football Club and it was during those halcyon days that he earned the name 'Bullbars':

It was years ago. I had a ute, still got the bull bars on it too, he recalled, his laughter filling the glass walled office overlooking Sullivans Cove. We went to a function down at the Sandy Bay Football Club and the bet was on whether we could drive the ute into the gym and I bet we could. They bet it would not fit through the doors and it did not. I lost the bet and that is how it started and the 'Bullbars' nickname stuck from then on.

The recounting of the tale and the obvious enjoyment at its retelling are revealing of John Bennett. Scratch beneath the surface and you find somebody who does not mind calling a spade a 'bloody shovel' on the Floor of the House.

I will wrap up at that point so as to leave time for others to make a contribution, but I do want to say that this family is a one-off family. John was obviously well loved by everyone. The event at the yacht club really captured the tone of 'Bullbars' and it was very much an honour for me to be there. I felt perhaps a little bit of a fish out of a water, but as Dad was giving the eulogy and the love around that generation of lawyers and friends I thought it was appropriate to be there.

The farewell was made beautifully. I will just show that the note from the service included John with his much-loved dog. There were a lot of dog stories and apparently the dog was quite crazy. John was not crazy. He was highly intelligent, charismatic and a forceful personality in politics and much was said during the drinks after that event that, 'couldn't we do with a bit more of that in politics nowadays?'.

I will leave it at that. Thank you for listening to me. The final comment is to say as my Dad said: farewell true friend, a good man and a good mate, farewell John.

**Members - Hear, hear.**

**Motion agreed to *nemine contradicente*.**

Motion by **Mr Hodgman** agreed to -

That a copy of the foregoing resolution together with the transcript of the debate be forwarded to the family of the late John Myles Bennett.

## **MATTER OF PUBLIC IMPORTANCE**

### **Budget Cuts**

[12.28 p.m.]

**Mr O'BYRNE** (Franklin) - Mr Deputy Speaker, I move -

That the House take note of the following matter: the human cost of the state Government's appalling budget cuts and their appalling budget mismanagement.

We saw two reports last week. One was titled the Budget Savings Update and the other being the Government Fiscal Sustainability Report. We know that that report apparently conceded by the Treasurer today was useful.

I think 'useful' is not the appropriate word; it is frightening. It is absolutely frightening reading when you look at the situation of the state Budget, the place and the state of the Budget and the actions of this Government. Despite having, as the Treasurer has spoken on numerous occasions, good economic conditions within which to work, despite having a number of years where there were increases in GST revenue, despite inheriting a budget, which whilst no doubt under some fiscal pressure because of the response of the then state government to the aftermath of the GFC, but essentially being \$200 million in the black, we now see a budget signed off by this Treasurer, which is driving us towards \$1.1 billion of net debt.

That is not a moment in time. It is not a one-off. This is a trend that has been established. Even under the best scenario painted by the Treasury 'debt and disaster' report we are pushing towards \$4.5 billion of net debt. We know that that will have an appalling human consequence. This Treasurer will no doubt kick it down the road or wait for others to clean up his mess and over a generation, Labor has a long tradition of cleaning up the mess of Liberal governments. The Gray government -

**Ms O'Connor** - Usually only when you've got Greens in government with you.

**Dr Broad** - Settle down.

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

**Mr O'BYRNE** - I think that is right.

**Ms O'Connor** - The history is true.

**Mr O'BYRNE** - There was Jim Bacon, Paul Lennon, David Crean, the leaders of the Bacon government who paid off the debt of the Liberal-Greens minority government of Christine Milne and Tony Rundle. We cleaned up that mess and moved from a significant budget circumstance in

terms of the net debt we faced. We paid it off over the Bacon era and we confronted, like governments around -

**Ms O'Connor** - You spent like drunken sailors when Jim Bacon was premier.

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

**Mr O'BYRNE** - These are the enemy over here.

**Ms O'Connor** - I know, but you've just got to tell the truth.

**Mr O'BYRNE** - I thank you for the interjections. Labor in government has shown a responsible approach to budget management. We paid off the Liberal government debt in the 1980s from Gray. We paid off the Rundle government debt. We confronted, in our last years of government, a global financial crisis and global economic circumstances that really had a massive impact on the Tasmanian economy. We also had significant writedowns in GST over a number of financial years. We responded to that and we handed over to this Government. Whilst no doubt there was a fiscal challenge ahead, that was essentially sound with \$200 million in the black.

This Treasurer has raked in significant uplifts in GST revenue in the number of years he has been Treasurer. He has not applied fiscal discipline, as he says. He has not applied an appropriate response and a values-based system of investing and getting the priorities right for Tasmanians. He has raided the GBEs to the tune of hundreds of millions of dollars and despite the economic times that we find ourselves in, he has produced a set of books which is horrific. Whilst he may get up and say we are in surplus, if you look at the budget papers in conjunction with the Tasmanian Government's Fiscal Sustainability Report, which is a debt and disaster report, it is the Treasury ringing the bell on the appalling management of this Treasurer and this Government with the state's finances.

When you look at the budget, 12 months ago we were in a golden age. The Budget that was brought down this year is an horrific document and we are now seeing with the budget savings update the impact on the Tasmanian people. There are significant cuts to the health system which is already under pressure, a collapse in the ability to put roofs over people's heads and more cuts to community services. He claims this to be the infrastructure government when we know he can barely get a cent out the door, and I know others will have a bit to say on that. Not even one brick, one girder or one bolt on the Bridgewater bridge have we seen.

When you look at the books, there are fiscal deficits as far as the eye can see - \$248 million in deficit this year and in 2021, \$225 million. If you look at the cash deficit, it is \$340 million next year, \$200 million the year after and then miraculously, in an interesting little quirk in an election year, we slip back into surplus. That is not believable, given the history of this Government. When you look at the net operating balance, again there are hundreds of millions of dollars of deficit. You cannot claim revenue from the federal government for infrastructure projects as revenue to claim you are in surplus.

We know there are structural deficits built into this Budget as far as the eye can see. It is a house of cards. They have raided the GBEs to the tune of hundreds of millions of dollars to prop up their Government. They say they are the steady hand on the tiller and are going to make sensible cuts. We know the Tasmanian people will be the victim of this Government's appalling budget mismanagement -

**Members** interjecting.

**Mr DEPUTY SPEAKER** - Order.

**Mr O'BYRNE** - When the Treasurer gets to his feet, no doubt -

**Time expired.**

[12.35 p.m.]

**Mr GUTWEIN** (Bass - Treasurer) - Mr Deputy Speaker, that was absolute rubbish. What this member is attempting to do is to repaint history as he sees fit. As I pointed out this morning - and I will make the point even without that article in front of me - he wrote an article that was printed yesterday where he claimed that Labor had demonstrated strong fiscal management when in government. Nothing could be further from the truth.

When we came to government there was red ink right across the budget papers, with \$1.1 billion worth of cumulative deficits, no pathway out and getting deeper and deeper into the red. That was what Labor left us with. The member who has just spoken talked about what was occurring back in 2000 under Jim Bacon. What was happening then was that we had a growing national economy under John Howard as prime minister with a change in the tax system to GST and the rivers of gold were flowing in. That is what happened under John Howard.

We had the member in opening his contribution today talk about the human cost. Let me talk about the human cost. When the member opposite was minister for economic development he cost 10 000 Tasmanians their jobs. In fact he lied in his newspaper article yesterday where he said that they had strongly supported the resource extraction industries. When he was minister for economic development they took an axe to the forestry industry.

**Ms O'Connor** - You are lying again. The industry came to government on its knees.

**Mr GUTWEIN** - Thank you, and by interjection, what happened was there was an unholy alliance that was formed with the Greens in Cabinet and to keep them in government between 2010 and 2014 the cost was locking up more land in Tasmania and putting contractors out of work -

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

**Mr GUTWEIN** - Putting contractors out of work and buying those jobs out.

**Ms O'Connor** - You are a serial fabulist.

**Mr GUTWEIN** - That is exactly what happened.

**Ms O'Connor** - That is not what happened. You are lying.

**Mr GUTWEIN** - That was the cost of the Labor-Greens government. When you talk about the human cost, even the member who has been interjecting cannot dispute the fact that under Labor and the Greens you took the economy into recession.

**Ms O'Connor** - The global economy was in recession.

**Mr GUTWEIN** - You took the economy into recession. No other state or territory went into recession in that period. No other state or territory went into that position. But what happened? Tasmania was being governed by Labor and the Greens and they went into recession because they decided to not support one of our resource extraction industries.

**Ms O'Connor** - That is rubbish.

**Mr GUTWEIN** - They took aim at it and they decided to systematically dismantle it.

**Ms O'Connor** - That is another lie.

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

**Ms O'Connor** - Mr Deputy Speaker, make him tell the truth.

**Mr DEPUTY SPEAKER** - Order.

**Mr GUTWEIN** - That human cost 10 000 Tasmanians their jobs at the peak and there were Tasmanians leaving the state in droves as a result. Business confidence had collapsed to a level whereby two out of every three businesses under that economic development minister were of the view that the government of the day's policies worked against them. That is the human cost of letting that side back into government.

In terms of the Budget, I made the point today, we framed it in difficult circumstances. We had lost more than half a billion dollars in revenue from GST and stamp duty. There are national headwinds in the economy. The international economy is facing challenges as well. You do not have to pick up a major daily broadsheet like *The Australian* or *Financial Review* to understand. It has been reported in the regional papers here in Tasmania as well.

There are challenges, so we took the very sensible view to put in place a very small efficiency dividend across the forward Estimates, an efficiency dividend which will have an impact of around 0.5 per cent on agencies this financial year. When the government, of which Mr O'Byrne was a part, put forward savings in 2010, the cuts in 2011-12 were \$176 million in a year, amounting to 3.7 per cent of total spending.

**Mr O'Byrne** - You can't have it both ways. We either spent like drunken sailors or we saved too hard.

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

**Mr GUTWEIN** - Neither can you, mate. Stop whingeing and carping about the fact that we are trying to make our budget and our financial position better, to keep it in surplus and balanced, to ensure we manage our public sector as efficiently as we possibly can. We put in 0.5 per cent efficiency dividend, yet you want to whinge and complain about it.

I made the point today and the member mentioned the financial sustainability report, which is a legislative report. It is one we introduced the amendment for and it is a useful report. It points out very clearly that there are three options other than the forward Estimates option, which are the three options that Labor would deliver. A high-expenditure option - low revenue because they would sap the confidence out of people - or a historical set of projections based on what has occurred



in the past. In terms of meeting our fiscal strategy, we have done that over the time that I have been Treasurer. The high-expenditure, low-revenue options were what Labor delivered. Those three options paint a very clear picture as to what Mr O'Byrne, if he were ever to be given the opportunity to be the treasurer, would deliver for this state.

[12.42 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Mr Deputy Speaker, now that one of the laziest, most dishonest Treasurers Tasmania has ever seen has taken his seat, I would like to deal with some of the mistruths he has laid on the parliamentary record.

It is a matter of fact that the forest industry was on its knees going back to the year 2006 and that it was shedding contractors by the dozens and then the hundreds between 2006, 2007 and 2008. Then, in 2009-10, the forest industry came to government on its knees and begged government for help to find a path through so that the industry had some certainty and a measure of sustainability about it.

It is completely dishonest for the Treasurer to try to rewrite history in that manner. This Treasurer has, since taking on this job, sat back, done no structural reforms, none whatsoever, watched the money roll in from Canberra and from mainland China, and wants us to think that he is the answer to this state's fiscal uncertainty in the future. This is a Treasurer who has done nothing to deliver real sustainability to Tasmania's budget. He has simply surfed the back of vast sums of money coming in from interstate and overseas and this fiscal output document exposes his laziness and his complacency as Treasurer.

It also exposes this Government's abject failure to acknowledge the state of the climate and the impact that will have on Tasmania's budget in the future, and the future is here. The scientists are telling us that we have a decade, 12 years, maybe, to turn this sorry ship around as a species and to have any prospect of delivering a safe climate to our children and grandchildren. We are already being told by scientists that it is too late for 1.5 degrees of warming. We have passed that point and the best that we can hope for now, apparently, if we do everything we can, is to have warming of 2 degrees, which means extreme weather events, sea level rise, storm surges, species extinction and massive impact on coastal communities, particularly on people living in low-lying areas and in developing nations.

This Tasmanian Government Fiscal Sustainability Report of 2019, while the good people in Treasury and the Secretary of Treasury, Mr Ferrall, have done their best within the information that they have and what they can project, contains nothing that acknowledges the impact of climate on the state's budget and it has already had an impact on our budget. There has already been a need for the budget to accommodate the bushfire emergency that happened last summer and the extra costs of that. We had, in recent years, tragic and devastating extreme floods of June 2016, and as we move through the next decade there will be extra costs on the Tasmanian budget and the people of Tasmania as a result of the climate.

What we know from what Treasury has written in its fiscal sustainability outlook is that the absence of a coherent policy to deal with global heating means that there is no capacity for Treasury to account for the extra financial impacts of global heating. Treasury says -

Natural disasters impact on the State's fiscal sustainability partly from the immediate provision of assistance, as well as longer-term impacts from rebuilding infrastructure. Additionally, there are often indirect costs such as

disruptions to production. Given the uncertainty of natural disasters, no attempt has been made to model natural disasters in the projection period. Similarly, no attempt has been made to model the impacts of climate change or governments' policy responses to mitigate climate change impacts.

It is an epic fail on the part of this Government, damned by its own Treasury and Finance agency and exposed for having no plan to shepherd Tasmania through what is going to be a very, very difficult century. If we had a government that took its responsibilities to the people of Tasmania seriously, the Premier in question time this morning would have made an unequivocal statement that the thermal coal mine exploration, extraction and export industries in Tasmania have no future. They have no future globally and they should have no future in Tasmania. Our future is in clean and green.

Our future is in looking after farmers, our exporters, our tourism sector and our future is in telling children and young people who rallied on the lawns of Parliament on 20 September that we recognise their fear, we accept the science, we understand that humanity has a decade to turn this around, and as a state we, together, say no to new coal mines, but no, we did not hear that from the Premier this morning. We received a woeful, weak response to our questions, in denial of the situation that the world is in, in denial of the fact that there are young people right now who are informed and engaged on this issue and they are terrified.

They need to be getting the signal from government that governments take their concerns seriously and that we will, as a parliament, for example, make sure that Tasmania is doing nothing to contribute towards the extremes of global heating. What we are seeking to do, collectively as an island community, is make sure we are a climate-positive island, that we are protecting our farmlands and making sure that coal stays in the ground and we are protecting our forests. It is the same thing. Keep the carbon that is in the ground in the ground. Keep the coal that is in the ground in the ground. Keep the forests that are planted in the ground and reforest Tasmania. Make sure that we are a climate positive island and we are sending a message to young people that we care about their future and that we are prepared to act.

### **Time expired.**

[12.49 p.m.]

**Dr BROAD** (Braddon) - Mr Deputy Speaker, the Government is continually talking about Labor's record from almost six years ago. That is because their own record is absolutely terrible. What we have in the current budget is a structural problem that the Treasurer is completely in denial about.

The Treasurer keeps on talking about the Government living within its means, spending less than it is earning and so on, yet we get to the point now where the Government simply cannot hide anymore. That is because if the Government was spending less than it was earning, where is all this debt coming from?

It is obvious that the Government is spending more than it is earning and it has done pretty much since it came into government. You cannot hide. You cannot raid the GBEs and you cannot cover-up your current budget structural deficit.

What we had back in 2014 was a risks report that talked about a \$400 million debt which was the so-called record when they came into government. We now have a situation where the current

books are way worse than that. They are actually three times worse than that at \$1.1 billion in debt. We have a situation where the projections, the so-called 'debt trap' that the Treasurer talked about coming into government of a \$400 billion debt that never eventuated. We are now looking at a \$1.1 billion debt. From the current risks report - or debt disaster report we should be calling it - the current trajectory is almost 10 times worse than that at \$4.5 billion dollars. That is the current trajectory, even with government intervention.

The worst-case scenario is an outrageous 75 times worse at \$30 billion. We could be looking at \$30 billion of debt. This is despite the Government coming in at a time when there was a massive decline in the Australian dollar which helped all our exporters and the unbudgeted GST that was poured in from the federal government.

The Government cannot deny that this was the case; yet we had debt growing at an alarming rate. This is a government that is not living within its means, a government that is racking up debt and at the same time slashing services.

What are their answers? Things like a farm tax. The Treasurer has completely backed away from that one and has not mentioned it in quite a while, but a farm tax was an option to tax investment. This is a Treasurer who has his priorities wrong. He is racking up debt; slashing services. Yet he still continues his strawman argument of what happened six years ago in the wake of a global financial crisis with an Australian dollar well above the parity with the US dollar.

We had the worst circumstances. Yet now in this so-called golden age, all this unbudgeted GST and a government who claims to be doing everything right, we have this debt spiralling out of control. We had the Government saying this is an infrastructure budget. Back in the day, the Treasurer talked about the \$400 million debt that was projected and talked about being able to live within our means and not fall into the debt trap. What are we now then, Mr Treasurer, if \$1.1 billion is not a debt trap? If \$400 million was a debt trap, then what is \$1.1 billion? What is \$4.5 billion, what is \$30 billion? That is not a trap, that is a black hole.

What is the Government's excuse? The Government's excuse is they are spending on infrastructure and this is an infrastructure budget we hear time and again. What we see is the Government maintaining their façade of a surplus by not getting infrastructure projects out the door.

A classic example of that is the Bridgewater bridge. We have press releases coming about the Bridgewater bridge; it is all about to happen. In the paper over the weekend was another tender for a geotechnical consultancy for the Bridgewater bridge. So, after six years and a project that was green-lighted apparently, that Infrastructure Australia has said is unfundable, here we have a government that it is going out finally now, after six years, doing geotechnical reports, figuring out whether they can actually build a bridge there. Yet apparently, it was all ready to go.

Not only that, after that geotechnical consultancy, there is another anticipated tender for the development and investigation of options for a new River Derwent crossing. They are not even calling it the Bridgewater bridge in the anticipated tender. This anticipated tender will be based on that geotechnical consultancy and funding constraints.

We thought this was already locked in. The Treasurer said that it is locked in, the Infrastructure minister has said it is locked in, yet now we are seeing in this tender document that it will be based on the geotechnical consultancy and funding constraints. What are these funding constraints? It

was all locked in ready to go. We have heard commitment after commitment, 'Oh no, it is all about to happen'.

When can we expect the next press conference out there at the Bridgewater bridge saying it is about ready to go? Are we going to see another press conference when the drill rig is out there starting to drill holes in the mud to see how far pylons have to go? Is that when we are going to see the next press conference out there? Are we going to see the Treasurer and the Infrastructure minister there at the end of the geotechnical consultancy, or are we going to see them after the anticipated tender for development and investigation of options is done?

What we have here is a government that talks the big game on an infrastructure budget, that is the fig leaf to cover up this budget incompetence, and yet we have a Bridgewater bridge, the signature infrastructure project of this Government's current term, and what do we have? We have a project that is literally back to square one; they do not have a bridge design, they do not even have the reports required to figure out a bridge to design. They have to go back to a tender that was in the paper on the weekend, and here is a bridge that is just about to be built. How many times have we heard the Government say that the Bridgewater bridge has been greenlighted and is about to go. What we have now in the consultancies that the Government is paying for, is a bridge that is back actually, literally, to first base. No geotechnical reports, no design, and then we have talk about the funding constraints.

Here we have a government that talks big on infrastructure, talks big on the budget; instead we have a budget that is a debt spiralling out of control. We have a government that is slashing services, so much so, that we have people like poor 11-year-old Spencer Connelly who can barely turn his neck, waiting 15 months for his surgery. This is what actually happens when a government has its priorities wrong.

### **Time expired.**

[12.56 p.m.]

**Mr TUCKER** (Lyons) - Madam Deputy Speaker, this matter of public importance goes to a key point of difference between the Government and the Opposition. It also highlights the hypocrisy of the Opposition in that the Leader of the Opposition and 'Two-Bob O'Byrne' and his splinter group stands for nothing.

Dr Broad, on this side of the House, we have a strong budget management record of the Hodgman Liberal Government. We have the fastest growing economy in the nation over the year and in the quarter too, nation-leading private investment growth, the most confident state in the country. When businesses are confident, they invest and create jobs, 13 500 jobs have been created.

We look at the Labor record. On that side of the House, we have a record of deficit, debt and job losses. Labor's record is there to see; 10 000 jobs lost. Tasmania's economy went into recession with years of low growth, hundreds of Tasmanians left in droves, business conditions collapsed and business confidence fell to the lowest in the country: two-thirds of businesses thought the government was working against them, not with them. Labor has no credibility on financial matters.

When we took government in 2014, Tasmania's finances were a mess, an unsustainable budget position that was on the course for disaster with projected deficits of more than \$1.1 billion.

Labor reported net operating deficits of \$289 million in 2011-12; \$426 million in 2012-13. How could we forget, Dr Broad? They budgeted for a deficit of \$267 million in 2013-14. The 2014 risk report showed that under the Labor-Greens government - yes, you were in lock step with them - was on track for a \$1.1 billion deficit by spending on public servants and not investing in generational infrastructure. In five-and-a-half years of strong financial management, the Hodgman Liberal Government has completely turned that around.

**Dr Broad** - What are you doing?

**Mr TUCKER** - It has intestinal fortitude, Dr Broad, if that is what you are asking. It is being prepared to invest in generational infrastructure.

The Preliminary Outcomes Report for 2018-19, released in August, confirms that the Hodgman Liberal Government has delivered another balanced budget.

The Government is on track to deliver a modest surplus of \$101.9 million, approximately 1.6 per cent of revenue. It is four surpluses in a row.

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

## **MATTER OF PUBLIC IMPORTANCE**

### **Budget Cuts**

**Resumed from above**

**Mr TUCKER** (Lyons) - Madam Speaker, it is four surpluses in a row. The secret to its success is the Government's strong budget management. Budget management means carefully considering all expenditure, 'Two-Bob' O'Byrne, looking to ensure that resources are directed to the front line: fair, reasonable and affordable wage increase; not handouts to your union mates.

The Treasurer has clearly said that the budget was framed under difficult circumstances. In acknowledging the difficult circumstances, the Treasurer notes that the Government is facing a revenue writedown of over \$535 million.

**Ms O'Connor** - Yes, your lazy Treasurer.

**Madam SPEAKER** - Order.

**Mr TUCKER** - The Government is sensible and responsibly managing this issue and we are working through a process to identify savings. Government can be more efficient and effective whilst protecting essential frontline services. The Premier and the Treasurer have made this commitment many times before. What is more, the efficiency dividend across all agencies this year will be only \$35 million or around 0.05 per cent. That is 50 cents in \$100, Dr Broad.

Business owners around the country will welcome such a reasonable efficiency dividend. Budget management is important because the Government's books are in order. The community

has confidence that its bills will be paid, its jobs will be safe and that infrastructure projects will proceed as planned, such as the Bridgewater bridge.

Under this Government, Tasmania is the most confident state in the country. We have some of the best business conditions in the country. Our housing sector is the strongest in the nation. We have booming export, tourism and retail trade. Retailers will remember the dark years under Labor in which retail spending contracted, each and every month. Tasmania's export sector is booming and there is no doubt Tasmania has what the world wants. Tasmania exported \$3.71 billion in value in the year to August 2019. Visitor expenditure increased by 5 per cent to \$2.49 billion. This is \$48.7 million more than the March 2014 quarter when we came to government. Businesses are investing and jobs are being created and now the record is there for all to see.

At March 2019, Tasmania's population grew by 1.21 per cent, 6387 people to 533 308. This was the second highest growth rate in nearly 30 years. The highest occurred in the year to December 2018. Such growth is more than four times higher than the last year of the Labor-Greens government.

Labor has zero credibility when it comes to fiscal or economic matters.

**Time expired.**

**Matter noted.**

## **BURIAL AND CREMATION BILL 2019 (No. 42)**

### **Second Reading**

[2.34 p.m.]

**Mr SHELTON** (Lyons - Minister for Local Government - 2R) - Madam Speaker, I move -

That the bill be now read the second time.

This bill revises the Burial and Cremation Act 2002 in order to implement the recommendations arising from the second stage of the cemeteries legislative review.

Last year, the parliament passed the Burial and Cremation Amendment Act 2018. These amendments were developed and introduced in a short time frame in order to address significant community concern following the Anglican Church's announcement that it would embark on a property divestment program, which includes the prospective sale of a number of cemeteries.

The 2018 amendments delivered on the Government's commitment to preserve, protect and, where appropriate, strengthen both the rights of community members and obligations on cemetery managers. The community response to these amendments has been positive. The changes have given people confidence that cemeteries will be managed by appropriate entities and that there is a system in place to ensure accountability in the management of cemeteries.

The review identified a number of other improvements to the existing act that are strongly supported by the community but could not be introduced in stage 1 last year due to timing pressures and the need for further consultation.

The bill before the House today refines the existing framework for the management of cemeteries, crematoria and businesses that handle human remains, making a number of important improvements that address the issues raised during stage 1.

First, the bill provides a solution for individual cemetery managers who purchased cemeteries under the previous legislative framework and are concerned that the requirement to sell their property only to a body corporate could reduce the potential pool of buyers and impact the sale price for their property.

Two cemetery managers raised this issue during the stage 1 public consultation process and, in the 2018 parliamentary debate, the Government committed to considering this issue during stage 2. Those two cemetery managers indicated at the time that they had no immediate intentions to sell their properties. Since that time, another two individual owners came forward and advised they are actively trying to sell their cemetery and have been impacted by the sale process. These four cemeteries are amongst a total of 16 cemeteries that have now been identified as being owned by individuals (or natural persons).

The changes in the bill will allow these individuals to sell their cemetery to a natural person, as long as that person meets the 'fit and proper person' test and is approved by the regulator. This approach acknowledges what has happened under the previous legislation. Although the 2002 act has always required cemetery managers to hold the land in trust for the purposes of a cemetery, some cemeteries were sold to individuals without the seller making proper provision for the trust and the role of cemetery manager. In some cases, no records were transferred and new owners were not informed of their obligations under the act. This is clearly inconsistent with the obligation to hold the land in trust for the purposes of the cemetery.

While some individual owners take great care in their role as cemetery manager, there are examples where individuals have failed to fulfil their obligations under the act in relation to matters such as access, maintenance and record keeping.

Allowing a small number of cemeteries to be sold to natural persons provides an appropriate solution for individuals who purchased cemeteries under the previous framework, often without having clear knowledge of the obligations and requirements under the act. Many of these individuals have already converted church buildings into a residence, or built a home on the land.

Other aspects of the sale process will still apply, including the requirement that purchasers meet a 'fit and proper person' test and be approved by the regulator. This ensures the regulator has oversight of these cemeteries and is able to ensure they are managed appropriately.

The evidence indicates that the amendments passed by the parliament last year were important to provide greater protection over cemeteries, and this bill therefore will continue them. Providing a very small number of individuals who now own cemeteries with an exemption from having to sell to a body corporate in the future strikes the right balance between preserving the greater protections that have been put in place with a need to recognise their specific circumstances.

Second, the bill increases protection for cremated remains by:

- providing for exclusive rights of interment in monuments (such as columbariums);
- requiring access to public monuments; and
- introducing notification requirements if the remains are to be moved.

The level of protection the bill affords cremated remains strikes the right balance between providing protection for ashes placed in a columbarium and the need for a more flexible approach that acknowledges that cremated remains are portable and may be retained or moved by families.

The bill also aligns the requirements for crematoria and businesses that handle human remains - known as regulated businesses - with those for cemeteries. The bill does this by establishing the regulator role for crematoria and regulated businesses and introducing an application process to manage these businesses.

Penalties have been reviewed throughout the act and increased, where appropriate, to ensure they are both at a reasonable level that will promote compliance, and consistent for like offences throughout the act.

Importantly, the bill retains the strengthened sale and closure processes that were passed by the parliament last year and have been well received by the community.

Finally, the new structure in the bill improves the overall clarity and consistency of the legislative framework.

Although no change to administrative responsibility for the act is planned at this stage, it is acknowledged that greater expertise may lie outside the Department of Premier and Cabinet's Local Government Division. The new structure of the bill would allow changes in administrative responsibility to the areas of government best suited to administer each part. This could be done while ensuring no duplication of processes or additional administrative burden for the community.

I will now outline the detail of the bill. Part 1 sets out the preliminary provisions, including defining certain terms for the purposes of the bill. To support increased protection of cremated remains, columbariums are included in the definition of 'monument'. Businesses that handle human remains are now referred to as 'regulated businesses' rather than 'prescribed businesses', which reflects the fact that while such businesses are not listed in the regulations, there is an approval process to carry on such a business and certain responsibilities imposed by the act. This part does not otherwise reflect any significant change in policy from the existing legislation.

Part 2 deals with the overall administration of the act, providing for matters including:

- establishing the regulator position;
- powers of authorised officers; and
- certain powers of the Director of Public Health.

To support potential changes in administrative responsibility, the bill allows more than one regulator to be appointed under the regulations. The Director of Local Government will continue in the regulator role at this time.

The regulator will have the power to issue exemptions from a number of provisions of the act if reasonable in the circumstances. This will allow some flexibility in application processes under the act so that the circumstances of each case can be taken into account, although essential provisions, such as a need for an approval, cannot be waived.



The bill allows the regulator to issue directions to ensure compliance with the act to any person carrying on a regulated business or managing a cemetery or crematorium. The Director of Public Health may also issue directions if it is in the interests of public health or public safety to do so.

The powers of authorised officers to enter premises and collect evidence have been retained from the existing legislation. These powers support enforcement of the act by allowing suitable persons to investigate potential non-compliance.

Part 3 sets out the requirements for the handling of a deceased person, starting from the initial notification of death through to the interment and exhumation. The framework allows traditional or natural burials in a cemetery or on private land, cremations and Aboriginal cremations. The bill also updates the definition of 'cremation' to future-proof the legislation by allowing new or alternative methods for dealing with human remains to be prescribed.

This part also provides the approval processes for persons to be approved to carry on a regulated business. The new application process streamlines the current notification process which requires the Director of Local Government to lodge an objection in court if a person is considered unfit to carry on a regulated business.

Part 4 of the bill deals exclusively with cemeteries, including the approval of persons as a cemetery manager and their duties and powers. It sets out how cemeteries are to be managed, established, bought, sold and closed. The new processes passed by the parliament last year through the Burial and Cremation Amendment Bill 2018 have had only minor changes to clarify the intent of the bill, reflecting the positive feedback from the community that these processes will ensure cemeteries are managed appropriately.

The sale process allows the regulator to ensure a cemetery is in compliance with the act before it is sold by requiring a certificate of compliance to be issued. New cemetery managers must be approved as a 'fit and proper person' to manage a cemetery. The requirement for a new cemetery manager to be a body corporate with perpetual succession has also been retained, providing certainty as to the longevity of the entity that is to manage the cemetery.

However, as already mentioned, for cemeteries sold to individuals before the commencement of the 2018 amendments, the regulator may allow the cemetery to be sold to another natural person. This change acknowledges the loss that individuals may incur if their property - which may now be their home - could only be sold to a body corporate.

The closure provisions that were supported by the parliament and the broader community last year have also been retained. The minimum period of 50 years before a cemetery can be closed, and the power of the regulator to place conditions on the closure, ensure the right to honour the deceased is intergenerational. The bill also sets a default of 100 years since the last interment before a closed cemetery can be laid out as a park or garden. This could only be reduced to 50 years on application if certain criteria are met.

Part 5 of the bill sets out the framework for crematoria and the handling of cremated remains. The streamlined approval process for a crematorium manager removes the onus on the regulator to object to a notification of a new manager, improving the process for consideration of whether a proposed manager is suitable. The duties and powers of crematorium managers, such as keeping the crematorium in good order, record-keeping and providing reasonable access, have been retained.

An important change introduced in this part is the increased protection of cremated remains. Where cremated remains are interred in a grave or public monument such as a columbarium, the act provides that:

- access must be permitted free of charge;
- ashes cannot be removed without the notification to the senior next of kin; and
- exclusive rights of interment for cremated remains must be honoured.

These changes acknowledge the feedback from the community that the placement of cremated remains should not be protected any less than for burials, while retaining a flexible approach which allows families to remove, retain or scatter ashes in a special place.

Part 6 of the bill includes other miscellaneous provisions that are necessary to support the effective administration of the act. This includes compliance powers of the regulator and certain offences. These provisions allow the regulator to be responsive to compliance issues within cemeteries, crematoria or regulated businesses, strengthening the powers under the existing act which currently only apply to cemeteries.

The savings and transitional provisions clarify that approvals issued under the existing act continue to apply and outline how applications commenced under the existing act are to proceed.

Overall, this bill improves upon the current act by clarifying and strengthening the regulatory framework for cemeteries, crematoria and businesses that handle human remains. The bill ensures the regulator has adequate powers to oversee the management of burials, cremations and the handling of the deceased.

The bill reflects feedback from community members that the 2002 act did not go far enough in protecting cemeteries and cremated remains, and that the new sale, transfer and closure processes for cemeteries are necessary to preserve and protect cemeteries, and ought to be retained.

Madam Speaker, I commend the bill to the House.

[2.52 p.m.]

**Ms DOW** (Braddon) - Madam Speaker, it is my pleasure to speak on the Burial and Cremation Bill 2019. I understand that during the review process, which took place prior to this bill coming to this place, there were about 15 submissions received and I will discuss those a little later. I also understand that this is the second part of this legislative process.

Reading from the fact sheet, my understanding is that the Burial and Cremation Bill remakes the Burial and Cremation Act 2002. The bill clarifies and strengthens existing regulatory framework for cemeteries, crematoria and businesses that handle human remains. The bill retains the existing framework for the management of cemeteries, crematoria and regulated businesses while making a number of important improvements that reflect the feedback received through the public consultation process. The bill retains a strengthened sale and closure processes introduced in stage one. I also understand that there will be the development of new regulations alongside this bill. I have a question for the minister to understand when those regulations will be tabled.

I thank the Director of Local Government, Alex Tay, and Danielle, Mel and Rick, the minister's advisers, for briefing us twice on this important legislation.

I understand that the first part of this legislation and the first iteration of this was in response to the Anglican Church's decision to divest of many of its rural parishes and adjoining cemeteries, the enormous community stress caused by this decision, and the uncertainty it brought to our rural and regional communities and some metropolitan communities as they would have their local churches and cemeteries sold out from under them.

Whilst I understand it was important to deal with these legislative changes in this way, being the amendment to the act, the development of the new act has made comparing and contrasting the two a bit clunky due to different terminology being included. I note the inclusion and reference to the amendment bill but highlight the discrepancies, mainly in numbering of the clauses and some of the language used in changes to different sections of the bill. I recognise that this bill sets out, along with the guidelines on Department of Premier and Cabinet's website, the process for selling of cemeteries and does provide some flexibility in this in response to the events of recent times and the concerns of some current owners and cemetery managers.

Death and dying are an integral part of life often treated with taboo and rarely talked about by our communities, with traditions steeped in history, faith and sacred symbols and vessels. It is intimate and, for those who plan ahead for their death, planning their funeral and their interment or cremation, is an important life decision as are the costs associated with their funeral and, for some, the burden of leaving loved ones behind to cover those costs. The cost of funerals varies across the state. A number of concerns regarding increased costs and this legislation were raised in a number of submissions. We are calling on the Government to rule out increased costs for burial and cremation, particularly in light of the Anglican Church's submission.

Whilst on the topic of community awareness-raising and support services focused on destigmatising death and dying, it would be remiss of me not to put on the record my congratulations to the wonderful team at Care Beyond Cure, who run important community awareness programs, including compassionate communities and local coffin clubs, and an important patient and family support service. They were funded by the state Government at the last state election for one year with a condition of refunding being a positive independent evaluation of the program. Following this, the group wrote to the Government seeking confirmation of future funding to enable their program to continue. It was not until the media made some inquiries that the group found that they would not be funded again. I put on the record my disappointment and the disappointment of many others in relation to this and call on the Government to reinstate their funding.

I also note the importance of the same level of dignity and respect being given to interred remains and interred cremated remains and those stored in sacred monuments in this bill, particularly when it comes to the closure of cemeteries and the period of time of 100 years. I seek clarification from the minister regarding clause 68, Approval required to take certain actions in closed cemeteries. Even after going through this, it still not clear whether clause 68(1) also refers to cremated remains and stored cremated remains in any other monument in the cemetery in the instance there is not an application, or desire of a family member or other, made to the cemetery manager or the regulator to move or remove those ashes.

My second point of clarification is in relation to Part 5, Division 3, Cremated remains, clause 84, Monuments containing cremated remains. In the instance that there is no application made to remove those to the cemetery manager, does the 100-year time frame apply as well? I would also like the minister to explain what is meant by clause 95, Regulations, subclause (3). I will read that out for the purpose of the House -

The regulations may apply, adopt or incorporate all or any of the provisions of a code or guidelines published by any organisation or body for the regulation of any matter to which this Act applies and the provisions may be applied, adopted or incorporated as they currently exist, as amended by the regulations, or as amended from time to time.

Can you explain what that will mean?

I thank all those who made submissions during the review process. I had another question in relation to one of the submissions which was around a fit and proper person, that was point (e). I wanted to ask the minister if he had any concerns regarding the notion of allegation being outlined in that? That was mentioned in a number of submissions about the appropriateness of that, or the merit of that. I wondered if the minister could provide to the House the reasons for that being included despite some submissions saying that it should not be.

I also note the comments of the Burnie City Council in relation to the role of the cemetery manager in ongoing maintenance, et cetera. This is highlighted in the duties of the cemetery manager outlined in the act. The state needs to be cognisant of this in looking at the changes in the delegation of the regulatory role outlined in the bill. I would like the minister in his response to rule out any sort of cost shifting to local government when it comes to that role and what that might mean for local government, already given their ongoing requirements around maintenance of things and the cost of that to local government.

The other question I have is regarding the advertising in daily newspapers of intent to remove human remains and monuments in closed cemeteries. Given the changes in circulation to daily newspapers, I wondered whether any consideration had been given to that being advertised by the cemetery management or a local council as well?

The last point that I wanted to make is in relation to natural burials, something which I have become familiar with through my role in local government and the work of different organisations around the state that are passionate about making natural burials available in Tasmania and encouraging people to take up this option. I understand there is nothing prohibiting that in Tasmania currently, that that can happen. However, a number of the submissions wanted to see the inclusion of the ability of a person to lease private land as well as council and state land. I note - and thank you for the inclusion of council and state land - but there are still some questions, given all of the regulatory requirements and the control that the regulator has, about why there would not be the opportunity to lease private land also? I wondered if you might provide some information about that in your response.

**Ms O'Connor** - We have an amendment you might be interested in, Ms Dow. I will circulate it to you.

**Ms DOW** - In summing up, this is quite detailed legislation. During our briefing we raised the importance of there being clear guidelines to outline some of these changes given the number of different parties who will need to understand their roles and responsibilities. I reinforce that point again and I note that some of that information is currently available.

My colleague, Jen Butler, who has a special interest in this particular matter, will also be speaking on the bill today. It is important to note that, depending on the minister's response, we may consider going into Committee to find out some more details at the end of this. We will not

rule out flagging some amendments in the upper House if some of our concerns are not allayed in your response today.

[3.03 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Madam Speaker, I rise on behalf of the Greens to speak on the Burial and Cremation Bill 2019 and to indicate that in broad terms we support this legislation. However, we are proposing an amendment to deal with the issue Ms Dow was talking about in relation to the use of private land for cemeteries. I believe our amendment is a very simple and straightforward amendment and we should not have to wait until the bill gets upstairs before we seek in this place as the House that tests legislation to put forward an amendment. I will circulate that to you shortly.

In some ways, this legislation is a further legislative consequence from the Royal Commission into Institutional Responses to Child Sexual Abuse and the fact that church institutions in Australia were found to be culpable in the sexual abuse of children. That requires of them a commitment to seek to make amends in some way or another and to make provision for the compensation of the survivors of past sexual abuse.

As a consequence of that, about the middle of last year, the Anglican Church in Tasmania announced they would be selling church properties, including cemeteries, in order to fund redress. That created a completely understandable level of concern in the community about how safe or protected those cemeteries that hold family histories in them are in Tasmania if they happen to be cemeteries that have been attached to an Anglican Church and managed by the Anglican Church.

As a consequence of that community concern, we debated the first set of changes to the 2002 act late last year. This is stage two of the bill. In noting that when I was reading through this bill last night, I thought to myself if only this Government could have such a prompt response to the community concern about the lack of action on climate. We have had rolling student strikes and a general strike in the past year demanding governments take meaningful action on climate. We have had Extinction Rebellion activists arrested outside this parliament this morning. Like the tens of thousands of people who were striking for a safe climate, those older ladies, if you like, who were knitting their 'tell the truth' scarves are demanding action of this parliament and of governments.

Regrettably, there has not been the same rush to deal with that level of community concern about a far bigger challenge, I would argue, than burials and cremations going forward. That has not translated into any sort of legislative or policy response, indeed the opposite. We have a government that wants to dig up coal and log old growth forests from April next year. I had to say that. It is said.

I thank the members of the department who briefed us on this bill yesterday. It is substantial legislation that replaces the entire Burial and Cremations Act 2002 and I commend the department, the director of Local Government, Danielle, for the work they have put into the bill that we are debating today. It is a thorough piece of work. Having been through the consultation documents, I acknowledge that a number of the issues raised in the consultation have been incorporated into the bill we are debating today, from a draft that went out earlier this year.

That said, the concerns that were raised by the Anglican Church have, in large part, not been dealt with. I place on the record that it is hard to escape the conclusion that the initial amendment bill to the 2002 act and this replacement legislation have been, in some ways, punitive towards the Anglican Diocese in Tasmania. It feels a bit like a political decision was made to show the Anglican

Church who was boss. When you have a look at the submission made by the Anglican Diocese of Tasmania in July this year, there is manifest frustration that the concerns that have been raised by the Diocese and Bishop Condie last year were not responded to. Then there is a draft that goes out for consultation and the Anglican Church responds to that draft and, of the four recommendations that the church has made, only one has been incorporated.

For the record, I will read into the *Hansard* some of the issues raised by the Anglican Diocese in July. The Diocese is concerned about the impact on access to burials due to the increased costs of operation and in response to a point that Ms Dow made about the cost of funeral services of burials and cremations, I am not sure it is in any way within the Government's power to place a heavy hand on what costs cemetery managers or institutions charge for funeral services, burials and cremations. It is a market, if you like, and when someone loses someone they love, there is a range of choices to be made, but for people on low incomes the costs are prohibitive.

As a small personal diversion, my mum died in May. She did not want a flashy funeral, she did not want a priest anywhere near her, but when I was doing the ring-around to find a funeral service the minimal cost was about \$7000. My family was lucky because I was able to pay for that but there are families who cannot.

**Ms O'Byrne** - I think people use GoFundMe for them.

**Ms O'CONNOR** - Yes; the cost is so high it is extraordinary. That \$7000 was just the bare bones of the service that was provided, so it is very expensive. I understand why some families have to use GoFundMe or borrow and go into debt in order to give someone they love the send-off they feel they deserve.

The Anglican Diocese of Tasmania states in its submission that it continues to be concerned about the impact of the changes from December 2018, which they say are repeated in the draft bill, to access to burials and cemeteries across the state. For almost the entire history of the Anglican Church in Tasmania, cemeteries have been managed on a volunteer basis by members of the church community. This has been possible in the past due to the fact that almost all members of the European community in Tasmania were considered members of the church community so there was a very strong volunteer base. In the past few decades, the volunteer base of the Anglican Church community has shrunk dramatically and in many parts of the state, the church community is simply too small and too elderly to continue to care for burial grounds. The physical maintenance of the site as well as the administrative burden is beyond many parishes. In some parts of the state, cemeteries have been managed and maintained by community members who do not otherwise have any connection with the church.

While this is a helpful means of keeping costs down, the increased regulatory and enforcement burden that rests on the trustees of the Diocese of Tasmania, who are the legal owners of the Anglican cemeteries and therefore the managers of those cemeteries, means that we can no longer leave care of burial grounds to volunteers disconnected from the Anglican Diocese. To do this would be to neglect their obligations.

The necessary professionalisation of cemetery operations is one aspect that will drive up costs. The two other aspects of the 2018 review that will significantly impact on costs are the longevity of cemeteries and the removal of the capacity for cemetery managers to make changes to the cemetery if funds run short, which is the now repealed section 26 of the Burial and Cremation Act 2002.

The Anglican Diocese notes that the current legislation relating to the longevity of a cemetery creates a time period between the last burial and the closure of the cemetery that is the longest in Australia. It is excessively long, as anyone who had known a person buried in the cemetery would in all likelihood have died themselves. The requirement for regulator approval to close a cemetery is more than adequate to address the supposed problem of cemeteries being closed too soon after the last burial. The Anglican Diocese therefore recommends that the bill be amended to restore the time period of 30 years between the last burial and the capacity of a cemetery manager to apply to the regulator for the closure of the cemetery.

The legislation we are debating today maintains those provisions about the closure of a cemetery 50 years after the last interment and sale after 100 years. The Anglican Diocese states that:

In our submission the removal of the capacity for cemetery managers to take steps ... in the event of insufficient funds adds to costs ... and this situation has moved too far in limiting the capacity of cemetery managers to properly operate the business of the cemetery. Any other business that is limited by financial resources is able to cease trading. The current regulatory regime for cemeteries effectively compels a cemetery manager to continue operating a cemetery for anywhere between 50 and 100 years without being able to take reasonable steps to limit expenditure. This limitation creates an environment where cemetery managers must adopt a highly cautious approach to future outgoings. This will drive up costs for burials.

This is straight from the Anglican Church of Tasmania's submission. They say this will drive up costs for burials.

The ADT recommends that the obligation to maintain a cemetery in good repair be amended to an obligation to maintain a cemetery in a reasonable state of repair, given the nature and size of the cemetery, the financial and volunteer resources available to the cemetery manager, the location of the cemetery, the level of activity in the cemetery and the length of time since the last burial. Again, that recommendation by the Anglican Diocese of Tasmania was not taken up.

The ADT further recommended that the state Government legislate to mandate that local councils take on cemeteries in their municipal area at the request of the present cemetery manager. The ADT further recommends that the Government provide appropriate financial assistance to councils to enable this to happen at minimal impact to the councils. That recommendation was not taken up and I understand that there are potential costs associated with that.

I note that the concerns raised by the diocese in relation to being able to negotiate the potential sale of a cemetery have been softened and that the recommendation made by the Anglican Church in this instance has provided greater flexibility over the capacity for a cemetery manager to begin negotiating the potential sale of a cemetery before it has had an audit undertaken by the regulator and been given approval to pass on. That is a positive, but I would like to hear directly from the minister because while we raised the concerns of the Anglican Church in the briefing yesterday and received reasonable responses, to have a direct response to those concerns raised by a key stakeholder here from the minister in parliament would be useful and helpful.

In terms of the broad effect of this act, we recognise that these changes increase the protection of cremated remains by providing for exclusive right of interment in monuments. They align the

requirements for crematoria and regulated businesses with those for cemeteries. They beef up the compliance and enforcement powers by allowing the regulator to request an audit of a cemetery, crematorium or regulated business, requiring managers to notify the regulator if they become aware that their business is not listed on the register held by the registrar, the regulator, and new and increased penalties for non-compliance. These changes allow the regulator to approve a person other than a body corporate to purchase cemeteries that were purchased by individuals under the previous legislative framework.

In his second reading speech, the minister makes it clear that some of these changes in relation to people who purchased properties before the law change mean that they will be able to sell the properties to somebody other than a body corporate, but you have had a response here in the legislation to four property owners who raised a concern about the potential impact on the sale price of being restricted to selling a cemetery to a body corporate. Four representations were made and there was an adjustment in the legislation in response to those concerns.

Yet matters which have been raised repeatedly by the Anglican Diocese of Tasmania have been largely dismissed, which brings me back to my original point: I believe there is a punitive subtext to this legislation which is about showing the Anglican Church of Tasmania who is boss and responding to community concerns about the Anglican Church selling properties in order not only to meet its redress costs but also obviously to put the Diocese into a more sustainable financial position. I ask the minister why is it that you can have a swift legislative response that allays the concerns of four individual property owners but all the concerns, bar one, raised by the Anglican Diocese of Tasmania have been ignored? The parliament needs an explanation for that.

The one change made in response to the Anglican Diocese's submission clarifies that cemetery owners may participate in non-binding presale negotiations, and that these amendments clarify that cemetery managers may lease a cemetery on publicly-owned land. Regulations will be drafted to complement this bill and clarify the intent of its provisions, but it is the same concern that has been raised by Ms Dow in relation to the capacity for cemeteries to be leased or owned and operated on private land.

We have an amendment to clause 32, which we amend by leaving out the words 'from the State, or a council,' in subclause (ii), which means we are agnostic as to whether it is public or private property. The amendment we are proposing removes the qualifier in clause 32(4)(c)(ii), that only allows a cemetery manager to lease land from a council or the state. This allows for the private lease of land for a cemetery. This will allow for greater competition, particularly for smaller operations, and will provide price competition and increased options for burials. Given that we have been advised by one of the largest cemetery owners/managers in the state that these changes will drive up costs, this parliament should be doing everything we can to diversify the mix in order to provide that market competition and potentially provide low-cost burial options for people who have lost someone they love.

The rationale provided in our briefing for limiting leasing arrangements to state and council-owned land, to be honest, Madam Speaker, was not that compelling and the issues raised, we believe, are manageable. It was put to us that in a private leasing arrangement, the landowner could sell the land to a person who would not necessarily want a cemetery on their land. Private landowners have legal requirements and what they want to do with the land is irrelevant. It was suggested that purchasers of private land with leasing arrangements may not understand their obligations or information may not be disclosed on sale. Again, with education and enforcement, these are solvable problems.



We are not convinced that there is any compelling argument to limit leasing arrangements to state and council land. We note that the act requires a cemetery to be kept open for 50 years after the last interment and the land cannot be repurposed for 100 years after the last interment. These onerous requirements limit any potential risks that may exist under private leasing arrangements. I can indicate that we want to go into Committee and have this amendment debated because it is unarguable that it is an improvement to the bill. We would like to see it passed.

Ms Dow raised the issue of natural burials and the minister touched on it in the speech. I note that there is a specific provision in the bill but I want to raise some of the issues highlighted by advocates for natural burial who I have sat down with and, I am sure Ms Dow has too. It is quite a journey. I remember going out to the Royal Hobart Show three or four years ago and there was a wonderful woman there called Bec Lyons, who has a company called You n' Taboo. That is where I really learned about natural burials and shrouds. My Mum would have been happy being cremated in a cardboard coffin but those options were not available. The only coffin that we could find for the cremation that was anywhere near green enough still had plastic handles. We need to be providing the greatest possible choice to people in determining how we want our remains to be dealt with and how family want their family's remains to be dealt with. There is much to be said for encouraging natural burials. This is something the Director of Public Health would need to be involved in. It would be helpful if the minister could explicitly detail to the House how this legislation does not discourage natural burials.

The concern raised by advocates of natural burials, including Rebecca Lyons, Lyndal Thorne and the North West Environment Centre, is that in establishing a stricter legal framework for burials and cremations we have made it harder for practitioners of natural burials to undertake their work. I would appreciate the minister dealing specifically with the issue of natural burials.

I note that the very busy Director of Local Government will continue in the regulator role and has a very large administrative load. The legislation makes provision for the regulator to be some other person than the Director of Local Government but that Mr Tay, bless him, will continue in the role at this time.

**Ms Archer** - He is blushing.

**Ms O'CONNOR** - He is a very hard worker.

I wanted to remind the House that for Aboriginal people this legislation is an abstraction in many ways because the sacred remains of Aboriginal people were taken from family and friends. They were dug up, removed, sent to places like the British Museum, and those sacred remains were treated like the property of colonial governments and used for science. I remember, as a young-ish journalist, being at Hobart airport when Michael Mansell and the Aboriginal Centre came back to Tasmania with the first remains that had been returned by the British Museum. That was in about 1990, which was nearly two centuries after the first Europeans arrived on this island and the persecution and dispossession of Tasmania's Aborigines began. For anyone who has not read the history to understand what happened to some Aboriginal people's remains, I highly recommend *The Fate of a Free People* by Professor Henry Reynolds, or *The Aboriginal Tasmanians* by Lyndall Ryan. If you read those books you will get some sense of how disrespectful and offensive it was for our predecessors, as non-Aboriginal Tasmanians, to treat the remains of Aboriginal people in the way that they did.

With those few words, and if the minister could answer the questions that would be excellent. We will be going into Committee and I will now distribute the amendment.

[3.30 p.m.]

**Ms ARCHER** (Clark - Minister for Justice) - Madam Speaker, I am only going to make a small contribution. I thought it appropriate, given that I took the last amendments through the House. Members will recall that due to a conflict of interest with the then Minister for Local Government in relation to matters that were being dealt with in what we referred to as the first tranche of the amendments of the Burial and Cremation Act, Mr Gutwein could not take this through the House, so I was asked as Attorney-General to do so, which I happily did. Now that we have a new Minister for Local Government in Mr Shelton, he is quite ably taking this second tranche through the House today.

I thought I would recap on what the original bill did in terms of amendments and that was to clarify and strengthen the regulatory framework for cemeteries. In doing so, it needed to address - and fairly urgently, I might say - legitimate concerns raised by community members in relation to how cemeteries were sold and managed. I note Ms O'Connor's comment that this seemingly now looks like we are dealing with some amendments today in relation to one group and not addressing concerns of the Anglican Church. I would dispute that wholeheartedly.

**Ms O'Connor** - It was just on the evidence.

**Ms ARCHER** - I want to explain. The first tranche was because we highlighted deficiencies in the Burial and Cremation Act by the very reason of - and it just so happened to be - the Anglican Church's actions in the sale of quite a lot of cemeteries. I stated at the time that I sympathised with the church about what the changes might mean to them in that process, but it also revealed that there was significant concern in the community about the maintenance in particular of cemeteries and what had been past practice and what would be the practice moving forward.

As we know in this House, it is very hard to keep all parties happy when you are taking through amendments to any legislation, so we did the best we could in that situation and, in dealing with the immediacy of the issues that existed at that time, said that we would be doing a more holistic and further review dealing with matters that were not so urgent and also a specific issue that arose from some individual landowners and their concerns regarding their ability to sell their properties under the amendments that were put.

I think it was a question raised by the member for Lyons, Ms Butler, and I undertook to look at that further. Those individuals had raised that issue right back when we did the first round of consultation, so this is not just as a result of recent consultation, it is as a result of the consultation that occurred in the first round of the amendments. That has been looked at further and Mr Shelton is bringing some amendments forward to deal with with that situation and many others, as members have been discussing this afternoon in their contributions.

I wanted to reflect on that particular aspect because I had given that undertaking to the House to look at it. We did, we consulted and that is the reason for coming back with that, so I disagree that it is a punitive measure on the Anglican Church. I also recognised at the time that because of the National Redress Scheme the Anglican Church and others found themselves in a situation where they had to fund their part of those claims over the next 10 years that fall under the National Redress Scheme.

That is in terms of them being a non-government institution. Of course, we being a government institution have to do the same. Members of this House know, as I have said on repeated occasions, that we have set aside \$70 million for that purpose. If more than that was required then more than that is required, so we do not shirk from our obligations in that regard and nor have others that have signed up to the National Redress Scheme and I congratulate them for doing so. We have nearly everybody on board in terms of at least indicating their intention to finalise their signing-up obligations.

What we found and amended in that first tranche was that the legislation at the time did not provide adequate protections and did not align with community expectations to ensure that cemeteries were not sold to people, individuals or groups who may have lacked the capacity to properly manage them. That was the crux of the issue that was dealt with at the time in relation to that.

It also dealt with a number of other things and the more pressing issues that needed addressing in relations to the closure of cemeteries, the rights of community in that process, as well as the burial rights and, importantly, the framework around the appointment of cemetery managers in their duties and obligations were dealt with as part of that.

That brings me to the purpose of today's bill. As has been highlighted by other members, the bill retains the existing framework for the management of cemeteries, crematoria and regulated businesses while making a number of important improvements that reflect the feedback received through the public consultation process. Importantly, the bill retains the strength, sale and closure processes that we introduced in stage 1 of these amendments.

I state at the outset that in relation to stage 1, on 24 September last year the Government released a draft bill for public consultation which outlined all the things I summarised previously, so a lot of this has happened in the space of 12 months. I commend the department for their work in this regard because it has been an enormous undertaking to do this review, not only one review but an extensive and elongated review to ensure there has been broad public consultation on this issue.

As Ms O'Connor highlighted, it is one of these things that is near and dear to everybody's heart. We all experience the grief of losing a loved one and unfortunately it is a certainty for all of us that we will one day pass away and in a situation where we need to provide instructions and otherwise to our loved ones as well. I can say from personal experience that it is very difficult as well when you have instructions for a certain course and you have others disputing that. It is by no means an easy issue in our community or for any individual experiencing those types of decisions that need to be made all the time whilst they are experiencing grief themselves. It is a very difficult situation.

The point for me in saying that is that we want to play our part as a government in providing a framework that hopefully provides comfort to the community that it is the best framework possible in the circumstances. What was highlighted when we first undertook this review was that there were some efficiencies that needed to be made and we needed to ensure that our community expectations were addressed in terms of their rights and burial rights in particular and how long these would go for and the like.

The key changes from the existing act including restructuring the legislation to improve clarity and consistency and support potential changes to administrative responsibilities; increasing protection of cremated remains by providing for exclusive rights of interment in monuments;

requiring access to monuments and notification requirements of cremated remains in a monument are to be moved; aligning their requirements for crematoria and regulated businesses with those cemeteries by establishing a regulator role for crematoria and regulated businesses; and introducing an application process to manage these businesses. Also, it aims to strengthen compliance and enforcement powers by allowing the regulator to request an audit of the cemetery, crematoria or related business, requiring managers to notify the regulator if they become aware that their business is not listed on the register held by the regulator and new and increased penalties for non-compliance. Also, allowing the regulator to approve a person other than a body corporate to purchase cemeteries that were purchased by individuals under the previous legislative framework, as I referred to at the commencement of my contribution.

Clarifying that cemetery owners may participate in non-binding pre-sale negotiations, I am also clarifying that cemetery managers may lease a cemetery on publicly-owned land and introducing minor amendments to improve overall clarity and consistency of the bill. As members have noted, the act will also be supported by the development of new regulations.

A public consultation process was further undertaken on these matters and, specifically on this bill, it was held from 20 June to 21 July this year. Key stakeholders and other private individuals provided input to that process. As I said at the outset, some have made contributions and submissions in relation to both processes. I imagine some of them have raised very similar concerns as in the first lot, so I am sure there has been detailed consideration of all of their concerns in arriving at what we have tabled and are debating before the House today.

I will wrap up my comments because I know there are a number of questions for the minister to address that have been raised by members this afternoon. Overall, I hope I am hearing that members support the amendments. It is important reform to provide the certainty around burials and cremation and businesses, and the like, in this industry.

Ms O'Connor is correct that you cannot really regulate the price of funerals and things like that. We live in a free society and a free market and long may that continue. It is concerning when we have heard some of the figures that have been bandied about which the Government disputes strenuously as not being entirely accurate. As I noted in my contribution on the last bill, and have since also noted, those figures are not even based on figures that Treasury would use and certainly not based on actuarial advice either. What that means, clearly, is that if someone is paying for an upfront funeral or burial or whatever - I did not mean funeral, I meant burial or rights to burial - then there is that opportunity to invest. So, an actuarial will look at that and discount for present value. That certainly has not been done in the examples that I have seen either. We need to be careful in the context of this debate that those sorts of matters are looked at very closely and that we do not just get convinced or accept that that is the true situation of the matter.

I support the bill and encourage other members to make their contributions too.

[3.44 p.m.]

**Ms BUTLER** (Lyons) - Madam Speaker, I would like to also start by commending Alex, Danielle and Mal for their tireless work. It is quite a complicated bill. There is a lot of different layering, avenues and links and it has been a very extensive consultation process to get this up, in keeping with global expectations of what a burials and cremations bill should look like.

There are a few issues I would like to raise. Overall, it has been a really long journey, and I would like to state on the record that you have done a really tremendous job.

I am disappointed with the protection to ensure the price of burials is maintained at their current rate. This would not come as a surprise to everyone here. I was quite public in the media about four or five months ago, and I even referred the increase in prices to the ACCC as I was concerned there could be a breach of consumer law because of the huge increase to those burial sites without any real justification. The ACCC did respond to me that it would not be appropriate for them to investigate. But they did not say I was not on the right track.

Under this act, I am concerned that Tasmanian families may still face an astronomical price hike when planning funerals for their loved ones, especially after wholesale sale of Anglican churches throughout the state. The Diocese has not changed its threats to significantly increase the cost of the burials with the Anglican Church now proposing to increase the cost of the burial plots from between \$500 and \$1000 up to between \$15 000 and \$20 000 in some cases. I have tried to stop this - what I consider to be price gouging. I was also hoping there would be more protection provided in this bill. I know there is no simple fix. This is the only real threat that I can see unless we come across shonky funeral operators in the future. This bill is not just about the now, this bill is about the future. I do not see that we have tackled this problem of the potential price gouging.

**Ms O'Connor** - Do you not acknowledge though that the law changes have increased the price of cemetery managers?

**Ms BUTLER** - You have had your say. This is my turn, thank you.

The Government has also received the same information from the Anglican Diocese as I did. This commercial approach to burials was made up of attempts to justify this money grab by claiming fewer volunteers would now tend to graveyards and it would have to instead pay employees because of amendments to the act. The Anglican Diocese made it clear in its submission to the review of the previous act, and also in their submission to this act, that there would be significant price hikes because cemetery managers would need to charge sufficient fees to maintain graves for 125 years into the future to new higher standards.

I will quote from the submission to the Burials and Cremations Bill 2019 which speaks directly to meeting the ADT with the Government on 9 July. The Government does not propose to regulate cemetery fees but rather will leave this to the market. The submission then states:

... treating cemeteries as akin to public service, with commensurate service level requirements and (at least implicitly) price control.

I do not think it is appropriate to leave provision of public service who is giving a volunteer base, represents a very small proportion of the community. I am very disappointed that this is the approach they would take, and I will state for the record that I am disappointed there is not more in this bill to protect against that threat.

In an environment where many communities are already grieving the loss of their local churches as part of the Anglican fire sale, I wrote to Bishop Condie imploring him not to impose these obscene costs on communities. I urged the Bishop not to launch yet another attack on rural communities. I do not understand why there is not more protection afforded in this act.

I have researched the costs of interments in various parts of our state. I would like to put them on the record. It gives an idea of how out of context the \$15 000 to \$20 000 threat is. I have also researched by speaking to a lot of people involved in those communities, cemetery managers, other

local councils and funeral operators, and no other operator can see any justification for these price hikes, instead of where the member for Clark feels that this may be punitive and showing the diocese who the boss is. This is the government protecting the people of Tasmania against threats, as such. It is inappropriate to expect people in rural communities to pay \$15 000 for a burial site.

In the northern council areas, the City of Launceston, Carr Villa Memorial Park, Lilydale and Bangor cemeteries, the cost of a plot, pre-purchased right of burial, is around \$1785. In the south, the Huonville Congregational Cemetery, the cost of a plot, pre-purchased right of burial, is around \$1273. In the west, the West Coast Council, Queenstown, Zeehan, Strahan and Rosebery, the average cost of a plot, pre-purchased right of burial, is \$342. On the north-west coast, Burnie City Council, Burnie Lawn Cemetery, it is around \$2206. That is what we have at the moment and they operate quite nicely. None of those areas indicated that there is any real requirement for \$15 000 to be charged for a site. That is quite a deficiency in the act.

I am also interested in the cremated remains and whether burial sites that are provided with 100 years of perpetuity are provided with 100 years of protection. If a burial site has 100 years' protection from the last interment and, if a deceased person or family member has their remains interred, would those cremated human remains receive the protection of perpetuity for 100 years? I could not find anywhere in the bill that directly dealt with that. It is a tricky question but there are cases of people doing that and I did have that raised with me. One husband passed away years earlier and the wife passes away, the husband is buried, his human remains are there, but the wife does not want her human remains to be buried. She would like to be cremated but wants to be interred with her husband. How does the bill cater for that? We need some clarification about whether the act only provides cremated remains a period of 25 years' protection and how long cremated remains are given exclusive rights in a monument.

With the imminent closure of the churches across our state, I consider that now is the right time to provide the same protections for cremated remains as non-cremated remains. I do not believe the steps outlined in clause 85, Exclusive rights to all or part of monument, are adequate, with only a right of term of at least 25 years. I believe that right should be 100 years from the last interment as it is the respect now provided to burials sites. I consider that the same respect should be provided to interred cremated remains.

We have a number of sites in our state as well that are facing the removal of the columbariums as a result of the sale of churches. Some of these owners will remove the columbarium, especially when a columbarium is located close to the entrance of a church, or a church site that does not have a burial ground. Columbariums are located at places such as the Ross Church which is, I believe, on the market, and the Kempton Church, where they take a lot of pride in their columbarium. That site was put on the list and it is still unresolved. Traditionally, many people in that area, certain families, choose to have their remains cremated and they choose to have their remains placed in niches in those columbariums. Protection may not be provided to those columbariums, even though it is an historic church, and those communities do place a lot of value on the remains in those niches.

The first stage of the Burial and Cremations Bill uncovered an issue with patchy record-keeping. I congratulate the Government on acknowledging that issue and the Director of Local Government for ensuring that record-keeping and particular records are maintained by cemetery managers, that they are centralised and that they are kept. It is important for our history and it is also important for people who would like to make decisions about potentially having to remove the cremated remains of their family members. Without those records it is almost impossible to know who to notify and who is the next of kin.

In situations in which the next of kin or senior next of kin cannot be notified, three calendar months are provided to notify the next of kin if those cremated remains are to be removed. Sometimes it is going to be difficult to find those people to gain approval to remove those cremated remains, so that final decision will come back to the regulator. How the process of keeping the cremated remains will be maintained and controlled could be a real issue and I could not see much in the act to suggest that had been considered. How do you remove them, where do you remove to, and what is respectful? Those things need to be identified.

Many people in our community still do choose to be cremated, not buried, and interred cremated remains need to be afforded the same respect as buried remains. I have spoken to many people, such as people who lost both parents. Both parents were cremated and interred and it provides people with great solace to know that their family members are together. Many of them are concerned that they may not have the same protection as if their parents had been buried together and they were human remains. When whole families are interred in family columbariums at a local church, there is real concern if those columbariums are sold. A recent situation involving the Ross Church occurred when the member of a family passed away. The family contacted the diocese to ascertain whether they could have the gentleman's cremated remains placed in a niche with the rest of the family and they were told no, they cannot. They are trying to make arrangements at the moment to figure out what to do with the whole family's ashes.

It is important that we change our mindset out cremated remains. They are important to some people and we should be providing them with a little more respect. It is a matter of evenness and consistency and I do not believe this bill deals with the issue of cremated remains in a way that is fitting with all the hard work and professionalism undertaken in relation to burials.

If a family chooses to purchase an exclusive right and a monument for cremated remains they should be provided perpetuity for that site. This does not mean that all people who are cremated are locked into this. Some people opt to have their ashes stored in an urn or sprinkled at sea. There are some pretty kooky things people do with ashes now, but it is their choice and that is what it comes down to. To some people it is very important that the interred cremated remains stay where they are. If a family wishes cremated remains to be interred in a monument, this should be protected and not potentially compromised.

We support the vast majority of this bill. However, I do not consider there is enough to protect the community against potential price gouging for burial sites and there should be the same protection with perpetuity afforded to cremated remains as there are to human remains.

[4.01 p.m.]

**Mrs RYLAH** (Braddon) - Madam Speaker, this bill is another prime example of the Hodgman majority Liberal Government listening and acting on the concerns of the community to make a number of important improvements that reflect feedback received through public consultation and this stage 2 sitting behind this bill today. This Government recognises that there is strong community expectation that the right to honour the deceased is intergenerational and therefore dealing appropriately with cemeteries and crematoria that are no longer used for burials is vitally important to many in our community.

The bill before the House today refines existing framework for the management of cemeteries, crematoria and businesses that handle human remains, making a number of important improvements that address the issues raised during stage 1 in the 2018 act.

An overarching matter is regarding the permitted administrative structures for future owners of cemeteries. This bill solves the matter regarding those few cemeteries which are currently owned by individuals and provides those owners the ability to sell their property to a natural person, so long as that person meets the 'fit and proper person' test and is approved by the regulator. This opens up the potential pool of buyers and therefore the likely sale price for these assets on which the current owners have committed considerable time and improvements.

This bill also sets out the requirements for the handling of a deceased person, starting from the initial notification of death through to the interment and exhumation. The framework allows traditional or natural burials in a cemetery and on private land, cremations and Aboriginal cremations. In addition, the bill also updates the definition of cremation to future-proof the legislation by allowing new and alternative methods for dealing with human remains to be prescribed.

The cemetery closure provisions that were supported by the parliament and the broader community last year have also been retained. The minimum period of 50 years before a cemetery can be closed and the power of the regulator to place conditions on the closure ensure the right to honour the deceased is intergenerational. The bill also sets a default of 100 years since the last interment before a closed cemetery can be laid out as a path or garden. This could only be reduced to 50 years on application if certain criteria are met.

Cemetery records are kept by the owner of the cemetery until the point of closure; however in accordance with clause 58 of the bill, the regulator has the power to inspect burial sites and ensure that the cemetery owner is providing free access to the cemetery records and maintaining the burial site. This is particularly important for family members who may be tracing their family history, as this bill helps to ensure that our burial sites are well respected, cared for and responsibly managed.

Given the deep significance we place on these sites, as they are locations where we can visit, pay respect and remember loved ones and ancestors, accurate and full records as well as free access to the site is essential. Researching family history is important and becoming an ever-increasing popular hobby for many people.

I now want to talk in further detail about the process to close a cemetery. First, the cemetery manager must publish a notice of intention that the cemetery is to be closed. The notice must be published at least 60 days before an application to close the cemetery is made to the regulator. The notice must contain a statement that a person may provide information, or make a submission to the cemetery manager in relation to the records of the cemetery and exclusive right of burial, whether a person has the intention of having their remains interred or whether there are any agreements in place for the cemetery manager to maintain the graves.

The cemetery manager applies to the regulator to close the cemetery. The application must be accompanied by the number of exclusive rights, or burial exclusive rights of interment in respect of the monument that is yet to be fulfilled, a copy of the notice and any further information provided under that notice, a copy of the cemetery records, and any further information the regulator considers relevant.

The next step is that the regulator assesses the application. The regulator may consider the cultural and historical value of the cemetery, including whether the cemetery contains graves of persons of historical or cultural significance to the community and any other matter the regulator considers relevant.



The next step is the approval or refusal of application. The regulator may refuse to approve the application or close the cemetery, or approve on any condition he or she thinks fit. There are ongoing obligations.

On closure, the cemetery manager must forward all records related to the closed cemetery to the state archivist. A closed cemetery is still a cemetery under the act and obligations relating to the maintenance of the cemetery and allowing access continue to apply.

If a person holds an exclusive right of burial in a closed cemetery, the cemetery manager must grant the holder of the right an exclusive right of burial in another plot or portion of the cemetery, or in another cemetery. The cemetery manager must also move to the new plot any human remains, coffin, vault, monument or other thing in the plot or portion in respect of which the original exclusive right of burial was held. If there is no agreement with the holder of the exclusive right of burial, the cemetery manager must pay the costs of commercial arbitration.

We now move to the 100 years since the last interment after closure. Any action that I speak of now is subject to the conditions placed on the closed cemetery or on the closure of the cemetery. The cemetery manager may apply to the regulator for conditions placed on the closed cemetery, or closure of the cemetery, to be removed or varied.

Closed cemeteries can be laid out as a park or garden, as we have heard. Removal of remains or exhumation and reinterment of those human remains is a possibility. After 100 years since the last interment, and only if the cemetery has been closed, the cemetery manager can apply to the regulator to lay out a closed cemetery as a park or garden for use as a place of quiet recreation only, demolish or remove graves, or to exhume and reinter human remains.

At least three months before applying to the regulator, the cemetery manager must publish a notice setting out their intention to take the specified action. The cemetery manager must apply to the regulator to take the specified action. The regulator may approve the application, subject to any condition the regulator thinks fit, refuse the application, or request further information from the cemetery manager. If the land has been consecrated according to the rites or practices of a religious or cultural group, the cemetery manager must offer the cemetery as a gift to that group.

If the regulator approves the application and the cemetery is not accepted as a gift by a religious or cultural group within 12 months, the cemetery manager may take the specified action.

Additional requirements relating to the exhumation and reinterment of human remains require the cemetery manager to give public notification in a newspaper circulating in the relevant municipal area on three occasions at intervals over a 12-month period of the intention to demolish or remove graves, monuments or vaults or to exhume and remove human remains. The cemetery manager must provide a statement setting out the details of the graves to be demolished or removed and make this available for inspection free of charge and apply to the Director of Public Health for permission to exhume the human remains.

Once a cemetery has been closed, all records are sent to the State Archives Office and ownership of those records then shifts from the cemetery owner to the Crown. The records will continue to be accessible online, along with various research tools and resources.

The parliament passed the Burial and Cremation Amendment Act in 2018 to address significant community concern following the Anglican church's announcement that it would embark on a property divestment program, which included the prospective sale of a number of cemeteries.

As the minister said earlier, the Burial and Cremation Amendment Act 2018 was passed swiftly and delivered on the Government's commitment to preserve, protect and, where appropriate, strengthen both the rights of community members and the obligations on cemetery managers. This meant that not all changes could be adopted in the first stage. The Hodgman Government is acting upon the recommendations arising from the second stage of the cemeteries legislative review. The review identified a number of other improvements to the existing act that are strongly supported by the community.

The bill before the House today refines the existing framework for the management of cemeteries, crematoria and businesses that handle human remains, making a number of important improvements that address the issues raised during stage 1. Individual cemetery managers who purchased cemeteries under the previous legislative framework have voiced concerns that the requirement to sell their property only to a body corporate could reduce the potential pool of buyers and ultimately, the value of their property. The changes in the bill will allow these private individuals to sell their cemetery to an actual person so long as that person meets the fit and proper person test and is approved by the regulator. Regarding a fit and proper person, the requirements the regulator must take into account when considering a person are outlined in section 11A(6) of the Burial and Cremation Act 2002.

This bill now aligns the requirements for crematoria and businesses that handle human remains, known as regulated businesses, with those for cemeteries. The bill does this by establishing the regulator role for crematoria and regulated businesses along with introducing an application process to manage these businesses.

Penalties have been reviewed throughout the act and increased, where appropriate, to ensure that they are at a reasonable level that will promote compliance and consistent for like offences throughout the act.

The evidence indicates that the amendments passed by the parliament last year were important to provide greater protection for cemeteries and this bill will continue them. Providing a small number of private individuals who now own cemeteries with an appropriate exemption from having to sell to a body corporate in the future strikes the right balance between preserving the greater protections that have already been put in place under the act with a need to recognise specific mitigating circumstances.

Overall, this bill improves upon the current act by clarifying and strengthening the regulatory framework for cemeteries, crematoria and businesses that handle human remains. This bill ensures the regulator has adequate powers to oversee the management of burials, cremations and the handling of the deceased.

The powers and duties of crematoria managers, such as keeping the crematorium in good order, record keeping and providing reasonable access, have been retained. This is particularly important as according to the 2018 Australian Bureau of Statistics, there were 158 493 deaths registered in Australia with an average of 65 per cent of the deceased person's family wishing to opt for cremations.

An important change introduced in this part is the increased protection for cremated remains. Where cremated remains are interred in a grave or a public monument such as a columbarium, the bill provides that access must be permitted free of charge; access cannot be removed without the notification of the senior next of kin; and exclusive rights of interment for cremated remains must be honoured. Trustees will have the same obligations as other owners of land with a cemetery on it and must adhere to the requirements of the act. These changes acknowledge the feedback from the community that the placement of cremated remains should not be protected any less than for burials while retaining a flexible approach which allows families to remove, retain or scatter ashes in a special place.

The amendments proposed by the bill before the House today, provide necessary safeguards while the Government undertakes its broader review. Through the public consultation process, we have listened to feedback from community members, cemetery managers and other stakeholders. The framework provided by this bill provides for greater accountability in the management of cemeteries without imposing any significant or unreasonable cost increase on cemetery managers.

Finally, the new structure in the bill improves the overall clarity and consistency of the regulatory framework. This once again means that the Hodgman Liberal Government is delivering for Tasmanians across the breadth of responsibilities we hold. I support the bill.

[4.17 p.m.]

**Ms COURTNEY** (Bass - Minister for Health) - Mr Deputy Speaker, I will make a brief contribution on this important bill. It is nice to have the opportunity because it is an important bill. One of the best aspects of this and the first tranche that the Attorney-General brought through this place has been the level of community consultation. I thank the department because that was both extensive, particularly with the first tranche, in getting out to communities and making sure the people had the opportunity to have their say on something that is so important. Also, in being able to bring what was an act that had been formed historically and modernise it, to make sure we have contemporary standards, that we have dealt with them and to have that ability to participate in a conversation about how we want to treat such an important issue.

For most of us, it is a topic we do not think about until we have to. We had to, as a community, think about this conversation and there has been a history that has been talked about in both the tranche 1 and tranche 2 of these changes.

I thank all of those people who have been involved because there has been a great deal of community interest. It has been wonderful to see communities think about and come together to talk about these important issues and how we can treat people respectfully, how to treat their loved ones respectfully, and to also make sure that we have a model in Tasmania that is sustainable and that we are able to support through our communities around Tasmania.

I acknowledge the Minister for Local Government, Mark Shelton, and particularly the Minister for Justice, the Attorney-General, Elise Archer, because she spent an enormous amount of work and effort on stage 1, as did her staff and her department, to be able to come forward with those amendments.

[4.19 p.m.]

**Mr TUCKER** (Lyons) - Madam Deputy Speaker, this bill is another prime example of the Hodgman Liberal Government listening to and acting on concerns of the community. Last year, the parliament passed the Burial and Cremation Amendment Act 2018 to address significant

community concern following the Anglican Church announcement that it would embark on a property divestment program which included the prospective sale of a number of cemeteries.

The Burial and Cremation Amendment Act 2018 was passed swiftly and delivered on the Government's commitment to preserve, protect and, where appropriate, strengthen both the rights of community members and obligations of cemetery managers. This meant not all changes could be adopted in the first stage. The Hodgman Government is acting upon the recommendations arising from the second stages of the cemeteries legislation review.

The review identified a number of other improvements to the existing act that are strongly supported by the community. The community's response to these amendments has been positive. The changes have given confidence that cemeteries will be managed by appropriate entities and that there is a system in place to ensure accountability in the management of cemeteries.

The bill before the House today refines the existing framework to the management of cemeteries, crematoria, and businesses that handle human remains, making a number of important improvements that address the issues raised during stage 1.

The bill provides a solution for individual cemetery managers to purchase cemeteries under the previous legislative framework and voiced concern that the requirement to sell their property only to a body corporate could reduce the potential for buyers and ultimately the value of their property. The changes in the bill will allow these private individuals to sell their cemetery to a natural person so long as that person meets the 'fit and proper person' test and is approved by the regulator.

The amendments passed by the parliament last year were important to provide greater protection over cemeteries and this bill therefore will continue them, providing a very small number of individuals who now own cemeteries with an exemption from having to sell to a body corporate in the future. It strikes the right balance between preserving the greater protections that have been put in place.

The bill also increases protection for cremated remains by providing for exclusive rights of interment in monuments such as columbariums, requiring access to public monuments and introducing notification requirements if the remains are to be removed. The level of protection the bill affords cremated remains strikes the right balance, providing protection for ashes placed in a columbarium, and the need for a more flexible approach that acknowledges that cremated remains are portable and may remain or be moved by families. The bill now aligns the requirements for crematoria and businesses that handle human remains, known as regulated businesses, with those for cemeteries. The bill does this by establishing the regulatory role for crematoria and regulated businesses along with introducing an application process to manage these businesses.

Penalties have been reviewed throughout the act and increased where appropriate to ensure they are both at a reasonable level that will promote compliance and consistent for like offences throughout the act.

The evidence indicates the amendments passed by the parliament last year were important to provide greater protection for cemeteries and therefore this bill will continue them.

Providing a very small number of private individuals who now own cemeteries with an appropriate exemption from having to sell to a body corporate in the future strikes the right balance

between preserving the greater protections than have already been put in place under the act with a need to recognise specific mitigating circumstances.

Overall, this bill improves upon the current act by clarifying and strengthening the regulatory framework for cemeteries, crematoria and businesses that handle human remains. This bill ensures the regulator has adequate powers to oversee the management of burials, cremations, and handling of the deceased.

Finally, the new structure in the bill provides overall clarity and consistency of the legislative framework. Once again this means the Hodgman Government is delivering for Tasmanians across the breadth of responsibilities we hold.

[4.25 p.m.]

**Mr SHELTON** (Lyons - Minister for Local Government) - Madam Deputy Speaker, I thank all members of the Chamber for their contributions to the bill and in particular the efforts that have gone on through the department and everybody concerned, as well as the Attorney-General who took the original amendments through this House last year.

I will clarify a few points and get on to some of the answers in a moment. The bill retains the existing framework for the management of cemeteries, crematoria and regulated businesses while making a number of important improvements to reflect the feedback received through the public consultation process. Importantly, the bill retains and strengthens the sale and closure processes introduced in stage 1.

The key changes from the existing act include increasing protection of cremated remains by providing for exclusive rights of interment in monuments, requiring access to monuments and notification requirements if cremated remains in the monument are to be moved. It also aligns the requirements for crematoria and regulated businesses with those for cemeteries by establishing the regulator role for crematoria and regulated businesses and introducing an application process to manage these businesses.

It strengthens the compliance and enforcement powers by allowing the regulator to request an audit of the cemetery, crematoria or regulated business, requiring managers to notify the regulator if they become aware that their business is not listed on the register held by the regulator, and new and increased penalties for non-compliance.

It allows the regulator to approve a person other than a body corporate to purchase cemeteries that were purchased by individuals under the previous legislative framework and it clarifies that cemetery owners may participate in non-binding pre-sale negotiations. It also clarifies that the cemetery managers may lease a cemetery on publicly owned land, restructures the legislation to improve clarify and consistency and supports potential changes to administrative responsibilities by introducing minor amendments to improve the overall clarity and consistency of the bill.

The act will be supported by the development of new regulations. The regulations will retain most existing provisions in the Burial and Cremation Regulations 2015 with minor amendments to support the policy intent of the bill, including providing for matters identified in the bill that are to be prescribed. The drafting of the regulations will be finalised before the bill is proclaimed.

I will now get on with some of the answers and bear with me, there are a few to go through. Hopefully I can first of all read the writing and secondly the answers will be what you require.

For Ms Dow, the new regulations are intended to be tabled by the end of this year. The current regulations will continue until then and there are transition provisions within the bill.

Does the 100-year closure time frame apply to cremated remains? The 100-year time frame referred to in clause 68 does not apply to cremated remains. This reflects the fact that the cremated remains are portable and issues relating to the exhumation of bodies that have been buried do not apply. In light of this, cremated remains could be moved under clause 84 before the 100-year period is up.

Is there flexibility for the public notification requirements? The regulations set out newspaper notification requirements, but the regulator may waive these if a more appropriate consultation mechanism is identified. Alternatively, there is nothing from preventing a person from choosing additional notification channels.

To the fact that a cemetery manager is required to own the land, which has been raised on a number of occasions, the bill provides that a person may only be approved as a cemetery manager if they will own the land or lease the public land. This approach recognises the ongoing restrictions that are placed on land once a cemetery is established. For example, if the state government or councils leased land for a cemetery to a cemetery manager, it is clear that the public intent for that land is for it to be used as a cemetery. However, if land is owned by a natural person but they are not to be the cemetery manager, there is a significant risk to the longevity of the cemetery. For example, if the cemetery manager abandons their responsibilities, the landowner is ultimately responsible, despite the fact that they may not be an appropriate entity to be approved as a cemetery manager or have a desire to be a cemetery manager.

Regarding the sale and transfer of the cemetery, there have been few convictions relating to the mismanagement of cemeteries. However, there have been a number of complaints against a person relevant to the management of cemeteries, crematoria or operation of a regulated business. In the main, these have all been dealt with through successful resolutions with the cemetery manager. The fact that allegations of misconduct have been made does not preclude the regulator from approving the person. The regulator will have regard to the number of allegations and their severity. The regulator may also consider whether the allegations are genuine. It is also noted that any decision not to approve a person as a manager of a cemetery or a crematorium, or to carry on a prescribed business is a reviewable decision. They can take that decision to court.

Cost shifting to local government is a matter for individual councils. If a council wishes to take on the management of a cemetery they can apply to do so through the sale and transfer process. The government has no power to direct a council to take on the responsibility of the cemetery. Cemetery managers are incentivised to set fees at an affordable level, so that people are able to purchase plots and the cemetery can generate revenue. If there was evidence of misuse of a market power or unjust pricing by the cemetery manager, this position could be reconsidered.

On that price - I note Ms Butler indicated the cost of cemeteries to the House and it was raised by Ms O'Connor as well - it is my view that it is a market that people are involved in. What I note in the northern part of Tasmania is that most burials take place in council-owned cemeteries. Lawn cemeteries are there. The management issues that are highlighted through this process have been dealt with by the local councils and most people go that way. The cost of a funeral and a burial varies across Tasmania, as Ms Butler said. It is not much more than \$300 on the west coast, a couple of thousand dollars or thereabouts in the northern part of the state, and a little bit dearer in the southern part of the state, depending on access and so forth. We are only talking about burials.

A funeral can cost significantly more than that, depending on the individual families and whatever they want to achieve.

There has been a significant discussion about the Anglican Church and that will continue. This process affects a number of people and this Government, through the amendments last year and this bill, is reacting to community concern about the cemeteries. Ms O'Connor made some allegations because of the Anglican Church's issues and wanting to divest their properties. What is highlighted through this process is that the places here, owned by natural people, have not all complied with the act. This is about tightening the act so that community concerns are dealt with and that the remains of their loved ones will be accessible to them for a period of time. The legislation talks about 100 years before you can start moving on that, or a shorter time, down to 50, if certain criteria are met.

**Ms O'Connor** - By interjection, minister, the question was, why is it that the concerns of four landowners have been accommodated in the new draft of the bill and all, bar one, of the concerns raised by the Anglican Diocese have been ignored?

**Mr SHELTON** - We have been through the process of public consultation and the relevant suggestions that are achievable, from the Anglican Church's point of view. They make note that they should be able to enter into a contract and that has been inserted into the bill. Yes, we have listened through the consultation process and this is the outcome of that process.

From Ms Butler: how long are cremated remains given exclusive rights? The answer to that is clause 85 sets out an exclusive right that can be absolute or at least 25 years. This is the same for a burial. Ms Butler also asked what will happen with cremated remains if there are no senior next of kin. Under the provisions, the regulator can appoint a person to be senior next of kin and instruct them on how to respectfully deal with the remains. This could, for example, be a columbarium manager or they could require them to store the remains in another place as part of the process.

**Ms O'Connor** - I had a question about cemeteries on private land.

**Mr SHELTON** - I went through private land and I will come back to that.

How does the bill protect cremated remains? The previous amendments talked about burials in particular and, through the consultation process, people asked about cremated remains. That was an area we needed to sort out. The bill increased protection for cremated remains stored in monuments located within a cemetery or other public place. This increased protection includes the requirement that public access to the monument is provided free of charge at all reasonable hours, requiring the person responsible for the monument to notify the senior next of kin if the cremated remains are to be moved and setting out the process for issuing exclusive rights of interment for cremated remains and requiring the agreement to be honoured. These changes respond to the feedback received through the consultation process to increase the protection for cremated remains and strikes the right balance between protecting ashes placed in a columbarium and the need for a more flexible approach that acknowledges that cremated remains are portable and may be retained or moved by families. This bill does not affect family rights to store the ashes of loved ones, for example, in the family home or scatter the ashes.

On private ground, the bill allows for the establishment of a dedicated natural burial ground. The requirement that the cemetery manager become a body corporate and own the land does not prevent the entity from establishing a natural burial ground. These requirements reflect feedback

from the community that the legislation needs to provide for certainty and longevity in relationship to the management of cemeteries.

Natural burials can exist. Just to go a little bit further on that, cemetery managers may set aside part of the cemetery for natural burials and undertake natural burials as long as there is no risk to public health or public safety. Clause 32(4)(c) of the bill provides for the establishment of natural burial grounds by allowing cemetery managers to lease land for a cemetery for this nature.

Additionally, burials can occur outside a cemetery if the required permission outlined in the existing Burial and Cremation Act is obtained. This may include natural burials as long as they are done in accordance with the conditions placed by the Director of Public Health to ensure that the process the proposed grave is not prejudicial to public health or public safety.

As there is no current legislative barrier to conducting natural burials, no additional legislative changes on this issue are proposed at this time. Some supporters of natural burials raised through the consultation process on the Burial and Cremation Bill that the natural burial method ensures that the body would be returned to nature more rapidly and the natural burial ground should be able to be closed and repurposed more quickly for community use or conservation. There are no restrictions in the bill for natural burials except for the fact that they have to be within a cemetery and designated for that purpose.

There was a question on a 'fit and proper' person. Covered that?

**Ms Dow** - No, you have not. Through you, Mr Deputy Chair, it was regarding the alleged misconduct of that person and whether you had concerns about that being unquantifiable and the merits of that in explaining why, despite a couple of submissions speaking against the merits of that, it was still included.

**Mr SHELTON** - Okay. We all acknowledge that if you are going to own a business dealing with people and people's relations, you need to be declared a fit and proper person. I guess it is the definition of a fit and proper person that is the issue, bearing in mind that the regulator has the ability to say yes or no. If the answer is no, that person has the right to object to that designation. In the section of the act where it describes a fit and proper person it says the regulator may take into account the following matters when determining for the purpose of the act if a person is a fit and proper person:

- (a) the capacity, including the financial capacity, of the person including his or her ability to maintain, if relevant, a regulated business, cemetery or crematorium, and the related records;
- (b) the capacity of the person to comply with the relevant provisions of this Act;
- (c) whether the person has any previous relevant experience in the management and maintenance of a regulated business, cemetery or crematorium and, if so, the details ...

It then goes on to talk about whether they have been convicted, et cetera. It is important that people who own these businesses or are involved in these businesses can be seen by the community that they are a fit and proper person to be dealing with their loved ones. We have all heard stories



where funeral parlours have been used for this, that and the other in the movies and so on, so I guess it is about the confidence of the community in that person and we need the ability through the regulator to be able to say yes or no to certain individuals.

Mr Deputy Speaker, I will conclude my remarks on the second reading debate. I thank everybody for their contributions. Hopefully I have answered all the questions. I do not know whether we are going into Committee but that will be a question that is put in a moment.

**Ms O'Connor** - We are, because I flagged an amendment, so you are stuck.

**Mr SHELTON** - There is a first for everything. My first Committee.

Mr Deputy Speaker, I thank the House for all their comments. I have tried to answer all the questions to the best of my ability and we will go into Committee to see what other questions there may be.

**Bill read the second time.**

## **BURIAL AND CREMATION BILL 2019 (No. 42)**

### **In Committee**

**Clauses 1 to 31 agreed to.**

#### **Clause 32 -**

Approval of persons as cemetery manager

**Ms O'CONNOR** - Minister, as I flagged, this is the only amendment we will be putting to this legislation today. Its intention is to allow for this bill to capture cemeteries on private properties.

I move -

That clause 32(4)(c)(ii), on page 48, be amended by leaving out the words 'from the State, or a council,'.

This is the section under Part 4 in the cemeteries which covers the approval of a person as a cemetery manager, and talks about those processes, the role of the regulator in approving a person as a cemetery manager, if the regulator is satisfied that -

- (a) the person is a fit and proper person to be a cemetery manager; and
- (b) the person is a body corporate with perpetual succession; and
- (c) the person -
  - (i) owns, or is to own within a reasonable period after the approval of a person as a cemetery manager, the land on which the cemetery is located or is to be located; or

- (ii) is leasing, or is to lease within a reasonable period after the approval of the person as a cemetery manager, from the State, or a council, the land on which the cemetery is located or is to be located.

This simply removes the words 'from the State, or a council' so that the clause - should the amendments be accepted - would read that 'the person is leasing or is to lease within a reasonable period after the approval of the person as cemetery manager, the land on which the cemetery is located or is to be located'.

We still do not understand, minister, with any clarity why, given that the parliament is embarking on a rewrite and a refinement of the Burial and Cremation Act 2002, we are not also providing for private landowners, should they wish, to establish a cemetery on their private property should they be found to be a fit and proper person by the regulator. Just to clarify, this amendment removes the 'qualify' clause that only allows a cemetery manager to lease land from a council or the state. This allows for the private lease of land for a cemetery.

I ask again, why this has not been provided for in this legislation? If a person feels they have something to offer in terms of the public service of offering land as a cemetery, but also a greater choice for people who are facing soaring costs of burials, cremations and funerals, then I and the Greens, think that the state should make a provision for that in legislation. This would allow for greater competition, particularly for smaller operations, and provide price competition and increased options for burials.

The rationale that was provided in our briefing was not very persuasive. This is no reflection on the drafting because the drafting is undertaken on instruction from you as minister, essentially. That is the way the lines of accountability roll, but knowing you, I am sure you did not micromanage them through the drafting process. This amendment is an opportunity to deal with an inadequacy in the legislation that we are debating. It strikes me, from the response that we got in the briefing yesterday, that perhaps, as minister, or your predecessor, the Attorney-General, in preparing the instructions for drafting, private land coverage for cemeteries was seen as a bit too hard or too complicated. I am not sure why we did not make some allowance for private land. Should we not be agnostic about the tenure of the land, public or private?

The issue here is whether that is suitable land for remains for burials or for cremated remains to be stored. Is it suitable land, and is the person who owns that land, or the body corporate who owns that land, a fit and proper person to manage a cemetery? There is no reason why the other provisions in this legislation which strengthen the regime around who owns a cemetery, how long a cemetery must remain dedicated to that purpose, provides those protections for cremated remains, why all of that could not also sit over the top of private land, should a person determine that they have something to offer.

I commend this amendment to the House and suspect that it will not be supported by the Government because we do not get support for our amendments in here, no matter how sensible they are.

If it is not supported by the Government, I hope that it is moved upstairs because it is a real opportunity to take off some of the cost pressures, particularly from Tasmanians who are dealing with the loss of someone they love.

**Mr SHELTON** - Thank you for that, Ms O'Connor. As far as the Government goes, we would love competition in the market. A regulated business can buy property and own it as a body corporate. In your commentary, you indicated private ownership but you also went to body corporates. The issue with this section of the bill is that part of the issue is how do we create a situation where you have the longevity of 100 years -

**Ms O'Connor** - You legislate.

**Mr SHELTON** - That is what we are doing so that the cemetery that is there can remain a cemetery, in trust as a cemetery, for that period of time. The issue that arises if it is leased from a private owner by a regulated business; what happens if that regulated business then goes into receivership, falls over?

**Ms O'Connor** - If it is in this legislation, they have to maintain the cemetery. Your argument is weak.

**Mr SHELTON** - The difficulty of an owner operating a cemetery is the issue as far as the longevity. Does that owner then say, well, when I pass away in my Will I am going to leave it to my nephew who has to keep this cemetery open and so on?

**Ms O'Connor** - No, you would say to your nephew you must apply the law and the law covers cemeteries on private land.

**Mr SHELTON** - As you are suggesting there, the law has to be such that it cannot break down on the change of the situation.

**Ms O'Connor** - That is right. No, sorry. You have entered an implausibility clause.

**Mr SHELTON** - I will read this to try to clarify it in your mind:

The bill provides that a person may only be approved as a cemetery manager if they will own the land or lease public land. For example, if the state government or councils lease land for a cemetery to a cemetery manager, it is clear that the public intent for that land is for it to be used as a cemetery. However, if land is owned by a natural person but they are not to be the cemetery manager, there is significant risk to the longevity of the cemetery.

For example, if the cemetery manager abandons their responsibilities, the landowner is ultimately responsible, despite the fact that they may not be the appropriate entity to be approved as a cemetery manager or have a desire to be the cemetery manager.

As a trustee, a trustee has to be able to exercise powers over the land to fulfil the cemetery manager's function. That is difficult to guarantee over the life of the cemetery where there may be several private owners, all with potential different objectives for their ownership. This is the difficulty of public ownership.

That is the reason we will not be able to support your amendment.

**Ms O'CONNOR** - Minister, a cemetery manager may be in a position where they abandon their responsibilities, whether it is on public, council or private land. There are situations where even a body corporate, a church entity or a charity which has been found to be fit and proper by the regulator to manage a cemetery, may at some point in the next 100 or 150 years, fall over as an entity. With respect, your argument does not stack up because the same provisions that are there to protect buried and cremated remains on land that is held by a public authority can apply to land that is owned by a private person. If there is an individual, for example, a farmer in the Midlands who decides that the family plot which has been in his family for generations, he would not mind expanding that so that his deceased ancestors had some company. He would say, I want to make a cemetery on my private land, knowing full well that there are legal provisions in the Burial and Cremation Act 2019 that require him or his descendants to manage that land as a cemetery.

I do not think it stacks up. It is a lost opportunity. I hope you see that. There are so many good arguments for supporting this amendment.

It is obstinacy and an inability or unwillingness to move beyond what is safe in how you prescribe what happens to cemeteries on publicly-owned land. For the party of free enterprise, it is a pathetic effort. I accept the amendment is not going to pass. That is a bad outcome for people who want to have some choices. There is no harm in supporting this amendment. There is no greater risk, on balance, in having someone who is -

**Mr Shelton** - I disagree with that.

**Ms O'CONNOR** - Well, the only test they have to pass is that they are fit and proper in order to be managers on public lands. Our history is replete with examples of body corporates and entities that we thought would last a long time falling over or transmogrifying into something else. It happens. It does not matter if you have a law that says you have a body corporate and it has these responsibilities going out for more than a century. We should be agnostic about the tenure of the land in which cemeteries are in place and I am disappointed that you, as minister, are too inflexible to see that.

**Ms DOW** - My question relates to a couple of other inclusions within this legislation that would offer some sort of relief to the concerns you have in opposing the amendment regarding application to start a new cemetery. There seems to be a number of safeguards for the regulator in making a decision as to who is a fit for purpose person to do that. The other question is about cemetery managers holding cemeteries in trust. I am interested in your thoughts on those two things and whether they mean the amendment being proposed this afternoon gives the certainty that you have talked about regarding future use and some of the associated risks, if this amendment were to be successful. That is in a roundabout way.

**Mr SHELTON** - Thank you. In relation to a body corporate and the trustee, the longevity of the cemetery is the reason we cannot accept the amendment put forward. There will be a need in future to create more cemeteries and this bill does not allow new cemeteries to be created.

**Ms O'Connor** - It is very restrictive.

**Mr SHELTON** - They have to be leased from the council or owned by a private body corporate. This is so that, when people are put in a grave, the relations of that person have a realistic outlook that they will be able to visit the graveside for a certain period, between 50 and 100 years.

**Ms O'Connor** - Most of them will be dead by the time 100 years passes.

**Mr SHELTON** - In my opinion, Ms O'Connor, it is a very high risk and a bar we are not prepared to go to, if the land is owned by a private person.

**Ms O'Connor** - Have you ever been to Greece? All family members in Greece are basically buried on the family plot in the backyard of the family home and they are safe and revered.

**Mr SHELTON** - That is not precluded through this legislation. It can be but the point you made about a farmer wanting to start up, first, you cannot subdivide agricultural land, so there is an issue in adding people to a single plot that happens to exist on a farm.

**Ms O'Connor** - It might have a few different titles. A lot do.

**Mr SHELTON** - You always have to allow public access to a cemetery. I do not know too many farmers who would want a section of their land with some cemeteries in it and people parking and walking across their land and so on. I am not so sure the point you raise is a true reflection of what people are thinking.

On the other issue Ms Dow raised, as a trustee or part of the body corporate and the trustee, the issue is that you need to be able to have influence over that land with varying ownerships. The trustee has to be able to exercise power over the land to fulfil the cemetery manager's functions. That is difficult to guarantee over the lifetime of the cemetery. You may have several private owners with different opinions about what they need to do, what the land should be used for and so on. The trustee has to be able to guarantee that.

If it is leased from the state government or from a local government for the purpose of a cemetery, that is pretty standard. It is a cemetery that is going to be there. There may be a situation in which it is initially leased as a cemetery and the owner has different views about what needs to be done to that land, so, the trustee needs to be able to exercise the powers over that land as far as fulfilling the act.

**Ms Dow** - I would have thought that the regulations and requirements set out in the legislation that we are looking at today would mean that person, whether that then deflected back to the owner of the land, would have to then be the manager by default, who would then have to adhere to the regulations that are laid out and stipulated in this legislation. I do not understand why that is not the case.

**Mr SHELTON** - Through the development of the act there has been significant discussion around this issue of the ownership of the land, and the reality is that the trustee has to be able to exercise power over that land or otherwise, as you suggested, the owner may not be a fit and proper person to be a trustee of a cemetery by the fact that they are now or could be in the future the owner of that cemetery and may not be able to be prescribed as a fit and proper person for it. That is why the legislation states that the body corporate either owns the land so they have that control over the land, or they lease it from a public entity which, as I have indicated before, it is there as a cemetery and if it is leased from local government then it is a cemetery and there is an expectation that it will always remain a cemetery, in the same way as the state Government leases land. You either own it outright so you have control over it, or you lease it from an entity that can give you some longevity in that lease or prospective longevity. The issue is if it was allowed to be leased from private people

there could be a situation where that all collapses and then where is it as a cemetery? The relations of those people in the cemetery could be left literally out in the cold.

**Ms O'Connor** - Whether it is on public or private land, I think that is the case. Anyway, you be you.

**Amendment negatived.**

**Clause 32 agreed to.**

**Clauses 33 to 83 agreed to.**

**Clause 84 -**

Monuments containing cremated remains

**Ms BUTLER** - I seek some more clarification on clauses 84 and 85, exclusive rights to all parts of monument, and in particular 85(2)(b), a right for a term of at least 25 years which may be renewed on such other terms and conditions as may be agreed. We are looking for consistency within this bill. We believe that by only allowing 25 years on the cremated remains it is providing a discrimination of sorts between cremated remains and non-cremated remains. We believe that cremated remains actually use less space, are less expensive for people to purchase and, by having the two distinct, creates a discrimination of sorts within this bill. We believe that especially interred cremated remains should be provided with the same respect, for the sake of consistency, as non-cremated remains.

In the future, there will be more and more people who opt for cremated remains. There are people who are very conscious of space and also the expense of burials, which we also cannot protect very well at the moment. I argue that having a discrimination of only 25 years for cremated remains as opposed to non-cremated remains, which can be provided 100 years protection, really needs to be addressed insofar as consistency. There is an expectation in the community that if you wish to have cremated remains interred, they should be provided with the same protections of non-cremated remains.

I am seeking reasoning from the minister as to why there is a discrimination of sorts between cremated remains and non-cremated remains. They are all remains and they all should be treated with the same respect. If people wish to have their cremated remains interred in a niche, we should provide them with the same consistency. I am seeking clarification from the minister as to the reasoning behind having that discrimination and lack of consistency between non-cremated remains and cremated remains.

**Mr SHELTON** - To clarify, they are both the same. When we are talking about the 25 years, we are talking about the exclusive rights of burial, when somebody has purchased the right of burial. Say, for example, a person's husband has passed away and they have purchased the exclusive right beside them, that exclusive right is there for 25 years and that is the same for the cremated remains and/or the burial side of things. We are not talking about the time that the coffin is in the ground or the person is in the ground. This is about providing access, so when you have purchased the right to be buried beside somebody, that is the 25 years.

**Ms Butler** - Can I then ask why 100 years is not provided to cremated remains?

**Mr SHELTON** - We are talking about exclusive rights and the clause increases protection for cremated remains by providing that the person may apply for an exclusive right to inter cremated remains in a monument and the term of which that person is in charge of the monument must guarantee or must grant that right. The clause is consistent with the rights when it comes to the burial of a coffin beside another person. We are talking here about the exclusive rights that are purchased and that lasts for 25 years.

**Ms O'CONNOR** - Minister, I know I have been a bit harsh on you during this debate, but I want to acknowledge that one of the things that this legislation does, which is different from other states and territories as I understand it, or those that we have looked at, is that it has, pardon the pun, created a level playing field in terms of people who wish to purchase a plot or have exclusive right for interment of the remains, because in other states and territories, as I understand it, it comes down to how much you can pay which determines how long the remains of your relative are interred and protected.

This legislation prevents people who have greater wealth from purchasing longer legal protections for their family's remains, as I understand it. In that way, you will be pleased to hear that this bill has slightly socialist undertones.

**Ms DOW** - I want to add further to my colleague's contribution, and provide a couple of practical examples because I am still a little confused following the answer to the questions that I have put.

The first one is, say my husband did not want to be cremated so he chose to be buried. He died hypothetically before I did, but I wanted to be cremated. I understand my right to reserve that to be in that plot with him. In the instance that my ashes then go in with his coffin some time later, am I guaranteed that 100 years with my ashes? I seem to recall you saying that was not possible before, but I just want to clarify that?

The other example is that if I choose to be in the monument on the wall, be cremated, but I do not have any family that are going to come along and want to spread my ashes, I do not have any directives to my family about where I want my ashes to be spread, am I then protected also when it comes to the closure of that cemetery for that same period as someone who was buried in the ground there rather than have their ashes stored in the monument for that 100 year period? That is the best way I can explain it.

**Mr SHELTON** - First of all, let us talk about the exclusive rights. In order to be buried beside your husband you have to have purchased at the time -

**Ms Dow** - Yes, I understand all that.

**Mr SHELTON** - then you can be buried there. If the ashes are separate on top of the grave that is a different scenario altogether. Just on the exclusive rights of your cremated remains, and if you wish for it to be put into a monument, the reality is that the clause increases the protection for cremated remains by providing that the person may apply for the exclusive rights for cremated remains to be interred in a monument. The terms of which the person in charge of that monument has to grant that right. If that right of yours is not granted, then a fine of up to 20 penalty units if the person in charge of the monument fails to provide the applicant with a certificate of the exclusive rights and a fine of 50 penalty units if the person in charge of the monument does not fulfil that

right. If you purchased an exclusive right, then the obligation is on the person in charge of that monument to fulfil those duties.

This clause also sets out the resolution process if a person in charge of a monument is not able to grant the holder their exclusive rights. My memory of reading back through it, then there has to be a negotiation process about, well if you cannot be here, then there are other options that are negotiated. That right is consistent with the fact that if you are going to be buried somewhere and that exclusive right cannot be granted for whatever reason, then there is another process that you have to undertake.

Going back to Ms O'Connor's comments about the socialist side of things, what I am very pleased about, Ms O'Connor, is that you had a conversation with Bishop Condie and he has somewhat converted you in your arguments for his application.

**Ms O'Connor** - I am Catholic baptised.

**Mr SHELTON** - I am really thrilled that there is a possibility there.

**Ms O'Connor** - That I will be saved? None at all.

**Mr SHELTON** - No hope?

**Ms O'Connor** - None. All my friends are going to hell, minister. That is where I want to be.

**Clause 84 agreed to.**

**Clause 85 agreed to and bill taken through the remaining stages.**

**Bill read the third time.**

## **DISPOSAL OF UNCOLLECTED GOODS BILL 2019 (No. 16)**

### **Second Reading**

**Resumed from 26 September 2019 (page 88)**

[5.28 p.m.]

**Ms ARCHER** (Clark - Minister for Justice) - Madam Deputy Speaker, I was part way through summing up when this matter was last before the House. I do not have many more questions to address having dealt with many already. I think I was up to answering my fourteenth question in fact, the last one being are there penalties for non-compliance with the bill? I addressed this by referring to clauses 13, 22 and 23 of the bill and noting the key ones.

I will now move on to my next question being from the member for Clark, Ms Ogilvie. The question was whether I think, or the indeed the Government thinks, it might be of benefit to define goods, or does that sit in another act? My response is that goods are not defined for the purposes of this bill but where legislation does not define a term it is taken to have its normal or ordinary meaning. That is the general principle and for the purposes of 'goods', this is very broad and includes all types of chattels but excludes real property which is land, of course. The regulation of



goods is a common concept within consumer regulation and it is my intention that this act is consistent with that approach.

The next question from Ms Ogilvie was, how does the bill's non-application to the Gene Technology Act 2000 work? I refer to clause 4(3) which outlines goods the bill does not apply to, so it specifically does deal with matters that it does not apply to. This includes goods to which section 171 of the Gene Technology Act 2000 of the Commonwealth as that act applies in Tasmania by virtue of section 6 of the Gene Technology (Tasmania) Act 2012. The bill does not apply as these acts include their own disposal provisions in the event that goods are seized under the act by the Commonwealth Gene Technology Regulator and the owner cannot be located. That is therefore dealt with in a separate act.

Another question from Ms Ogilvie was, does the bill apply to click and collect arrangements where goods are purchased online and then collected from a local retail store? The simple answer is no, the bill does not apply to those arrangements for the sale of goods as there is no bailment agreement that exists. The purchaser is not providing the goods to the retailer as the purchaser never had possession of them. Customers who do not collect the goods are entitled to a refund but might be charged an administration fee by some retailers.

Turning to two final questions put by the member for Franklin, Dr Woodruff, who asked how determinations would be made by the director, updating the thresholds of the value categories is not onerous and reviews would only need to be infrequent, for example every two to three years if necessary. In other words, it is not expected to be frequent or onerous. For increasing the dollar threshold of the value categories, the director would take into account information including inflation, cost of living increases, any changes to business practices affecting bailment arrangements.

Regarding a creation of guides to businesses on the valuation of types of goods, the process requires prior consultation with businesses and other interested stakeholders.

Finally, the last question - I think we counted up 19 so I am hoping we have all the questions - was again from Dr Woodruff who wondered what the resourcing requirements would be in order to enable Consumer, Building and Occupational Services - CBOS - to undertake what they are now required to do in the bill and whether that would be onerous. I can say at the outset that it is not expected to be onerous, that the administration of the bill will be within the budget of CBOS within the Department of Justice. It allows an overview of the operations of the new act and to undertake awareness-raising activities upon the commencement of the new law. It is part of their regular business that they do that, and as the parties to the bail agreement would largely undertake the operation of the bill's provisions themselves, the effect on CBOS will not be onerous.

That being the case, addressing all those answers - and we did have the benefit of being able to check *Hansard* that we were able to review and get all of the questions that were dealt with throughout the entirety of the debate - I am quite satisfied that we have answered those questions.

I thank members for their contributions. Some of these bills can be topics that are not that exciting but they do have an impact on business. This will help clarify some areas and create enormous efficiencies for businesses that find themselves in situations where they are left with goods, particularly where they simply cannot keep storing goods for physical reasons on their present premises, let alone the fact that they do not want to be holding these goods for too long, or for longer than is necessary, not to mention the cost to business.

This will reduce red tape for them and create better conditions for business and consumers because this is legislation that works for both the consumer and the business operator by creating certainty within a process of what their rights and obligations are in turn.

I take this opportunity to thank department officials, particularly Peter Graham, our new Director of Building Control. He has hit the ground running in relation to having his first bill fairly much straight away, with more to come. The dedication of staff in my office as well never ceases to amaze me with the enormous workload they have, particularly this year with the pretty heavy legislative agenda we have had, and rightfully so. In these portfolios there are important matters we have dealt with, particularly in the areas of Justice, Building and Construction and my other portfolios, and we have more to come. Thank you to all of those involved from the department, from drafting in our Office of Parliamentary Counsel who always do a wonderful job, and to members of this House who made contributions on this bill.

**Bill read the second time.**

**Bill read the third time.**

## **PLACE NAMES BILL 2019 (No. 38)**

### **Second Reading**

[5.36 p.m.]

**Mr BARNETT** (Lyons - Minister for Primary Industries and Water - 2R) - Madam Speaker, I move -

That the bill be now read the second time.

I am pleased to bring this bill to the House as the Hodgman Government continues to implement its legislative agenda.

Place names are vitally important reference points for all members of society. From natural features such as rivers and mountains, to localities, streets and reserves, place names are the most common way that people identify geographical locations, and they are fundamental to property addressing, emergency services activities and cartographic and navigation products.

The Government recognises that place names were in existence prior to European settlement, and that Aboriginal people used place names to identify geographic features and places and continue to do so.

This bill provides for the repeal of outmoded clauses pertaining to nomenclature in the Survey Coordination Act 1944 and the establishment of a new Place Names Act 2019 to introduce contemporary place-naming processes. Whilst the existence and use of place names is taken for granted in everyday life, the importance of rigorous processes for assigning appropriate and authoritative names to natural and manmade features generally goes unnoticed.

Tasmania's current system for the official naming of places was established more than 65 years ago, in a period when coordination of naming activities between the major mapping agencies was

required, and whilst minor amendments have been made to the Survey Coordination Act 1944 over the years, those provisions remain largely unchanged and do not provide for contemporary digital data management, different administrative arrangements and community expectations with respect to consultation and representation.

Prior to preparation of the bill, two rounds of community and stakeholder consultation were undertaken, with strong support exhibited for the proposed changes. The draft bill has also been circulated to stakeholders and additional personal briefings were arranged to ensure proper understanding of the new provisions.

The bill provides for a number of key elements. The first is the replacement of the Nomenclature Board with a new ministerially appointed Place Names Advisory Panel chaired by the Surveyor-General. The current Nomenclature Board was established in 1953 when key government agencies such as the Lands Department, Hydro-Electric Commission, Forestry Commission and Mineral Resources Department were actively involved in mapping the state post the Second World War. The vast majority of geographical features have been named and there is no longer a need for some of the statutorily assigned entities to be involved in place naming. In addition, six members of the board were appointed by the Governor, four of whom were nominated by the minister, so the process was unnecessarily cumbersome.

The new panel will consist of the Surveyor-General as chair, a senior spatial data and mapping officer from the department, and five other persons appointed by the minister including a person nominated by the Director of the Parks and Wildlife Service, a person nominated by the Local Government Association of Tasmania, a community member with knowledge and experience in outdoor recreation, and up to two community members with knowledge and experience in heritage or historical matters and linguistics. Additional members can be appointed by the minister as prescribed by regulation.

The new panel will overcome the constraints imposed by the current legislation whereby members of the board were assigned by outdated departmental names, and where as a result of the disaggregation of some agencies and entities and other changes over time it is no longer possible to appoint a full board. The inclusion of additional members from the community will ensure wide experience is available in the assessment of new naming proposals. Selection of the three community members will be via an inclusive expressions of interest process with appointments made based on skills and knowledge, and as was the case with the Nomenclature Board, members of the panel are not to receive remuneration.

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

The registrar is to be appointed by the secretary of the department and is to maintain and make available the guidelines, about which I shall elaborate shortly, and to maintain the Register of Place Names. The registrar is to make entries in the register as names are approved and make amendments when alterations are approved. The registrar is empowered to make minor amendments to the

register such as typographical corrections or minor changes to the extent of a place when there is no impact on community use or expectation around that place. The registrar is analogous to the existing secretary to the Nomenclature Board role, with parallel functions.

The third element is that the minister will assign place names, not including street and road names, upon the recommendation of the Place Names Advisory Panel. A naming proposal for a new name or an alteration of an approved name, or an alteration of the extent of an approved name, may be submitted to the registrar in accordance with the guidelines. The registrar may refuse to accept the proposal if he or she believes that the consultation requirements and the guidelines are not being complied with. If the proposal is not for a minor revision the registrar must cause a naming proposal to be advertised in accordance with the guidelines. At the end of the specified advertising period the registrar must forward the proposal, together with any submissions received during the advertising period, to the panel.

The panel must consider the proposal and any submissions received and, as soon as practicable, make a recommendation to the minister in respect of the proposal. In this way, the panel is making a recommendation in full knowledge of the level of consultation undertaken and the views of stakeholders, which is not the case with current processes since, at present, the board makes the decision before opening its decision up to public consultation.

After considering the panel's recommendations, the minister may either approve the recommendation or refuse to accept the panel's recommendation, in which case the minister may request that the panel reconsider the matter and make a new recommendation. This bill removes the power that the minister currently has under the old act to unilaterally vary a name when objections are received.

Since the introduction of the bill to parliament on 10 September 2019 I have requested the Office of Parliamentary Counsel to resolve a minor drafting technicality in clause 10. This pertains to the content of the panel's recommendation to the minister. The original version specified the potential elements of the recommendation, namely that the panel is recommending either to approve a name, alter a name, revoke a name or clarify the extent of a name. For reasons of absolute clarity, the amendment now adds the element of refusing a name because the recommendation of the panel may in fact refuse a name in proposal, so to be clear, the minister may only endorse or reject the panel's recommendation. In rejecting it, he or she may refer it back to the panel for reconsideration, but the minister cannot unilaterally vary the recommendation.

In respect to names approved by the minister, the name is official once the minister makes his or her decision, and the approved name is reflected in the register and made publicly available. The registrar may then cause a notice to be published in the *Gazette* specifying the details of the decision.

As mentioned, another key element of the bill is to provide for the minister to endorse the issue of guidelines that will provide comprehensive documentation about the principles, practices and processes for construction and submission of place names, and which will reference and comply with the provisions of the Aboriginal and Dual Naming Policy in force at the time.

The guidelines will provide for more flexible consultation and objection processes proportionate to the significance of the specific naming issue, and will specify the persons responsible for proposing certain names and set out their responsibilities. The guidelines will be made publicly available in an electronic format and as they are intended to be a living document, will be reviewed regularly. The guidelines were formerly called rules and have always provided a

strong basis for Nomenclature Board decisions. However, as they are guidelines and not regulations, flexibility for discretion is retained.

The next element is to clarify the definition and scope of the term 'place'. The meaning of 'place' has been somewhat ambiguous in the old legislation and this section now ensures ambiguity is removed and that definitions are consistent with the manner in which other jurisdictions describe them. The definition of 'place' specifically excludes reference to cities and towns which are named under local government legislation. Buildings and similar structures are also excluded from this bill.

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

Once an acceptable naming decision is received from a responsible authority by the registrar, an entry is to be made in the register to reflect that action. At this point, such a naming action is taken to be an approved name. The registrar may only refuse a submission from a responsible authority under this section if the naming action does not comply with the guidelines, or if the proposed name is the same as an approved name for another place.

If the registrar is unable to resolve a suitable naming submission with the responsible authority, the registrar is to submit the naming action to the panel for consideration, and then the matter proceeds as earlier described for other naming proposals, including that the panel makes a recommendation to the minister for a decision.

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

The bill introduces provisions for penalties to apply if the names of places are deliberately misrepresented. This is a provision that has not been present in Tasmania before but is present in Queensland, New South Wales and South Australia as well as New Zealand. This section provides that a person must not in a document, brochure, map, notice or advertisement identify a place that is not the approved name for the place if the person knows, or reasonably ought to know, that such identification is likely to, or has the capacity to, mislead or deceive another person. This includes if the person represents that a place has an approved name when there is no approved name for the place.

An example of deliberate misrepresentation of a name is when a party may suggest a lot for sale is in one locality when in fact it is in another. This has the potential to mislead a potential purchaser and may have consequences for their future development plans, bank loans and insurance considerations. The department is aware of several examples of this exact circumstance which has been brought to officers' attention by aggrieved members of the public. At present there is no

sanction for such deliberate misrepresentations. Whilst there may be civil remedies available to aggrieved parties, that pathway may be onerous and costly to pursue, whereas the inclusion of penalties in this bill allow for sanctions for persistent transgressors. Another example is where a business or resident erects a street sign that reflects a name other than the approved name. This may be the name of a commercial entity housed in the location, or the name of a resident, or a name that was not assigned by council but which the resident preferred. This creates a risk of emergency services not locating an address in an emergency situation, as well as issues with postal and other service delivery.

The penalty provisions are in terms of a fine not exceeding 50 penalty units for a body corporate and not exceeding 20 penalty units for an individual. Further fines are available for each day during which the offence continues. There is no intention for this provision to apply to colloquial names, unofficial names, property names or Aboriginal and dual names, nor will these clauses apply in circumstances where a portion of an approved name is used, such as when the Aboriginal dual name kunanyi/Mount Wellington is used. In accordance with the guidelines which reference the Aboriginal and Dual Naming Policy recently revised by the Government, either or both names in this example are permitted without sanction. Since the names of businesses and buildings are excluded from this bill, the issue of appropriation of names for business purposes is not intended to be provided for in these clauses.

Since the introduction of the bill to parliament on 10 September 2019, there has been considerable interest in the penalty provisions. I provided for departmental officers to brief members of the Labor Party, the Greens and the independent member for Clark and thank all of those who provided feedback. Following those briefings I requested the Office of Parliamentary Counsel to draft an amendment to clarify the intent of the penalty clauses. The amendment specifies that the use of traditional, colloquial or comedic names for a place, when used in good faith, will not constitute a breach of the act. I am advised by OPC that the word 'traditional' is the appropriate term and broad enough to cover Aboriginal names. For example, as it refers to names that have been in use for a period of time and handed down from generation to generation, especially by word of mouth or by practice. I am confident that the concerns that have been expressed by some, particularly in relation to the use of Aboriginal names, will be addressed by this additional clause.

In terms of colloquial or comedic names, this is based on commonsense. No-one would be sanctioned for the use of 'Tassie' or 'the Valley of Love', for example. Remember, this penalty relates to the deliberate misuse of place names to mislead or deceive.

Importantly, as well as penalties, the bill provides for the panel to issue warning notices on a person if the panel reasonably believes that the person has committed an offence under the act. Additionally, the bill provides for the Surveyor-General or the chairperson to issue infringement notices if the Surveyor-General or the chairperson reasonably believes that a person has committed an infringement offence against the act or the regulations made under the act.

Such infringement notices are to be issued in accordance with section 14 of the Monetary Penalties Enforcement Act 2005, and is to be 10 per cent of the maximum applicable penalty for the offence. These provisions for warning notices and infringement notices allow the panel and the Surveyor-General to take graduated action with respect to possible offences in proportion to the nature and severity of the possible offence. It is not intended that the penalty clauses are invoked except as a last resort for serious breaches. This is consistent with practices followed in other Australian jurisdictions and New Zealand.

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

Madam Speaker, the Government fully supports the introduction of this bill. We firmly believe that the Place Names Bill introduces significant efficiencies to place-naming processes. Consultation with stakeholders was conducted in two stages over an extended time frame and the bill was also circulated for comment. Departmental staff made themselves available for personal briefings on the draft bill and a number of such briefings were delivered. The Government is therefore confident that the bill is strongly supported by stakeholder groups.

I commend the bill to the House.

[5.56 p.m.]

**Dr BROAD** (Braddon) - Madam Deputy Speaker, the Place Names Bill, as it stands, does do some good things. It modernises the Nomenclature Board and helps in circumstances such as the minister has addressed where there were potentially delays in the past in issuing addresses and so on, which is a significant problem. If there is no address, then you cannot get your phone connected, your internet connected, and you cannot get mail delivered. It modernises the Nomenclature Board and highlights some changes throughout, which I will go through. However, there was a lot of comment about clause 13, Person must not misrepresent name of place, which includes the issuing of penalties.

I thank the minister for affording the Labor Party a briefing and for attempting to clarify the issues we had with the provisions.

First, I will talk about some of the good things. It does alter the ministerial powers. Currently, the minister has the ability to accept, vary and reject, and can vary a name unilaterally, provided somebody has put in an objection. Somebody putting in an objection is a very low bar, indeed. Somebody aligned with the minister could put in an objection and allow the minister to unilaterally vary the Nomenclature Board's recommendation. Whatever the minister thought appropriate could then become the name of a street, town or whatever was being named by the Nomenclature Board.

After this act is put in place, the minister only has the power to accept or reject recommendations from the panel. However, we could find ourselves in a situation with an interesting bureaucratic loop if the minister continually rejected the recommendations of the panel. However, that may be something that might not occur in practice. The changes that are made, taking away the ability for any minister to vary unilaterally, is a good thing.

The changes of road names and so on, giving that to local government for all roads within their municipal boundaries unless it is already a state road owned by the Crown, Sustainable Timber Tasmania or another body operating within the council - the reality is the majority of state roads are already proclaimed - that will hopefully speed up the giving of street addresses when new places come into existence or there are new subdivisions. Hopefully, that will reduce the waiting time and people can get their titles issued, their addresses in place and connect their phone lines and so on.

Bringing in the guidelines, which were formerly rules, also bringing in the dual naming policy is welcomed. There is some discussion within the Tasmanian Aboriginal community about the dual naming policy.

**Ms O'Connor** - Changes to it.

**Dr BROAD** - Changes to it, okay.

**Debate adjourned.**

## **ADJOURNMENT**

### **Nigerian Community in Tasmania - Public Inauguration**

[6.00 p.m.]

**Ms ARCHER** (Clark - Minister for Justice) - Madam Deputy Speaker, I rise on the adjournment to speak about a very important event I attended on Saturday on behalf of Mr Jaensch, Minister for Disability Services and Community Development, in relation to multicultural affairs. I was very happy to do so because it consists of a large portion of our electorate of Clark. In doing so, I acknowledge there were other members present, specifically Ms O'Connor and Ms Haddad, and representing the Australian Government, Senator Eric Abetz, and his Excellency, Mr Bello Kazaure Hussein, the High Commissioner for Nigeria was also present. He holds a number of other high commissioner roles in other countries as well as Australia, specifically the South Pacific. It was great to have his presence as well, for the Nigerian Community in Tasmania Incorporated's public inauguration. It was held at the Moonah Arts Centre right next to my electorate office and they left me with a copy of their constitution. It was one of those ceremonial occasions as only African communities can do and they do it much better than us, I must say.

Since 2004, a small group of Nigerians living in Tasmania began to meet annually at events hosted by Dr Enoch and Bunmi Adouli. The gatherings, which have increased to three times a year, remain as a social platform without any formal registration. Meetings rotated around different geographical areas and were hosted by different families statewide. They went into many different areas. I think the only place they had not met was the west coast but they were planning to do so. They are representing their community across the state, integrating into our wider community, sharing their culture and socialising well.

In recent years, there has been discussion as to the need to officially register the organisation, which led to the drafting of the constitution by a committee comprising Dr David Onu, who is now the President of the association, Dr Ikechi Gbenimacho and Barr Moshood. The constitution was finally adopted in March 2018, during which the current executive committee was fully elected.

I congratulate this organisation for officially incorporating because there are a number of benefits to incorporation. It is an important decision for any community group. Incorporation has significant legal consequences, many of which are beneficial. Incorporation gives a group its own separate legal identity from its members and an incorporated group can enter into a contract to sign a lease, employ people and to sue and be sued too, of course. A number of incorporated ethnic organisations in Tasmania have also built and constructed their own clubhouses. We have the Polish Corner, the Italian Club, the Greek Club, and the Croatian and Ukrainian Associations, to name only a few in the south.

Another benefit of incorporation is that as an incorporated group is a legal identity is separate to that of the people involved in the group, it will continue to exist beyond that membership. That is one of the greatest benefits to it. It survives existing members and continues on and makes sure



that group is well established throughout Tasmania. I extend congratulations to all those who worked hard to determine the aims and objectives and to draft the constitution.

Our Nigerian community today is rich with its own cultural diversity and there are some similarities to Australia. They have a number of different nationalities represented in their own country, like we do here in Tasmania, namely 177 nationalities are represented in Tasmania.

There are some real synergies there but they are well integrated into our community and very well educated in our medical profession, in research and in government. We have a lot working in government. I congratulate all of those collectively who had a role to play in this, and there were many.

I also wanted to touch on our own multicultural island, Tasmania's Multicultural Policy and Action Plan 2019-22, which is our Government's policy that reaffirms six fundamental values to guide us to a harmonious, inclusive and safe Tasmania where all people are treated fairly, with respect and without discrimination and to have an equal opportunity in responsibility to engage in Tasmanian life.

We welcome this new incorporated entity into our local community across Tasmania in all of our electorates and congratulations again to the committee.

### **Nigerian Community in Tasmania - Public Inauguration**

[6.06 p.m.]

**Ms O'CONNOR** (Clark - Leader of the Greens) - Madam Speaker, I too, want to echo the sentiments expressed by the Attorney-General and my colleague, the member for Clark and warmly congratulate the Nigeria Community in Tasmania Inc. for their incorporation. Also, for coming together as a strong but small community, which is very regionally dispersed and coming together on Saturday for an inauguration event which was warm, welcoming, entertaining and full of love.

The theme of the day was Tasmania and Nigeria: Fruitfulness and Faithfulness. As the Attorney-General said, many messages on the day drew that similarity and connection between Tasmania and Nigeria. Mind you, the population of Nigeria is some 200 million people, which is about -

**Ms Houston** - It is 271 million.

**Ms O'CONNOR** - Thank you, Ms Houston. In the newsletter that has been put out by the Nigerian community in Tasmania, we are told that it is only 200 million. That is a lot of people to fit into an area about the size of Queensland. What I learned on Saturday was that there is an incredibly rich cultural and linguistic diversity in Nigeria and that the Nigerian diaspora has moved to all corners of the world and taken enormous talent and skill with them.

As we know, Tasmania's Nigerian community, according to the last census, sits somewhere between 130 and 140 people and there are about 45 families who make up that growing Nigerian community in Hobart. Originally, the first meeting was a social meeting in about 2011 but now members live everywhere from Kingston to Smithton, from St Helens to Wynyard. I will quote from the chairperson of the organising committee who has said:

For the last two years we have dreamt, deliberated, planned and hoped for this day to arrive and I am excited that it is finally here. Nigeria, 'the Giant of Africa', is a diverse nation and home to several ancient and indigenous kingdoms and some of the smartest people in the world, and I'm blessed to be surrounded today by some of the crème de la crème of my dear country.

This was from Mrs Favour David-Onu from the organising committee. It is important in marking this new association that I thank each of the members of the executive committee: the president Dr David Onu; vice president, Mrs Amaka Amanze; secretary, Dr Ikechi Gbenimacho; assistant secretary Dr Chiechefulam Ajaero; treasurer, Mrs Uche Agomuo; financial secretary, Mr Nnamdi Uwalaka; the youth and welfare director, Mrs Afa Echikwonye; public relations officer, Mr Osenwegie Aigbogun; and the Public Officer, Pharm Abraham Daniel.

The aims and objectives of this newest association are to protect, improve and uphold the good name of Nigeria by being good and law abiding citizens; to encourage the contribution and nation building; to assist individual members to smoothly settle into Tasmania and to offer them help where required; to encourage a good relationship between the Nigerian and Tasmanian leadership; to work in harmony with other organisations sharing such views; to promote unity, equal opportunity and friendship amongst all persons of Nigerian heritage or linkage without any discrimination; to promote and preserve Nigerian history, culture, languages, art, food, music and heritage. The association also aims to provide and disseminate useful information on Nigeria for the purpose of educating our host communities and to acquaint members with job opportunities.

As an elected representative, it is always a delight to see a community doing well and getting stronger. On behalf of the Tasmanian Greens, I thank the new Nigeria Community in Tasmania Inc. for a fantastic inauguration day on Saturday and wish them all the very best for the future and let them know that the Greens are always here to help.

### **Minister for Justice - Comments**

#### **Northern Regional Prison - Proposed Location at Westbury**

[6.11 p.m.]

**Ms BUTLER** (Lyons) - Madam Speaker, this morning, I believe the Minister for Corrections was well out of order when she stated that I was in the process of spreading complete and utter lies about a process. I am seeking an apology on this slander on my professionalism. It is absolutely disgraceful and I will be asking for an apology to be made tomorrow. I believe the Minister for Corrections called me a liar in the Chamber and it is completely out of order. I would like for that to be corrected tomorrow.

I will not be intimidated at all by this Government and I will not back down. I consulted the people of Westbury over six days with an open mind. At least you turned up to the actual announcement, Mr Tucker, but no-one has seen you since. Actually, no-one has seen the Liberal team in Westbury since. Hiding, absolutely hiding. No community consultation.

**Mr BARNETT** - Point of order, Madam Speaker. That is totally untrue and those sorts of allegations are unfounded.

**Madam SPEAKER** - Are you going to correct that record?

**Ms BUTLER** - No, I will not correct that record because you have not been consulting with the people of Westbury at all.

**Mr TUCKER** - Point of order, Madam Speaker. What the member is saying is totally incorrect.

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

**Mr TUCKER** - Yes, I am asking for a retraction.

**Ms BUTLER** - I will not be retracting either of those, Madam Speaker, and out of respect to the people of Westbury who have tried on many, many occasions to contact their northern members quite often their phone calls were put through directly to the -

**Madam SPEAKER** - Could I interrupt you for a second. The member has the right to rebut that allegation at the time that you get to speak. At the moment we have a bit of tit for tat here. Each calling other people names.

**Ms BUTLER** - To the absolute lack of involvement, it has been painfully obvious. It is not something that I am making up and that is enough about speaking about me.

Now I am going to read a statement from a person who lives in Westbury and this person does not want to be named because they are a public servant and they are concerned about ramifications from the Government. That is intimidation and that is how this Government does operate. She wrote:

I am uniquely placed in the Meander Valley -

**Mr BARNETT** - Point of order, Madam Speaker. That allegation is also totally rejected and I urge the member to be cautious in her use of language.

**Madam SPEAKER** - Can I remind everyone this is a safe workplace and making wild accusations is not very dignified.

**Ms BUTLER** - Thank you, and this is obviously a very touchy subject with all these interjections.

I am uniquely placed in the Meander Valley to have an aerial view of my municipality.

This is what the constituent has written.

I work in a job where I get to engage quite intimately with the different communities, while not living right there. There are stand out communities in Meander Valley where people care for each other in old-fashioned country ways but none shines like Westbury. Coming home to Westbury is like getting a great big hug. It is home. It is safe. People watch out for each other. In my work, Westbury draws the community out to every event that is hosted. You would think a talk by a passing expert might draw five or six people - no, in Westbury it is more like 20 or 30.

Westbury community members are interested in life and learning new things. They are interested and involved. They go the extra mile. Westbury is unique. Westbury's delights are truly unknown to those outside, but to us they are fully illuminated. I knew from my work that Westbury was special, that as I get to know the community as a resident these boundaries are being expanded, stretched and grown.

Saturday I was painting outside and my neighbour's son was making paper planes. Every so often one would drift over my fence.

I will not say the name of this person's child but the writer says they would come and they would chit-chat and collect their planes. They continue:

Westbury is the sort of town where kids play outside. I can hear the skateboards as they zoom up and down the ramps from the skate park. During football and cricket seasons I hear the cheers from the recreation ground. While I was painting the front fence I had several conversations with the people who would walk by regularly - friendly, happy, kind.

My neighbour across the road is in her mid-90s. Her family call in on her every day. She sometimes sneaks outside with her wheelie walker and goes visiting. She can barely see but everyone in the area knows her and looks out for her.

I will skip the next bit too because you may get an understanding of who this person is. They continue:

I work with young families and in Westbury there are many. The children's programs where I work are always well attended. Kids ride their bikes to school and to the IGA.

Last January I ran in the Cadbury marathon. I drove home that day and I was hot and sweaty and most likely smelly. Instead of going home we headed to Egmont, where we had not been for a long time. It was delightfully populated with all sorts of people, some swimming, some sitting and dangling their legs in the water, some on the grass having a picnic. I laughed and said that we fitted right in. What I thought was how wrong she was. Looking around Egmont that day showcased all that is wonderful about the Westbury community, its richness, its beauty, its natural and relaxed vibe.

If the prison goes ahead at the proposed site on Birralea Road we will have to pass that prison to get to Egmont. Why I do not want the prison to be in Westbury is simple. It will negatively impact the dynamic of the town. It will negatively impact the outside perspective of Westbury and our reputation. The prison will bring a new set of people into its precinct, people who do not get the community and perhaps won't respect it as we do. To them Westbury is a small town on the Bass Highway, a 'blink of the eye and you miss it' town, a town that the highway bypasses.

We welcome people who want to be in our town, not those who have to be here because they want to be close to inmates. We do not want Westbury to be synonymous with the prison.

I care deeply about the community consultation process and I hope the process will be transparent and real, not a tick, we've done that thing, not an okay we've jumped through the hoops.

**Time expired.**

### **Knitting Nannas - Climate Protesters**

[6.19 p.m.]

**Dr WOODRUFF** (Franklin) - Madam Speaker, I rise on behalf of the Tasmanian Greens to support and congratulate the three women from the 'knitting nannas' who were arrested outside the Tasmanian parliament today for their bravery, their strength, their understanding of the gravity of the issues that confront us as a community, and for putting themselves on the line, essentially, for us, for people who understand that we must change what we are doing and we cannot continue with business as usual.

Those three women understand that a climate tipping point has passed and we are on a track, by conventional understanding, to three to four degrees of heating. They understand that the situation is at the point of an irreversible planetary crisis and we must do everything we can to retain the democratic conditions and act to do what we can to restore nature and restore the systems that are out of functioning and are hurtling us towards an increasingly unliveable planet. We could not have higher stakes than we have at the moment.

Those three women simply sat outside the doors of Parliament House today knitting, and they come from a group called the 'knitting nannas' who established themselves from a great history of working-class market women from 1789 who stormed the parliament, stormed the Bastille and sat silently with grim faces as they watched French revolutionaries being executed. They sat there and their protest was peaceful. They watched and were speaking up for starving people who demanded food at prices people could afford. They come from a history of protest which understands that civil disobedience is required in unusual situations when everything we have tried has not worked. It is certainly the case that everything has been tried. For the last 20 years everything has been tried by scientists, community activists and conservationists - information campaigns, political lobbying, street marches, endless massive scientific reports - but politicians are not listening and governments are not acting.

Thank you to Gabby, aged 73, who is, she says, aware of climate change and has been an activist for decades but has never taken part in anything where she could have been arrested. She said she has a son who will not have children because he feels he could not expose them to the grim future we are facing if the lies of the government and media are continuing and everything is business as usual. She says she will most likely not be a grandmother, but she wants to stand up for a sustainable future.

Thank you, Rita, aged 64. She says:

When my step-granddaughter was born I started to wonder about her future. With global heating underway, I knew her prospects did not look good. The science is

now solid and she faces a terrible situation with the potential collapse of our civilisation. The media and the government are not telling us the truth about this catastrophic threat and there is insufficient government response. I am now frightened and depressed and feel civil disobedience is justified. I am not an activist, I have never been arrested, but my fear for our children's future is now far stronger than my fear of arrest. When my granddaughter is older I want to be able to say I tried my best.

Thank you to Cass, aged 63. She says:

I am a retired mental health clinician with a 20-year working history with the Department of Health and Human Services. I have never been arrested. I have four grandchildren aged 7, 5, 3 and 2. My own children are in their 30s. I have watched the destruction of our natural world by those who see nature as something to be assigned a dollar value instead of it being valued as our life support system. Petitions, emails, phone calls, volunteering for environmental groups - I have tried them all over the years. The time for action is now and this is my stand for a better future.

Madam Speaker, good on those people and good on all of those Tasmanians and people across the world who are standing up and demanding action by whatever means they must, because they understand they have exhausted the means they have of achieving change. When human communities have faced that in the past they take the only action that is available to them, and that is civil disobedience. We strongly respect and endorse their right to do so.

### **Burnie Show**

### **Tulip Festival - Wynyard**

[6.24 p.m.]

**Dr BROAD** (Braddon) - Madam Speaker, I rise on adjournment to talk about a couple of fantastic events over the last two weekends. The first was the Burnie Show. The Burnie Show has moved to a new venue after the sale of the old showgrounds in Wivenhoe. There is no doubt that moving up to Romaine was a very brave choice. It was basically a paddock with a couple of sheds and not a lot else. You can see that the organising committee has done a fantastic job in staging an event on what was virtually a greenfields site. I know people who drive past that site regularly who saw the action that was taking place and especially that mad rush towards the end when a massive circus marquee was put up and a number of other marquees and roads were put in. The organising committee did an amazing job to hold an event there and they should be commended.

The people of the north-west coast should be commended for showing up and giving the organising committee a vote of confidence in the new site, the good work they had put in and the brave decisions they had made. I have been going to the Burnie Show for a number of years and the Burnie Show, like a lot of small shows, has been struggling for numbers. Even on a show holiday, Friday, when there is beautiful weather, the Burnie Show would probably only get 5000 to 6000 people through the gates. We saw, especially on the Friday of the most recent show, about 20 000 or more people show up. It was amazing. There was a huge vibe, a lot more of a sideshow there. The old showies had showed up in numbers as well and it was fantastic. I was there with my daughter and we went on Lethal Weapon, had a Dagwood dog and it was fantastic.

Last weekend we had the Tulip Festival in Wynyard. The Tulip Festival is an amazing event. In the past, the Burnie Show had low numbers and a week later the Tulip Festival would have 10 000 or more people. The Tulip Festival is a free event with lots of food, lots of singing and community participation. In the past, maybe the Burnie Show was impacted by the success of the Tulip Festival, which was only a week later. My concern was, after seeing a really well-attended Burnie Show, that the Tulip Festival might be impacted the following week, but no, that was not the case. It was a nice sunny day with a cool breeze and people did show up to the Tulip Festival.

The Tulip Festival is a wonderful event but it did spark a bit of a debate amongst myself and some friends about the role of government in trying to promote events and get new events started. The reference was to what is happening in the central coast. Being a former central coast councillor, I remember the council having discussions about trying to get an event going and for it to be like the Tulip Festival or those other really good festivals around the state that attract tourists and attract people to the area and create a good vibe in the community.

The issue is, what is the role of government in trying to start something new, from scratch? The debate could be had as to whether the government is very good at that sort of thing. Local governments have tried new ideas but it ends up being a cookie cutter, trying to copy something that is done somewhere else, whereas something like the Tulip Festival has grown because there is a tulip farm, beautiful photos and the whole festival developed out of that. Sometimes if we have local government, or any government, try to design a new festival or event from scratch, it is not something you get.

One example would be Dark Mofo. If any form of government put together a committee to try to develop a winter event, Dark Mofo is not what you would get because Dark Mofo has been brilliant. It has changed the dynamic in Hobart in winter from being a tourist ghost village and nobody coming to, all of a sudden, you cannot get accommodation when Dark Mofo is on. You have people coming from all over Australia and the world to see Dark Mofo. That is the sort of thing that a committee of government will never be able to create. It is an interesting issue and it is an interesting conversation we can explore.

Many of these events are based on that really hard work of volunteers. Volunteers have a good idea and that good idea becomes an event. Maybe the role of government is in supporting those events to get them off the ground rather than trying to create the event to start with. The reflection on the Burnie Show is that the volunteers did make some really brave decisions.

**Mr Tucker** - It was opened by the Prime Minister.

**Dr BROAD** - It was opened by the Prime Minister, but I do not think that was why the crowd was there. It is an amazing event and hopefully it will go from strength to strength. The real test will be next year because there will be more structures in place. Hopefully they would have made some money to put some sheds and things in place rather than having to rely on marquees. I did see and hear from a lot of people from Devonport who came to the Burnie Show for the first time in a long time. That is the drawing power of that event in that new site.

The organisers, especially the Waratah-Wynyard Council for their support and their assistance in continuing that Tulip Festival, should be commended for the work they put in because they were both fantastic events. It really highlights some of the really good things on the north-west coast and in the electorate of Braddon.

## International Day of Rural Women

[6.31 p.m.]

**Mr BARNETT** (Lyons - Minister for Primary Industries) - Madam Speaker, I am pleased to speak tonight on the International Day of Rural Women. I rise to recognise Tasmania's rural women on the International Day of Rural Women, which shines a spotlight on rural women and girls for their contribution in agriculture and, among other things, food security, nutrition and land and natural resource management.

It is estimated that women produce at least 49 per cent of rural farm income in Australia. The Hodgman majority Liberal Government recognises the vital contribution women make to rural industries and communities. We are proud to support initiatives and organisations that promote the contribution that Tasmania's rural women make. We continue to support Tasmanian women in agriculture to connect, to support and celebrate rural women through funding of \$120 000 over four years. Tasmanian Women in Agriculture provides an opportunity to network, they advocate for and represent rural communities and they contribute to the vitality and sustainability of agriculture in rural communities.

I was pleased to join the Tasmanian Women in Agriculture at this year's Agfest Field Days, where two impressive rural women, Rebekah Frankcombe and Chelsea Rayner, were awarded scholarships to attend the Marcus Oldham Rural Leadership Program. It was a really special event and a great day enjoyed by all.

The Hodgman Liberal Government has a vision for a more inclusive Tasmania that empowers and enables women and girls to reach their full potential and fully participate in our economic, social, political and community life. We also want to enable and facilitate more rural women to take on leadership roles in the Tasmanian primary industries. Earlier this year, I had the honour of congratulating Anh Nguyen, who was named the Tasmanian winner of the 2019 AgriFutures Rural Women's Award. That award ceremony was held here in Parliament House. Many MPs from this Chamber and the wider parliament were there to say congratulations to Anh and the other winners on the day.

Nominations are now open for the 2020 AgriFutures Rural Women's Award. I encourage all those interested to put forward those nominations for next year. The award provides a platform to inspire and support Australian women to use their talents and abilities to benefit rural and regional businesses, industries and communities. Emerging female leaders with a focus on innovation and strengthening Tasmania's primary industries and rural communities are encouraged to apply.

We have a vision to grow the annual farm gate value of agriculture to \$10 billion per year by 2050. It is such a big, bold target and it is something worth achieving. In the last 12 months, we have seen just short of 10 per cent growth in this sector and it is very encouraging. It means we are on track to achieve that \$10 billion target by 2050. To achieve this target, rural women, farmers and agri-businesswomen will play a key role. The contribution women make to Tasmania's rural industries and regional communities is a vital one and on this important day we recognise the significant role women play in rural communities. I thank the House.



## **Burnie Show**

### **Apex Australia Teenage Fashion Awards**

[6.34 p.m.]

**Mrs RYLAH** (Braddon) - Madam Speaker, I rise to speak on two recent events in my electorate. The first was mentioned by Dr Broad, which is the wonderful Burnie Show. We would all be well aware of the difficulties facing our rural and regional communities. In the past, agricultural shows were often the only way our isolated and dispersed extended rural families came together, but agricultural shows everywhere are struggling to remain relevant. This is reflected in Braddon with the closure of the Devonport Show and in Launceston, where the National Agricultural and Pastoral Society which has been in operation since 1873, and the only show outside of a capital city to receive a royal decree, was reduced from a four-day show to one day.

The Burnie Agricultural and Pastoral Society, faced with cramped and ageing infrastructure shared with other organisations, has taken a giant leap of faith in its agricultural heritage.

A few years ago, the Burnie Agricultural and Pastoral Society acquired a 40-hectare rural property five minutes from Burnie and in the heart of prime farming land. That is where, a few days ago, the BAPS celebrated their 100th show at their new Agriplex site. Two world wars and a depression were not enough to stop the Burnie Show, nor was the lack of infrastructure at this brand-new site, a site dominated by a massive white circus tent where all the usual sights of a traditional country show were on display. And there was more. Cattle, sheep, goats, horses, together with hot dogs, donuts, burrito bowls and good coffee. With a massive tractor pool, showbags, side shows, field day sites, food stalls, an animal pavilion, it was more Agfest than show.

I had a wonderful time chatting with constituents and enjoying the cool but fine spring weather. The 100th show was officially opened by Prime Minister, Scott Morrison. The Premier, the Minister for Primary Industries and Water and my Braddon colleagues were all there, both federal and state. The Prime Minister also took time out to announce the Regional Agricultural Show Development Grants Program of \$20 million. I am sure this is welcome news to the Burnie Show and to the show stalwarts, such as beef breeder, Gary Clarke, whose great-granduncle was a founding member of the Burnie Show, and the Johns family from Circular Head, who have been showing cattle at the Burnie Show for three generations. The Prime Minister chatted easily with show goers and was very positively received.

I congratulate the committee of the show society and the army of volunteers that helped to bring it about. As Dr Broad outlined, that amazing transformation from when I went to the opening at the Emu Valley Rhododendron Gardens, only a fortnight before that, when there was almost nothing there, to an amazing facility on this day at this Agriplex complex. May they grow and build on this momentum, recreating a new show concept and an event to justify their vision and commitment.

Specifically I would like to mention Carol Jackson, the event manager and craft coordinator; Jennifer Broadfield, the finance and office manager; Peter Broadfield, the vice president; Paul Taylor, the exhibition manager; Paul McGrath the director; Wayne Maine, the animal nursery and chopping coordinator; Col Barker, operations and marketing manager; Gary Clarke, the site care coordinator; Barry Evans, the shed coordinator; Greg Cohen, logistics and hire assistant; and Peter Holloway, the site planner.

I would also like to mention another event that I went to a few weeks ago, back in September. I had the pleasure of attending the 14th Tasmanian state final of the Apex Australia Teenage Fashion Awards, the AATFA. The AATFA provides high school students aged between 13 and 19 with the opportunity to design, manufacture and showcase their own garments. The AATFA is a forum for students interested in fashion, art and design to demonstrate their particular skills and flair through friendly competition. It can also be a stepping stone into the future of Australian fashion. It is an inclusive event and the designs are often inspired from the entrants' own lives. The event potentially gives young people from all walks of life the confidence to showcase their creations at a national level, as I said.

This year, the fashion designs were made from all sorts of things from plastic, recycled materials, dehydrated food; you name it, there were clothes made out of it. The pieces sparkled, floated and shimmered as they swept down the runway by models of all shapes and sizes and gender. The entries were judged in five different categories including society and environment, casual wear, costume and theatrical, wearable art and formal wear.

The winners will take their designs to the national final this month and I am always impressed with the incredibly high standard of creativity and originality shown by our students. It is something of which they should all be extremely proud and I would like to congratulate the winners and all the students who participated in this year's awards at Latrobe.

I acknowledge the hard work of the then coordinators Tammy Jeffreys and Anita Gerard, the judges, and the important community service work of the Apex Club of Latrobe, for our communities not only in Latrobe but across Tasmania and Australia.

### **The Wyatt Earp - Antarctic Voyages Commemoration**

[6.40 p.m.]

**Mr TUCKER** (Lyons) - Madam Speaker, on Friday 27 September 2019, I represented the Premier, with my wife Marie, at a special historic anniversary luncheon arranged jointly by the ANARE Club of Australia and the Royal Norwegian Embassy, Canberra, at Hadleys Hotel in Hobart, to commemorate, in this anniversary year of 2019, significant milestone anniversaries relating to the former Norwegian fishing vessel the *Fanefjord* and her Antarctic voyages, which wrote this little 400-ton wooden vessel into the annals of Australian and Norwegian Antarctic history of exploration and discovery.

The milestone anniversaries commemorated were the 100th anniversary of the launching of the ship on 17 September 1919 in Norway and the 80th anniversary of her purchase by the Australian government in Hobart from the American adventurer, Lincoln Ellsworth, in February 1939, and the 60th anniversary of her loss off the Queensland coast on 24 February 1959. There would be other significant links with Australia and particularly with Tasmanian maritime history which would emerge from story of this little wooden fishing vessel following her purchase by the Australian government in 1939 in the face of the gathering clouds of the Second World War.

The luncheon was attended by the Norwegian Ambassador to Australia, His Excellency Paul Larsen, and the past-president of the ANARE Club, Dr Joe Johnson. Distinguished guests included Sir Guy Green and Lady Green, the Lord Mayor of the City of Hobart Anna Reynolds, the Director of the Australian Antarctic Division Mr Kim Ellis, representatives of the Royal Australian Navy, the Royal Australian Airforce, members of the Norwegian community and the ANARE Club. Also

welcome was Mr Norman Tame, the 96-year-old surviving crewman from the HMAS *Wyatt Earp*, as she was known as later on, and the Antarctic voyage of 1947-48, and Mr Kenneth Fane, curator of the Romsdahl Museum in Molde, Norway, the town where the ship was launched in 1919, who had specially flown out for the occasion.

I should mention that the name ANARE is an acronym for the former Australian National Antarctic Research Expeditions, which pioneered the post-World War II establishment of Australian sub-Antarctic research stations on Heard Island from 1947 to 1955, Macquarie Island, and the *Wyatt Earp* expedition, 1947 to 1948, to the Antarctic continent, which ultimately led to our permanent stations on the Antarctic continent - Mawson in 1954, Davis in 1957 and Casey in 1959. The club was established in 1951 with membership in all states and territories and overseas. The ANARE expeditioners and veterans past and present have a proud history of service at these stations. Likewise, Hobart has been involved in servicing these stations over the years, in recent times with our majestic *Aurora Australis*, soon to be replaced by the new icebreaker RSV *Nuyina* in 2020. Of course we also have the headquarters of the Antarctic Division which was relocated to Kingston in 1981.

The Norwegian ship had already distinguished herself with the Ellsworth Antarctic expeditions from 1933 to 1939 following her purchase in Norway in 1932 by Australian Sir Hubert Wilkins. During her four summer voyages to Antarctica she was captained and crewed under the Norwegian flag. The ship had been renamed the *Wyatt Earp* by Lincoln Ellsworth through his fascination with the legionary American wild west hero and it enabled Ellsworth to be the first to fly across Antarctica in the summer of 1935-36. The *Wyatt Earp*'s abrupt return to Hobart in February 1939 to seek urgent medical treatment for its Norwegian first officer, Levarg, at the Royal Hobart brought an end to Ellsworth's 1938-39 expedition.

The then Premier of Tasmania, Mr Ogilvie, generously offered all facilities for the use of Commander Ellsworth and interestingly, the then minister for health, Dr J F Gaha, also a specialist orthopaedic surgeon, was able to conduct a successful operation of the officer who after convalescence subsequently left for Norway in May.

At the urging of Sir Douglas Mawson, the federal Cabinet and Prime Minister Joseph Lyons, which incidentally met in Hobart during the time of the ship's arrival, accepted an offer from Ellsworth to purchase the *Wyatt Earp*, including the two aircraft, the Northrop Delta and two-seater Aeronca for £4400. Both aircraft saw war service with the little Aeronca aircraft recently found after 80 years awaiting restoration in New Zealand. The *Wyatt Earp* was immediately commissioned as the Royal Australian Navy ship, HMAS *Wongala*, initially as a Fleet Auxiliary vessel transporting munitions to Darwin and then serving as an examination and armed guard ship for the duration of the war in South Australia.

After the war the ship was placed on loan to the Boy Scouts Association, South Australian Branch, as the SSTS *Wongala* as a sea scout training ship.

The revival of the Antarctic geopolitics after the war saw the ship extensively refitted in Adelaide during 1947 and recommissioned as the HMAS *Wyatt Earp* sailing south for the first post-war expedition to the Antarctic continent complete with a World War II bought Kingfisher float plane supported by the RAAF team.

On return, despite moves to use the trip for further Antarctic exploration, the nearly 30-year-old ship was declared unsuitable for voyages of this type in the Southern Ocean and was

decommissioned by the Navy. Accordingly, during her Australian Navy career she had achieved the dubious distinction of being the Navy's only ice breaker, aircraft carrier, warship, and munitions ship, all under sail. In peace time she became a coastal trader and a live cattle carrier.

In 1951 my grandfather, William Ewart Tucker, owner of the Arga Shipping Company of St Helens bought the *Wyatt Earp* from the Naval Dockyard in Williamstown, Victoria and renamed her *Wongala* once again and she joined the company's fleet. After being slipped at Devonport she began a new life as a Bass Strait trader sailing between the northern Tasmanian ports and Hobart.

**Time expired.**

**The House adjourned at 6.48 p.m.**