

Thursday 29 November 2018

The President, **Mr Wilkinson**, took the Chair at 11.00 a.m. and read Prayers.

BURIAL AND CREMATION AMENDMENT BILL 2018 (No. 56)

Consideration of Amendments made in the Committee of the Whole Council

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) -
Mr President, I move -

That the bill as amended in Committee of the Whole Council be now taken into consideration.

Amendment read the second time.

Amendment agreed to.

Bill read the third time.

SUSPENSION OF SITTING

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) -
Mr President, I move -

That the sitting be suspended until the ringing of the division bells.

This is for a briefing on the Macquarie Point Development Corporation Amendment Bill 2018.

Sitting suspended from 11.05 a.m. to 12.11 p.m.

**MACQUARIE POINT DEVELOPMENT CORPORATION
AMENDMENT BILL 2018 (No. 50)**

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council - 2R) -
Mr President, I move -

That the bill be now read a second time.

The 9.3 hectare Macquarie Point site presents a unique opportunity for Hobart and our state.

The site links together key destinations and activity centres in the city between the Queens Domain, the Regatta grounds, Sullivans Cove, Salamanca, the waterfront and Hobart's CBD.

It also represents a huge opportunity as a destination in its own right to facilitate community, social and cultural celebrations and engagement, as well as being a hub for innovation, scientific research and design excellence.

The expectation of the community and industry is the same as the Government's. We all want to see Macquarie Point developed to its full potential.

The Macquarie Point Development Corporation Amendment Bill 2018 seeks to do just that.

Currently, the planning controls for the site reflect the old master plan for Macquarie Point. The implementation of that plan is heavily constrained by the limitation of both sensitive and non-sensitive uses across the site. This bill provides a framework to facilitate investment in, and the development of, the Macquarie Point site by resetting the master plan and drawing from the MONA vision to bring the site to life.

It also updates the Macquarie Point Development Corporation Act 2012 to reflect a shift in the corporation's focus from remediation to redevelopment.

The work undertaken to date has been, and the process that is prescribed in this bill will be, informed by consultation at every stage.

The corporation has been engaging with business, industry and broader community on the redevelopment of the site, since it was established. This included an 18-month engagement period to establish the original vision for the site and the corporation's more recent ongoing consultation with stakeholders after MONA presented its vision for the site in late 2016.

The corporation has been working with Leigh Carmichael to progress the MONA vision for the site. A revised site plan has been designed to implement stage 1 of the vision. Subsequent implementation of the broader vision is a decision for future governments; however, the implementation of stage 1 is not dependent on this and will be executed as a standalone development.

I am pleased to see Mr Carmichael's commitment to continue to work with the Government and the corporation to realise that vision.

The updated site plan is the result of a long consultative process with a broad range of stakeholders by the Macquarie Point Development Corporation. The corporation has engaged widely and developed a comprehensive package based on feedback and expert advice.

It is important to note that while this bill seeks to update the planning scheme to reflect the updated site plan, it does not change the assessment process.

- The Hobart City Council will remain as the planning authority for all projects.
- The community will have the opportunity to consider and engage with the Hobart City Council in its capacity as the planning authority, as part of the assessment of individual development applications.

This bill seeks to update the site plan to guide development and to communicate the Government's intentions for the site. Each development will still need to go through the normal planning processes.

In preparing this bill, the Government engaged at senior official level with TasWater, TasPorts, the corporation and the Hobart City Council. With the new Hobart City Council now appointed, following the recent elections, the Minister for State Growth also met with the council to work through the bill, which has been updated to reflect the feedback.

The bill provides the Minister for State Growth with the ability to amend the planning arrangements that guide development at the Macquarie Point site.

Right now, development on the site is heavily constrained by the planning arrangements in place. In particular, the 400-metre buffer zone around the wastewater treatment plant, which applies to the majority of the site and impedes sensitive and non-sensitive uses and development.

We are working to resolve this issue on two fronts: first, the removal of the wastewater treatment plant and, second, to implement immediate planning changes to take advantage of the opportunities out there, especially the Hobart City Deal.

This bill enables the corporation's board to prepare a proposal for the Minister for State Growth's consideration to seek an amendment to the Sullivans Cove Planning Scheme 1997 to reset the master plan.

Before submitting this request, the board is to notify the Hobart City Council, in its capacity as the relevant planning authority.

Further, the board is to provide both the planning authority and adjoining landowners and/or occupiers with a copy that requests and invites both to make representations within 21 days.

A representation made by the planning authority to the board through this process may include a statement that -

- the authority does not support the proposed request or draft; and
- indicates the amendments required for the authority to support them.

After the board submits its request to the Minister for State Growth, he/she will provide the planning authority with a copy of the proposed planning amendments for its consideration.

As part of that notification, the planning authority's view will be sought as to whether it -

- intends to undertake public consultation;
- does not intend to undertake public consultation; or
- does not support the proposed amendments.

The planning authority will have 14 days to indicate its preferred position.

If the council chooses to make a submission, it will have 28 days to make the submission.

If the planning authority advises that it does not support the proposed planning amendments, the Minister for State Growth is to:

- provide the Macquarie Point Development Corporation Board with a copy of the advice from the planning authority; and
- require the board to make the necessary amendments within 21 days, or a longer time with the minister's approval.

If amendments cannot be resolved in the specified time, the board's request to make an amendment is effectively withdrawn and will go no further.

If the planning authority chooses to undertake public consultation, the bill provides a further 14 days for the council to publish an appropriate notice in the newspaper, and then seek public input for a period of 28 days.

Following the closing of that public consultation period, the planning authority is to, within 21 days, provide its submission to the Minister for State Growth. This is to include -

- a copy of all representations it received
- a copy of the council's opinion in relation to those representations
- a copy of any representations the council wishes to make.

These two phases of engagement with the planning authority are to occur prior to the engagement of other stakeholders. With the second phase, this includes up to the end of the 14 days the planning authority has to notify the minister of its intended approach or to raise concerns.

The Minister for State Growth will then consider the proposal in consultation with the Minister for Planning, the corporation, TasPorts, TasWater and relevant agencies.

The proposed planning amendment must -

- further the objectives set out in Schedule 1 of the Land Use Planning and Approvals Act 1993;
- be consistent with any applicable state policy within the meaning of the State Policies and Projects Act 1993; and
- be consistent, as far as practicable, with the Southern Tasmania Regional Land Use Strategy.

Furthermore, the bill also requires consistency with the existing strategic framework and conservation of cultural heritage values of the Sullivans Cove Planning Scheme.

The Tasmanian Planning Commission will also be consulted. The bill requires the commission be provided with

- a copy of submissions received, and any representations made in relation to these; and
- the proposed planning amendments.

The commission may, within 21 days, provide advice indicating it is satisfied the proposed amendment is consistent with the intent of the Southern Tasmania Regional Land Use Strategy, state policies and the objectives set out in Schedule 1 of the Land Use Planning and Approval Act 1993, or, if not, provide advice on the amendments required to make it consistent.

This advice is important, as the bill requires the final planning amendment is to be in accordance with advice provided by the commission.

This process provides a flexible, streamlined, but also thorough process to provide for the amendment of the planning arrangements in place at Macquarie Point. It -

- provides opportunity for input and review of the proposed amendment by the Hobart City Council in its capacity as the planning authority
- provides for public consultation and targeted engagement
- ensures independent planning advice is provided to inform development of the planning amendments and ensure the final amendment reflects that independent advice.

The bill also includes updates to the existing Macquarie Point Development Corporation Act 2012 to reflect a shift in the corporation's focus from remediation to redevelopment.

These amendments include expanding the corporation's principal objectives and functions to -

- encourage pedestrian and bicycle traffic;
- allow for public transport and transit corridors;
- provide for public open spaces; and
- support activation of the site.

This bill also includes the ability for the Minister for State Growth to provide the board with a statement of expectations. This will enable this Government and future governments to make its expectations clear regarding the corporation's activities in implementing its prescribed objectives and functions.

It adds another level of transparency and accountability.

As I noted earlier, this legislation is important to support our negotiations of the Hobart City Deal.

It provides the ability to remove the planning constraints impeding and delaying development on the site.

Realising an Antarctic and science precinct will be a collaborative process we intend to engage in fully, this bill provides the mechanism for the Government to do this.

The Antarctic and science precinct will be a catalyst for the development of the site. We have a fantastic opportunity to expand, enhance and showcase our potential as the gateway to the Antarctic and the Southern Ocean through a world-leading precinct at Macquarie Point.

The Hobart City Deal has brought together the key partners to help us do it. We must not waste this opportunity.

This legislation provides for accelerated investment in, and development of Macquarie Point.

The community expects the Government to act, and we are.

I commend this bill to the House.

[12.26 p.m.]

Mr VALENTINE (Hobart) - Mr President, I thank the Leader for arranging the briefings. I am aware of the need for this bill given the process that Macquarie Point has gone through over quite some time and the uncertainties that have existed about whatever was going to be developed there. Then the development corporation was put in place and things have been moving on. There are those in the community who feel that it is all taking too long. You can understand some of their frustration with that, but I believe the development corporation has been trying to do its best to see a good outcome for Macquarie Point.

The engagement of MONA caused a high degree of community interest. They thought once MONA became involved, it would go places because of what MONA has done for the city by attracting people from overseas and interstate.

The plans that have been revealed look interesting and incorporate all sorts of activity on that site. It is important all of that happens in a planning context. This bill is making sure that the connections are made with not only the desires of the Government for the site but also that the relevant planning schemes and the planning authorities are kept informed. While most cities have a single planning scheme, that was not the case for Hobart. It had the main planning scheme and then the Battery Point planning scheme and the Sullivans Cove planning scheme. There were three planning schemes there. Some would ask, by taking the Battery Point one out, have they done the wrong thing? It should have been given the level of special attention it deserves, given what it is.

The Sullivans Cove scheme has also been around for quite some time. It had a waterfront authority and all sorts of management mechanisms associated with that area. Let us face it, the waterfront is a special place. It is a great attractor of visitors. Now we have cruise vessels coming in so there is a lot of activity there. Macquarie Point is cheek by jowl with it. It is important that due regard is given to the Sullivans Cove Planning Scheme and also the regional land use strategy, so we can make sure that developments on that site are in sync with whatever else is happening around it.

I have read through this. I have some concerns. Last night I was here late reading through the bill to make sure I had my mind on it. I am pleased to see there has been wide consultation. The Hobart City Council has been kept informed. Under the bill it has had opportunities to key into the process and to have its say on amendments and so on in terms of planning. That is appreciated, honourable Leader.

The last thing I want to see - and I think a lot of people are starting to feel this - is singular ministerial power being introduced. In this case it is a temporary power, so I was informed. I can understand the special requirements of the site and how we may not have a total picture of how things will progress in terms of transport through the site and so on. It is important those sorts of issues and possible major developments can be properly managed

The last thing I want to see is a minister with a thought bubble that says, 'Yes, this will be great.' I am a bit comforted by what I heard in the briefings, but I do not think the community likes to see continual ministerial power going up, up, up. The planning that goes into the resource management and planning appeal process is very significant.

I chaired the Southern Tasmanian Councils Authority and part of that was the Southern Tasmania Regional Land Use Strategy. It took months to put that together. In the state context there might be some inconsistencies, but that is going to be the case with many documents. But a great deal of effort goes into planning documents - the planning schemes, interim planning schemes and statewide planning schemes. All those things take time and effort. I think it behoves us to understand that the community has an expectation that all consultation around all those major documents is respected and not overridden by a ministerial whim.

That is why I had concerns with some statements in this bill as to how much power is being given to the minister. Any municipality would be concerned that the wishes of its people are able to be played out through the planning process. The briefings have given me some degree of comfort and I am appreciate that.

The wastewater treatment plant seems to be getting a bit of attention. I noticed the member for Windermere was interested in that. It is \$140 million. Was it \$400 million for the sewerage in Launceston?

Mr Dean - Ours is not operating. Yours is not far away.

Mr VALENTINE - That is a special plant. I could go into that but the reason it exists in the first place was because of the chromium and things coming out of the tannery and the waste coming out of Cascade and the hospital, all of which was creating a different type of sewage. It could not be dealt with in the way they deal with domestic sewage. That is why it exists. Years ago, there was concern and a big to-do about pumping sewage waste from Lower Sandy Bay, near about the Beach House, up to Selfs Point and sending the effluent way back down to near Blinking Billy Light and putting it out into the river. It was a big to-do at a fair cost, but those pipes were laid and I imagine they will simply key into those pipes. The figure of \$140 million is bandied around; we will wait and see how much it does cost. No-one would deny it needs to be moved, because it is crueiling development.

While the council has done its best to bleed off the methane produced at the site by a process that generates electricity for the site, this is very climate-friendly, but it is on the nose. No developer would be prepared to put money into any significant operation there, regardless of whether it is Antarctic or otherwise with that at your back door.

There is obviously a need to move it.

Mr Dean - It does, but it is a matter of priorities.

Mr VALENTINE - It is one of those things like attending to the stormwater and sewage problem in Launceston. Clearly you cannot continue the way it is. I am concerned about the length of time the planning authority had to indicate its preferred position. In the second reading speech, I saw that the planning authority will have 14 days to indicate its preferred position. Then it says, 'If the council chooses to make a submission, it will have 28 days to make the submission'. How will the planning authority be able to indicate its preferred position in 14 days, when committee

meetings are once a fortnight and council meetings are twice a month? This has to sync with the council's cycle; it could be in the middle of the cycle and miss a meeting and not be dealt with in the time.

Can the Leader inform us on whether it is not quite the way it seems in regard to the preferred position? Making a submission has 28 days, and is not a problem. It is whether there has been consultation with the Hobart City Council regarding the 14-day period. I know there has been to a degree. You might wish to place on record that the consultation took place and they were happy with 14 days in terms of indicating a preferred position. That would be one way for me to find the detail. I thank the Leader if she can do that.

The second reading speech dealt with the process and providing a flexible, streamlined but also thorough process to provide for amendment of the planning arrangements in place at Macquarie Point. The second reading speech then has two or three dot points following that statement, one of which says 'ensures independent planning advice is provided to inform development'.

Could the Leader describe the independent planning advice being talked about? Is this the Hobart City Council's planning advice, independent of the corporation, or is the board going to an independent planning person to get input? Can I have some clarity regarding that issue in the second reading speech?

I think it is reasonable that the Minister for State Growth will provide the board with a statement of expectations, in the sense the minister does that in quite a number of other places. Again, I hope we are not moving into a dictatorship arrangement. I want to make sure that all the hard work and all the planning documents and instruments in place are not thrown out by the minister on a whim in deciding they will do something. From the briefings this morning, I am sure that it is not necessarily. That gives me a bit of comfort. It is in there; it is in words. Yes, it is temporary so I suppose I can be comforted by that.

At this time I cautiously support the bill and will listen to other members' contributions, should there be any.

[12.41 p.m.]

Mr DEAN (Windermere) - Mr President, I appreciated the visit to the site last week. It familiarised me with the whole layout. You never realise how big an area is until you go there. You can read its size in written material but until you look at it, you do not realise it is how big an area it actually is. It is a prime piece of land. I thank Mary and her staff and those involved in showing us around, and for the PowerPoint session as well. It covered many areas that familiarised me with what is going on.

I raised some issues during the briefing and I will raise them in this place. I also raised one of these matters with members last week. I am concerned about parking. I know some parking has to be provided on this site. When you have a prime piece of land in such an area, parking should be a secondary thing and almost non-existent, or it should be underground, out of sight, or somewhere else.

If you look at some venues today, parking is not being provided. The latest arena in Perth was built with no parking around it deliberately. It was built for public transport but our public transport is nowhere near the level it is in some of these other places.

Mr Valentine - It might encourage public transport.

Mr DEAN - You are right.

I think we seem to be moving into some of those areas. It is also about walking and riding. There has to be some parking, but there ought to be minimal parking, in my view, on the wonderful site that we have there.

I referred to the removal of the wastewater treatment plant. The member for Hobart raised it as well. The people in Launceston have a longstanding concern about that plant, which is not working properly. It releases partly treated sewage into the river - not all the time, but certainly some of the time. It is causing immense problems.

People ask me why, when we have a perfectly good operating wastewater treatment plant in Hobart, we need to spend the money on a plant at this time. It is a matter of getting the priorities of the plant right. I raised this with the Treasurer. I have said in this place several times that I would not stand by and allow that to happen without putting up a good fight. I wrote to the Treasurer who was able to satisfy me that much work is being done and a great deal of money is being provided to Launceston and to TasWater, and that a number of committees have been set up to look at the position in Launceston; that money includes Commonwealth money as well as other money. A great deal of action is being taken.

I am satisfied that we need to move this plant and we were told this morning that for development to proceed, it has to be moved. We were told the plant will be moved and there is a four-year plan for moving it. Many processes and much planning will have to be gone through. Selfs Point has been identified as the area it will go to; a lot of remediation work has to be done there so that the plant can be moved to that site. As well, a great deal of remediation work will have to be done here once the plant is removed, before the site can be built on.

I am satisfied with the Treasurer's response. I support moving the plant and going forward with this development. It has to happen; I accept that.

The rail corridor is another matter I am interested in; the member for Derwent may well have a similar interest. It is heartening to see that the rail corridor is to be left open in such a way that a light railway could go on it and into that site without the need to remove buildings or do any work other than put the rails back in. I understand there is also an opportunity for a turning circle for Metro to come in and service a light railway as well. That is good. We need to think ahead. Transport opportunities are changing all the time. There is a big push for light rail here in Hobart. I support that - it would be a great thing.

As a previous user of the railway, travelling from Hobart to New Town regularly to attend school - New Town Technical High School - I knew the area and the railway system very well. To see something similar to it back again - a light railway - would be absolutely wonderful. It would complement the development at Macquarie Point. It would be a great thing to have a light railway coming into this precinct.

Mr Farrell - It would be a key to it.

Mr DEAN - You are absolutely right. It would attract many people to that area as well. It is wonderful this has been provided for and is happening.

Mr President, I will support this bill because it is necessary for the next phase of development.

[12.48 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, members asked quite a few questions and we are working on the answers to those questions at the moment.

I thank the member for Hobart. It is a very dear cause in his area.

Mr Valentine - It is not going to hurt anybody else, probably.

Mrs HISCUTT - No, it affects your area. The important matter here is the link to the Hobart City Deal. Parking was mentioned, but bridges and connectors and keeping most of the vehicles out of the city are probably the way of the future. This bill, if passed today, will provide an ability to remove the planning constraints and the impediments in redeveloping this site. I believe it will be quite a beautiful site on the waterfront.

It is realising an Antarctic and science precinct. It will be a collaborative process, in which the Government intends to engage fully. Of course, negotiating and talking to the Hobart City Council is imperative. There will be no loggerheads, I can assure you. The Government is keen.

Mr Valentine - There are plenty of logs down there, but I don't know about loggerheads.

Mrs HISCUTT - The Government is keen to work through this. The Antarctic and science precinct on that site will be wonderful. I hope that the city deal keeps going.

One of the questions was: why now? The reason for this bill and its timing is to bring forward the MONA vision through the reset master plan that brings forward a number of key elements that do not exist under the current planning master plan and planning rules. They include areas to support dedicated precincts in Australia's global gateway city and the ability to have a significant arts and cultural urban renewal project which at its heart has over 50 per cent of public open space - namely, the truth and reconciliation art park. We heard about that the other day on our site tour.

Under the existing master plan, none of this will be fully realised or can actually happen, so time is ticking away. As recently announced in the media, the federal minister is working with state and central Hobart councils to establish a Hobart city deal by the end of the year. We need to seize this opportunity to deliver a world-leading Antarctic and science precinct to support a sector that brings \$180 million into the Tasmanian economy.

We have an opportunity to expand, enhance and capture the world's imagination with Hobart as a global gateway city. It is also important we deliver on the community's and MONA's vision for Mac Point, which is to deliver an arts and cultural centre point, not just for Hobart but for the state and, indeed, the country. Without the passage of this bill, we cannot do that.

Through this bill we will deliver the formal planning consultation process so community and various other stakeholders can have a voice in the development of the site and in the delivery of the arts, cultural and scientific precinct. It will formalise the existing process undertaken by the corporation.

The Government has indicated it is working to remove the wastewater treatment plant in a targeted time frame of four years. The cost of decommissioning, removing and remediating is estimated to be around \$140 million. The corporation and TasWater have already started work on meeting the joint commitment. The WWTP will be diverted to Selfs Point, as we talked about in briefings. This is part of the project that TasWater is working on. The Government will continue to work with TasWater and the corporation to progress the removal.

The honourable member also spoke about the consultation with the Hobart City Council. We have in total 84 days to provide advice to the minister. This covers all elements of the process. There are 21 days to consult prior to the corporation providing the planning scheme amendments to the minister to start the formal process. Once the process starts, there will be 14 days to decide whether a public consultation or exhibition process commences and 28 days after that to consult. The remainder of the time is to ensure that advice can be provided to the planning committee and full council for approval before submitting to the minister.

There were concerns about the extent of the ministerial power. Through this bill the minister cannot make a planning amendment unless the planning authority has not raised objection and the proposal is consistent with advice received from the Tasmanian Planning Commission. This bill does not create any other powers than those that already exist through the principal act.

'Independent planning advice': what does that mean? In the process prescribed in this bill, this refers to advice from the Tasmanian Planning Commission. This is in addition to the input received from stakeholders and the Hobart City Council.

Proposed new section 39H(1)(b) concerns the minister having too much flexibility to amend if they see fit. This step is part of the consultation process. At this point, the corporation has engaged with the Hobart City Council and adjoining landowners and occupiers. The minister then considers this advice and section 39 prescribes the options the minister then has. At this stage, the minister will consider the request and can either prepare an amendment as per the corporation's request, consult with the board and prepare an amendment -

- (a) that varies from the corporation's request
- (b) require the board to amend the proposals
- (c) or refuse the request
- (d) if the minister proposes to proceed he or she must then reengage with the council and provide 14 days for the council to advise if it intends to undertake public consultation, does not intend to undertake public consultation or does not support the proposed amendments. If the council does not support the proposal and the concerns cannot be rectified the planning amendments cannot proceed.

It has to go through all this to get to that point.

Mr Valentine - I appreciate that.

Mrs HISCUTT - We talked about car parking. Car parking requirements are set by the Sullivan Cove Planning Scheme. The corporation is working on a car parking strategy to address the planning scheme requirements. In addition, the corporation is also in partnership with Metro

Tasmania to preserve a corridor to facilitate other transport opportunities. The corporation wants to imbed public transport into the development of the site. Furthermore, a cycleway and pedestrian path will be surely opened, therefore opening the site for the first time since 1850.

This healthy physical activity is part of the overall infrastructure commitment the corporation has already started. There are plenty of things in place, so I hope members are happy with this bill. The member for Hobart has obviously done considerable homework. I hope the Hobart City Council seems happy with it and hope the member is also.

Mr Valentine - They were happy after some amendments were moved in the lower House which put them back into the process. The legislation is now better than it was prior to its introduction in that House.

Mrs HISCUTT - That is the case. The aim of the Government is to consult at all stages through this.

Mr Dean - What are the staffing levels of Macquarie Point?

Mrs HISCUTT - I am not sure about that, and I will need to take some advice on it. I am sure some staffing level figures can be put forward and we will have those shortly. I will take some advice but I thank all members for their contribution.

Sitting suspended from 1.00 p.m. to 2.30 p.m.

QUESTIONS

Department of Health and Human Services - Efficiency Dividend

Mr VALENTINE question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[2.34 p.m.]

Leader, can you please provide the efficiency dividend in actual dollar terms required of the Department of Health and Human Services for 2017-18 and 2018-19?

ANSWER

Mr President, I thank the member for Hobart for his question.

The Department of Health and Human Services does not have an efficiency dividend applied, nor did it last financial year. It manages to the budget, as published in the budget papers, and, of course, it works continuously to ensure that the advice and services provided are efficient so that the maximum amount of government resourcing can be directed to the delivery of frontline health care.

St Johns Park, New Town - Mental Health Facility

**Ms SIEJKA question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL,
Mrs HISCUTT**

[2.34 p.m.]

The Government has committed to build a brand-new 12-bed dedicated mental health facility at St Johns Park in New Town.

- (1) When do you anticipate this facility to open?
- (2) Can you confirm this will be staffed with new staff and not remove existing staff from our hospitals?

[2.35 p.m.]

ANSWER

Mr President, I thank the member for Pembroke for her question.

- (1) The 12-bed St John Park facility at New Town will be completed in 2021.
- (2) To meet demand while that facility is being established, the Government will deliver the first-ever mental health Hospital in the Home services in first half of 2019 to ensure we have more mental health services online as quickly as possible. New staff will be recruited.

The Government is committed to making Tasmanians' lives better. Within three years there will be 27 more mental health beds available in our system, plus the child and adolescent mental health facility, delivering capacity we have never had before in our state.

School Bus Contract 1362 - Safety Concerns

**Mr DEAN question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL,
Mrs Hiscutt**

Mr President, my question relates to school bus contract 1362 and safety concerns raised by parents. I have been advised that the morning service will change from travelling south to travelling north only. This will require students, both primary and high school, to cross two lanes of traffic on the busy West Tamar Highway at the intersection of Rosevears Drive at Lanena. Parents have raised this as a safety issue.

Will the honourable Leader please advise -

- (1) What is the reason for this change to a long-existing service?
- (2) Was the issue of student safety taken into consideration when making this decision?
- (3) What will the department do to ensure the safety of these students crossing a major highway if the change is continued with?

ANSWER

Mr President, I thank the member for Windermere for his question.

- (1) This service was identified for further review and likely exiting by the Department of State Growth in 2016 because it did not meet the service eligibility guideline requirements of having at least 10 regular passengers more than 3 kilometres from the school. If the requirement of having at least eight students at the first stop were applied, it would be shortened to such an extent that it would not be contracted at all.

It was identified that two existing bus services from Lanena were also travelling to Exeter School, one of which already ran most of the way along Rosevears Drive and could easily be diverted to cover the route leading to no less of a contracted route coverage.

Due to this, I am advised the operator was approached about taking an early exit at that time but did not wish to discuss it.

- (2) All safety concerns have been raised with State Growth and considered. State Growth advises that the current service was changed in 2016 so that it only travels north to south in the morning. No bus stop is listed on the timetable for that service at the junction of Rosevears and West Tamar Highway where the safety complaint has been raised.

There is therefore no change proposed to the current contracted service. State Growth further advises that the majority of bus services in Tasmania only drive along a route in a one direction and therefore do not drop children off on both sides of the road. It is the parents' responsibility to supervise their children getting safely to a bus stop and onto a bus, and then meeting their children from the bus in the afternoon. This may mean travelling a short way to the nearest safe bus stopping area.

- (3) As noted above, the area raised as a concern is not currently listed on a bus stop on the contracts. If parents wish a bus stop to be added, they are able to contact the Department of State Growth and have it assessed for its safety and appropriateness.

Smoking Near Hospitals and Schools

**Mr DEAN question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL,
Mrs HISCUTT**

[2.39 p.m.]

My questions relate to an undertaking given through the minister's office and the Department of Health and Human Services to review smoking habits near hospitals and schools. The undertaking was given about 15 months ago, probably longer, to complete the review. Since this time, numerous people have contacted me seeking that I do something about this unhealthy behaviour.

Mr Garry Ivory has now written to me on the subject. Since the matter arose I have asked questions about where it is at, and have had the normal response along the lines of 'it is being worked on'.

Will the honourable Leader please advise -

- (1) Is anything being done on the review at all?
- (2) If so, what work has been done?
- (3) What are the findings of any review at this time?
- (4) Is it likely that we will see legislative change to restrict smoking in the vicinity of hospitals and schools?
- (5) If so, when is this likely to occur?

ANSWER

Mr President, I thank the member for Windermere for his question.

- (1) and (2)

Yes, Public Health Services has considered various policy options to achieve smoke-free zones around key sites including hospitals, healthcare facilities and schools, and has consulted with the Tasmanian Health Service, local government and the Local Government Association of Tasmania about this matter. The initial focus is on hospitals.

- (3) Initial consideration of this matter has identified that historical, but still applicable, legal instruments have created exceptions allowing smoking in particular areas in public hospital grounds. The circumstances are slightly different for each major hospital site. Another priority identified will be managing patients, visitors and staff through the transition to a completely smoke-free environment. We are in the progress of seeking their support.
- (4) It is likely legislative changes will be needed to achieve completely smoke-free status in public hospitals and school zones.
- (5) The finalisation of policy options will be completed during 2019.

New School Leaving Age - Tracking School Leavers

[2.41 p.m.]

**Ms SIEJKA question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL,
Mrs HISCUTT**

In 2020 the new school leaving age will be increased to 18, unless students have completed year 12, can demonstrate they have full-time employment or a certificate III. Under this new legislation, how will the Government track young people who leave education to work full-time? For example, they need to demonstrate full-time work to leave college or exit from education, but how will they be tracked to ensure they stay in work? There are many mechanisms to track young people in this school retention, but not within employment.

ANSWER

Mr President, I thank the member for Pembroke for her question.

If a young person has not met the minimum school leaving requirement, they must demonstrate they have secured full-time employment using the Application for Exemption from Attending School form in advance of leaving education and training to undertake employment. A certificate of exemption is used by the Department of Education's secretary to the young person detailing the conditions of their exemption, including that the young person must remain engaged in full-time work.

The certificate of exemption provides contact details for the young person to notify changes to their employment arrangements and to discuss re-enrolment in education and training if they are no longer in full-time work. The Department of Education will increase the information provided to employers of young people who have received a certificate of exemption, to ensure employers are aware of the requirement for the young person either to be in full-time work or to return to education. This will be in place and ahead of the change in the minimum school leaving requirements in 2020.

Ron Barwick Minimum Security Prison - Prisoners with Disability

[2.43 p.m.]

**Ms SIEJKA question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL,
Mrs HISCUTT**

On 8 November the Government opened a \$1.35 million, 40-bed facility at the Ron Barwick Minimum Security Prison at Risdon. This facility can cater for people with significant disabilities -

- (1) How many inmates have a significant disability at Risdon?
- (2) Do the staff caring for them have the appropriate training and supports?
- (3) Has the disability minister attended this facility?

ANSWER

Mr President, I thank the member for Pembroke for her question.

- (1) The Government is unable to provide a direct response to this question because the term 'significant disability' is not defined and could be open to interpretation. However, I will provide some general information which I hope will be of assistance. The new 40-bed facility opened at the Ron Barwick Minimum Security Prison has been designed to accommodate elderly and infirm prisoners as well as those with a disability. Parts of the unit are designed to accommodate prisoners living with a disability attributed to a cognitive, intellectual, psychiatric, sensory or physical impairment, or a combination of those impairments. Numerous other areas within TPS facilities can also accommodate prisoners with a disability, including those with mobility issues associated with a physical disability.

The Tasmania Prison Service, in conjunction with Correctional Primary Health Service, provides support and assistance to prisoners with a disability. TPS has a disability case management group that assesses the needs of prisoners with a disability and identifies appropriate accommodation and supports both within prison and upon return to the community.

Prisoners with a disability will be accommodated in a facility determined by their security rating and in accommodation suitable to, and in consideration of, any special needs relating to their disability. The determination of which prisoners are accommodated within the new unit of the Ron Barwick Minimum Security Prison will be made by the Tasmania Prison Service - TPS - in consultation with the Correctional Primary Health Service.

- (2) A number of supports are available to prisoners with a disability, the availability of which will be dependent on their individual needs. For prisoners who require general basic assistance with everyday living - for example, getting ready on time for activities - supports can be provided by prisoner carers or by correctional officers.

For prisoners who require a high level of care, such as with showering and toileting, this is undertaken by trained nurses or paid carers, and is managed by the Correctional Primary Health Service. In some instances, prisoners are also offered access to external disability services and support where it is deemed necessary for them to have specialised assistance for tasks associated with day-to-day routines and where the TPS or the Correctional Primary Health Service cannot directly provide those supports, or it is determined that these supports are to be provided via the NDIS funding packages.

- (3) The Department of Justice is responsible for the provision of all disability services in the prison. As Disability and Community Services does not provide or fund any services in the prison system, the Minister for Disability Services and Community Development has not visited the prison in this capacity. However, she has visited the prison on many occasions.

**MACQUARIE POINT DEVELOPMENT CORPORATION
AMENDMENT BILL 2018 (No. 50)**

Second Reading

Resumed from above.

[2.46 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have finished my summing up.

Bill read the second time.

**MACQUARIE POINT DEVELOPMENT CORPORATION
AMENDMENT BILL 2018 (No. 50)**

In Committee

Clauses 11 to 15 agreed to.

Clause 16 -

Part 5, Division 3 inserted

Mr VALENTINE - Madam Chair, we discussed clause 16 during the second reading debate. To reiterate, why does 39H(1)(b) need to be 'as the Minister thinks fit'? That is a fair bit of ministerial power, but that might be able to be placed in context.

Mrs HISCUTT - We put it on the *Hansard* before, but I will go through it again.

This step is part of the consultation process. At this point the corporation will engage with the Hobart City Council and adjoining landowners and occupiers. The minister will then consider the advice in section 39 and prescribe the options he has. At this stage the minister will consider the request and either prepare an amendment as per the corporation's request or consult with the board and prepare an amendment -

- that varies from the corporation's request;
- or require the board to amend the proposal; or
- refuse the request.

If the minister proposes to proceed, he or she must then re-engage with the council and provide 14 days for the council to advise if it intends to undertake public consultation or does not intend to undertake public consultation or does not support the proposed amendments.

If the council does not support the proposal and the concerns cannot be rectified, the planning amendment cannot proceed.

Clause 16 agreed to.

Clauses 17 to 20 agreed to and bill taken through the remainder of the Committee stage.

MACQUARIE POINT DEVELOPMENT CORPORATION AMENDMENT BILL 2018 (No. 50)

Suspension of Standing Order 279

[2.53 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

That standing order 279 be suspended to enable the bill to now be read the third time.

[2.54 p.m.]

Ms FORREST (Murchison) - Mr President, true to form, it is our last sitting day for this year and I assume that is the reason for this suspension of Standing Orders. I had hoped the Leader might give some context to her request to suspend Standing Orders.

We are not in charge of the way the business flows through this House, the Government is. We did not see the second print of this bill until only yesterday. It always bothers me, as members know, to take things on suspension for the purpose of rushing them through this place. I say that because I am consistent, and will continue to be consistent, on this matter.

If the Leader could provide some explanation of the need to take it under suspension so that it can be dealt with today, I will be happy to consider my vote. If other members wish to speak, she may like to let them speak before she responds, but it concerns me.

[2.55 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, as was said throughout the briefing, the corporations are very keen to get on with this. It is linked with Federal Group and the Hobart City Deal.

As I noted earlier in the second reading speech, this legislation is important to support our negotiations on the Hobart City Deal. It provides the ability to remove planning constraints impeding development on this site. Realising an Antarctic and science precinct will be a collaborative process we intend to fully engage in.

This bill provides the mechanism for the Government to start work on this. The Antarctic and science precinct will be a catalyst for the development on the site. We have a fantastic opportunity here to expand, enhance and showcase our potential as a gateway to the Antarctic and the Southern Ocean through the world-leading precinct at Macquarie Point.

The Hobart City Deal has brought together the key partners to help us do that. If we could move on with this one, it would be really good.

Standing order suspended.

Bill read the third time.

BRAND TASMANIA BILL 2018 (No. 46)

Second Reading

Resumed from 28 November 2018 (page 45)

[2.57 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have finished my contribution. I now commend the bill to the House.

Ms FORREST (Murchison) - Mr President, we all are very proud of the Tasmanian brand and it is something we take great pride in wherever we are. When you travel overseas and someone asks you where you are from, you say, 'I am from Tasmania.' I do, and I know a lot of other people do. You do not say you are from Australia, unless they look at you oddly and think you are from Africa.

Our Tasmanian brand really means something and it is important that the brand is protected and people cannot use it unless it really applies to Tasmania and all that Tasmania is.

The Brand Tasmania Council has done a good job in its role and function, but I support the Government's intention to establish Brand Tasmania so that it will have a corporate structure. I foreshadowed a couple of amendments last night. What they seek to achieve in terms of good governance and ensuring we get the right skills on the board was discussed by the Leader's advisers. The board sets the strategic direction, establishes a corporate plan and guides and directs this organisation. The board has the responsibility of ensuring our brand is protected as it should be, and that it reflects what Tasmania is, what we stand for and how that can be protected in the way we need.

To do that you need people on the board who will bring the necessary skill sets to the table. I believe the bill, overall, does that. The governance structure is pretty standard in terms of a government board. I know that the Government said at an earlier time that it was going to reduce the size of boards and the number of them. The Government does not seem to be quite so successful at that at the moment. This potentially could be an 11-person board, which is a large board by pretty much all standards. When you consider the skills needed on a board such as this to undertake the work the board is required to do and to meet its functions - and I know the bill was amended in another place to clarify that further and an amendment was added to advocate for the protection of the attributes on which the Tasmanian brand relies - it is a quite broad function of the board and you need a board able to do all that.

Speaking briefly about the things I think were lacking, which were partly inserted downstairs, biosecurity is key to our brand as well as a whole range of other aspects. I have had representations from some of fruit growers - some of whom have had challenging times of late - who saw biosecurity as one of the key issues and key risks to our brand. China, Indonesia, Taiwan or wherever - our nearest neighbours - even New Zealand for that matter, see Tasmania as tiny. If you have a biosecurity incident in Tasmania in one part of our industry, whether it be the cherries, the apples, the blueberries, whatever it is -

Mr Valentine - Myrtle rust.

Ms FORREST - Yes, myrtle rust, foxes.

Mr Valentine - Don't mention the war!

Ms FORREST - Don't mention it. When a biosecurity risk or issue arises, it can harm not only the industry - blueberries, apples or cherries - it can affect the whole brand. That is why I am seeking an amendment to this bill to include biosecurity. It is one of those skills the minister will be looking for in the members of the board.

The other thing that I heard very strongly from people involved in Brand Tasmania generally - the people who have been involved in and engaged with the Brand Tasmania Council and Brand Tasmania over a number of years - is that the last thing we want is a highly bureaucratised board. The board set-up will have the Secretary of the Department of Premier and Cabinet. I asked last night - it was getting quite late when we had the briefing - that if you can have a 3+3+3 term, what happens if the Secretary of the Department of Premier and Cabinet, or their delegate, has been there for 10 years or is into their tenth year? Does that mean they have to leave? Then what happens here? I am sure the letter will be able to clarify this. I know our advisers are not in the room at the moment but they know and have already spoken to me about it. The secretary is ex officio so they are not actually appointed by the Governor on recommendation of the minister. That 3+3+3 does not affect the lengths of term of their service on the board. I think nine years is plenty long enough and people probably should move on after that to get some fresh ideas and fresh blood in.

The amendment relates to having one member of the bureaucracy - if you like, the Secretary of the Department of Premier and Cabinet - who can delegate other people to come in their behalf if you want to have more exposure to the Secretary of Education or the Secretary of Health, or whoever it might be, rather than having state servants sitting there just because they are state servants. They will obviously have other skills, but if you are going to have a truly skills-based board, it should focus on the skills, not the bureaucratic side of it. That is my point and I can make it again at a later time. That is the purpose behind that amendment.

Otherwise, overall the bill is fairly standard in terms of setting up a corporate structure such as this. It is a good thing, even though we prefer not to have too many government boards and statutory authorities.

The other thing I thought was really good, and we were informed of this during the briefing as well, was that Brand Tasmania as such will have to have a separate budget, which is part of what the Brand Tasmania Council is at the moment. There will be a separate budget, separate reporting within the Department of Premier and Cabinet, also a scrutiny of Estimates committee B under the Premier as a separate entity rather like the Ombudsman, Auditor-General or one of those unrelated bodies where they come independently and can also answer to the parliament. This is a positive and important aspect of the structure.

I support the bill but wanted to flag a couple of matters I would like to encourage amendment to at a later time.

[3.05 p.m.]

Mr FINCH (Rosevears) - Mr President, the chief executive officer or executive officer of Brand Tasmania is here today and he is an old ABC man. When I say 'an old ABC man', I use the term very loosely. As you can see, he is quite young, but we were at the ABC at the same time. He was Acting Head of Television for Tassie, and I was a mere whippersnapper mucking around in radio up north.

However, I wanted to highlight Robert, not only because he is wearing a Melbourne tie, but also because in my time in dealing with Brand Tasmania I always found him to be very accommodating, running a good show, no self-aggrandisement and just quietly going about being a huge success story in Tasmania in his role as executive officer.

It is with a little disappointment that we have a new iteration of Brand Tasmania going into a different realm, from what was more a private enterprise-style operation with a dynamic leader and a good board into a bureaucracy, into the public service near the Department of Premier and Cabinet. It is into another location. It is a signal concern, because it is very important that it does not get lost in the bureaucracy. It is very important we have a good CEO - Mr Heazlewood is not staying on, after a good 20 years he is going on to other things.

We need somebody like him from the private sector - somebody who knows how business works, somebody who has connections within private enterprise and the business community, who knows how business ticks over. That will be very important for the future of Brand Tasmania along with a new board. It is very important Brand Tasmania has a good chairman. Michael Grainger has been a dynamic chairman of the board. A very forthright - I was going to say 'gung-ho', but he is a very assertive positive figure and what is needed at the head of a board and all those good people.

When I talk about good people, I have always had contact with Kim Seagram from my community in the north of the state.

Ms Rattray - Now, there is a dynamic lady.

Mr FINCH - She is from Stillwater and helped establish with Rod Ascui the Stillwater regime which has gone into the Black Cow; now she has a company, Fermentasmania, which she is involved with. I have always had feedback from her about how Brand Tasmania was going. I asked

for her comment about this development. She tells me that Brand Tasmania was formed by a group of Tasmanian exporters, one of whom was Andrew Pirie, when he was at Pipers Brook Vineyard, and they established it to develop and maintain, protect and grow the Tasmania brand as a place-of-origin brand to help them in their export endeavours - that was the idea behind it - led by one of the best boards, or councils, as it is referred to, comprising many businesses and industry leaders of the main economic drivers of the Tasmanian economy.

Ms Armitage - There are people in the north who have skills and could be on the state board.

Mr FINCH - Absolutely. Kim is on the board. I know your concern would probably be with the new board.

Ms Armitage - It is very much with the new board and that it gets statewide representation.

Mr FINCH - Yes, of course. I know you stressed that in the briefing. It was a very good point to make. We have to look at it, and I think we were assured, if my memory serves me correctly, that gender equity is going to be harder -

Ms Armitage - I am not worried about gender equity; I want them to serve the state.

Mr FINCH - Also, there is that statewide opportunity if the skills come out of the woodwork. I suppose that is the driver of the people who are appointed. It is who applies and who wants to be part of the board.

Ms Armitage - As long as they know it exists.

Mr FINCH - As long as they know. You mean, that it is advertised?

Ms Armitage - It is advertised widely.

Mr FINCH - Advertised widely, not just at one end of the state.

Mrs Hiscutt - I will be informing my local tourism associations about it.

Mr FINCH - Thank you very much, Leader. It is important we stress in this Chamber that it is not a rivalry thing, it is an equity thing. We have to make sure we get representation, because everybody is going to come with different views and have different readings from their community, different ideas and thrusts. We need that to occur.

The other interesting point you noted was the fact that this is going to be a paid board. I know that Kim was a volunteer. All were volunteers. It is a different set-up.

Ms Armitage - I am looking forward to hearing what the budget is.

Mr FINCH - Yes, and where the budget comes from. Does the board set it themselves? Do its members suggest what their remuneration might be? No, it is going to be dictated. We will see what happens there.

Mrs Hiscutt - It will be in the budget. There will be money budgeted.

Mr FINCH - We will be able to scrutinise that as we come through the government business enterprises scrutiny. GBEs or -

Mrs Hiscutt - Through Estimates.

Mr FINCH - Through Estimates as an authority. We will be able to look at that and see what remuneration they get. They will have skills and it will be good they will be remunerated for their contribution. But over the last number of years of Brand Tasmania, it has been increasingly drawn into the Department of State Growth with Robert Heazlewood and Martin Turmine, from within government, providing the human and financial resources. and, as mentioned, Michael Grainger providing the stewardship as chair for almost a decade, if not more.

Kim says -

When I was sitting around the board table (I departed after 10 years on the council in 2012) we only had between \$640,000-\$750,000 in funding per annum to do all we did but we leveraged that with industry contributions, in kind and memberships to do the best we could. We developed the Brand Champions TV campaign to build the Tasmanian Brand and pride locally but did most of our work externally with many international visiting influencers, supported many industry showcases, created collaborative brand aligned industry events, developed the Tasmanian Brand Ambassador program with Tetsuya the chef from Sydney (and now Singapore) and then the chef's scholarship for Tassie chef trainees to work with him in Sydney to just name a few initiatives.

I will leave the email there to remind others that when I was chair of the Devil Island Project, we had a couple of fundraising dinners, one in Launceston and one in the south. Down south, my friend Fiona Hoskin went to Robert Heazlewood for support. We ended up with Ray Martin as the compere on the night through Robert's connection. We had Tetsuya to do the cooking. On that night we raised \$168 000 for the Devil Island Project. A lot of that was driven by Robert Heazlewood. Brand Tasmania was fantastic.

Back to the email: 'It was also responsible for the wings logo' - which I am wearing and have been wearing for probably a couple of years - much to the chagrin of Tony Stacey, the ex-Blundstone boss, and Kim herself -

... we just wanted to stand behind the word 'Tasmania' and 'Tasmanian' and didn't want yet another logo but you can't win everything!

I have always liked the stylised map of Tassie, in the form of a pair of wings.

Kim says that she has just heard government is trying to get new blood on the board, which we have talked about and better insights into place of origin rather than just place branding. More marketing and branding knowledge is needed. That is where it is going to be important for those new people to bring those skills that we need to the board to progress and take Brand Tasmania or the council to the next level.

Kim concludes -

I don't know if this will make it better or not but it will be a change and sometimes change is a good thing but whatever happens it needs to be industry led and properly resourced if it is to be effective in the future.

So, some advice from Kim Seagram. A brand is only good as the product or the products behind it. One flaw in a product can destroy a brand's image.

In the second reading speech one line was that 'our brand is one of the state's greatest assets'. I agree with that to a certain extent, but let us start at the other end: our greatest assets are our natural resources, our environment and our clean, green products. If you damage them, the brand is meaningless. It is very important that it is safeguarded as we move forward in this branding of Tasmania. What is actually bringing people? What puts us on a pedestal? And, in the tourism sector, what brings those people to Tasmania and what do they want to experience?

This attempt to strengthen Tasmania's brand, while necessary and with the best of intentions, must go hand in hand with a structure that will protect what we are branding. That said, the bill has my full support. I sense the Government is trying to get new blood on the board, better insights into place of origin rather than just place branding. So, more marketing and more branding knowledge is needed, as suggested by Kim Seagram.

I support the bill.

[3.19p.m.]

Ms RATTRAY (McIntyre) - Mr President, as part of my contribution to the debate on the bill before us, I pulled out the Legislative Council final report on the Tasmanian dairy industry. During that inquiry the committee looked at Brand Tasmania, obviously a generic and unofficial Tasmanian brand. Brand Tasmania Council is the Tasmanian Government agency, and at the time of the committee we knew it was intended to become a statutory body. That was back in 2016 so it has taken a while to get here. Report finding No. 14 relates to the dairy industry -

Many in the dairy industry are unaware of the existence of the Brand Tasmania Council and its role, and hence have not been proactive in seeking assistance from it.

We heard that through evidence because they just really did not understand what the council was doing. We hope that this new entity will actually build that awareness. We also heard through the briefing process and the Leader's second reading speech that there will be monitoring and evaluation in line with best practice approaches to ascertain how our brand is performing and allow it to adapt and evolve into Brand Tasmania over time. Key performance indicators will be built into the performance of the new entity, but there will also be an opportunity for scrutiny through the Estimates process. We were also informed in the briefing it will have its own line item in the budget.

Government funding to Brand Tasmania Council is already \$400 000 per annum, plus 2 FTE State Service employees. A significant commitment has already been made to the organisation, and that will increase - we also heard that staffing will increase to somewhere between 6 and 7 staff members in the new government department. We are not sure where they will be working from yet. This will be something that will evolve -

Ms Armitage - Maybe Launceston -

Mrs Hiscutt - Maybe Penguin.

Ms Armitage - We have a couple in Launceston -

Ms RATTRAY - DPIPWE had a relocation to Launceston. There is a considerable amount of movement to Launceston. I am not sure what the Government has in mind. I am sure that when we get to the scrutiny process next year, we will be availed of all that detail.

One of the recommendations from the inquiry's findings - we had 11 from the dairy inquiry - was -

consider the roles and responsibilities of the Brand Tasmania Council and whether the Council is relevant or necessary in the future and if so, whether the proposed statutory body is the most appropriate model.

Leader, what other options were looked at before this was proposed to be established?

Mrs Hiscutt - As opposed to the council?

Ms RATTRAY - Yes, as opposed to what has been brought before the House today - were any other options looked at in how we might build on what we already have? That is, the unofficial Tasmanian brand, Brand Tasmania, before we move to the statutory body as proposed before us. I note No. 11 of our recommendations was to 'promote closer links with the tourism industry and food and beverage brands'. We know, not only from the dairy inquiry, but from our general knowledge, that the wine industry is a fantastic example of the Tasmanian brand working together and being able to promote themselves and lift themselves above the average. I quote from page 11 of the report which talks about the dairy industry and their product being sold as a premium -

There are some parallels with the wine sector where, whilst in Australian terms and international terms it is very small, all the wine is premium. There is no bulk wine from Tasmania so you don't have the commodity issue of that category as you do with dairy. The majority of wine exported out of Australia is bulk. It goes out on a tanker and it is bottled overseas. The average price per litre for Australian wine is about \$4 because a lot of that is very cheap bulk wine. The average price per litre for Tasmanian wine export is \$11 or \$12 because it is all at the premium end.

You can see that if you keep that premium aspect of your product up, you get the dollar benefit back. That is how the wine industry has been able to put itself in a very good position when it comes to promotion.

The member for Murchison talked about our berry industry, which we know is fantastic and gets really good prices because of the quality of the product.

Mr Valentine - You must have a good product before you can get the good market. It is fantastic.

Ms RATTRAY - Yes, our growers work so hard making sure their product is first class. Often, they are very small producers. The wine industry has worked together as a collective to ensure it

does not get a really low price. As a collective, you can keep it up at a good level so you get a good return on investment.

I thought it was worth sharing that because it was one aspect of the dairy industry. We heard how well they do it. Would it not be great if we did not have to 'bulk' our milk as we do? It gets all bundled up and nobody knows it comes from Tasmania. Sadly, that is the reality of milk production in Australia. Even though we have a premium product, we have a very small market for it. The rest of it is put into a big bucket and it is just Australian. It does not generate the same price it would if it could be sold as the Tasmanian brand.

I am also as interested, as other honourable members are, in the fact that we will have an opportunity to scrutinise it next year. The organisation will be quite young, but a budget will be set for it. We will have some idea of whether there are nine or 11 members on the board and how it is progressing. We will have staff numbers.

Ms Armitage - And where they are from.

Ms RATTRAY - I know the member for Launceston will be drilling down into the location of those.

The member's message was sent pretty clearly last night: if it is not regionally representative, there could be a few extra questions. I feel sure it will be something that there will be a focus on.

I agree with the member for Launceston who said there does not necessarily need to be a gender spread as long as we have the right people doing the job. That is what we want.

Ms Armitage - No-one wants to be a token female.

Ms Forrest - There are no token females.

Ms RATTRAY - We have to make sure we have the right people with the right skill set and commitment. None of these roles comes without a huge commitment. I already have somebody in mind who might fit the bill. I will get to that.

Mr Finch - I am busy.

Ms RATTRAY - Your electorate will tell you when you are busy. They always do.

I already have somebody in mind when I read through the skill sets in the bill about who would be best placed. It was suggested that if we knew someone we felt had some skills that might fit nicely in this board, we should encourage them to apply and go through the process. I will certainly be doing that.

Mr Finch - I reiterate: the CEO - that driver, that person who heads up the business, the chief executive officer, or whatever the title is - is the one who is the key to driving it forward. My suggestion is somebody who understands private enterprise and how business works and has the contacts. That is the key person.

Ms RATTRAY - I think it is a three-year term, from memory. Was it a three-year term for the CEO? A five-year term for the CEO. To get somebody of that quality, is five years enough?

Ms Armitage - But they could renew it, surely, for a further five years.

Ms RATTRAY - That is a good question for the Committee: is there an opportunity to renew the term of somebody who is doing a good job? But then you always have to be careful to have an out clause if somebody perhaps is not meeting those key performance indicators we are going to see as we go forward.

At this point I support the concept. I think we have to give it a go, but always be mindful that it may not be the exact model we are looking for.

There are some very eager people in the Chamber. I support the bill.

[3.32 p.m.]

Mr FARRELL (Derwent) - Mr President, I know the member for Hobart is going to get up shortly and he may not be as brief as me. I am happy to be timed. I wholeheartedly agree with the many members who have talked about how important Brand Tasmania is and what an asset it is. I congratulate Robert Heazlewood for his hard work. Robert has hunted out little success stories in my area of the Derwent Valley - putting a great deal of work into it, filming, writing scripts, those sorts of things. The member for Rosevears talked about working with Robert in the ABC - I know who would probably have done most of the work at the ABC at that time.

Mr Finch - There was also a publication instigated by Brand Tasmania that had Tasmanian stories in it. They were little gems of people, and their extraordinary and interesting lives in Tasmania.

Mr FARRELL - Yes. I thank Robert. I know he is a humble bloke and does not expect those sorts of accolades, so I will not embarrass him any further.

The bill had a good passage through the other place, which was also very pleasing to see. Some concessions were made for amendments in the other place. I believe, from reading the *Hansard* from the other place, that those amendments were taken on board in a very positive fashion. I think everyone really wants the new model of Brand Tasmania to work as well as the old model did. It is a pretty big step going to this next stage, but the current Government and previous governments probably thought this would be the place they would like the Tasmanian brand to get to. We have seen it grow not just with our wines and whiskeys, but with vegetables, with tourism destinations, with restaurants - that type of thing.

It is good to see that many of these businesses Brand Tasmania gets behind are small businesses. I believe that is where the future growth of our state will come from: the small business sector. Every time we get involved with the big multinationals, it ends in tears, whether you look at the dairy, timber or vegetable industries. It all becomes so big and impersonal. We have seen the meat industry go ahead. Certainly, the challenges of having a small, niche market are more than having a big bulk market, but we tend to do that really well. You only have to travel to different areas in the world, dine out and have the odd glass of wine or whiskey, to come back to Tasmania and realise you are in a special spot. I have had quite a bit of our produce and it is second to none; it is fantastic.

The issues the Labor Party had some concerns with were sorted out in what seems a fairly comprehensive discussion in the other place, and from all the stakeholders spoken to, which is lovely because it leaves us in a nice position here.

Ms Rattray - Are you saying we are becoming redundant?

Mr FARRELL - No, certainly not; I do not think so. Certainly, all the stakeholders seem to agree this is the way to go. There will be challenges with how the council structures itself, but we have set these things up in the past. It is vital for Tasmania's future and for us to move forward on the world stage that we do this properly. I am sure the people, with a guiding hand behind this, will ensure it is done. I support the bill.

[3.36 p.m]

Mr VALENTINE (Hobart) - Mr President, I want to acknowledge the briefing. I thank the Leader for organising it and the officers who came along and gave the briefing. They did a good job. I also want to thank a certain gentleman who happens to be sitting in your reserve, Mr President - Rob Heazlewood. He is a still point in a turning world. He has been very consistent in his role and has done a fantastic job. His head probably will not fit through the door when he leaves. It is true - he is synonymous with Brand Tasmania. I receive the newsletters - I will just let you know I read them.

This council is being set up because our brand is one of our state's greatest assets, as the second reading speech says. It says here 'best practice approach to managing, developing, promoting and protecting our brand'. I always rail a little bit about that observation. We never know when we have best practice, but we know when we have better practice. Being able to observe how others do it and how successfully they do it is important. We can always learn lessons from other places.

We know that in Tasmania we have a special place. We have the goods. We know this is an island that can improve its standing globally if it is positioned the right way. I say 'positioned' as opposed to 'sold'. I think it is about fostering the image. The important thing is the image should be fostered in a consistent way across all sorts of departments and organisations trying to gain an edge for their product, whether it is a tourism, fruit or some type of manufacturing.

We have a good place. We have the cleanest air in the world. We have some great wilderness -

Ms Forrest - It is all in my electorate.

Mr VALENTINE - No, I am sorry, there are many in your electorate. I have been up there. There is the whole of Tassie, down the Huon way, there is a heap of attractions.

Ms Rattray - You have been to Dunalley.

Mr VALENTINE - Dunalley, what can I say about Dunalley? It has one of the best canals for swimming in that you could ever want. Jumping off the Dunalley Bridge - but you are not allowed to do that these days -

Ms Rattray - What about the fish?

Mr VALENTINE - You would call that an extreme sport almost these days.

The point is that we have a lot of potential, but we have to nurture it properly. It talks about nurturing at the bottom of the second page of the second reading speech -

Thirdly, the authority is to ensure the Tasmanian place brand is nurtured, enhanced and promoted as a key asset of the Tasmanian community.

I do not want to get too political but we have to be careful that in promoting our product we are not undercutting ourselves in terms of damage we might do to other aspects of our experience in Tasmania. You hear about the chopper thing, and you think, 'Yes, there is a bit of truth in that'. I know it will not be this board's remit to sit in judgment on every project that comes out of the woodwork in terms of tourism and the like. They will look at what we have and what is operating in this state and approach organisations and say, 'You might think about pushing it in this way, or using this particular aspect, using this footage, which is fantastic footage'.

I will never forget going to New Zealand to a main street festival. We had to put up a bid to have it in our city in the following year. The footage that we had from Tourism Tasmania was an absolute stunner. It was fantastic - flying up the Derwent, seeing the vision of the mountain and some of our wilderness images. These sorts of images were to-die-for. It was a real marketing exercise. We were able to do it well because of the material we were provided with.

I do not know whether other members remember but it was for a conference around 2000, and it was successful. We plied them with Tasmanian products - and some cheese and so on - and it was great. We have a lot to sell.

Various gateway organisations prior to this have capitalised on our special offerings. Organisations like Destination Southern Tasmania, and no doubt other regional organisations are selling their tourism offerings, but it can all be focused to bring the Tasmanian brand to the fore.

The people - ourselves - in this state are a welcoming people. We are caring people; we have to make sure that is the case. It will attract people. People like to come here. I heard it many times when I was lord mayor -

People care. We have had people tap us on the shoulder and say, "Can I help you?" and go out of their way to take us to our hotel or show us the direction to such and such. You would not get that in other cities.

They are really impressed by that. We have to be caring people if we are going to help. That is part of branding Tasmania. The people are as much of the story as the products we sell.

I have talked about having a consistent message. I have talked about how we should not undercut our products so we do not ruin our own pitch. One of the hardest things is that you can sell an image but if the real experience does not fit the image, you may as well give up and go home. It is important that Brand Tasmania will be promoting true product. One hopes that will end up being the case. Many people want to come and live here; many people are retiring here. People say that makes us an old state. We have the oldest profile now in Australia, but every person who comes here to retire is not taking a job, but creating a job, so it is good for our economy. The younger people are staying as well. There are many things for us to be proud of.

This bill should be supported. It surprised me a little that the Government was creating another board when it should be cutting them, but if there is going to be a board created to do the job properly, this is a good one to be in that space. I am happy to support this bill and will listen to the other offerings.

[3.46 p.m.]

Mr DEAN (Windermere) - Mr President, I support the bill. It is a good way to move forward. One way, and I think it has been mentioned, to protect our brand is to have very strong border controls in place. Biosecurity in Tasmania is critical to the protection of our brand and critical to protecting the clean, green image that gives us that marketing edge in the world. If we cannot maintain and retain that, we are going to be in trouble.

I listened to an interview on Monday night on ABC radio, where there was some discussion about this bill. I was interested in it, realising the legislation was coming here as well. What was said there was absolutely right: there are countries - Japan and China, to mention two - that are quite prepared to pay premium prices for Tasmania's products.

That is very true. When you travel to some of these countries and see Australian products for sale, they are quite pricey. These countries are willing to do that because of our clean, green and fresh image. It is very important we retain that and it is good we are able to achieve that, as we are.

There are firms like Bellamy's that traded on the Tasmania brand and the Tasmanian product albeit, as I understand it, not all of the product in their product came from this state, but still, that is what they traded on: the Tasmanian brand. I think it assisted them in the market they have in China for their baby formula.

It is important we retain it. It is a great brand. We are well known for it. I will support the bill.

[3.48 p.m.]

Ms ARMITAGE (Launceston) - Mr President, I thank the Leader for the briefing last night. It was at a late hour but it was still very useful to have the briefing.

I also commend the Brand Tasmania Council and all those who have acted on the board in an honorary capacity for quite some time and for the work they did prior to this new bill for Brand Tasmania.

I certainly agree with the Leader that our brand is one of our state's greatest assets and we must ensure we have a contemporary and best practice approach to managing, developing, promoting and protecting our brand. As mentioned by other members, there is not much that is as important as our brand. If we lose our brand, people will not see Tasmania as the great place it is. You hear all the time about our clean, green image and how wonderful Tasmania is. From the recent committee we had on blueberry rust, we know the concern, particularly of the organic blueberry growers, for their overseas and interstate markets. There was also concern with the fruit fly infestation and how, all of a sudden, what it could do to our brand and how Tasmania could be looked at differently. We have spoken to people from overseas, particularly from areas like China and Japan. I recall - I am not sure if the member for Windermere might have been involved - the honourable Don Wing brought in a chap from Japan and introduced him to us; he was looking for product from Tasmania. I remember him ringing me and saying that he did not want just some cherries, he wanted 60 tons. It is quite amazing once people see the brand and the product we have - all of a sudden, they want it for their own -

Mrs Hiscutt - I can only handle about a kilo.

Ms ARMITAGE - It is such a great product, and so sought after in these other countries.

Much has already been said about the need for the board and the statutory authority we are considering. I am pleased we will be able to scrutinise it at Estimates next year but obviously being its first year, it will have the excuse that it is only just up and running. Often in the first year of government we hear this.

Mrs Hiscutt - They will have a budget, though.

Ms ARMITAGE - They will have a budget. I recall from last night that the Brand Tasmania Council was given \$400 000. I had an idea the member for Rosevears might have said \$600 000.

It is quite a large board and worthy of note considering the Government is looking to shave down and become a leaner organisation. It is always interesting when they start a new authority with a CEO and staff - the \$400 000 will probably not even pay for the CEO and the staff let alone the board and the board payments. I will be interested to find out the board payments, considering the last board worked very well in an honorary capacity. I appreciate that a board such as this does require probably more work and to attract people, we will need to pay reasonable fees.

As mentioned by other members, I have concerns when I look at government boards and government-owned boards and business enterprises at the disparity when it comes to where the board members are located. We have skills right across the state. I hope it is advertised widely and not seen as a Hobart-centric board or filled with members from the mainland, as has been the case in the past. On other boards, there were probably three times as many interstate members as there were from the north and north-west, which is concerning. I hope the Government has taken note that Tasmania is one state and we have a north and north-west. Everything does not revolve around the south - while we might think it sometimes does, we have some intelligent people in other areas who I would really like to see on the board. It is important they know these boards exist.

Mr Farrell - I think most of them come to Hobart.

Ms ARMITAGE - You are quite right, they come to Hobart for meetings because that is where the meetings are held. I have had that argument raised before: even if you are a northern member on a board, all of a sudden a board meeting is at 5.30 on a Thursday night and people who work have difficulty in getting to these board meetings. That is something that needs to be looked at - board meetings need to be rotated around the state, as many organisations do.

As for gender, and I note the 50:50, I do not like that particularly because there might not be that balance of male and female. I have always preferred that you obtain a position on merit, and not because you are a token female. I am not so keen on having 50 per cent female, 50 per cent male. I like the right person for the job. You would hope that there is some balance, but if there is not, it just happens to be the way it is.

Ms Forrest - You could have more women there.

Ms ARMITAGE - That is a possibility, too. You might have more women, but it should be the right person for the job and not just a person because they think we need so many women or so many men, so we will take these even though someone might be better but not of the right gender. I think that is inappropriate and I would never condone that.

As has been mentioned, tourism and the brand are extremely important to Tasmania. They are our primary areas. The member for McIntyre mentioned where the council might be located. I

think the Coordinator-General has a rather large office in Launceston. It might be nice for the north of the state to look at where this could be relocated.

Ms Forrest - But he is there.

Ms ARMITAGE - I know, but that is where this could be relocated to. He is up there, but I was thinking he has rather a large office -

Ms Forrest - The physical space is large or the number of staff?

Ms ARMITAGE - No, the physical space. I am sure they could make room for the Brand Tasmania statutory body. That was my thought. If you do not ask, member for Murchison, you do not get, so it is certainly worth putting on the record.

I was also pleased to hear last night in briefings that there will be key performance indicators, and we are assured there will be a return for the investment. I agree with the member for Rosevears that the CEO is the linchpin in this, a key person, the person who needs to carry out the wishes of the board and ensure the organisation runs smoothly. It will be interesting to see who attains that position. I note it is for a five-year period. Perhaps the Leader, as asked by the member for McIntyre, could advise whether, at the end of that five-year period, there is an option for them to be reappointed for a further five-year period if they are doing a really good job.

As the member for Windemere would recall, often in the police force they have this turnover where someone is doing a really good job, but their term is up and they do not renew it. It is important that if someone is doing well and continuing on, all of a sudden - and it has happened in other private enterprises as well - they say, 'It is really sad, but I have to move on because I have served my time'. They are just getting into the area where they could be proceeding and doing some very good work. It would be interesting to know if they can renew, roll over for another five years or what the limit might be.

Mrs Hiscutt - You mean roll over once they have done their 3+3+3?

Ms ARMITAGE - I am talking about the CEO. I believe the CEO has a five-year contract; can they renew it for another five years?

Mrs Hiscutt - Yes, they can, to answer that question here and now.

Ms ARMITAGE - That is very good, thank you. I will support the bill.

[3.58 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have some quite lengthy answers to questions, members, and I hope they will tick off all your concerns.

The first one is from the member for Rosevears. As the major funder of the BTC - Brand Tasmania Council - for almost two decades, the Government has a very keen interest in how the public contributions to the BTC have been spent. Through our brand audit completed in early 2017, it was clear that a more contemporary governance structure would provide opportunities for more structured and transparent funding and accountability, and would better drive collaboration across a broader range of stakeholders that use and interact with the brand.

The member for McIntyre - yes, there are numerous other governance structures that the BTC could transit to, such as GBEs or SOCs or into a department, but as an organisation that had operated with a large degree of independence, it did not feel appropriate to simply bring the BTC into a government department. Establishing a statutory authority that sits as its own agency within the State Service allows the BTC to transition to a contemporary governance structure with a large degree of independence, yet with the accountability and transparency provisions we expect to apply to modern publicly funded organisations.

This approach is part of the evolution of our brand place. Enshrining the objectives, functions and the strategic planning and reporting requirements of the authority in legislation will help ensure the authority can operate with independence by requiring parliament to support any changes to these key provisions. While the minister can issue a statement of expectations or ministerial directions, these must still be consistent with the authority's objectives and functions.

The member for Rosevears also talked about costs. The Government already spends money on our place brand and effort. Establishing this authority will mean our efforts are more coordinated and, importantly, evaluated to ensure we are getting the best outcome for Tasmania. The BTC has been funded through a \$400 000 per annum grant deed through the Department of State Growth. In-kind support for two FTE State Service employees has also been provided to the BTC, along with corporate services support.

We have always said that the new authority will receive increased funding and staff but importantly the authority will also have expanded functions and responsibilities to manage the place brand across a broader range of partners and stakeholders, including the community and government agencies. It will have increased accountability through parliament and the budget Estimates process.

Should the bill be passed, the new authority will have an interim budget for appointments to the board, the CEO and a skeleton support team to carry out work for the remainder of this financial year. A 2019-20 budget will be allocated to the authority and be largely driven by the strategic plan developed by the board. The authority will participate in the usual budget process and cycle to receive its appropriation.

The member for McIntyre commented about the increased staff and funding. We have always said that the new authority will have increased staff and funding. It will also have expanded functions. This change will provide for strengthened governance systems, more structured and transparent funding and accountability, and more resources. Funding surety and permanent staff are the ongoing sustainability of our brand efforts. They will ensure that the authority is independent and operating in line with contemporary best practice approaches.

The member for Launceston asked the last question. The key objective of the authority and the board is to ensure that the Tasmanian brand is nurtured, enhanced and promoted as a key asset to the Tasmanian community. The Tasmanian brand must be of relevance to, and representative of, Tasmania and Tasmanians. Clearly, the role of the board is to ensure that a whole-of-state view is taken to achieve the objectives and functions of the authority. The board will not be successful or, indeed, comply with its responsibilities under the act if it takes a narrow regional view of our brand, or if that is reflective in the make-up of the board.

The Government knows that there are many skilled and experienced Tasmanians living in our state who would be able to make a significant contribution to the work of the board. We know that

trade is a benefactor of a strong brand and is one of the skills identified in the board. Excluding minerals and metals, our top exports are seafood, meat, dairy, paper and paper products, and fruit and vegetables. There is obviously a strong regional representation across these trade categories. We encourage all Tasmanians who have the skills, interest and energy to make a contribution to the board to apply when the expressions of interest open.

Honourable members, please use your connections to let individuals in your electorates know about this opportunity. The Government will let honourable members know when the EOI process is open, but do have conversations about these opportunities.

Ms Armitage - Send us the details.

Mrs HISCUTT - Member for Launceston, we will send you the detail when it opens, if you expand it in your networks.

Ms Armitage - Advertise it in the three regional papers.

Mrs HISCUTT - It will go through the usual process, plus we will let you know.

Bill read the second time.

BRAND TASMANIA BILL 2018 (No. 46)

In Committee

Clauses 1 to 9 agreed to.

**Clause 10 -
Board**

Ms FORREST - Madam Deputy Chair, I move -

First amendment

That clause 10(1)(c) be amended by leaving out the paragraph, inserting instead the following paragraph:

- (c) one person who is nominated by Tourism Tasmania;

I spoke to this during my second reading speech, but I reiterate the point that this board has an important role. It has a great degree of important functions, as outlined in clause 8 of the bill. Clause 10(3) sets out the skill set required for the board to have, and they are entirely appropriate. There is one omission that I will deal with at a later time. It is important to have a skills-based board with the necessary skills to promote, protect, to identify risks and to work together to enhance and promote our brand as well as to seek to protect it and to promote it throughout Australia and also around the world.

In discussions with a number of people, including the eminent gentleman in our midst, about the structure and make-up of a board, there is a strong view it should be made up of people who are

not necessarily state public servants. This the way the bill is drafted - it requires you have the Secretary of the Department of Premier and Cabinet or his or her delegate. This is fine and I do not have any issue with that. They are there in an ex officio role which perhaps the Leader may confirm after we deal with the amendment. It is not relevant to this amendment. I can use another call to deal with that.

A senior bureaucrat is already on the board and the position could be rolled through if you want to incorporate other senior public servants under this clause.

Originally, when the bill was presented in another place, it was two state public servants, which made it potentially three out of 11 members. That is a very highly bureaucratised board. I still have a firm view on talking to others involved in terms of good governance and particularly on a skills-based board, that one public servant is enough. They are not excluded by this amendment. It does not mean they cannot be appointed, but this says they have to be.

I am not saying you do not have State Service officers with some of these skills. I am sure they have. You would hope they would have some of them. Public sector administration could be one, so they would definitely have some of the skills required. That is not what I am saying. I am saying the opportunity needs to be there for the board to be made up of people from outside the public service who have all the skills they possibly can. No one person is going to have all these skills in a fit, but to actually cover all those areas.

Later the bill talks about the opportunity to have a committee that might focus on a particular issue or matter the board is looking at. I urge members to think about what industry is telling me, what Brand Tasmania people are telling me and what people who operate in this space are telling me. When people from the cherry industry contacted me, I discussed biosecurity with them. They felt the same way, as did other people who work in other aspects of promoting Tasmania.

If the amendment is supported, it would require a subsequent amendment, in my view. Unless you want to keep the board a bit smaller, it requires an amendment to paragraph (d) to keep the numbers the same so you could potentially have 11 members.

I move that amendment and seek the support of members.

Mrs HISCUTT - The Government will not oppose this amendment. The Government notes the arguments put forward by the member for Murchison regarding this amendment. The change proposed through this amendment is not the Government's preference; however, in the spirit of collateralised legislation the Government will not be opposing it.

Government is a very important stakeholder in our place branding efforts along with business, industry and the non-government sector, and it is important for government to be represented around the board table. Government naturally plays a key role in policy development, implementation and evaluation. Having adequate government representation is important in ensuring good policies are developed to support the authority and, more broadly, across the public sector.

The authority needs to have a cross-sectoral, cross-industry focus. This includes a broader public sector perspective. This was the rationale for the inclusion of three State Service officers on the board in the original version of the bill.

Mr VALENTINE - Madam Deputy Chair, I have thought about this and I agree with it.

Amendment agreed to.

Ms FORREST - Madam Deputy Chair, I move -

Second amendment

That clause 10(1)(d) be amended after 'less than', by leaving out '5, and not more than 7', and inserting instead '6, and not more than 8'.

Mrs HISCUTT - The Government will not be opposing this amendment.

Amendment agreed to

Ms FORREST - Madam Deputy Chair, I move -

Third amendment

That clause 10(3)(e) be amended by inserting after 'heritage Conservation,', 'biosecurity,'.

I mentioned my reasoning for this in my contribution to the second reading debate. Identifying biosecurity is a key issue for the state. Other members mentioned blueberries, particularly organic blueberries, but blueberries generally. Anything can threaten a crop. I think having someone on the board with skills in that area would be a benefit. It fits with these areas of natural resource management, to an extent, but I do not believe it is inclusive in that title. Heritage conservation is different from biosecurity; environmental conservation is different from biosecurity; and natural resource management is similar but not the same. Including 'biosecurity' makes it clear that this is a skill set that is valued and important in maintaining and protecting our brand.

Mrs HISCUTT - The Government notes the rationale behind this amendment put forward by the member for Murchison. A similar amendment was moved and accepted in the House of Assembly. The Government believes the inclusion of biosecurity would fit well into the skills mix included in the earlier amendment. The Government will support the amendment.

Amendment agreed to.

Ms FORREST - I asked about this in the briefing last night. It goes to the fact the Secretary of the Department of Premier and Cabinet 'or his or her delegate' is appointed to the board, or is a member of the board. The way it reads is, 'these are the following members'. I was concerned that when you have the requirements for the terms of office, which is later in the bill, there is the potential for 3+3+3. Sometimes you have very fine and long-serving secretaries of the Department of Premier and Cabinet and if they were there for 10 years, or coming into their tenth year, this could disqualify them. I understand there is a good explanation, but it did not quite come to the front of mind last night.

Mrs HISCUTT - The answer is, first, that the provisions of the bill state the secretary of DPAC, or his or her delegate, is to be a member of the board - that is, under clause 10(1)(b), the secretary of DPAC or their delegate is an ex officio member of the board, and their membership of the board is by virtue of their position as the secretary of DPAC. The secretary is therefore not appointed to the board under clause 10.

Second, appointment to the board only applies to the individuals referred to in clause 10(1)(a),(c) and (d). The term of office requirement set out in Schedule 1, clause (2) does not apply to the secretary, because the secretary is not appointed.

Clause 10, as amended, agreed to.

Clauses 12 to 30 agreed to and bill taken through the remainder of the Committee stage.

BRAND TASMANIA BILL 2018 (No. 46)

Suspension of Standing Order 280

[4.19 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) (by leave) - Mr President, I move -

That standing order 280 be suspended in respect of this bill to enable the bill as amended in Committee to be now taken into consideration.

I would like to give my reasons for seeking to suspend Standing Orders. The establishment of a new authority is a deliverable under the Government's agenda in the first quarter of 2019. The current council - the Brand Tasmania Council - is also working to and supportive of this time line.

To recruit the board and CEO by the end of March 2019, the bill needs to be passed through parliament this year. Establishment by March will also enable the new authority to be part of the 2019 Budget process. I hope that all other members will support this motion.

[4.20 p.m.]

Ms FORREST (Murchison) - Mr President, I thank the Leader for providing that explanation; it does put some context around it. That is a very important thing to do, particularly when we are suspending Standing Orders for bills we have not had long on our Table, so I thank you. I understand that was not evident during the debate as such, but it clearly outlines it. Members of Government Administration Committee B will be pleased to know it will be established and ready for scrutiny at Estimates. I will, on this occasion, support the suspension of Standing Orders.

Standing order suspended.

BRAND TASMANIA BILL 2018 (No. 46)

Consideration of Amendments made in the Committee of the Whole Council

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

That the bill as amended in Committee of the Whole Council be now taken into consideration.

Amendments agreed to.

Bill read the third time.

**LAND USE PLANNING AND APPROVALS AMENDMENT (TASMANIAN
PLANNING POLICIES AND MISCELLANEOUS AMENDMENTS) BILL 2018 (No. 48)**

Second Reading

[4.22 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council - 2R) -
Mr President, I move -

That the bill be now read the second time.

This bill makes a number of amendments to the Land Use Planning and Approvals Act 1993 to establish a mechanism to make and amend a suite of Tasmanian planning policies, which will provide strategic direction on matters of state interest within Tasmania's Resource Management and Planning System, which is also known as the RMPS.

The bill also makes a number of administrative changes to the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Commission Act 1997 to streamline the Local Provisions Schedules assessment process, improve the functionality of these two acts, and further align the two acts with the Government's current planning reform agenda.

Local planning authorities are currently preparing their Local Provisions Schedules, which will determine how and where the State Planning Provisions - which were 'made' on 22 February 2017 - apply in each municipal area. They will contain the zone maps and overlay maps for each municipal area along with a description of places where the statewide codes apply. The administrative amendments included in this bill will speed up the delivery of the Tasmanian Planning Scheme at the local level.

The provisions of the bill that relate to the making of the Tasmanian Planning Policies were released on 10 April 2017 for a five-week period of targeted stakeholder consultation, and then publicly released on 24 April 2017 for a three-week period of general community consultation.

The provisions of the bill that relate to the administrative changes to the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Commission Act 1997 were released on 7 September 2018 for a three-week period of targeted stakeholder consultation.

The Tasmanian Planning Policies

The development of new Tasmanian Planning Policies will provide the overarching direction to Tasmania's land use planning system to support Tasmania's sustainable economic growth, protect the values that make Tasmania unique and plan for the future needs of the Tasmanian community. This will be the first time that Tasmania's planning system has the high-level, integrated vision and direction it needs.

Along with the Tasmanian Planning Scheme, Tasmanian Planning Policies are another first for this Government and Tasmania. They will fill a long-awaited and critical gap in Tasmania's Resource Management and Planning System.

The new policies will cover a range of planning matters including, but not limited to, economic development, key resources, settlement and liveable communities, transport and infrastructure, cultural heritage, natural assets, hazards and risks.

They will draw on existing policies and strategic plans, expert advice and statewide consultation and will be assessed by the independent Tasmanian Planning Commission with a public exhibition and submissions process before being finalised by the Government.

The bill requires the Tasmanian Planning Policies to further the RMPS and planning process objectives set out in the Land Use Planning and Approvals Act through the promotion of sustainable development, sound strategic planning, and social and economic wellbeing, and the protection of Tasmania's natural environment and heritage values.

The new policies will not contain rules or criteria that apply 'directly' to the determination of individual permit applications or related matters that are routinely considered and determined by planning authorities and other bodies under the Tasmanian Planning Scheme.

Rather, they will inform and guide Tasmania's land use planning system in an overarching context and be given effect through either the Regional Land Use Strategies, the State Planning Provisions or the Local Provisions Schedules that are currently being prepared by local planning authorities.

Each Tasmanian Planning Policy will specify the manner in which it will apply to the planning system.

The policies will take an integrated approach to planning for well-designed settlements and liveable communities that encourage economic growth and social wellbeing, and ensure they are supported by the effective provision of infrastructure.

An integrated approach gets the balance right by ensuring the state grows sustainably whilst at the same time protecting our natural environment and heritage values, and by ensuring that environmental risks and natural hazards are appropriately managed and considered in land use planning and development assessments.

It should be noted that during the consultation process conducted last year on the draft Tasmanian Planning Policies legislation, a number of 'demonstration Policies' were released along with the draft legislation.

The issues covered in the 'demonstration Policies' dealt with a number of key matters and fundamental planning principles derived from the Part 1 and Part 2 objectives set out in Schedule 1 of the Land Use Planning and Approvals Act. The strategic issues broadly covered in the 'demonstration Policies' have been missing from our land use planning system for a long time.

Importantly, when developed, the new Tasmanian Planning Policies will specifically further the Part 2 objective that seeks to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the future development and protection of land. The creation of the policies that will then follow will further the other objectives set out in Schedule 1 of LUPAA.

Madam DEPUTY PRESIDENT - Order. We do not have a quorum in the Council. Ring the bells.

Quorum formed.

These 'demonstration Policies' were included in the consultation package to broadly show the types of policies that might be developed in the future and what form these policies could take.

While these 'demonstration Policies' provide a starting point for developing the new Tasmanian Planning Policies, there is no intention of introducing the 'demonstration Policies' as currently drafted into the statutory assessment process established under this bill.

In developing the new draft Tasmanian Planning Policies, the Government intends to draw on existing policies and strategic plans, as well as the wealth of knowledge and expertise that resides within the Government, specialist organisations, community groups and the broader community.

While it is not explicitly detailed in the bill, the Government intends to consult widely on draft Tasmanian Planning Policies before they enter the Tasmanian Planning Commission's formal statutory consultation and reporting processes covered within the bill.

The minister will also consult with the Tasmanian Planning Commission, planning authorities, and relevant state agencies and authorities when developing the draft Tasmanian Planning Policies. The Government intends to commence preparation of the draft Tasmanian Planning Policies shortly after the mechanism included in this bill is established.

The bill amends the Land Use Planning and Approvals Act 1993 by -

- establishing a mechanism to create the Tasmanian Planning Policies
- ensuring that the Tasmanian Planning Policies further the Part 1 and Part 2 objectives set out in Schedule 1 of the Land Use Planning and Approvals Act and are consistent with the three existing 'state policies'.

There are currently three state policies operating in Tasmania:

- the State Policy on the Protection of Agricultural Land 2009 (referred to as the PAL policy)
- the State Coastal Policy 1996
- the State Policy on Water Quality Management 1997.

The Tasmanian Planning Policies will sit beneath these state policies in the hierarchy of statutory instruments relating to the Resource Management and Planning System.

There are also three regional land use strategies in Tasmania -

- the Cradle Coast Regional Land Use Planning Framework in the north-west of Tasmania
- the Northern Tasmania Regional Land Use Strategy

- the Southern Tasmania Regional Land Use Strategy.

The bill requires -

- that the three regional land use strategies will align with the Tasmanian Planning Policies
- that planning controls - both in the State Planning Provisions and the Local Provisions Schedules, which together form the Tasmanian Planning Scheme - are also consistent with the Tasmanian Planning Policies.

The bill also introduces a new Part 2A to the Land Use Planning and Approvals Act, which makes provisions for -

- the content, preparation and public exhibition of draft Tasmanian Planning Policies
- the transparent assessment of draft policies by the Tasmanian Planning Commission - which includes public exhibition of the draft policies, the consideration of representations, and the framework for the commission's report on the acceptability of the draft policies
- the 'making' and amending of the policies
- arrangements for their regular review.

These processes make provision for the Planning minister to prepare draft Tasmanian Planning Policies and then to request that the Tasmanian Planning Commission exhibit the draft policies for 60 days. Anyone can make a representation to the commission on the draft policies or any subsequent amendments to the policies either in writing, in an email, orally or in any other form.

After considering all representations, the commission will provide a report to the Minister for Planning.

The Tasmanian Planning Commission may hold hearings in relation to representations on the draft Tasmanian Planning Policies, or in relation to any subsequent amendments to the policies, as part of its reporting processes in accordance with its powers under the Tasmanian Planning Commission Act.

While this was not originally explicitly outlined in the initial bill, amendments in the House of Assembly clarified the ability for the commission to hold hearings. As I have outlined, after considering all the representations, the Tasmanian Planning Commission must provide a report to the Minister for Planning in relation to the draft policies. This report must -

- address the issues raised in the written representations
- assess the draft policies against the 'TPP criteria' that are set out in the bill - which includes needing to further the RMPS objectives set out in Schedule 1 and being consistent with the state policies

- consider whether there are any matters of a technical nature in relation to the application of the policies to the Tasmanian Planning Scheme or each regional land use strategy.

Analogous to the existing process for making the State Planning Provisions, the minister must publish reasons for any modifications to the policies from the advertised drafts. Additionally, although not required by the bill, the Tasmanian Planning Commission's report would typically be published regardless of whether or not the draft policies have been modified from the draft that was advertised.

Importantly, if the minister does not direct the Tasmanian Planning Commission to undertake public exhibition of the draft of the Tasmanian Planning Policies, the process of making the policies effectively stops. There is no power for the minister to make the policies without directing the commission to undertake public exhibition and report on their assessment of the policies. It is important to note that a number of minor amendments to the bill were made in the other place and are now reflected in the draft bill before the Legislative Council. These amendments provide a clarification around certain aspects of the process for making Tasmanian Planning Policies, making it clear that the commission may hold hearings with respect to representations made and introducing a review period of five years when the policies are to be reviewed.

The amendments also introduce an additional step where, if the minister proposed to substantially modify the policies after they have been through a public exhibition and reporting process, then the substantially modified policies, or substantial amendments to the policy, must be re-exhibited and assessed anew. Although small refinements, the amendments to the bill in the House of Assembly provide necessary clarity around the process for making the amendments and policies.

Administrative changes to the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Commission Act 1997

Madam Deputy President, the bill also makes legislative changes to the Land Use Planning and Approvals Act and the Tasmanian Planning Commission Act - which are generally administrative in nature.

The legislative changes to the Land Use Planning and Approvals Act will ensure that the minister will not declare a regional land use strategy unless it

- furthers the Part 1 and Part 2 objectives set out in Schedule 1 of the Land Use Planning and Approvals Act
- is consistent with each state policy
- is consistent with the Tasmanian Planning Policies.

The minister will also be required to review all regional land use strategies as soon as practicable after making the Tasmanian Planning Policies, or any subsequent amendments to the policies, to determine whether the strategies are consistent with the policies, or an amendment to the policies.

The legislative changes to the Land Use Planning and Approvals Act will also accelerate the assessment of the Local Provisions Schedules that are being prepared by local planning authorities.

The legislative changes will -

- streamline the Local Provisions Schedules assessment process by providing mechanisms that will allow planning authorities and the Tasmanian Planning Commission to determine more quickly if a draft Local Provisions Schedule meets the 'LPS criteria'
- provide the Tasmanian Planning Commission with the ability to issue an 'LPS criteria outstanding issues notice' to expedite the public exhibition of a draft Local Provisions Schedule, as long as the matters are addressed later
- remove any unnecessary administrative steps in the draft Local Provisions Schedules assessment process that will allow the Tasmanian Planning Commission to place a draft Local Provisions Schedule on public exhibition more efficiently
- provide for the efficient alignment of the State Planning Provisions within the final planning directive that has been approved after the State Planning Provisions were 'made' on 22 February 2017
- ensure that 'relevant state agencies and authorities' are notified directly about proposed amendments to planning schemes before a draft amendment of a Local Provisions Schedule or a draft amendment of an existing planning scheme is publicly exhibited.

The legislative changes to the Tasmanian Planning Commission Act will also allow the Tasmanian Planning Commission to correct a decision made by the commission that contains a 'minor' clerical mistake or 'error' arising from an accidental slip or omission in a final decision. This means that -

- any correction of a 'minor' nature will be limited to only correcting the expression of a commission decision, and not the substance of that decision, prior to it coming into effect
- where a decision has taken effect and has altered the rights or obligations of a person, the commission will not be able to make a 'minor' correction of its final decision, if the effect of the correction of the decision would alter the rights or obligations of the person or another person.

This bill establishes the framework and processes for making a suite of strategic Tasmanian Planning Policies and for effectively embedding these policies within Tasmania's land use planning system.

The bill ensures that the Tasmanian Planning Policies will integrate effectively with other structural elements of Tasmania's land use planning system such as the regional land use strategies, the State Planning Provisions, and the Local Provisions Schedules.

This legislation and the subsequent establishment of the Tasmanian Planning Policies will deliver on the Government's commitment to develop a suite of policies that provide much-needed strategic vision and direction to inform land use planning and development.

The legislative changes to both the Land Use Planning and Approvals Act and the Tasmanian Planning Commission Act also deliver on the Government's commitment to introduce a Tasmanian Planning Scheme by -

- streamlining the assessment process for the Local Provisions Schedules
- improving the functionality of these two acts and the land use planning system in Tasmania.

Madam Deputy President, I commend this bill to the House.

Debate adjourned.

SUSPENSION OF SITTING

[4.42 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

That the sitting be suspended until the ringing of the division bells. This is for a meeting of members.

Sitting suspended from 4.42 p.m. to 6.43 p.m.

LAND USE PLANNING AND APPROVALS AMENDMENT (TASMANIAN PLANNING POLICIES AND MISCELLANEOUS AMENDMENTS) BILL 2018 (No. 48)

Second Reading

Resumed from above.

[6.43 p.m.]

Mr VALENTINE (Hobart) - Mr President, here we are again with amendments to the Land Use Planning and Approvals Act.

Planning in this state has a heck of a lot of attention and not always in the way people want. Anytime planning amendments are going on, we have people coming to us saying this is not right or that is not right.

In this particular circumstance I have certainly had some feedback and, interestingly, some people are happy with this. However, the difficulty is that there is something missing in the planning scheme. Basically, that is state policies.

In our briefings some of members may have received a diagram from Planning Matters Alliance, which has an interest in planning in the state. They represent a significant number of groups, around the 50 or 60 mark. I imagine, if you added up all the people involved, it would be significant indeed.

Their concerns are that we have a system that delivers for the people of Tasmania as opposed to just being a one-sided debate. We heard from them this morning. It was interesting to hear them say they agree with the bringing in of these Tasmanian Planning Policies. Indeed, it is a component of the whole structure. It is an instrument within the Resource Management and Planning System.

I received a comment on this from Mr Rob Nolan. He said I could read out his comments in relation to what is before us today. I should first thank the Leader for providing the opportunity for briefings. It is important we get the right information when it comes to something as complex as the state planning system. It is not always well understood; I think your officers will tell you that.

Ms Forrest - That is an understatement.

Mr VALENTINE - That is right. I thank the Leader for that. I will read Mr Nolan's comments, which provide an interesting context. If there are people listening who feel it is not quite right, by all means, I am sure, Leader, you will inform me -

1. The amendment is to the *Land Use Planning and Approvals Act 1993* (LUPAA).
2. LUPAA is just one part of the Resource Management and Planning System (RMPS).
3. The structure of RMPS incorporates some 19 Acts plus other Acts that defer to the RMPS.

If we are talking about 19 acts, that is a significant number of acts -

4. The peak RMPS legislation is the *State Policies and Projects Act 1993* (SPPA) that provides for State Policies, Projects of State Significance and State of Environment Reporting.
5. The intent of State Policies is, in the final analysis, for Parliament to set the aspirational objectives and policies for the activities of the Crown (including Government agencies) and Councils.
6. State Policies can be self actuating as in a regulation with their own regime of penalties. But and preferably State Policies can set aspirational objectives to be given effect through all the mechanisms available to State Government and Councils, including through planning schemes.
7. Current State Policies concern the coast, agricultural land, water quality and national environmental protection measures (NEPMS). Apart from NEPMS only 3 State Policies have been through the full SPPA process -

that is, the State Policies and Projects Act process.

8. State Policies are generally viewed as being too difficult to introduce and too hard to remove once in place (eg the longevity of the State Coastal Policy despite dislike in many quarters).

I know that during my time in local government there was a great deal of comment about the state coastal policy. People thought that it was in play and that it controlled everything to do with our coasts and a kilometre inland, or whatever the boundaries are in regard to that policy, only to find out later that it had to be invoked in the planning scheme for the state policy to take effect. It had quite a long gestation to bring it in.

9. Unfortunately State Policies are the least understood and developed piece of the RMPS.
10. In this framework of planning and policy the current Bill seeks to add another level of policy ...

The Tasmanian planning policies - TPPs, as you will see in your paperwork -

... to an already complex LUPAA.

11. TPPs are to be framed only in the context of regional land use strategies and planning schemes, a more limiting framework compared to State Policies.

It deals with things at a lower, perhaps regional, level, if I am not mistaken. It informs the regional land use strategies. I will go back to Rob Nolan's statement -

11. TPPs are to be framed only in the context of regional land use strategies and planning schemes, a more limiting framework compared to State Policies.
12. In a legislative sense TPPs are not designed to replace State Policies, the SPPA remains intact. TPPs are clearly designed to be subservient to State Policies but in the absence of State Policies TPPs will be seen and become the substitute for State Policy.

This is his concern -

13. Currently we are confined to 3 State Policies to set the matters the State has said we have an interest, ie we have an interest in the coast, agricultural land and water quality. The State Planning Provisions for the Tasmanian Planning Scheme were made in a policy vacuum apart from these current State Policies.
14. The policy deficiency was evident in the TPC report on the State Planning Provisions where matters that were clearly the province of planning schemes were dismissed. In relation to the Heart Foundation's representation the TPC reported:

I will say what the Tasmanian Planning Commission said, according to Rob -

The Commission considers it difficult to make any modifications to the draft SPPs without a greater policy mandate to do so.

It recommends that the Minister give consideration to whether housing affordability is a matter that should be addressed in the planning system and if so, what actions are required to set the policy context, such as modifications to the objectives of the Act or planning policy direction relevant to the SPPs.

In point 15 he states -

Whilst the TPC referred to housing affordability in the Heart Foundation's representation it made no comment on important issues of streets (arguably the most important determinant for liveability), food security and urban agriculture that clearly have a land use context.

16. The need for TPPs only exists because of a failure to understand, develop an understanding and to pursue State Policies.
17. TPPs implementation being limited to regional land use strategies and planning schemes means many government and council activities will remain outside the land use permit process. In this think; the social determinants of health and the influence of the built environment on those social determinants, that are not subject to permits under planning schemes. It is unclear as to how the TPPs will set the aspirational objectives for the State and in the limited application of TPPs -

I think he means in the limited application -

of TPPs the Bill is crafted, presumably, with this intent.

18. The making of TPPs are at the whim of the Minister. This can be a positive for increasing the likelihood of a TPP being made. Whereas the more rigor of the SPPs and them being subject to disallowance through parliament means they have greater authority in setting out what we are trying to achieve in Tasmania.

He goes on to talk about the provisions in the bill -

19. The provisions of the Bill have not received close assessment.
20. On the face of it the provisions for making TPPs are clear except for how policy will be translated into regional land use strategies and the Tasmanian Planning Scheme.

His conclusion is a number of points here -

21. The Bill provides for statements of policy that have limited application when compared with State Policies.
22. It could be claimed that the Bill demonstrates a preference for legislation rather than working within the existing legislation.

23. The Bill will add another level of plan making albeit as statements of policy.

The last -

24. Nevertheless, the Bill involves the Minister at the policy level which should be supported compared to other and recent LUPAA amendments that have added to the Minister's involvement in the detail of planning ie through many amendments to LUPAA the State has adopted a ministerial planning model away from the former commissioner/commission model that was the intent for LUPAA under the RMPS.

Rob Nolan, a town planner, provided that.

I read that to give some context. His point is those concerns are still there and until the state policies exist, really other things are driving the planning system. These instruments being implemented have a significant place in the scheme of things. No-one is knocking the fact the Tasmanian planning policies are actually being implemented, but they are coming in before the state policies have been articulated and put into place.

My question after hearing the briefings this morning is: could the Leader repeat what the focus issues of the Government are with regard to the state policies?

This is an enabling bill and will allow a number of things to occur. It provides a mechanism for better planning in the long term, but until those state policies are in place driving it all, it is directionless. It is important the focus is there to drive the whole system.

That is my offering with regard to that bill. I will support it because it is largely supported in its intent and what it is achieving. As to its effect, that will remain to be seen with regard to how the state policies turn out or when they might happen.

[6.58 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have a couple of answers I can put to you.

What matters might be considered in Tasmanian planning policies? The Tasmanian planning policies will be developed and made after extensive community consultation. The TPPs will need to be consistent with state policies and the objectives set out in Part 1 and Part 2, set out in Schedule 1 of LUPAA. The TPPs will then inform the regional land use strategies and the content and scope of the state planning provisions, and the Local Provisions Schedules. I have a number of examples here and will touch on them briefly. If the member is happy, I can go through them in detail if you wish, but you might be happy -

Mr Valentine - It is actually the last question that is of interest, but repeating what the focus issues are going to be.

Mrs HISCUTT - For example, planning policies might include issues such as allocating suitable land for industrial, commercial and business developments. I can go into this more if you like. It could be things like protecting the state's agricultural land or important extractive industries, promoting a pattern of urban development, or enabling development of accessible, affordable and safe housing. It could be conserving, enhancing and protecting cultural and natural heritage. It could be risks associated with natural hazards, or supporting an efficient, accessible and safe transport system and ensuring a safe, reliable and affordable energy supply. The TPPs are different

in scope and influence to the state policies. They are not self-executing, do not directly override other parts of the land use planning system and must be consistent with state policies and the Part 1 and Part 2 objectives set out in schedule 1 of LUPAA.

Once prepared, the TPPs will only affect the land use planning system. The development of TPPs is consistent with Part 2 of the objectives that are set out in Schedule 1 of LUPAA and specifically 2(b), which is-

to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.

In this context the TPPs will inform the regional land use strategies and the content and scope of the SPPs and the LPSs. On this basis, the introduction of the TPPs in LUPAA is considered consistent and appropriate and the subordinate relationship of these policies to state policies is correctly calibrated.

Mr Valentine - Before the Leader takes her seat, are you able to say what the focus issues are going to be rather than could be? If you can't, just say that.

Mrs HISCUTT - No, I do not think we are in a position to put that down.

Mr Valentine - It would be good if the Government could let us know.

Mrs HISCUTT - I will seek further advice.

Ms Rattray - Mr President, while the Leader is on her feet, we received a very good document-

Ms Forrest - Which the member for Hobart read into *Hansard*.

Mr Valentine - I read that.

Ms Rattray - All of it?

Ms Forrest - Yes, that is why it took him so long.

Mrs HISCUTT - To continue, I have given the indicative ideas. That is what the Government will consult on with the community. This is the indicative ideas and that is what we will pursue.

Bill read the second time.

LAND USE PLANNING AND APPROVALS AMENDMENT (TASMANIAN PLANNING POLICIES AND MISCELLANEOUS AMENDMENTS) BILL 2018 (No. 48)

In Committee

Clause 1 -
Short title

Ms RATTRAY - Madam Chair, I seek your indulgence and that of the Chamber. I apologise - I had my mind in four other places and I missed the opportunity to make a contribution.

Madam CHAIR - Before you proceed, is there anywhere in the bill you could address these matters?

Ms RATTRAY - No, because I wanted to seek leave to incorporate a document because it is really useful. Planning is so complicated and continues to be. This frequently asked questions document - I just checked with the member for Hobart that that was not the document he read from.

Mr Valentine - No.

Ms RATTRAY - I seek leave to have this incorporated into the body of information provided because it is very important to have that clarity and that is the only way that it will be put in. I seek the indulgence of the Chamber and yours as well, Madam Chair, to have that done.

Leave granted.

Document incorporated as follows -

Frequently Asked Questions

Land Use Planning and Approvals Amendment (Tasmanian Planning Policies and Miscellaneous Amendments) Bill 2018

Consultation on the Amendment Bill

The Land Use Planning and Approvals Amendment (Tasmanian Planning Policies and Miscellaneous Amendments) Bill 2018 (Amendment Bill) has been subject to a range of consultations.

The legislative provisions of the Amendment Bill that relate to the making of the TPPs have been subject to both targeted and community consultation processes that closed in May 2017. The draft Land Use Planning and Approvals Amendment (Tasmanian Planning Policies) Bill 2017 (draft TPP Bill) was released on 10 April 2017 for a five-week period of targeted stakeholder consultation and publicly released on 24 April 2017 for a three-week period of general consultation. Thirty-four (34) submissions were received by the Department of Justice during the public consultation period.

The legislative provisions of the Amendment Bill that relate to the administrative changes to LUPAA and the TPC Act were subject to targeted stakeholder consultation that closed in September 2018. The draft Land Use Planning and Approvals (Miscellaneous Amendments) Bill 2018 (draft LUPA Miscellaneous Amendments Bill) was released on 7 September 2018 for a three-week period of targeted stakeholder consultation. Fifteen (15) submissions were received by the Department of Justice during the targeted consultation period.

The Amendment Bill combines the legislative amendments contained in the draft TPP Bill and the draft LUPA Miscellaneous Amendments Bill.

Environmental Defenders Office Tasmania 'EDO Bulletin', dated 24 October 2018, states the following:

The Land Use Planning Approvals Amendment (Tasmanian Planning Policies and Miscellaneous Amendments) Bill 2018 was introduced to the lower house on 18 October 2018 ... and that ... the Bill also proposes a number of changes to the process for making and approving Local Provisions Schedules, and would allow the SPPs to be modified to reflect final planning directives.

EDO Tasmania welcomes efforts to improve strategic direction and consistency in Tasmania's planning system, and hopes that a comprehensive suite of TPPs will be developed. You can read EDO Tasmania's submissions on the drafts which led to this Bill on our website.

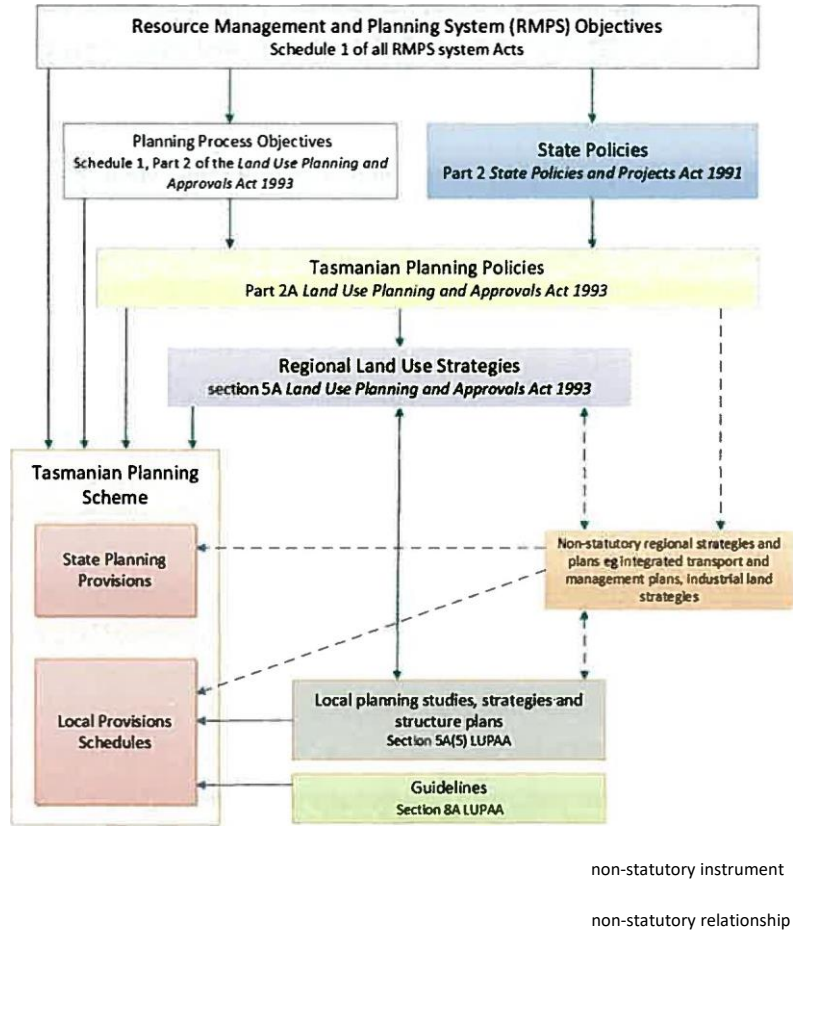
The Environmental Defenders Office Tasmania reiterated in its 'EDO Bulletin', dated 16 November 2018, that it welcomes efforts to improve strategic direction and consistency in Tasmania's planning system, and hopes that a comprehensive suite of TPPs will be developed.

Tasmanian Planning Policies (TPPs)

1 What are Tasmanian Planning Policies?

The Tasmanian Planning Policies (TPPs) are intended to be part of an integrated system of planning instruments contained in the **Land Use Planning and Approvals Act 1993** (LUPAA), which is a part of the Resource Management and Planning System (RMPS) -as illustrated in the diagram below.

Land use planning policy and strategy framework



These planning instruments include regional land use strategies at section 5A, the State Planning Provisions (SPPs) in Part 3 and the Local Provisions Schedules (LPSs) in Part 3A of LUPAA. The SPPs and the LPSs form part of the Tasmanian Planning Scheme.

The three regional land use strategies currently in effect are the:

1. Cradle Coast Regional Land Use Planning Framework
2. Northern Tasmania Regional Land Use Strategy
3. Southern Tasmania Regional Land Use Strategy

The TPPs are different in scope and influence to the State Policies. They are not self-executing, do not directly override other parts of the land use planning system, and must be consistent with State Policies and the Part 1 and Part 2 objectives that are set out in Schedule 1 of LUPAA.

Once prepared, the TPPs will only affect the land use planning system.

The development of TPPs is consistent with Part 2 of the objectives that are set out in Schedule 1 of LUPAA, and specifically 2(b):

... to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land ...

In this context, the TPPs will inform the regional land use strategies and the content and scope of the SPPs and LPSs.

On this basis, the introduction of the TPPs in LUPAA is considered consistent and appropriate, and the subordinate relationship of these policies to State Policies is correctly calibrated.

2. Why introduce TPPs rather than new State Policies?

State Policies (Tasmanian Sustainable Development Policies) are made under the **State Policies and Protects Act 1993** (SPP Act). The SPP Act is part of the suite of legislation in the RMPS.

The three State Policies currently in effect are as follows:

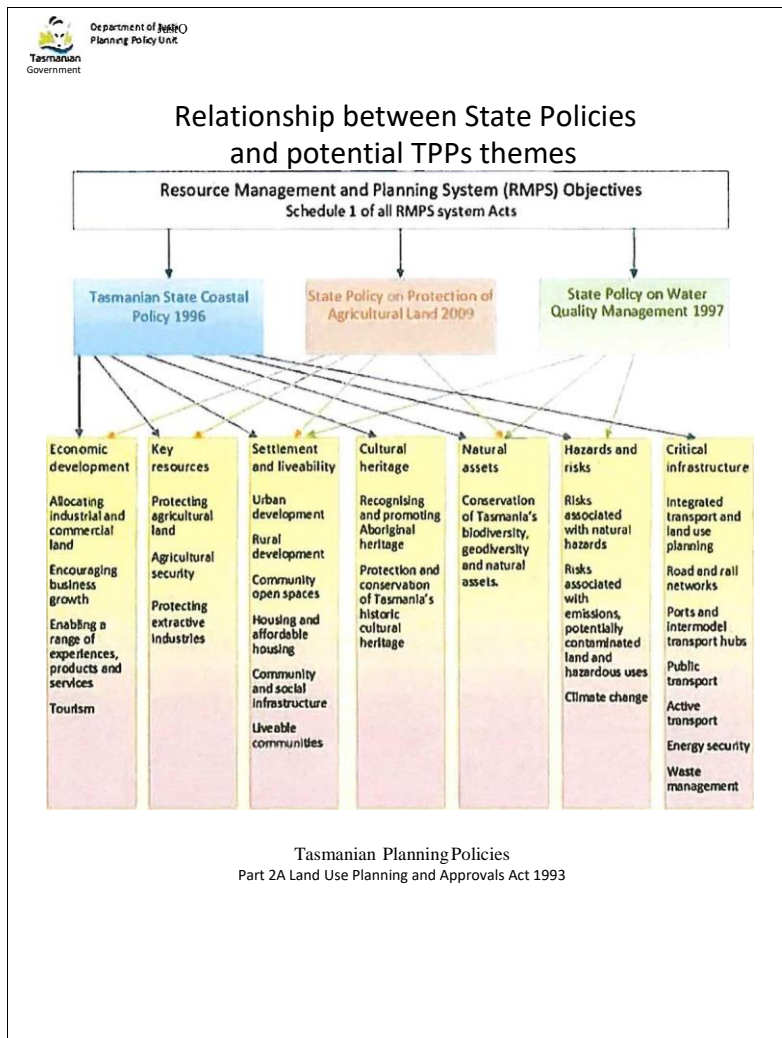
1. Tasmanian State Coastal Policy 1996
2. State Policy on Water Quality Management 1997
3. State Policy on Protection of Agricultural Land 2009

Under **section 12A of the SPP Act**, the National Environment Protection Measures (NEPMs) are also taken to be State Policies. Of the current seven NEPMs, the Assessment of Site Contamination NEPM is the most relevant to planning schemes.

State Policies have a whole of Government impact. They can be prepared on matters that go beyond the land use planning system and are framed to have broad affect. The nature of State Policies is that planning schemes must be consistent with them and the Commission has powers to ensure that this can occur. This is required to give effect to a State Policy and they are not subject to the public processes that a planning scheme amendment would normally follow.

The different public process to amend a planning scheme to align with a State Policy is an important distinction. This is because the TPPs are intended to be part of an integrated system of land use planning decisions and their implementation is dependent on the normal planning scheme amendment and approval processes for the mechanisms that will ultimately deliver the policies.

The TPPs are intended to be a subordinate level of policy to the State Policies made under the SPP Act - as illustrated in the diagram below, which shows how the State Policies might influence the provisions contained within the TPPs.



Section 7 at 12G(2) Responsibility for developing the content of the TPPs will sit with the Minister for Planning (i.e. the Minister responsible for administering LUPAA).

The TPPs are expressions of the Government's policy emphasis for land use planning in Tasmania within the scope of overarching State Policies and the objectives of the RMPS.

Therefore, given that the TPPs are the Government's policy positions, the Government has the responsibility to determine the content of the TPPs - whilst, importantly - taking into account the community's feedback and the advice of the Commission.

The TPPs will fill a critical gap in Tasmania's land use planning system, helping to shape what we want Tasmania to look like into the future.

3. What is the scope of the TPPs - do they apply to individual developments?

Section 7 at 12B(2) The TPPs will set out the aims or the principles that are to be achieved or to be applied by the Tasmanian land use planning system and regional land use strategies.

The TPPs will not apply directly to the determination of individual development applications (DAs) and related matters that are dealt with by planning authorities and other bodies. Rather, they will inform the land use planning system in Tasmania and have effect through either

regional land use strategies, the SPPs or the LPSs. Each TPP may specify the manner in which it will apply to the planning system.

The Amendment Bill ensures that any TPPs that are prepared are consistent with State Policies and further the Part 1 and Part 2 objectives set out in Schedule 1 of LUPAA.

When the TPPs are prepared, the Amendment Bill specifies that they may relate to the following:

- the sustainable use, development, protection or conservation of land;
- environmental protection
- liveability, health and wellbeing of the community; and
- any other matter that may be included in a planning scheme or a regional land use strategy.

The TPPs will inform the development or review of the planning controls set out in the SPPs, which apply to development applications. Examples of these planning controls include:

- the use standards in various zones, such as restrictions on potential contaminants to water and soil;
- the requirements of particular codes, such as attenuation distances relating to developments that may produce harmful emissions; and
- the application of zoning and overlays in LPSs that will provide for the implementation of regional land use strategies at the local level.

4. Will the Minister consult with the community when preparing the draft TPPs?

Yes. The Minister will draw upon the views and expertise of the community when preparing the draft of the TPPs. Although not explicitly detailed in the Amendment Bill, he or she is able to consult on any draft provision contained within the TPPs before it enters the Commission's formal statutory processes of consultation, assessment against the 'TPP criteria' and reporting.

Members of the community or other stakeholders could also approach the Government on a key issue and seek the establishment of a provision of the TPPs if there was a matter of importance to the community to be raised.

Public participation is also an important component in the statutory assessment of the draft of the TPPs when they are assessed by the Commission. The Amendment Bill provides for public exhibition, written representations, hearings, and independent consideration and reporting by the Commission.

5. How is the community involved in the assessment of the TPPs?

Section 7 at 12D The independent Commission is responsible for conducting the formal statutory processes of consultation, assessment against the 'TPP criteria' and reporting. This means that the Commission must conduct the public exhibition process and invite persons and bodies to make a representation (i.e. a submission) on the draft of the TPPs or a draft amendment of the TPPs.

There is no power for the Minister to make the TPPs without directing the Commission to undertake public exhibition.

Section 7 at 12E Anyone can make a representation. As soon as practicable after receiving a notice from the Minister in relation to a draft of the TPPs, the Commission must ensure that an exhibition notice in relation to the draft of the TPPs is published in a newspaper that circulates in Tasmania - inviting representations within the exhibition period.

The draft of the TPPs and any amendments of the TPPs will be made available for viewing at the Commission's offices and downloading on the Commission's website

A representation is the community's opportunity to comment about content and merit of a draft of the TPPs or a draft amendment of the TPPs.

Anyone can make a representation in writing, in an email, orally or in any other form

A representation can be in any form providing it is submitted to

- the premises specified in the publicly advertised exhibition notice (i.e. the offices of the Commission); or
- an electronic address specified in the publicly advertised exhibition notice.

Section 7 at 12F The Commission may also hold one or more hearings in relation to the representations received if it thinks fit.

Section 7 at 12F The Commission must also include a summary of the issues raised during the exhibition period in its report to the Minister.

6. What is the Council's role in the preparation of the TPPs?

Section 7 at 12C The role of local councils (acting as planning authorities) is to provide advice to the Minister when he or she is preparing a draft of the TPPs or a draft amendment of the TPPs.

Section 7 at 12D(5) As part of the formal consultation process, the Commission must also provide a copy of the draft of the TPPs or a draft amendment of the TPPs to each planning authority and invite them to make a representation.

Planning authorities can then make a representation on the contents or merits of the draft of the TPPs or a draft amendment of the provisions of the TPPs.

7. When will the TPPs be reviewed?

Section 7 at 12I The Minister must keep the TPPs under regular and periodic review.

At the end of every 5-year period after the TPPs are made, the Minister must also:

- conduct a review of the TPPs and the implementation of the TPPs, or

- by notice to the Commission, direct the Commission to conduct a review of the TPPs and the implementation of the TPPs and provide the Minister a report in relation to the review within the period specified in the notice.

The Minister must then table a report on the review in Parliament as soon as practicable.

8. Should there be processes that enable the immediate implementation of the TPPs into the SPPs and LPSs?

Section 5, section 7 at 12B(1) and (3), section 8, section 11, section 13

Under **section 30T of LUPAA**, the Minister is required to conduct a review of the SPPs at the end of a five year period (subsection 30T(1)) or by issuing a notice to the Commission at any time (subsection 30T(2)). The Amendment Bill provides for such a review to determine if the SPPs are consistent with the TPPs.

Although the Amendment Bill does not automatically trigger a review of the SPPs once the TPPs have been made, it would be anticipated that the Minister would seek to ensure those TPPs are integrated with the rest of the land use planning system as a matter of priority. A delay in reviewing the SPPs would frustrate what is clearly a Government policy direction.

The Amendment Bill specifies that the Minister is to conduct a review of the SPPs and the regional land use strategies as soon as practicable after the making of the TPPs, or an amendment of them, to determine what, if any, amendments to these are required.

If amendments are required then the process for draft amendments of the SPPs (Part 3 Division 2 of LUPAA) would apply.

Because the TPPs may be finalised while some of the current interim planning schemes are still in effect, the Savings and Transitional Provisions under Schedule 6 of LUPAA are also being amended to require any amendment to these planning schemes to also be consistent with the TPPs.

Ms RATTRAY - Thank you, Madam Chair. This is such a valuable document when it comes to planning; it is well set out and has a matrix on how everything works. It will be very useful.

Clause 1 agreed to.

Clauses 2 to 30 agreed to and bill taken through the remainder of the Committee stage.

LAND USE PLANNING AND APPROVALS AMENDMENT (TASMANIAN PLANNING POLICIES AND MISCELLANEOUS AMENDMENTS) BILL 2018 (No. 48)

Suspension of Standing Order 279

[7.07 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council)(by leave) - Mr President, I move -

That so much of standing order 279 be suspended to enable the bill to be now read for the third time.

The Government has implemented an accreditation program with a specialised project team to work alongside councils to accelerate delivery of the LPSs to the Tasmanian Planning Commission. The miscellaneous provisions of this bill provide flexibility and clarity that the TPC requires to speed up the LPSs entering their statutory assessment process and allow for the LPSs to be assessed expediently through the removal of unnecessary administrative steps.

Having that provision in this bill in place as soon as practical with allow the LPS acceleration program to be implemented and give the TPC the flexibility it requires to conduct their statutory assessments.

[7.09 p.m.]

Ms FORREST (Murchison) - Mr President, again I thank the Leader for her explanation for moving that motion. It does help. I will not oppose the third reading.

The bill was reasonably heavily amended in the other place and underwent a lot of scrutiny there as well, so I am confident this is a positive move. I will support the third reading on this occasion.

Standing order suspended.

Bill read the third time.

MOTION

Select Committee into AFL in Tasmania - Terms of Reference - Amendment

[7.10 p.m.]

Mr DEAN (Windermere) - Mr President, I move -

That the terms of reference for the recently established Select Committee into AFL in Tasmania be amended as follows -

By deleting term of reference No. 5 and by deleting term of reference No. 7 and inserting instead the following term of reference -

If Tasmania were to establish an AFL team, what would be the optimal time for it to commence.

Committee members came together today to talk briefly about this select committee. It was deemed in the best interests to make necessary amendments to the terms of reference.

Term of reference No. 5, one of the deleted terms, read -

The impact on the aspirations of Tasmanian youth in the knowledge they can only be drafted into mainland teams.

The committee was of the view that this was not a necessary term of reference to illicit the information and evidence we needed. There was some discussion, a unanimous decision and that term of reference was withdrawn. The issue was raised with me during my contribution on the motion. Because those terms were then set by a team of people, I thought it not appropriate at that time, but now this is a committee decision and is accepted.

Term of reference No. 7 has been amended; it originally read -

The optimal time for Tasmania to field an AFL team.

As the member for Mersey pointed out, that could be read that we already have the licence and all we have to do is look at a suitable time to enter into the league. The following amendment has been made simply to reflect the right position, so it reads -

If Tasmania were to establish an AFL team, what would be the optimal time for it to commence.

That is all I need to say. I ask the members support those changes.

Motion agreed.

TABLED PAPERS

Answers to Questions on Notice - Section 19 Return - June Quarter 2018

[7.13 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) (by leave) - Mr President, during debate on the section 19 return for the June quarter 2018, I undertook to provide answers to questions asked by the members for Windermere, Elwick and McIntyre. I now table those answers.

Papers tabled.

SUPREME COURT CIVIL PROCEDURE AMENDMENT BILL 2018 (No. 52)

First Reading

Bill received from the House of Assembly and read the first time.

MESSAGE FROM HOUSE OF ASSEMBLY

Mr PRESIDENT - The House of Assembly has agreed to the following Resolution communicated to it by the Legislative Council on 27 November 2018 -

Resolved:

With Reference to the Report No. 3 of the Joint Standing Committee on Integrity, the House of Assembly and the Legislative Council adopt a Code of Conduct for all Members of the Parliament of Tasmania in the following terms -

PREAMBLE

Members of Parliament recognise that their actions have an impact on the lives of all Tasmanian people. Fulfilling their obligations and discharging their duties responsibly requires a commitment to the highest ethical standards to maintain and strengthen the democratic traditions of the State and the integrity of its institutions.

Compliance with the law may not always be enough to guarantee an acceptable standard of conduct. Members must not only act lawfully, but also in a manner that will withstand close public scrutiny.

This Code sets out ethical standards and principles to assist Members in observing expected standards of conduct in public office and to act as a benchmark against which their conduct can be measured.

Neither the law nor this Code is designed to be exhaustive, and there may be instances where Members find it necessary to adopt more stringent norms of conduct in order to protect the public interest, and to enhance public confidence and trust. In making choices about conduct, Members should have regard to community values and standards.

Members should also, where possible, avoid giving unnecessary offence to groups in the community whose beliefs and views differ from those held by the Members or by groups the Member represents.

Members are expected to promote and support this Code by leadership and example.

STATEMENT OF VALUES

This Code is derived from the fundamental values of the institution of the Parliament in this State. By adopting and upholding this Code, all Members of Parliament share in and support these values.

As Members of Parliament, we value:

- the public interest and the fundamental objective of public office to act solely in terms of the public interest;
- the improvement of the economic and social conditions of all Tasmanian people, and our service to our fellow citizens to achieve this;
- the promotion of human, social and environmental welfare through the responsible execution of our official duties;
- integrity, honesty, accessibility, accountability, fairness, transparency, courtesy, respect and understanding, without harassment, victimisation or discrimination;
- respect for differences, equity and fairness in political dealings, with fellow Members of Parliament; and

- ethical political practices that support the democratic traditions of our State and its institutions, and the rejection of political corruption.

ETHICAL STANDARDS

Conflict of interest

A Member protects and upholds the public interest by taking all reasonable steps to avoid, disclose and manage any conflict of interest that arises, or is likely to arise, between their personal interests and their official duties.

A conflict of interest may be financial or non-financial and may be potential, actual or perceived.

A conflict of interest does not exist where the Member, their spouse or domestic partner, relative or associate is affected only as a member of the public or of a broad class of persons.

Each Member is individually responsible for avoiding and managing conflicts of interest.

Declaration of personal interests

A Member is personally responsible for full and accurate disclosure of their financial and other interests, in accordance with their obligations under the Parliamentary (Disclosure of Interests) Act 1996.

Use of public office

A Member makes proper use of their office to represent and serve the community, conducting themselves in ways that maintains the trust and confidence of the public.

A Member must not use their influence as a Member to improperly obtain appointment, promotion, advancement, transfer or any other advantage or benefit on behalf of themselves or other persons.

A Member must not appoint their spouse, domestic partner or relative to a position in their own office.

A Member must not receive or seek to receive any fee, payment, retainer or reward, nor permit any compensation to accrue to their beneficial interest, for or on account of, or as a result of, their position as a Member, other than compensation to which they are entitled as a Member of Parliament.

Use of official information

A Member makes appropriate use of official information strictly for the purpose of performing their role as a Member of Parliament in the best interests of the public.

A Member must take care to protect confidential and official information in their possession or knowledge.

A Member must not use official information which is not in the public domain, or information obtained in confidence in the course of their official duties or position, for the advantage or benefit of themselves or another person.

Use of public resources

A Member uses public resources and assets strictly for the purpose of performing their role as a Member of Parliament, and in accordance with any rules and guidelines regarding the use of those resources and assets.

A Member must not use public resources, or allow such resources to be used by others, for personal advantage or benefit.

A Member must be scrupulous in ensuring the legitimacy and accuracy of any claim they make on the public account.

Gifts and benefits

A Member must adhere to standards of transparency and accountability in relation to gifts or benefits, and carry out their duties as a Member of Parliament without being influenced by gifts or benefits.

A Member must not solicit, encourage or accept gifts, benefits or favours which may improperly influence the Member in the exercise of their duties, or may give the appearance of improper influence. Exceptions to this are incidental gifts or customary hospitality of nominal value.

A Member must declare gifts and benefits received, as required by the Parliamentary (Disclosure of Interests) Act 1996.

Accuracy of statements

A Member must only make statements in Parliament and in public that are, to the best of their knowledge, accurate and honest.

A Member must not mislead Parliament or the public in statements that they make.

Whether any misleading was intentional or unintentional, a Member is obliged to correct the Parliamentary record, or the public record, at the earliest opportunity in a manner that is appropriate to the circumstances.

Outside employment

A Member must manage employment outside of Parliament to ensure that any such employment does not interfere with their duties as a Member of Parliament.

A Member must not engage in any employment outside Parliament that involves a substantial commitment of time and effort to the extent that it interferes with their duties as a Member.

Upholding the principles of respect, justice and inclusion for all Tasmanians

Members agree to respect the religious and cultural beliefs of others, in accordance with the Universal Declaration of Human Rights.

Members agree to uphold the principles of justice and inclusion among our multicultural society, making efforts to generate understanding of all groups.

Members agree to recognise and value diversity as an integral part of Australia's social and economic future.

Members should promote reconciliation with Indigenous Australians.

Parliamentary conduct

A Member conducts themselves in Parliament in ways that will protect the public interest, and enhance public confidence and trust in Parliament.

A Member must observe proper standards of parliamentary conduct by complying with Standing Orders, and directions of the Presiding Officer.

A Member must take particular care to consider the rights and reputations of others before making use of the unique protection available under parliamentary privilege. This privilege should never be used recklessly or without due regard to accuracy.

and has filled up the blank with the words 'House of Assembly and the'.

BRAND TASMANIA BILL 2018 (No. 46)

RESIDENTIAL TENANCY AMENDMENT BILL 2018 (No. 32)

**BUILDING LEGISLATION (MISCELLANEOUS
AMENDMENTS) BILL 2018 (No. 27)**

BURIAL AND CREMATION AMENDMENT BILL 2018 (No. 56)

The House of Assembly advised that it agreed with the Council amendments

ADJOURNMENT

[7.16 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) -
Mr President, I move -

That at its rising the Council adjourn until 9.30 a.m. on Friday 15 March 2019.

Motion agreed to.

Justice and Related Legislation (Marriage Amendments) Bill 2018 (No. 47)

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, the Government sincerely thanks honourable members for their significant time and consideration on matters relating to the marriage bill that we are all talking about, particularly through the course of the week.

I am pleased to read into *Hansard* a letter provided to me by the Premier and the Attorney-General with regards to our commitment to the Legislative Council on the way forward with this bill.

It is addressed to the members of the Legislative Council. I seek leave to table the letter and have it incorporated into *Hansard*.

Leave granted.

Dear Legislative Councillors

The Government understands that there are a range of amendments Members are considering with regard to the Justice and Related Legislation (Marriage Amendments) Bill of 2018 (the Bill).

In keeping with the normal practice for Legislative Council Members, the Government will facilitate access for Members to provide instructions to the Office of Parliamentary Council (OPC) to draft amendments they may wish to move in relation to the bill.

The Government will provide a commitment to the Council that the Bill will be brought on when the Legislative Council resumes in March 2019.

We acknowledge the commitment to the Legislative Council to fully consider and seek to make sure that the best possible laws can be made and considered.

Mr President, I move -

That the Council does now adjourn.

I reserve my right to speak later.

Justice and Related Legislation (Marriage Amendments) Bill 2018 (No. 47)

[7.19 p.m.]

Ms FORREST (Murchison) - Mr President, I choose to use this lectern because the people to whom I want to speak are the people at the back of our Chamber.

Mr President, this has been a really difficult couple of weeks for all of us. But our frustrations, difficulties and challenges are nothing at all compared to the people we are seeking to assist. They are the people at the back of the Chamber, all the families and others they represent, who we have heard from in person, in briefings, and by letter, email, phone calls and other communications.

There has been an awful lot of misrepresentation of the intent and application of the bill we are now delaying for a period. I have spent hours on the phone clarifying those matters with constituents and I will continue to do so.

I appreciate the commitment from the Government that this bill be brought back on the first week we return. I can only say, God help them if they do not.

Mrs Hiscutt - If you are ready, we are ready.

Ms FORREST - Yes. I can be brought on and adjourned if amendments need further work. The commitment is to bring it on. Commitments are commitments, on the public record, and I can honestly say there will be no more trust if this one is breached. Trust has been significantly eroded during this period. I and others, and others will speak for themselves, acted in good faith to try to progress this bill through this parliament by the end of this year. It should have come earlier.

I want to convey to all those people who are really upset by this, and who I am sure will suffer as a result of this decision that has been made, that I care about them very much. I care about those children, and I want the parents to go home and tell them how much we care about their children. Our job here is to make the best possible laws we can, as the Leader said. It was identified during the process that there are some problems with the bill as it is presented, which do need to be fixed. I have spoken a number of times about the risks associated with rushing amendments, trying to fix it simply to finish the process.

I will continue to act in good faith. I notice an email has come back from the Office of Parliamentary Counsel - OPC - addressing some of the issues I put forward for amendment and asking me further questions. I will deal with that over the next period.

I want members of the public to know I will work really hard, as I always do, to ensure we progress laws that deal with the very real challenge they face every day. They face challenges we do not even understand; members in this Chamber may have family members who do, but I do not think any member faces them personally. I sincerely thank them for their contributions to the debate so far, for their presence here now and the presence they have had in our briefings and other places, as hard and as agonising as it must have been during the debate in the other place.

I also call on members of the public. I intend to publish my speech on my Facebook page and on my website, calling on members of the public, who do not face the lived experience of these people who do, to show some respect, to be truthful in what they say and if they are not sure about the facts, to find out before they make unfounded claims and ridiculous arguments about what could happen if we pass legislation that seeks to achieve the outcomes our gender-diverse Tasmanians need.

I ask the Government to be proactive in this. When they see mistruths, lies or blatant misrepresentation of what this bill, as it is presented to our House, is seeking to achieve, that they address them and do not perpetuate the lies. I cannot stop members of the media doing that. I cannot stop the Government doing that but I am asking the Government to be responsible. There are people's lives and wellbeing at stake in this, and we all have that responsibility.

I will work over the intervening period between now and when we resume our formal sittings - we have GBEs next week - to do what I can to make sure that we have a really robust set of amendments when we come back in March, if that is what is needed to address the challenges we

are facing in ensuring this legislation is right so that gender-diverse Tasmanians can live their lives without the fear, challenges and threats they experience under our current arrangement, and be given the opportunities that we all take for granted, and our children take for granted, when they apply for jobs, when they have to produce an identity document that we take for granted but they are constantly challenged by.

That is my commitment to all of you and all those people out there; if you could pass that on to all of them, because I can only imagine how hard it has been for you.

Justice and Related Legislation (Marriage Amendments) Bill 2018 (No. 47)

[7.25p.m.]

Ms LOVELL (Rumney) - Mr President, I am choosing to stand at this lectern because I stand with those in the Gallery. I apologise that I am feeling very emotional tonight. It is with great disappointment that I am speaking on the adjournment rather than debating the bill we had before us.

This was an opportunity for this Government to lead on an issue that would have made a real difference to people's lives. People were counting on us and instead they have been faced with a government that would not hear them out, so they did what they could to seek the change they needed in the channels they had available to them.

What they were then faced with was a government that did everything it could to stop this bill from progressing. Instead of us standing here tonight debating this bill and these changes - and they will happen - we are here preparing to adjourn for our Christmas break while they are preparing to explain to the members of their community why this has happened.

I can only hope the Government will think very carefully about how it will proceed with this, not only with the bill that will come before us in March but also with the comments they make. I am referring to comments made publicly by the Attorney-General, by the Minister for Health - utterly offensive comments, harmful comments that do nothing but perpetuate the stigma, the discrimination, the bullying that transgender and gender-diverse Tasmanians face every day.

We will do everything we can to get this bill through, and it will get through, and we will work with those people who are in the Chamber tonight to witness this, to make that happen.

Justice and Related Legislation (Marriage Amendments) Bill 2018 (No. 47)

[7.28p.m.]

Mr GAFFNEY (Mersey) - Mr President, I am not as eloquent at the podium as my colleagues but I have been an advocate for marginalised communities for quite a number of years now. I have met most of you and I would like to congratulate the community on your representation and presentation to us as leaders of your community.

But I have to say, and I will be honest here, with some of the information given to us over the past week, I became concerned the bill was not going to realise the aspirations needed to put you in the right place. Sometimes I had a speech worked out that was going to be fully supportive of the bill, but with the stuff presented to me, I might not have been able to do that to the extent I should

have been able to. Therefore, I had some questions that needed to be answered. This is not the best place for us to be. I, like the honourable member, would like to debate this tonight, but I have some concerns. My job in this place is to work for good legislation that I think will stand up to scrutiny and will stand up in the courts.

I know some of you think that from your point of view it was there, but we had some doubts. The only way we can progress this bill is to make sure that in three months' time when it comes back to us, all those doubts have been assessed, all those things have been adhered to, so that when we get up to speak in March, what is on the Table is there and will be debated. I am certain, given that time, the people in this place will come back saying, 'We have the information, there is no more question now, there is no more doubt, I know what I am speaking about'.

There are some things in the bill I could not have voted on, because I did not have enough information. I do apologise we are not where you wanted us to be, but my job here is for good legislation and to review what is in front of us. I would not be doing my job if I passed a bill I thought was going to be challenged and brought undone, because that would put your movement and your cause back even further. For the sake of three or four months, this is the best thing we can do.

Most of you know my stance on many of the causes that, especially coming from the north-west coast, we need to address. That is the best I have to offer for the reason we have made this decision and I stand by the people in this place - we have made the right decision.

Justice and Related Legislation (Marriage Amendments) Bill 2018 (No. 47)

[7.31 p.m.]

Mr VALENTINE (Hobart) - Mr President, I too would have preferred to deal with the bill and debate it tonight as the member for Rumney expressed. But for whatever reason we are where we are, and we have been given an undertaking by the Government.

When I hear a letter come across in a genuine way, I hope I am not going to be disappointed in March. Dealing with a bill with the sorts of ramifications it carries for people who are marginalised in society, it is important we fully understand the path they tread on a daily basis. I want to thank you all for providing the important explanation of those lived experiences you have experienced over time. I want to thank you for providing this because it helps us to understand what life is like and in some cases, what life is like for your children. We thank you. I am sure other members in this Chamber also do, and no doubt they will speak for themselves.

It is important to make sure legislation is robust. Yes, there are questions about why it should have been left so late in the piece. Yes, there will be questions as to why we should be dealing with a bill like this. Well, I say to the members of the public, 'Step back, understand what it would be like if it was your child'; I cannot because I do not have a child who has experienced it.

It is important that we do not look at legislation only through an emotional experience. It is important we make sure the legislation is right, but please do not put out on social media the vile statements I have seen, and I am sure these people have seen. They hurt people, they really do, and we have to make sure we look at the bill in a true way to make sure what it is asking us to approve, what it is trying to achieve, is able to be achieved in a fair and reasonable way. That is what dealing with legislation is all about. Sometimes we get amendments back when we pass bills and, yes, they are not perfect. I do not think anyone expects legislation to be perfect, but it needs to be legislation

that addresses marginalisation and disadvantage. We are here to make life better for people. That is all I have to say.

Justice and Related Legislation (Marriage Amendments) Bill 2018 (No. 47)

[7.34 p.m.]

Mr FINCH (Rosevears) - Mr President, the member for Mersey said he is not eloquent, but he did a pretty good job. I can only echo what we have heard here. We are on the journey with you, it is just taking a bit longer. We have to get it right.

I appreciated, in our meeting, a comment by the member for Huon, who said we have to try to get all 14 to agree to this in March. That is not a bad aim. The Government might have a problem with that. I thought that was a good, positive comment. To me, it was unexpected, but we have to step back, and some of you would know I did not want to do that, but with some collegiality we have talked it through and with those assurances from the Government, which we accept in an element of compromise, with the understanding we will be positive in looking for that result for you in March. You need to be a bit more patient with us having a bit more time.

From what we have witnessed and having seen what you have presented to us, we have a greater understanding of where you are at. We have heard some wonderful evidence during our journey, albeit short because it has been held up and then delivered to us at the last minute. People are trying to say that the percentage of people who are in this situation you are promulgating is very low - how insulting is that? We are Tasmanians together. The figure mentioned was that perhaps one in 1000 people are gender-diverse. That is over 500 Tasmanians who are not living as rich a life, as good a life and as fulfilled a life, meeting their life expectations for themselves, as others do. That is over 500 people - 500 of our fellow Tasmanians we have to care for and consider.

Enunciated very strongly was the argument that had we rushed through on a motion and delivered something through a contest, it would be challenged and it would not be as good a law as we perhaps can now achieve. That is what I want to look to do in March for you.

Justice and Related Legislation (Marriage Amendments) Bill 2018 (No. 47)

[7.38 p.m.]

Ms RATTRAY (McIntyre) - Mr President, another northern member making a brief offering on this adjournment speech.

I have held some concerns from the time the bill arrived in this place and I have shared those concerns. I spoke to the Clerk about a way forward, splitting the bill. I listened to the briefings, had extensive advice, but I have been around this place now long enough to know in my heart of hearts that I could not go through with that bill as it is today.

But I also give an undertaking to progress my proposed amendments and look at other people's amendments in March when we come back to this place. No, I have no idea of the life you live with your families but I do have empathy. I also have a responsibility in this place not only to do what I believe is right - represent the people I do - but also to protect the Legislative Council. I believe it is well held in our community and I did not want to put that at jeopardy.

Please, I will be here in March and I expect you all will be, too. I will do my homework in the break, and thank you for coming.

Justice and Related Legislation (Marriage Amendments) Bill 2018 (No. 47)

[7.40 p.m.]

Mr WILLIE (Elwick) - Mr President, I congratulate you on your advocacy. You should be proud. You have taken Tasmania on a journey of education and you should have confidence that love, hope and compassion will prevail over fear, prejudice and hate. It will prevail. The Legislative Council needs to do our work. We need to produce good laws. My preference would have been to expedite that tonight, or in the coming weeks. While I am at the lectern I appeal to my Liberal colleagues in the Legislative Council. If you are truly Liberals, please appeal to your colleagues, appeal to their liberal values, their belief in freedom to allow people to be who they are and proud of who they are. Please, in the coming months, keep that front of mind. Let us make sure this is respectful and come back in March and allow the bill to proceed without any games. That is my appeal to you.

Justice and Related Legislation (Marriage Amendments) Bill 2018 (No. 47)

[7.41 p.m.]

Ms ARMITAGE (Launceston) - Mr President, it has been difficult and it would have been very easy to be emotional about this. I think we all have friends in the LGBTI+ community. As the member for Murchison knows, we have an employee who is transgender, and I know the difficult path he has had and it has not been easy for him. Even when you talk about it, it does make you become emotional. It is really sad the misinformation that has been out there and it has caused nastiness in many emails, because much has been misinformation. With the amendments before us and briefings about the things wrong with the bill, the number of amendments and the problems that there were, I really did not feel I was able to proceed with the bill as it was.

I have some amendments. I know other members have some amendments. I have had many discussions with many people and different members from the Government, who have given guarantees it certainly will come back in March. I am very happy to look at other members' amendments. I am not sure whether we all have the same amendments because there were some different and competing amendments. I have a couple I feel I need to put up and other members will have amendments they feel will make a better and stronger bill. As the member for Mersey said, you do not want a bill you think helps people, but is not going to, because it is going to be challenged, as it is not as strong as it can be. I look forward to coming back in March with the amendments we will have. I feel emotional even seeing you all there, because knowing someone in the same situation, I understand where you are coming from and I look forward to coming back.

Justice and Related Legislation (Marriage Amendments) Bill 2018 (No. 47)

[7.44 p.m.]

Mr ARMSTRONG (Huon) - Mr President, I can only endorse what most members have already said. I think we made the right decision with this legislation. We have to have good, tight legislation - that is what is expected of us. I have seen some of these vile things travelling around on the internet and I say to everybody when that comes on, turn it off, or if it is on paper, rip it up.

It is not worth looking at or going into. I give everybody up here all the credit I can for bringing this forward to us. They have done such a wonderful job and I cannot imagine how hard it must be for them. I know I have talked to one person in particular. I see her there and I really do feel for her. As I said in the briefings and as the member for Rosevears touched on, it would be good if this comes back to the Chamber and it is supported by all of us. I cannot say that, but it would be good if it did. I know there will be amendments and some people will not agree. I believe the bill will be better in March; when it is all thrashed out and after a bit of time to step back and let all these amendments come to us. I believe we will end up with good legislation.

Justice and Related Legislation (Marriage Amendments) Bill 2018 (No. 47)

[7.45 p.m.]

Mr DEAN (Windermere) - Mr President, most has already been said that should have been said. We have had a tough week. I have not spent a week like it in this place. It has impacted on all of us in some way or another.

I did meet with Rohan. I have said there are amendments I will support. However, I would not have had this bill proceeded as it currently is. That is not what we want. As the member for Rosevears mentioned, the member for Huon is right - if we can reach a consensus of agreement here and the whole House is supportive, that is a wonderful decision. That is the best decision and will fit everybody in the best way possible. That would not have happened, had it proceeded as it was drafted.

We made the right decision on the bill as it currently is. Having received briefings from very senior people, one of the top legal minds in this state, the Chief Parliamentary Counsel and a registrar, they told us changes had to be made. The bill could not and should not be put through in the way it was presented. We had no option, in my opinion, but to accept that position. It is not a bad reflection here on those who drafted this bill, but there is a certain way for these things to happen. We must have good laws that are legally right.

With time to bring this together, we will see a bill coming into this place in March that will be legally right, a good bill that will help people move forward with their lives. We want them to have the best of life and to get out of life what they possible can. I would be surprised if people do not support that.

Having said that, I will have some amendments to the bill. It will be fairly tough for us to get all of that right between now and March. We have confronted these issues previously and time will allow us to do so. I have every confidence, now that we have record of what the Government will do on *Hansard*. Having said that, I am sorry it has gone the way it has, but it was really forced upon us. I wish you all the very best for Christmas.

Justice and Related Legislation (Marriage Amendments) Bill 2018 (No. 47)

[7.49 p.m.]

Ms SIEJKA (Pembroke) - Mr President, I am really sorry we have not been able to help the people here tonight. I remind everyone it is the Government that made this decision. It is us who will need to hold them accountable, but it is you who will need to continue to help us. I know that means you are going to have to remain really strong. You have done a remarkable job and

everybody in this room has learnt an awful lot from you in general awareness of the community, about dignity and resilience and a number of other really amazing, positive things. I applaud you on the way you conduct yourselves. I feel really inspired by you all this week and I feel really fortunate to spend time with you. I am really sorry we have not been able to help you right now. Thank you for everything you have done so far and I hope that you are able to remain strong and continue to work with us all.

Justice and Related Legislation (Marriage Amendments) Bill 2018 (No. 47)

Christmas Greetings

[7.50 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - First, the Legislative Council's role and responsibility is to facilitate good, robust laws. I, as Leader, finally feel satisfied the process forward will achieve that outcome and that our role as a House of Review will be fulfilled. Good legislation will stand up to scrutiny in courts and it will stand the test of time and this is our role. To you people at the back, I expect you will have a very busy few months and possibly a very busy week in March. I hope you can all participate. I know some of you definitely will and I look forward to that week.

It has been a terribly long week, not to mention the year. As it is the end of the year, I thank all my colleagues for the respectful way we approach each other. I appreciate that, especially of my Labor colleagues. I feel we have a very respectful atmosphere in our House. I would particularly like to thank Mandy, who I could not be without, for keeping my back covered, and my staff Jonathon and Will. It seems a little inappropriate to say Merry Christmas, but it is Christmas and I look forward to the break to gather my thoughts and jump back into this -

Mr Dean - Will you answer Jonathon's questions next year?

Mrs HISCUTT - You will be busy. Thank you.

Christmas Greetings

Mr PRESIDENT - Honourable members, at this time of the year, Christmas wishes are normally given and I will do just that. It has been a difficult couple of weeks, as was stated by a number of honourable members. It has been an experience I have not seen the likes of in nearly 24 years. It raised a number of complex issues that I had not seen before, politically. I do not want to go into those but people around this Chamber know what they were. Christmas brings hope and we hope that in the New Year things proceed in the way they should.

I thank everybody for the way in which they have performed this year. A House, as it should be, with predominantly independent people is a House which has differing views. A number of people do not agree with each other's views from time to time, but that is the beauty of democracy, parliament and free speech in this Chamber. We have to endeavour to thrash out the issues that arise in our minds and in the minds of our constituents and other people throughout Tasmania. I think we have done that extremely well this year and my belief is that will continue into next year.

There are a number of people you can say thank you to. If I miss anybody, please castigate me at a later stage. I hope those people realise it is not intentional. I do thank the table officers, the Clerk, the Deputy Clerk and the Usher of the Black Rod, David, Catherine and Stuart. They are always there. They give extremely good advice, which is considered, has precedent and is not given out of the hip pocket. It is given after a great deal of consideration and everybody really appreciates that.

I thank our secretariat staff, Gabby, Jenny and Natasha, for the work they do and we are lucky to have them. They work over and above the call of duty, as does Julie, Ali, and every person who is involved in this parliament and in conducting business here.

I thank my assistant, Sandy. She is a terrific assistant. You do not have to ask her to do anything, because it is already done. I do not know whether you have seen the film *Suits* but there is a secretary to Harvey Specter in *Suits* who seems to know what happens even before Harvey does and that is Sandy. I thank her for the work she does.

I would like to thank Hansard. We know how good a job they do. Hansard has to try to understand what we say from time to time. Sometimes when we sit back, some will say, that was not too good but then you read it later on in *Hansard* and say 'Gee, that sounds okay'. That is because of the work they do. In hindsight we probably would like to say it better, but they do it for us. I thank them.

I thank the utility staff, the two Gayes, Shane and Denise for the work they do. As people can see, sometimes with the work required, papers are everywhere and things are not as they should be and sometimes it looks like a young child's bedroom but every time we come in next morning, it is clean, spick and span and ready for us to go about our work as we do from day to day.

I thank the Parliamentary IT staff, Peter, Ben, Jason, Brett, Chris, James, Adon, Mal and Michael. They do a fantastic job. If we have a problem with our computers, or any of the electrical IT equipment, they come to our assistance as quickly as can be, and we realise we are starting to get old and should be handing it over to our younger children or grandchildren or whoever it may, because they can deal with it much better than us. I am saying this from my point of view, not from a number of members around here, but they do a superb job. They had to organise a national conference this year and my feedback is they did it extremely well.

The Dining Room staff, John, Mandie and Jacqui. A couple of ambassadors who have come in to the Dining Room to be entertained, as they do from time to time, have said, 'I have eaten in a lot of places and a lot of parliaments around Australia, but this would have to be the best one'. I said, 'Well you are only saying that because you are here now. What do you say when you go to the Victorian Parliament? Are you saying the same thing?' and they said, 'No, we honestly are not. We believe this is the best meal we have had on our trip around Australia'. That is worth mentioning and I thank all the staff in the kitchen, restaurant and in the cafeteria for the work they do. Anybody who has been here for some years can see the improvement in the cafeteria downstairs. It is huge and I would like to thank Jo, Christine and Jade for being the steering committee as far as this is concerned and for making it work in the way it does.

I hope I have mentioned everyone. Last but definitely not least, is Leigh and Mark 'Beetle' Baily. You saw a moment ago with people who struggle from time to time, there is a glass of water and other things. They seem to pre-empt what is going to happen and I thank them for their work.

Mrs Hiscutt - Can I take a moment to thank OPC for the work they are about to do.

Mr PRESIDENT - I know it is at this time of the year that everybody says thank you, and some say it with tongue in mouth, but I really am sincere and I know everybody is around this Chamber, sincere in saying thank you for the help we have received.

No doubt we will need to receive more help next year with the bills coming forward. Remember this year we had an election so there was a time before we could get back in the race again.

With the coming year, there will be a great deal of legislation, complex issues from time to time throwing themselves up which we have to deal with and the support we receive in order to work through that needs to be complimented.

I wish everybody a happy Christmas. I wish everybody a happy and safe New Year and that is everybody in this Chamber, not only the members. I thank you for your efforts over the last two weeks and even longer. It is not finished, so please do not think it is a full stop. It is probably only the first chapter. The second chapter is about to happen next March.

The Council adjourned at 8 p.m.